

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

**WEDNESDAY, AUGUST 5, 2015**

**6:30 P.M.**

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

**APPEAL**

All items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on **WEDNESDAY, AUGUST 12, 2015**.

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

**ROLL CALL**

**6:30 P.M.**

Commissioners

Motts, Chair  
Westerman, Vice Chair  
Zacharatos (***Absent***)  
Parsons  
Mason  
Miller  
Hinojosa

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

**CONSENT CALENDAR**

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

1. **APPROVAL OF MINUTES:** None

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

**NEW PUBLIC HEARINGS**

**STAFF REPORT**

2. **UP-15-09 – Contra Costa Medial Career College Inc.** requests approval of a Use Permit for the establishment of a private school within the existing 16,737 square-foot building at 1700 Auto Center Drive (formerly 1700 Somerset Drive) located in the M-1 (Light Industrial) Zoning District **(APN 074-054-011-08)**.

**CONTINUED TO 8/19/15**

3. **GP-15-02, PD-14-01, PW-676, UP-14-05 - Aviano Farms** – Aviano Farms, LLC requests approval of: an Addendum to the Aviano Adult Community Project Environmental Impact Report; a General Plan Amendment to amend the Sand Creek Focus Area text to allow small-lot, single family residential uses on the project site; a rezone to modify the approved Aviano Adult Community Planned Development (PD) standards; a Vesting Tentative Map/Final Development Plan; a Use Permit; and, a Development Agreement. The project consists of the development of 533 single family homes on a portion of an approximately 184-acre parcel. The project site is located west of the current terminus of Hillcrest Avenue, east and north of Dozier Libby Medical High School **(APNs 057-050-022 and 057-030-050)**.

**RESOLUTION NOS. 2015-12, -13, -14, -15 & -16**

**ORAL COMMUNICATIONS**

**STAFF REPORT**

**WRITTEN COMMUNICATIONS**

**COMMITTEE REPORTS**

**ADJOURNMENT (8:43 p.m.)**

**Notice of Availability of Reports**

This agenda is a summary of the discussion items and actions proposed to be taken by the Planning Commission. For almost every agenda item, materials have been prepared by the City staff for the Planning Commission’s consideration. These materials include staff reports which explain in detail the item before the Commission and the reason for the

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

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

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

#### **Accessibility**

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

**STAFF REPORT TO THE PLANNING COMMISSION  
FOR CONSIDERATION AT THE MEETING OF AUGUST 5, 2015**

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

**Date:** July 22, 2015

**Subject:** UP-15-09 –Use Permit for the establishment of a private school within the existing 16,737 square-foot building at 1700 Auto Center Drive (formerly 1700 Somersville Road) located in the M-1 (Light Industrial) Zoning District (APN 074-054-011-08) for a Telecommunications Site at the southwest Corner of Hillcrest Avenue and Wildflower Road

**RECOMMENDATION**

Staff recommends that the Planning Commission approve a use permit for a private school subject to the conditions of approval contained in the attached resolution.

**REQUEST**

Stacey Orozco of Contra Costa Medical Career College Inc., the applicant, requests the approval of a use permit to establish a private school within the existing building at 1700 Auto Center Drive. The proposed school is a small, private postsecondary vocational training institution that educates adults for various careers in the health care field. The school would employ 7 full-time administrative staff members and 8 faculty members and anticipates an enrollment of approximately 135 students. These students would participate in a variety of cohorts with a maximum of 15 students each and no more than four cohorts would meet on campus simultaneously. The school would operate days and evenings Monday through Friday and mornings on Saturday.

**BACKGROUND**

The project site previously contained the offices of the CSAA Insurance Exchange, affiliated with AAA (American Automobile Association). The building contains 16,737 square feet and the site contains 78,843 square feet with 98 parking spaces.

The property has a General Plan designation of Business Park and has a zoning designation of Planned Business Center (PBC).

Surrounding land uses and zoning designations are as noted below:

North: Verne Roberts Circle and business park uses.  
South: Costco Way and business park uses.  
East: Auto Center Drive with automotive repair uses and a hotel.  
West: Verne Roberts Circle and business park uses.

## **ENVIRONMENTAL**

The project is Categorically Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities. This section of CEQA exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

## **ANALYSIS**

The proposed private school would complement the existing business park uses and could readily be accommodated at this site. There is adequate parking for the maximum student load of 60 students and the 11-15 staff and faculty that might be on campus simultaneously. Further, the proposed use would benefit the City of Antioch by providing higher educational opportunities and strengthening the quality of the workforce.

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

## **ATTACHMENT**

A: Project Plans dated June 26, 2015

**CITY OF ANTIOCH PLANNING COMMISSION  
RESOLUTION NO. 2015-\*\***

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION  
APPROVING A USE PERMIT FOR THE ESTABLISHMENT OF A PRIVATE SCHOOL  
(CONTRA COSTA MEDICAL CAREER COLLEGE) AT 1700 AUTO CENTER DRIVE  
(APN 074-054-011-08)**

**WHEREAS**, the City of Antioch received a request from Stacey Orozco, on behalf of Contra Costa Medical Career College Inc., for a use permit for the establishment of a private school (Contra Costa Medical Career College) at 1700 Auto Center Drive **(APN 074-053-011-08)**; and,

**WHEREAS**, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

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

**WHEREAS**, the Planning Commission on August 5, 2015, duly held a public hearing, received, and considered evidence, both oral and documentary, and

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

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

The proposed use would occupy an existing building within an established business park district. The hours of operation for the proposed use are consistent with operational hours of adjacent businesses and the proposed use does not employ any equipment or processes that would be disruptive to adjacent properties. Further, there is adequate parking available on-site for the proposed use.

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

The site is zoned Planned Business Center (PBC) and per the Municipal Code, private schools are allowed with a use permit.

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

The site is adequate in size and shape to accommodate a private school. There are 98 parking spaces available on the site and the school will likely generate a maximum of 60 students and 15 staff and faculty on the site simultaneously.

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

The site has frontage on Auto Center Drive, Costco Way and Verne Roberts Circle, where there is sole access. The site is part of a contemporary business park and the vehicular access and roadway network are all adequate for the proposed use.

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

The use is consistent with the General Plan and will further the City's broader goals of economic development by educating and improving the existing workforce.

**WHEREAS**, the Planning Commission does determine that the following findings support the Conditions of Approval.

A. GENERAL CONDITIONS

1. The City of Antioch has established a Municipal Code and City standards and the State of California has established a Building Code to protect the public health, safety, and welfare of the citizens within the City and the State respectively. This condition of approval is necessary for the developer to mitigate any project impacts that may threaten the health, safety, or welfare of its citizens.

2-3. In order for the project to be constructed to the City's approved standards, the plans need to adequately reflect the changes made by the City Council and City staff needs to inspect the site for compliance with the conditions of approval prior to final inspection approval. These conditions protects the public safety, health, and general welfare of the residents of the Project and surrounding residential and other uses by providing an adequate reflection of the approved project prior to the issuance of building permits and a follow up site inspection to ensure the Project was built as conditioned.

4. The regulatory environment of land development and base line conditions change frequently as well as thresholds established by the California Environmental Quality Act; therefore, this condition is necessary to ensure any project going forward is subject to the most current regulations in order to promote the public health, safety, and welfare in the City of Antioch.

5. The Project is being pursued by a developer and the City's responsibility is to promote orderly development within the City. This condition is necessary to protect the City from the financial and time expenses for defending challenges to land use entitlements or environmental reviews that are financially benefitting the applicant, particularly given the City's own financial challenges.

6-7. The Project takes City time and staff to process development applications through the land use entitlement process. The development of property is at the benefit of the applicant; therefore, the conditions are necessary to ensure the applicant pays the expenses to process the application rather than having that burden placed on the taxpayers for another's benefit and satisfies all necessary requirements to make use of public lands that serve the project site.

8. It is necessary to ensure administrative consistency and avoid confusion between plan versions by identifying the most recent entitlements that govern site development and use.

9. The project requires the use of public lands in order to provide access and extend infrastructure to the project site. These conditions are necessary to allow the project sponsors to make use of public lands to benefit the project.

**NOW THEREFORE BE IT RESOLVED** the Planning Commission of the City of Antioch, after reviewing the staff report and considering testimony does hereby **APPROVE** the use permit (UP-15-09), to establish a private school subject to the following conditions and the findings for the conditions:

**A. GENERAL CONDITIONS**

1. The project shall comply with the Antioch Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
2. This approval expires two years from the date of approval (Expires August 5, 2017), unless the use has been established or a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
3. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement or environmental review. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.



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

**B. CONSTRUCTION CONDITIONS**

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

**C. FEES**

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

**D. FIRE REQUIREMENTS**

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

**E. PROPERTY MAINTENANCE**

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

**F. OPERATIONAL CONDITIONS**

1. The school shall limit programming, enrollment, and/or scheduling such that there are no more than 98 students and/or faculty/staff members at the site simultaneously.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 5<sup>th</sup> day of August 2015.

AYES:

NOES:

ABSTAIN:

ABSENT:

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FORREST EBBS, SECRETARY TO THE  
PLANNING COMMISSION

# ATTACHMENT “A”

# ENVIRONMENTAL ASSESSMENT

(To be completed by Applicant)

To Accompany Application for:  
Contra Costa Medical Career College  
1700 Auto Center Drive Antioch

APPLICANT INFORMATION	
Name:	<u>STACEY OROZCO</u>
Contact Name:	<u>STACEY OROZCO</u>
Address:	<u>1700 Auto Center Drive</u> <u>Antioch, Ca. 94509</u>
Parcel No.	<u>APN 074-034-011-08</u>
Telephone No.	<u>(925) 876-1595</u>
File No.	_____

Completeness and accuracy of the information provided by this form will help assure that your application can proceed without unnecessary delay. Attach additional sheets if necessary.

## GENERAL INFORMATION

1. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

N/A

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2. Existing zoning and general plan districts: M-1 ZONING
3. Proposed use of site (project for which this form is filed):  
Office / Corporate headquarters with  
classroom / Lab training use.

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COMMUNITY DEVELOPMENT

## PROJECT DESCRIPTION

4. Site size: 78,843 sq ft
5. Building square footage: 16,737 SF
6. Number of floors of construction: 1
7. Amount of off-street parking provided: 98 spaces (5.9/1000 parking ratio)
8. Percentage of landscaping: 25-35%
9. Projects associated with this project:  
NONE
10. Schedule of construction:  
NO EXTERIOR CONSTRUCTION. INTERIOR IMPROVEMENTS 1/16.
11. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents and type of household size expected:  
N/A
12. If commercial, indicate the types of tenants, and whether neighborhood, city of regionally oriented:  
A SINGLE USER - EMPLOYEES & STUDENTS OF CONTRA COSTA MEDICAL CAREER COLLEGE WILL OCCUPY THE building.

13. If industrial, indicate the type of tenants, hours of operation and estimated employment per shift:

NA

14. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, and community benefits to be derived from the project:

See attached.

15. If the project involves a variance, conditional use permit or rezoning application, state this and indicate clearly why the application is required:

currently building zoned M-1 Commercial use allowed with permit.

Are the following items applicable to the project or its effects?

		YES	NO
16.	Change in existing features of any wetlands, tidelands, beaches, or hills, or substantial alteration of ground contours		✓
17.	Change in scenic views or vistas from existing residential areas or public lands or roads		✓
18.	Change in pattern, scale or character of general area of project		✓
19.	Create significant amounts of solid waste or litter		✓
20.	Change in dust, ash, smoke, fumes or odors in vicinity		✓
21.	Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns		✓
22.	Create substantial change in existing noise or vibration levels in the vicinity		✓
23.	Site on filled land or on slope of 10% or more		✓
24.	Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives		✓
25.	Create a substantial change in demand for municipal services (police, fire, water, sewage etc.)		✓
26.	Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)		✓
27.	Project related to a larger project or series of projects		✓

Discuss below all items checked "YES" (attach additional sheets as necessary)

NA

**ENVIRONMENTAL SETTING**

28. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Polaroid photos or digital photos will be accepted.

The building was built in 1993 for AAA Auto Insurance retail location for members and staff. AAA is vacating the building in December 2015. This is a single story office building.

29. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity. Polaroid photos or digital photos will be accepted.

The surrounding properties include: car dealerships, small businesses, Costco, various retail shops (Target, PetSmart, ToysRus) restaurants, gas stations, hotels, Fitness Club, Lowe's home improvements, car repair shops, credit union.

**CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: 6/25/2015

Name of Agency: Contra Costa Medical Career College Inc.

Name: STACEY OROZCO

Signature: 

Phone: 925 876 1595

**Contra Costa Medical Career College** is a small, private postsecondary vocational training institution. The institution was formed in 2007 in response to the growing need for qualified, entry level healthcare professionals in this community. The student population consists of adults 18 and over seeking training in various healthcare careers. CCMCC drug screens and background checks all students (certain misdemeanours and no felony convictions are permitted) prior to enrolment and requires **ALL** students who attend to pose a High School Diploma or GED certificate. CCMCC offers low tuition, flexible schedules, and instructors who are experts in their fields of study.

Contra Costa Medical Career College plans on housing its corporate offices, administrative personnel as well as 5 training programs at 1700 Auto Centre Drive Antioch Ca, 94509. This location offers 16,737 square feet of space on approximately 1.81 acres with ample parking for all staff and student population (5.9/1000 parking ratio, 98 parking spaces in total).

**Hours of operation are:**

Monday-Friday 9:00am-10:00pm  
Saturday 9:00am-5:00pm  
Some scheduled Sundays 9:00am-5:00pm

Our class sizes are kept small (**minimum 5 students, maximum 15 students per program cohort**) so that we can concentrate on quality instruction. We work hand in hand with employers in the community to ensure the most up to date curriculum possible. All of our programs are career focused so our graduates are prepared to make a positive impact in the community from the start of their new career in the healthcare industry.

Contra Costa Medical Career College employs 7 full-time administrative staff members and 8 faculty members.

**Corporate officer hours:**

Hours vary

**Administrative staff member working hours:**

8:00am-4:30pm Monday-Friday (3 employees)  
11:00am-7:30pm Monday-Friday (3 employees)  
1:30pm-10:00pm Monday-Friday (1 employee)  
8:30am-12:30pm Saturday (1 employee)

**Faculty members working Hours:**

8:30am-5:00pm Monday- Friday (2 faculty)  
8:30am-1:30pm Monday Wednesday and Friday (1 faculty)  
8:30am-3:00pm Tuesday Wednesday and Thursday (1 faculty)  
4:30pm-10:00pm Monday -Friday (1 faculty)  
5:30pm-10:00pm Monday -Friday (1 faculty)

**Program schedules:**

Surgical Technology Day cohort 9:30am-4:00pm Monday- Thursday

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Sterile Processing Technician Day cohort 9:00am-3:00pm Tuesday Wednesday and Thursday  
Sterile Processing Technician Evening cohort 5:00pm-10:00pm Tuesday Thursday and Friday  
Pharmacy Technician Day cohort 9:00am-1:30pm Monday Wednesday and Friday  
Pharmacy Technician Evening cohort 6:00pm-10:00pm Monday-Thursday  
Phlebotomy Technician Day cohort 9:30am-3:30pm Monday-Thursday  
Phlebotomy Technician Eve cohort 5:00pm-10:00pm Monday and Wednesday  
Basic Life Support Day cohort 9:00am-12:30pm Friday and Saturday (max 8 students)  
Basic Life Support Evening cohort 6:00pm-10:00pm Friday (max 8 students)

Contra Costa Medical Career College plans on improving the space by adding 10 administrative office spaces, a career services department, 10 faculty office spaces, a library/media centre, a staff/faculty lounge, student lounge, 6 classrooms, 6 laboratory spaces, conference room, and reception/admissions/registration area.

Please see attached floorplan and program schedule sheet for a clear picture of daily classroom operations.

## **Approvals & Certification**

Contra Costa Medical Career College and its programs and courses are certified, approved or accredited by the following regulatory bodies:

- ACCET (Accrediting Council of Continuing Education & Training)
- BBB (Better Business Bureau)
- BPPE (Bureau for Private Post-secondary Education)
- BVNPT (Board of Vocational Nursing and Psychiatric Technicians)
- DHSLFS (Department of Health Services Laboratory Field Services)
- NHA (National Health Career Association)
- The California Board of Pharmacy



Contra Costa Medical Career College Program Schedules

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sun
8:00am	employees arrive (3)	employees arrive (3)	employees arrive (3)	employees arrive (3)	employees arrive (3)		
8:30am	Employee arrives (1)	Employee arrives (2)	Employee arrives (2)	Employee arrives (1)	Employee arrives (2)	employees arrive (2)	
9:00am	Pharmacy (15) Employees arrive (3)	Sterile Processing (15) Employees arrive (3)	Sterile Processing (15) Pharmacy (15) Employees arrive (3)	Sterile Processing (15) Employees arrive (3)	Pharmacy (15) BLS (8) Employees arrive (2)	BLS (8)	
9:30am	Phlebotomy (15) Surgical Tec (15)	Phlebotomy (15) Surgical Tec (15)	Phlebotomy (15) Surgical Tec (15)	Phlebotomy (15) Surgical Tec (15)			
10:00am							
10:30am							
11:00am	employees arrive (3)	employees arrive (3)	employees arrive (3)	employees arrive (3)	employees arrive (3)		
11:30am							
12:00pm							
12:30pm							
1:00pm							
1:30pm	Employee arrives (1)	Employee arrives (1)	Employee arrives (1)	Employee arrives (1)	Employee arrives (1)		
2:00pm							
2:30pm							
3:00pm							
3:30pm							
4:00pm							
4:30pm	Employee arrives (1)	Employee arrives (1)	Employee arrives (1)	Employee arrives (1)	Employee arrives (1)		
5:00pm	Phlebotomy (15)	Sterile Processing (15)	Phlebotomy (15)	Sterile Processing (15)	Sterile Processing (15)		
5:30pm	Employee arrives (1)	Employee arrives (1)	Employee arrives (1)	Employee arrives (1)	Employee arrives (1)		
6:00pm	Pharmacy (15)	Pharmacy (15)	Pharmacy (15)	Pharmacy (15)	BLS (8)		
6:30pm							
7:00pm							
7:30pm							
8:00pm							
8:30pm							
9:00pm							
9:30pm							
10:00pm							



**A7**




A8



A9

**STAFF REPORT TO THE PLANNING COMMISSION  
FOR CONSIDERATION AT THE MEETING OF AUGUST 5, 2015**

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

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

**Date:** August 5, 2015

**Subject:** Aviano Farms Project

**RECOMMENDATION**

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

1. Approve the resolution recommending approval of the Addendum to the Aviano Project Final Environmental Impact Report.
2. Approve the resolution recommending approval of a Development Agreement between the City of Antioch and Aviano Farms LLC.
3. Approve the resolution recommending approval of a General Plan Amendment for purposes of amending the Sand Creek Focus Area text to allow small-lot single family residential uses on-site (GP-15-02).
4. Approve the resolution recommending approval of a rezone to modify the current Aviano Adult Community Planned Development zone standards (PD-14-01).
5. Approve the resolution recommending approval of a Vesting Tentative Map/Final Development Plan (PW-676), and a Use Permit for Phase 1 (UP-14-15).

**ENTITLEMENTS**

The applicant, Aviano Farms, LLC requests approval of an Addendum to the Aviano Adult Community Project Environmental Impact Report, a Development Agreement, General Plan Amendment, Planned Development Rezone, a Vesting Tentative Map/Final Development Plan, and a Use Permit, for the development of a 533 unit residential community on approximately 184 acres. The project is located on the easterly side of the Sand Creek Focus Area of the General Plan, west of the current terminus of Hillcrest Avenue, east and north of Dozier Libby Medical High School (APNs 057-050-022, 057-030-005). Each entitlement is described in detail below:

1. Addendum to the Aviano Adult Community Project Environmental Impact Report (EIR): The Planning Commission must recommend adoption of the Addendum to Council prior to taking action on the other resolutions for the project. The Addendum details how the changes in the proposed project, primarily from an age-restricted community to a standard single family community, do not result in any impacts beyond those studied in the Aviano Adult Community Project EIR.

2. Development Agreement: Approval of the Development Agreement between the City and Aviano Farms LLC, including among other items, provisions for financing police services.
3. General Plan Amendment: Approval of a General Plan Amendment to policy 4.4.6.7.n which would allow small-lot single family uses on this site within the Sand Creek Focus Area of the General Plan.
4. Planned Development Rezone: Rezone to modify the current Planned Development zone standards to allow small-lot residential development within the Sand Creek Focus Area.
5. Vesting Tentative Map/Final Development Plan: A vesting tentative map to create 533 residential parcels and multiple open space, landscaping, and common area parcels.
6. Use Permit: A use permit for the first phase of the development consisting of 100 units. The Zoning Ordinance requires that a use permit be approved prior to the construction of any phase of an approved PD district.

## **BACKGROUND**

The current project site was previously entitled by the City of Antioch in 2009 for the development of a 533-unit active adult community, called the Aviano Adult Community Project. The approvals included a Rezoning to Planned Development District, a Master Development Plan, a Vesting Tentative Map/Final Development Plan, a Use Permit, and Design Review. An Environmental Impact Report (EIR) was prepared in 2008 and certified as part of the project approvals. In addition, a Development Agreement was approved. As part of the Development Agreement the applicant agreed to facilitate the development of the Antioch Unified School District (AUSD) Dozier-Libby Medical High School site to the west of the project site by providing temporary and permanent infrastructure improvements to serve the school. This included an access road along the westerly edge of the school site as well as those portions of Sand Creek Road along the southerly edge of the school site. A temporary access road has been built and interim utilities have been extended to the site. The Development Agreement also required that the southern portion of the project site remain as open space and that the applicant fund the cost of a regional trail connecting the proposed project with the Sand Creek corridor.

The current project applicant, Aviano Farms LLC, is proposing a similar development for 533 single-family market rate homes, removing the “age restriction” component of the previous project.

## **ENVIRONMENTAL REVIEW**

An Environmental Impact Report (EIR) was prepared in 2008 and certified in 2009 for the Aviano Adult Community project in conformance with the California Environmental Quality Act. Copies of the Aviano Adult Community EIR are available for review Monday through Friday, at the Community Development Department, between the hours of 8:00 a.m. and 11:30 a.m., or by appointment. The EIR is also available online at <http://ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>.

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

- Transportation and circulation
- Air quality
- Noise
- Cultural and paleontological resources
- Geology, soils and seismicity
- Hydrology and storm drainage
- Public health and safety
- Biological resources
- Visual resources
- Agricultural resources
- Global climate change

The EIR concluded that the project will contribute to a significant and unavoidable cumulative impact to burrowing owl habitat.

CEQA allows the preparation of an addendum to a previously certified EIR if some minor changes or additions are made to the previous EIR and no conditions are present that would require the preparation of a subsequent EIR (*PRC Section 21166, CEQA Guidelines Sections 15162, 15164*). As explained below, no such conditions are present and an addendum has been prepared (see Attachment E).

### A. Statement of Findings

1. Substantial changes are not proposed to the project that would require major revisions to the 2008 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified effect.
2. Substantial changes have not occurred with respect to the circumstances under which the project is undertaken requiring major revisions to the 2008 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified effect.
3. There is no new information of substantial importance which was not known and could not have been known at the time the 2008 EIR was certified showing any of the following:

- a. The project will have a new significant effect not previously discussed in the 2008 EIR.
- b. The project will not cause any significant effect examined in the 2008 EIR to be substantially more severe.
- c. The mitigation measures in the 2008 EIR and adopted in the CEQA Findings for the 2008 Aviano Adult Community Project remain feasible but some have been modified to reflect the proposed project. All mitigation measures identified in the Addendum and required for the proposed project as identified in the 2008 EIR that are necessary to reduce the potentially significant impacts to a level of insignificance will be made a requirement of the project and are acceptable by the project proponent.

## B. Evidence Supporting Findings

The proposed project is generally the same as the 2008 Aviano Adult Community Project, except the age restriction component is proposed to be removed. The proposed project includes the same number of units and general layout as the 2008 Aviano Adult Community Project. In order to confirm the impacts of the proposed revisions do not result in additional environmental impacts, updated air quality, noise, and traffic analyses were prepared. In addition, the revised project's compatibility with the General Plan policy related to performance standards for police services was addressed.

### *Air Quality and Global Climate Change*

Section C, Air Quality, and Section M, Global Climate Change, utilized the BAAQMD CEQA thresholds for significance which include thresholds for greenhouse gas emissions (GHG) which were not available for the 2008 Aviano Adult Community Project. An updated GHG analysis was also prepared in July 2014. That analysis confirmed that even with these stricter thresholds, the proposed project will result in a less-than-significant impact on air quality and relating to the incremental contribution the project may have on global climate change.

### *Noise*

An updated Noise Analysis was prepared as part of the Addendum to evaluate the changes in the ambient noise levels in the vicinity of the project area since 2008 and the traffic noise level effects resulting from a non-age restricted project. As explained in Section D, Noise, of the Addendum, the proposed project will not cause any new significant noise impacts or increase the severity of the noise impacts already evaluated in the 2008 EIR. Conversely, as noted on page 30 of the Addendum, the new noise measurements have determined that sound walls along Hillcrest Avenue and Sand Creek Road of 6 feet as opposed to 8 feet that was required of the 2008 Aviano Adult Community Project are adequate to allow the noise levels to remain at acceptable levels.

### *Traffic*

A traffic report was prepared to evaluate what changes might occur in traffic generated by a non-age restricted project, and to take into consideration the changes in land use projections in the area and the traffic improvements that have occurred since 2008 or will



occur before the project is built out. As explained in Section B, Traffic, the proposed project, along with the updated land use forecasts and the new traffic improvements, will continue to have a less-than-significant impact on traffic with the same measures in the 2008 EIR.

#### *Police Services*

Policy 3.5.3.1 of the City's Growth Management Element of the General Plan includes performance standards for police staffing. According to the standard, the City strives to maintain a force level within a range of 1.2 to 1.5 officers, including community service officers assigned to community policing and prisoner custody details, per 1,000 population. However, the current Antioch Police Department (PD) staffing ratio is approximately 1.0, which is unacceptable. Although the project would add population to the Antioch PD service area and the current staffing ratio is unacceptable, the proposed Development Agreement includes a special tax or other financing mechanism to fund additional officers needed to serve development. Due to the recent voter approved Measure O and the Development Agreement financing mechanism, the Antioch PD is anticipated to continue to serve the project site and provide law enforcement services to the new residents upon project buildout. It should be noted that absent a Development Agreement with a financing mechanism, supplemental environmental review would be required.

#### *Conclusion*

As summarized above and explained throughout the Addendum, the Addendum is appropriate for the proposed project because 1) substantial changes are not proposed in the project which will require major revisions to the 2008 EIR, 2) there are no substantial changes with respect to the circumstances under which the project is being undertaken that would require major revisions to the 2008 EIR, and 3) there is no new information which was not known or could not have been known at the time the 2008 EIR was certified.

### **ANALYSIS**

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

The 184-acre project site is comprised of two parcels, collectively known as the "Williamson" property located in the Sand Creek Focus Policy Area of the General Plan. The site is generally rectangular; however the western, southwestern, and southern borders curve inward and are irregularly shaped. The site's northern terrain is generally flat and the existing topography falls from west to east at approximately one percent slope with elevations ranging from 171 to 200 feet above mean sea level. The unchannelized Sand Creek, a tributary of Marsh Creek, flows in a northeastern direction across the southern portion of the site. A north-south drainage channel flows along the eastern boundary of the project site, emptying into Sand Creek. A north facing hill slope is located in the southernmost portion of the site, south of Sand Creek. The hill slopes upwards to an elevation of about 328 feet above mean sea level at the southern

property boundary. The project site is primarily covered with non-native vegetation and is currently used for cattle grazing.

The project site is located in a mostly undeveloped area but is entitled for 533 active adult units. The site is surrounded by a mixture of uses including existing single-family residential uses and a community park to the north; the Antioch Unified School District (AUSD) Dozier/Libbey Medical High School, Kaiser Hospital medical facilities, and undeveloped land planned for future residential, mixed use, and commercial development to the west; undeveloped land planned for future business park uses to the east but currently under review for a residential project entitled Vineyards at Sand Creek; and undeveloped grazing land and the Contra Costa County Flood Control and Water Conservation District (CCCFCD) detention basin to the south (planned for a future Sports Complex).

The current project is a residential development on a portion of approximately 184 acres. The project is comprised of 533 single family units (including local streets) on 107 acres; 16.9 acres of park, including basins; 15 acres of private park (11.4 exclusive of basins); 12 acres of arterial roads (including Hillcrest Avenue, Sand Creek Road, Dozier-Libby Road and master entry roads); 3 acres of arterial road frontage landscaping; 10 acres of landscaping/basins/Sand Creek regional trail south of Sand Creek Road; and 35 acres of open space south of Sand Creek Road. The current project would also include construction of roadway and utility improvements that would serve the AUSD Dozier/Libbey Medical High School (Medical High School) adjacent to the southwest corner of the site (Hillcrest Avenue, Sand Creek Road and Dozier-Libby Road). See Attachment B for the tentative subdivision map.

The current project would construct off-site improvements, including a portion of the Royal Formosa/Chen property located west of the project site (construction for the entrance to AUSD site) and portions of the Vineyards at Sand Creek property located east of the project site (construction for the main sewer trunk line and a portion of Hillcrest Avenue). The adjacent properties are primarily flat and consist of grazing and agricultural lands.

The proposed project would be built in phases. A preliminary phasing plan is shown in Attachment C.

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

The project site is located within the Sand Creek Focus Area as shown on the City of Antioch General Plan Land Use Map. Development in this area is intended to function as a large-scale planned community providing housing and employment opportunities within this region of the City.

The proposed project includes an Amendment to the General Plan for purposes of amending the Sand Creek Focus Area text to allow non-age restricted small-lot single family residential uses on-site. In the General Plan, Figure 4.8, the project site is

designated as Low Density Residential. Table 4.A provides that the appropriate land use type for Low Density Residential is Single Family Detached, which typically consists of suburban residential subdivisions of single family, detached dwellings on lots ranging from 7,000 to 20,000 square feet. The Sand Creek Focus Area Policy 4.4.6.7(b)(n) states that Single-Family Detached housing within suburban-style subdivisions with lot sizes ranging from 7,000 square feet to 10,000 square feet may be developed within the Sand Creek Focus Area within areas shown as Residential and Low Density Residential. Policy 4.4.6.7(b)(p) encourages the development of age-restricted senior housing which may be developed in any of the residential areas of the Sand Creek Focus Area. Therefore, while the original age-restricted Aviano Adult Community Project was consistent with the General Plan for the proposed lot sizes, the proposed non-age restricted single family residential development is restricted to a minimum of 7,000 square foot lots.

The proposed project has a minimum lot size of 5,000 square feet, with an average lot size of 6,240 square feet. Therefore, the applicant is requesting a General Plan Amendment to allow small-lot residential development, with a minimum 5,000 square foot lot size in the Low Density Residential land use designation for this site.

### **Issue #3: Vesting Tentative Map/Development Plan**

The proposed project will be accessed from a newly constructed extension of Hillcrest Avenue along the eastern boundary and a newly constructed extension of Sand Creek Road from Hillcrest Avenue to the western property line. All of the project's residential development will take place north of the newly constructed Sand Creek Road. The areas south of Sand Creek Road would remain undeveloped and would contain two large storm water/water quality basins and a landscaped trail along Sand Creek. The applicant is required to provide an easement through this area to allow for future access to the adjacent property to the south. The project's larger 6,000 square foot lots are concentrated in the center of the development and the 5,000 square foot lots are on the perimeter.

The project would be building an extension of the existing Chaparral Park on the northern project boundary into the project site. A PG&E easement bisects the site in a north/southeast orientation. This area would be developed as a landscaped, public trail system that would pass through the easement and extend to Sand Creek. This area would also contain storm water control basins. A 4.8-acre public park would be built on the eastern side of the project site, adjacent to the PG&E easement/trail, and a small park with a trail connection will be built on the western side of the project site. The 4.8-acre park conceptually would consist of an area of multi-use open space, a small dog park, a large dog park, a basketball court, a volleyball court, two tennis courts, an area for bocce ball, as well as group picnic areas, a rose garden, a restroom facility, and small parking area.

The project will construct a segment of the Sand Creek regional trail to the north side of the Creek within the project site. The trail will connect the trail within the PG&E

easement to the north, the planned Sports Complex in the flood control basin to the southwest, and with Hillcrest Avenue to the east. An access path will also be provided at Sand Creek Road. The approximately 35 acres south of Sand Creek will remain undeveloped as open space and mitigation.

A combination of the project's HOA and a lighting and landscape district will maintain the trails, open space, parks, lighting, and landscaping. The responsibilities of each have been outlined in the project conditions of approval.

The required landscape setback from Hillcrest Avenue and Sand Creek Road is 30 feet. Along Sand Creek Road, the landscape parcels range from 20 to 24 feet in width. With the addition of a 6 foot sidewalk and a 10 foot landscape strip at the back of curb, the total distance from the back of curb to the masonry wall is between 36 and 40 feet. Along Hillcrest Avenue, the landscape parcel ranges from 14 to 39 feet. With the addition of a 6 foot sidewalk and a 10 foot landscape strip at the back of curb, the total distance from the back of curb to the masonry wall is between 30 and 55 feet.

The applicant has proposed street names for the Planning Commission review (Attachment D). The street names have been submitted to the Fire District and Police Department for review and the names were found acceptable.

#### **Issue #4: Zoning and Planned Development (PD) Standards**

The project site was rezoned from Study Area to Planned Development along with the Aviano Adult Community Project in 2008. The PD district allows site-specific development standards to be established for a given site. As part of the 2008 approvals, development standards for the project site, including the maximum density, maximum number of units, minimum lot size, lot coverage, maximum building height and landscape requirements were established. The chart below contains the proposed development standards approved for the Aviano Adult Community PD District with the proposed modifications for the current standard single family project identified in ~~strikethrough~~ and underline. For comparison, the standards of the Low Density Residential (R-4) zone are included. As indicated in the chart, the proposed PD district would allow slightly smaller lots and slightly larger lot coverage than the R-4 district. The changes between the Aviano Adult Community and the proposed project include a requested reduction in front yard setback from 20 to 15 feet, an increase in lot coverage from 45 to 50 percent, and elimination of the required 10 foot interior side yard for at least 25% of the lots. The proposed PD District standards in the chart have been incorporated into the Ordinance attached to this staff report.

**Development Standards for the Proposed Aviano Adult Community Planned Development District**

<b>Standard</b>	<b>Standard R-4 Zoning</b>	<b>Proposed PD Zoning</b>
Maximum Density	4 dwelling units per gross developable acre	3.14 dwelling units per gross developable acre
Maximum Number of Units	802	533
Minimum Lot Size	6,000 sq. ft.	5,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet	All lots shall have a minimum width of 45 feet at a distance of 20 feet from the right-of-way
Minimum Front Yard Setbacks	20 ft (reserved for landscaping only, excluding driveways)	<del>20</del> <u>15</u> ft (reserved for landscaping only, excluding driveways)
Minimum Side Yard Setbacks	Interior lot: 5 feet Corner lot: 10 feet (reserved for landscaping only)  For at least 25% of the lots in a given subdivision, one side yard of an interior lot shall be 10 feet in width and the other side yard can be five feet. The 10 foot side yard area shall remain as unrestricted open area. This shall also apply to 100% of the two-story single-family residential lots.	Interior lot: 5 feet Corner lot: 10 feet (reserved for landscaping only)  <del>For at least 25% of the lots in the subdivision, one side yard of an interior lot shall be 10 feet in width and the other side yard can be five feet. The 10 foot side yard area shall remain as unrestricted open area.</del>
Minimum Rear Yard Setbacks	20 feet	15 feet
Accessory Structure Setbacks	Interior lot: side yard and rear yard setback is zero (unless double frontage lot). Corner lot: street side yard is 20 feet and rear /interior side yard is zero Double frontage lot: 10-foot rear yard.	Interior lot: side yard and rear yard setback is zero (unless double frontage lot). Corner lot: street side yard is 20 feet and rear /interior side yard is zero Double frontage lot: 10-foot rear yard.
Maximum Building Height	35 feet	35 feet with the exception of the recreation center

Standard	Standard R-4 Zoning	Proposed PD Zoning
Maximum Lot Coverage	40%	<del>45%</del> 50%
Parking and Driveways	20-foot setback to garage provides off-street parking (at least two spaces). One on-street parking space must be provided in front of each house (at least 20 feet of vertical curb with exceptions for cul de sacs).	20-foot setback to garage. One 20' long on-street parking space must be provided in front of each house with the exception of corner lots with less than 65 feet in width where a 20 foot parking space may be constructed on the street side yard.
Landscape Requirements	30-foot landscaped setback on arterial streets (Hillcrest Ave., Sand Creek Road)	The landscaped setbacks from arterial streets (Hillcrest Avenue and Sand Creek Road) shall be as shown on the project's tentative map dated <del>August 29, 2008</del> July 13, 2015.

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

The project site is currently undeveloped; therefore, the project will have to construct a number of public utilities and improvements in order to serve the project. The project will be required to extend the existing 24-inch sanitary sewer pipe located at Heidorn Ranch Road south along the future alignment of Heidorn Ranch Road and west through the proposed Vineyards at Sand Creek Subdivision. The new sewer line will serve the project and the Dozier-Libbey Medical High School. The construction of this sewer line will require access to and temporary construction easements on other properties.

The project will be constructing a number of basins to treat and detain storm water and to provide for flood control. These basins eventually drain via engineered outlets to Sand Creek. The basins will be maintained by the project's HOA.

As discussed above, the project will be required to construct extensions of Hillcrest Avenue and Sand Creek Road. The project is required to construct Hillcrest Avenue in an interim configuration and to construct the full width of Sand Creek Road, which will be a total of four lanes. The project will be constructing a permanent access road to the Dozier-Libbey Medical High School and Kaiser Hospital facilities to the west. Although the road is being constructed by the developer of this project, the road is located on the Royal Formosa/Chen property adjacent to the project site. Equestrian Way and Candlewood Way currently stub out at the project's northern property line. Equestrian Wall will not be continued into the development and the applicant is conditioned to construct a wall across the end of the project boundary. Candlewood Way will connect

to the proposed project. The conditions of approval identify the timing of all the roadway improvements.

**Issue #6: Use Permit**

The Zoning Ordinance requires a Use Permit for each phase of development of the subdivision. The proposed Phasing Plan (Attachment C) indicates the development of the project in nine phases, developing the northeast portion of the site first and progressing in a counterclockwise direction. The applicant is requesting a Use Permit for the first phase which is at the northeast corner and includes 100 units. In addition to this Use Permit, the applicant will be required to submit an application and obtain Planning Commission design review approval prior to the issuance of any building permits.

**Issue #7: Development Agreement**

The approval of the Aviano Adult Community Project included a Development Agreement between Del Webb and the City of Antioch. The Del Webb Development Agreement was not assigned to or assumed by Aviano Farms, LLC. A new Development Agreement has been prepared between the City and Aviano Farms, with two unresolved issues. The Development Agreement gives Aviano Farms a vested right to develop the Property in accordance with the project approvals and vests the term of the Vesting Tentative Map to the term of the agreement, 2029. One of the main issues addressed in the Development Agreement is police services funding, which has been negotiated by City staff and the applicant. However, an agreement relating to the provisions regarding indemnity and rental restrictions has not been reached. Ultimately, City Council will be asked to provide a determination on the two unresolved issues. Planning Commission is being asked to make a recommendation on the Draft Development Agreement to the City Council contingent upon these issues being resolved.

**ATTACHMENTS**

- A Vicinity Map
- B Vesting Tentative Map
- C Phasing Plan
- D Proposed Street Names
- E Addendum to the Aviano Adult Community Project Environmental Impact Report

**PLANNING COMMISSION  
RESOLUTION NO. 2015/\_\_\_**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE ADDENDUM TO THE  
ENVIRONMENTAL IMPACT REPORT FOR THE AVIANO ACTIVE ADULT  
COMMUNITY PROJECT AS ADEQUATE FOR ADDRESSING THE  
ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT**

**WHEREAS**, the City Council of the City of Antioch adopted Resolution No. 2009/54 Certifying the Environmental Impact Report (EIR) for the Aviano Active Adult Community Project as adequate for addressing the environmental impacts of the project; and

**WHEREAS**, the City received an application from Aviano Farms, LLC to modify the Aviano Active Adult Community Project, including a request for a Development Agreement, General Plan Amendment, Planned Development Rezone, a Vesting Tentative Map/Final Development Plan, and a Use Permit, for the development of a 533 unit residential community on a portion of approximately 184 acres. The project is located on the easterly side of the Sand Creek Focus Area, west of the current terminus of Hillcrest Avenue, east and north of Dozier Libby Medical High School (APNs 057-050-022, 057-030-005); and

**WHEREAS**, the City prepared an Environmental Impact Comparison and determined that the appropriate environmental document for the proposed Aviano Farms, LLC project is an Addendum to the Aviano Active Adult Community Project EIR; and

**WHEREAS**, the Planning Commission, after notice, held a public hearing before said Commission on August 5, 2015, and recommended that the City Council adopt the Addendum to the Aviano Active Adult Community Project EIR.

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

1. The foregoing recitals are true and correct.
2. **THAT THE PLANNING COMMISSION** hereby finds that substantial changes are not proposed to the project that would require major revisions to the 2008 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified effect.
3. **THAT THE PLANNING COMMISSION** hereby finds that substantial changes have not occurred with respect to the circumstances under which the project is undertaken requiring major revisions to the 2008 EIR due to



the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified effect.

- 4. THAT THE PLANNING COMMISSION** hereby finds that there is no new information of substantial importance which was not known and could not have been known at the time the 2008 EIR was certified showing any of the following:
- a. The project will have a new significant effect not previously discussed in the 2008 EIR.
  - b. The project will not cause any significant effect examined in the 2008 EIR to be substantially more severe.
  - c. The mitigation measures in the 2008 EIR and adopted in the CEQA Findings for the 2008 Aviano Adult Community Project remain feasible but some have been modified to reflect the proposed project. All mitigation measures identified in this Addendum and required for the proposed project as identified in the 2008 EIR that are necessary to reduce the potentially significant impacts to a level of insignificance will be made a requirement of the project and are acceptable by the project proponent.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Addendum to the Environmental Impact Report for the Aviano Adult Community Project is **HEREBY RECOMMENDED FOR ADOPTION** 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 5<sup>th</sup> day of August, 2015, by the following vote:

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

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FORREST EBBS  
Secretary to the Planning Commission

**RESOLUTION NO. 2015/\_\_\_**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN  
THE CITY OF ANTIOCH AND ANTIOCH FARMS, LLC FOR THE AVIANO FARMS  
PROJECT**

**WHEREAS**, the City received an application from Aviano Farms, LLC to modify the Aviano Active Adult Community Project, including a request for a Development Agreement, General Plan Amendment, Planned Development Rezone, a Vesting Tentative Map/Final Development Plan, and a Use Permit, for the development of a 533 unit residential community on a portion of approximately 184 acres. The project is located on the easterly side of the Sand Creek Focus Area, west of the current terminus of Hillcrest Avenue, east and north of Dozier Libby Medical High School (APNs 057-050-022, 057-030-005); and

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

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

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

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

**WHEREAS**, an addendum to the Aviano Adult Community Project EIR was adopted for the proposed project and the proposed Development Agreement and the terms contained therein do not amend the project; therefore, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, a subsequent environmental document is not required; and

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

**WHEREAS**, the Planning Commission on August 5, 2015, 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.

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

1. There have been no substantial changes to the project through the Development Agreement and there are no new significant environmental effects or an increase in previously identified effects. In addition, there is no new information of substantial importance which was not known and could not have been known which shows new significant environmental effects. Therefore, the Addendum to the Aviano Adult Community Project EIR is the appropriate environmental document 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 designations in such plans, as amended.

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

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 5<sup>th</sup> day of August, 2015, by the following vote:

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

---

FORREST EBBS  
Secretary to the Planning Commission

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  
AVIANO FARMS, LLC**

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

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

**B.** De Nova Homes (“**De Nova Homes**”) dba Aviano Farms is the owner of approximately 189 acres of real property located in the City of Antioch, Contra Costa County more particularly described in **Exhibit A** (the “**Property**”) which it plans to develop as a single-family residential subdivision.

**C.** On October 25, 2005 the Antioch City Council approved a development agreement with Pulte Homes Corporation, dba Del Webb (“**Del Webb**”) for this Property and on November 13, 2007 the City Council approved the First Amended and Restated Development Agreement with Del Webb (“**Del Webb Development Agreement**”). The Del Webb Development Agreement set forth Del Webb’s intent to develop the Property with no more than 535 active senior adult residential units (“**Del Webb Project**”). The Del Webb Development Agreement was not assigned to or assumed by Aviano Farms.

**D.** On June 23, 2009, the Antioch City Council considered various environmental review and planning actions relating to the Del Webb Project (“**Del Webb Project Approvals**”). These actions include, without limitation, the following:

**1. Environmental Impact Report.** Pursuant to the California Environmental Quality Act (“**CEQA**”) and the CEQA Guidelines, the City Council certified a

final environmental impact report for the Del Webb Project (SCH No. 2006072027) pursuant to Resolution No. 2009/54 (“**EIR**”).

**2. Master Development Plan/Planned Development Rezone.** The City Council, after a duly noticed public hearing and certification of the EIR, introduced Ordinance No. 2031-C-S rezoning the property to Planned Development District and approving a Master Development Plan (“**Rezoning**”) and on July 14, 2009 adopted the Rezoning.

**3. Residential Development Allocations.** The City Council, after a duly noticed public hearing and certification of the EIR, approved residential development allocations for age restricted senior housing units for 0.5 allocation pursuant to Resolution No. 2009/55 (“**RDA Approval**”).

**4. Vesting Tentative Map/Final Development Plan and Use Permit.** The City Council, after a duly noticed public hearing and certification of the EIR, adopted Resolution No. 2009/56, approving a vesting tentative map/final development plan and use permit to subdivide the Property into multiple parcels to accommodate up to 535 age-restricted senior residential units as well as recreational, parks and open space parcels (“**Vesting Tentative Map**”).

**E.** In response to changed market conditions, Aviano Farms revised the Vesting Tentative Map mainly to 1) reflect a development with 533 non-age restricted units as opposed to 533 age restricted units, and 2) re-align the major sewer truck line from portions of Heidorn Ranch Road and future Sand Creek Road, to a location through the neighboring property to the east (“**Revised Vesting Tentative Map**”).

**F.** In order to move forward with the Revised Vesting Tentative Map, a text change will be made in the General Plan and Rezoning to clarify that a non-age restricted development may proceed on the Property (“**General Plan Amendment**” and “**Rezoning Amendment**”, respectively).

**G.** The Del Webb Project Approvals, as modified by the General Plan Amendment, Rezoning Amendment, Revised Vesting Tentative Map, and this Agreement, are sometimes referred to as “**Project Approvals**” and are set forth in **Exhibit B**.

**H.** Aviano Farms prepared a Preliminary Phasing Plan consistent with the Revised Tentative Map to facilitate development of the Property (“**Preliminary Phasing Plan**”). The Preliminary Phasing Plan is included as part of the conditions of approval that accompany the Revised Vesting Tentative Map (contained in **Exhibit B**).

**I.** An Addendum to the EIR was prepared in accordance with CEQA to provide the environmental analysis on the Project Approvals.

**J.** Aviano Farms and the City desire to enter into this Agreement to extend the term of the Project Approvals and to vest Aviano Farms with the right to develop the Property consistent with the Project Approvals. In exchange for the covenants contained in this Agreement and the continued commitment of Aviano Farms to continue to provide the benefits described in the Project Approvals and any other necessary approvals required by the City that

are consistent with and necessary to implement the Project Approvals (“**Subsequent Approvals**”), when and if the Aviano Farms Project proceeds, and in order to encourage the investment by it necessary to do so, the City is willing to enter into this Agreement to set forth the right of Aviano Farms to complete the Project as provided in this Agreement.

**K.** As part of the original development plans for the Property, Del Webb conveyed to the Antioch Unified School District (“**AUSD**”) approximately 10 acres located adjacent to the southwest corner of the Property for the development of the Dozier Libbey Medical High School (“**School**”). The School has been built and is operating with temporary access, sewer, water and power utilities. This Agreement is necessary to allow Aviano Farms, if it elects to proceed with the Project Approvals, the ability to 1) design and construct permanent access, sewer, water, and power utility improvements to serve the School, and 2) reimburse AUSD for its certain costs associated with the AUSD’s installation of the temporary access, sewer, water and power utility improvements.

**L.** During the original development plans for the Del Webb Project Approvals, two agreements were entered into to set forth the terms and conditions relating to the proposed Southern Alignment of Sand Creek Road through the Property: (1) a Memorandum of Agreement Resolving Alignment of Sand Creek Road Through City of Antioch’s Sand Creek Focus Area dated November 22, 2007 (the “**MOU**”), by and between Del Webb, City, Kaiser Foundation Hospitals (“**Kaiser**”), AUSD and Donald Williamson Charitable Trust and Shirley Perry as Trustee of the Shirley Perry Declaration of Living Trust (“**Covenantor**”); and (2) a Declaration of a Covenant to Run with the Land dated December 13, 2007, by and between Covenantor, Kaiser, City and AUSD as amended by the First Amendment to Declaration of Covenant to Run with the Land dated January 19, 2011 (the “**Declaration of Covenant**”).

**M.** On \_\_\_\_\_, 2015, at a duly noticed public hearing, the Planning Commission considered and recommended approval of the Addendum, General Plan Amendment, Rezoning Amendment, Revised Vesting Tentative Map and this Agreement to the City Council pursuant to Resolution No. 2015/\_\_\_\_\_.

**N.** On \_\_\_\_\_, 2015, at a duly noticed public hearing, the City Council approved the 1) Addendum pursuant to Resolution No. 2015/\_\_\_\_, 2) General Plan Amendment pursuant to Resolution No. 2015/\_\_\_\_, 3) Rezoning Amendment pursuant to Ordinance No.\_\_\_\_, and 4) Revised Vesting Tentative Map pursuant to Resolution No. 2015/\_\_\_\_.

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

**P.** On \_\_\_\_\_, 2015, at a duly noticed public hearing, the City Council adopted Ordinance No. \_\_\_\_\_ approving this Agreement, a copy of which is attached as **Exhibit “C”**.

## **AGREEMENT**

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

**ARTICLE 1**  
**TERM AND APPLICABLE LAW**

The term of this Agreement shall commence as of the Effective Date and continue to and including \_\_\_\_\_, 2029. The expiration of the term of this Agreement shall not be interpreted to, and shall not affect, terminate or waive any additional rights that Aviano Farms 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.

**ARTICLE 2**  
**COVENANTS OF AVIANO FARMS**

**2.1 Obligations of Aviano Farms Generally.** Aviano Farms shall have no obligation to proceed with, or complete the Aviano Farms Project at any particular time or at all. However, if Aviano Farms proceeds, it shall comply the Applicable Law, as defined below in Section 2.2.

**2.2 Applicable Law.** The rules, regulations, and official policies governing permitted uses of the Property, density and improvement requirements applicable to development of the Property shall be the ordinances, rules, regulations, and official policies in force on 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.

**2.3 Development Fees.** Aviano Farms shall pay when due all applicable development fees in effect and at the rates and in the amounts applicable at the time of payment unless otherwise stated herein. Aviano Farms has agreed to complete certain improvements required by the Project Approvals to Hillcrest Avenue, Sand Creek Road and Dozier Libby Road as described in the Project Approvals, and shall therefore not be subject to any existing or future adopted traffic impact fees or any other fees related to roadway improvements.

In addition, Aviano Farms 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 submittals for any Subsequent Approvals, as such fees and charges are adjusted from time to time. The foregoing notwithstanding, no fees other than processing fees shall be due before approval of the final map, unless earlier payment is expressly required by the Project Approvals.

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

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

**2.5 Subdivision and Other Agreements; Multiple Final Maps.** Aviano Farms 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. Aviano Farms may file multiple final maps in accordance with 3.5 below.

**2.6 Design Review.** The Project Approvals do not include design review approval, which Aviano Farms has yet to obtain. Aviano Farm's design review applications and submittals shall be consistent with the design review guidelines in effect at the time of their application to the extent such guidelines are consistent with the Project Approvals. The designs shall continue to incorporate a level of quality craftsmanship consistent with other De Nova Homes projects completed in similar regional markets.

**2.7 Design and Construction of Sand Creek Road.** Aviano Farms shall design, construct and install improvements to Sand Creek Road as more particularly described in the conditions of approval attached in Exhibit B.

**2.8 Sewer Line Improvements.** Aviano Farms shall design and obtain rights-of-way and easements at its sole cost in order to construct the major sewer trunk line in portions of Heidorn Ranch Road to a location through the neighboring property to the east to connect to the Project as more particularly described in the conditions of approval attached in Exhibit B ("**Sewer Line Improvements**"). Upon acceptance by the City, the Sewer Line Improvements shall be maintained by City.

**2.9 Parks, Trail Improvements and Landscaped Areas.** . Aviano Farms shall, at its cost and expense, design, construct and dedicate to the City, Parcel L, as an expansion to the existing Chaparral Park as more particularly described in the conditions of approval attached in Exhibit B ("**Parcel L Park**"). Upon acceptance by the City, the Parcel L Park shall be owned by the City and maintained by the Lighting and Landscaping District. Aviano Farms shall also construct the Sand Creek Regional Trail as more particularly described in the conditions of approval attached in Exhibit B ("**Trail Improvements**"). Upon acceptance by the City, the Trail Improvements shall be maintained by the City. Aviano Farms shall, at its cost expense, design and construct other park and landscaped areas as more particularly described in the conditions of approval attached in Exhibit B. The park identified on Parcel P shall also be designed and landscaped by Aviano Farms and may either be: 1) dedicated to and maintained by the Homeowners Association, or 2) dedicated to the City and maintained by the City through the Lighting and Landscape District ("**Parcel P Park**"). The City shall take into consideration Aviano Farm's construction and dedication of the Parcel L Park, Trail Improvements and Park P



Park (and other applicable park/landscaped areas) in determining credits against the park fees applicable to the Project.

**2.10 Irrevocable Offer of Dedication.** Prior to the approval of the last final map, Aviano Farms shall irrevocably offer to dedicate to City a 60-foot wide strip of land, approximately 2.5 acres in size south of the intersection of Sand Creek Road and “B” Street running south through Parcels “Q” and “R,” as more particularly described in the conditions of approval attached in Exhibit B.

**2.11 Homeowners Association.** Aviano Farms shall establish a Homeowners Association (“**HOA**”) for the Project in conformance with the regulations set forth by the State Bureau of Real Estate as more particularly described in the conditions of approval attached in Exhibit B. In the CC&Rs that are submitted to the Bureau of Real Estate for review and approval, Aviano Farms shall include the following:

**2.11.1** A requirement that no less than 70 percent of the units in the Project be maintained as owner-occupied homes.

**2.11.2** A requirement for the HOA to maintain records indicating those homes that are for rent and those homes occupied by the owner pursuant to the percentage requirement set forth in Section 2.11.1.

**2.11.3** A requirement that the HOA pay for the cost of police services funding if not approved pursuant to Section 2.13 and a waiver and release of any claims or challenges to such cost.

**2.11.4** A provision informing homeowners of their obligation to secure a business license before a home can be rented as required by Municipal Code Section \_\_\_\_.

**2.11.5** A requirement that front yards be adequately maintained and that allow the HOA, or the City as third-party beneficiary, to enforce this maintenance requirement if a homeowner fails to maintain front yards in accordance with the CC&Rs.

**2.12 RDA Approval and Application of Development Impact Fee Ordinance.** On March 11, 2014, pursuant to Ordinance No. \_\_\_\_, the City Council enacted a development impact fee ordinance and also repealed its residential development allocation ordinance (“**Development Impact Fees Ordinance**”). Aviano Farms shall abide by the newly enacted Development Impact Fees Ordinance except as may be specifically provided in the Project Approvals and specifically Section 2.3 of this Agreement, and the City agrees it will not enforce the RDA Approval as set forth in Recital D.3 on Aviano Farms.

**2.13 Police Services Funding.** In order to assist the City in meeting its General Plan policies regarding the provision of police services for its residents, at 1.35 officers per 1,000 residents, Aviano Farms shall, at City’s sole and absolute discretion, either establish or participate in, if one has already been established, a land based financing mechanism (“**Financing Mechanism**”) in the form of a community facilities district or other means acceptable to the City in consultation with Aviano Farms. The Financing Mechanism will be established prior to the issuance of a building permit for the first residential unit of the Project. Aviano Farms shall bear

the City's costs in forming a Financing Mechanism or annexation into one, if already created, including consultant costs. Notwithstanding anything to the contrary herein, if a newly formed financing district or annexation includes property in addition to the Property, the City may consider in its discretion that the assessment or other form of revenue levied on the other properties shall include a proportionate share of the costs of formation or annexation, which when collected by the financing district shall be refunded to Aviano Farms without interest. The amount of the financial obligation through the Financing Mechanism for the Project shall not exceed an initial amount of \$455.00 per lot, with annual increases beginning one year after the Effective Date based on the Consumer Price Index for the San Francisco Bay Area. In addition, after implementation of the Financing Mechanism, the amount per lot will increase as determined through the Financing Mechanism to ensure adequate funding to meet the requirement of 1.35 officers. Aviano Farms acknowledges that this amount will increase over time. The requirements of this Section 2.13 shall be waived if the City imposes a special tax or other form of revenue generation on all City residents dedicated specifically for the purpose of funding police services, which shall not include the business license tax approved by voters in 2014 or any additional sales tax or extension of such sales tax. The terms of this Section 2.13 are a material consideration of this Agreement and were analyzed as part of the Project in the CEQA review. Without the agreement by Aviano Farms to provide the police services funding described herein, additional environmental review would be required.

**2.14 MOU and Declaration of Covenant.** Aviano Farms acknowledges that it is obligated to compensate Kaiser for potential diminution in value that Kaiser asserts resulted in the realignment of Sand Creek Road, and reimburse AUSD for its cost associated with construction of temporary improvements it made to serve its property and construct or reimbursement AUSD for certain permanent school improvements and comply with any other obligations as owner of the Property, at such time and as set forth in the Declaration of Covenant and MOU. If Aviano Farms enters into separate agreements with Kaiser and AUSD to satisfy Aviano Farms' potential obligations under the MOU and Declaration of Covenant if needed, the City shall cooperate with Aviano Farms to provide and record the necessary documentation to recognize the separate agreements. This Agreement is not intended to and does not modify any term or provision of the MOU or Declaration of Covenant.

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

**3.1 Obligations of City Generally.** The City shall act in good faith to accomplish the intent of this Agreement, to protect Aviano Farm's vested rights provided by this Agreement, and to ensure this Agreement remains in full force and effect. City shall cooperate with Aviano Farms so that it receives the benefits of and the rights vested by this Agreement, including prompt and timely action and assistance in (a) forming a Communities Facilities District(s) or other appropriate financing district(s) or mechanisms, and (b) obtaining from other governmental entities necessary or desirable permits or other approvals for the Project.

**3.2 Eminent Domain.** Aviano Farms shall purchase any and all real property interests necessary to allow it to construct the public improvements required by the Project Approvals (including access and other permanent improvements for the School) and Subsequent Approvals. In the event that an affected property owner has rejected an offer by Aviano Farms,

based upon fair market value as determined by an appraisal prepared by a City-approved appraiser in cooperation with City, Aviano Farms may request City assistance. Provided that Aviano Farms provides adequate funding and enters into an agreement with the City setting forth the terms of City's obligations, in a form approved by City in its reasonable discretion, City shall promptly and timely negotiate and seek the purchase of the necessary property, including the possible consideration of City's use of its power of eminent domain to acquire such real property interests. Aviano Farms shall pay all costs associated with such acquisition or condemnation proceedings. Nothing herein is intended to or shall prejudice or commit City regarding any findings and determinations required to be made in connection with adoption of a resolution of necessity.

**3.3 Vested Development Rights.** The City confirms and grants to Aviano Farms the vested right to develop the Property in accordance with the Project Approvals, Subsequent Approvals and this Agreement. This Agreement shall be enforceable as set forth in Section 9.2 below.

**3.4 Permitted Uses.** The permitted uses of the Property; the density and intensity of use of the Property; the maximum height, bulk and size of buildings, except as such may be limited by any design review approvals yet to be obtained; and provisions for reservation or dedication of land for public purposes are as set forth in the Project Approvals, which City confirms and vests by this Agreement. City shall not require Aviano Farms to reserve or dedicate land for public purposes except as expressly required by the Project Approvals.

**3.5 Life of Vesting Tentative Subdivision Map.** By approval of this Agreement, City extends and vests the term of the Revised Vesting Tentative Map approved by Resolution No. 2015/\_\_\_\_\_ for the term of this Agreement (including any subsequent extensions). The term of this Agreement and of the Revised 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 and any other permit issued by City in conjunction with the Revised Vesting Tentative Map as provided in Section 66452.12 of the Map Act shall expire no sooner than (a) the Revised Vesting Tentative Map or (b) the term otherwise applicable to the Project Approval or permit if this Agreement were not in effect, whichever occurs later. The City shall not require Aviano Farms to enter into any subdivision or other agreement that is inconsistent with this Agreement or the Project Approvals or that requires more work than is required by them, provided however that the Parties agree and understand that Aviano Farms will be required to enter into subdivision improvement agreements as set forth in 2.5 above. The City shall allow Aviano Farms to file multiple final maps, if Aviano Farms desires, in accordance with Section 66456.1 of the Map Act.

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

**3.6.1** Regulations regarding processing fees and charges, provided such procedures are uniformly applied on a City-wide basis to all substantially similar types of development projects and properties.

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

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

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

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

**3.6.6** Notwithstanding anything to the contrary provided herein, Aviano Farms shall have the right to challenge in court any City ordinance, policy, regulation or standard that would conflict with Applicable Law or this Agreement or reduce the development rights provided by this Agreement.

## **ARTICLE 4 AMENDMENT**

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

**4.1.1 Administrative Project Amendments.** Upon the written request of Aviano Farms for an amendment or modification to an Approval, the Director of Community Development, or his/her designee (collectively "**Authorized Official**") shall determine: (i) whether the requested amendment or modification is minor when considered in light of the Project Approvals as a whole; and (ii) whether the requested amendment or modification is substantially consistent with Applicable Law. If the Authorized Official finds that the proposed

amendment or modification is minor, substantially consistent with Applicable Law, and will result in no new significant environmental impacts, the amendment shall be determined to be an “**Administrative Project Amendment**” and the Authorized Official may, except to the extent otherwise required by law, approve the Administrative Project Amendment, following consultation with other relevant City staff, without notice and public hearing. Without limiting the generality of the foregoing, lot line adjustments, non-substantial reductions in the density, intensity, scale or scope of the Project, minor alterations in vehicle circulation patterns or vehicle access points, substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan, variations in the design and location of structures that do not substantially alter the design concepts of the Project, variations in the location or installation of utilities and other infrastructure connections or facilities that do not substantially alter the design concepts of the Project Approvals, and minor adjustments to the Property diagram or Property legal description shall be treated as Administrative Project Amendments.

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

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

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

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

**4.2.2 Non-Administrative Amendments.** Any request of Aviano Farms 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.

## **ARTICLE 5 ASSIGNMENT, TRANSFER AND MORTGAGEE PROTECTION**

**5.1 Assignment of Interests, Rights and Obligations.** Nothing herein limits the right of Aviano Farms to freely alienate or transfer all or any portion of the Property. However,

Aviano Farms 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 5, to a 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**”).

## **5.2 Transfer Agreements.**

**5.2.1 Written Agreement.** In connection with a Transfer by Aviano Farms (other than a Transfer by Aviano Farms to an Affiliated Party (as defined below), to a Mortgagee (as defined below in 5.4) or to a Home Purchaser (as defined below in 5.3)), Aviano Farms 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 Aviano Farms and the Transferee in and under the Agreement and the Project Approvals. Such Transfer Agreement may (i) release Aviano Farms 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 Aviano Farms to be necessary or appropriate in connection with the transfer or assignment. Aviano Farms 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 Aviano Farms. City may withhold its consent if the City reasonably determines that the Transferee, or an entity with similar or related ownership or control as Transferee, has been a party to litigation filed against the City or if the Transferee lacks the financial ability to complete the Project. If City consents to the Transfer, Aviano Farms shall be released from its obligations as provided in the Transfer Agreement. If City does not consent to the Transfer, City shall provide its reasons in writing and shall meet with Aviano Farms in good faith to determine what additional information may be necessary for City to provide its consent. An “**Affiliated Party**” is defined as any corporation, limited liability company, partnership or other entity which is controlling of, controlled by, or under common control with Aviano Farms, and “**control**,” for purposes of this definition, means effective management and control of the other entity, subject only to major events requiring the consent or approval of the other owners of such entity.

**5.2.2 Binding.** Any Transfer Agreement shall be binding on Aviano Farms, the City and the Transferee, but shall not release Aviano Farms absent express language in the Transfer Agreement. Upon recordation in the Official Records of Contra Costa County of any Transfer Agreement, Aviano Farms shall be released from those obligations assumed by the Transferee therein, subject to the provisions of 5.2.1 above.

**5.3 Home Purchaser.** The burdens, obligations and duties of Aviano Farms 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.

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

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

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

## **ARTICLE 6 COOPERATION IN THE EVENT OF LEGAL CHALLENGE, INDEMNITY, WAIVER AND RELEASE**

**6.1 Indemnity and Cooperation.** Aviano Farms 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 this Agreement, any term of this Agreement or its implementation, any Project Approvals, or the related environmental review, including without limitation the terms of this Agreement set forth in Section 2.11 regarding the HOA and Section 2.13 regarding Police Services. Aviano Farms shall enter into a separate indemnification and defense agreement at the City’s request in a form approved by City. The Parties shall cooperate fully in the defense of any such action.

**6.2 Waiver and Release.** Aviano Farms hereby waives and release City from any and all liabilities, obligations, orders, claims, damages, governmental fines or penalties, and

expenses of defense with respect thereto, including attorneys' fees and costs, regarding the terms of this Agreement. The Parties acknowledge and agree that this Agreement has been negotiated by the Parties and that each Party is willingly entering into this Agreement.

**6.3 Legal Advice.** Each Party represents and warrants to the other the following: they have carefully read this Agreement, and in signing this Agreement, they do so with full knowledge of any right which they may have; they have received independent legal advice from their respective legal counsel as to the matters set forth in this Agreement, or have knowingly chosen not to consult legal counsel as to the matters set forth in this Agreement; and, they have freely signed this Agreement without any reliance upon any agreement, promise, statement or representation by or on behalf of the other Party, or their respective agents, employees, or attorneys, except as specifically set forth in this Agreement, and without duress or coercion, whether economic or otherwise.

## **ARTICLE 7 DEFAULT; TERMINATION; ANNUAL REVIEW**

### **7.1 Default.**

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

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



provided. If the alleged failure is cured within the time provided above, then no default shall exist and the noticing Party shall take no further action to exercise any remedies available hereunder. If the alleged failure is not cured, then a default shall exist under this Agreement and the non-defaulting Party may exercise any of the remedies available.

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

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

**7.2 Excusable Delay; Extension of Time of Performance.** In addition to specific provisions of this Agreement, neither Party shall be deemed to be in default where delays in performance or failures to perform are due to, or a necessary outcome of, war, insurrection, strikes or other labor disturbances, walk-outs, riots, floods, earthquakes, fires, casualties, acts of God, enactment or imposition against the Project of any moratorium, or any time period for legal challenge of such moratorium by Aviano Farms, or similar basis for excused performance which is not within the reasonable control of the Party to be excused. Litigation attacking the validity of this Agreement or any of the Project Approvals, Subsequent Approvals, or any permit, ordinance, entitlement or other action of a governmental agency other than the City necessary for the development of the Project pursuant to this Agreement, or Aviano Farms’ 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 Aviano Farms. Upon the request of either Party, an extension of time for the performance of any obligation whose performance has been so prevented or delayed shall be memorialized in writing. The City Manager is authorized on behalf of the City to enter into such an extension. The term of any such extension shall be equal to the period of the excusable delay, or longer, as may be mutually agreed upon.

**7.3 Annual Review.** Throughout the term of this Agreement, at least once every 12 months, Aviano Farms shall provide City with a written report demonstrating its good-faith compliance with the terms of this Agreement (the “**Written Report**”). City’s City Manager and City Attorney shall review the Written Report to determine whether Aviano Farms is in good-faith compliance with the terms of the Agreement and, if they have concerns about Aviano Farms’ 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 Aviano Farms 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 Aviano Farms’ performance. Aviano Farms shall be permitted an opportunity to respond to the City’s evaluation of Aviano Farms’ performance, either orally at a public hearing or in a written statement, at Aviano Farms’ election. If before the public hearing, such response shall be directed to the Community Development Director. At the conclusion of the Periodic Review, the City Council shall make written findings and determinations, on the basis of substantial evidence, as to whether or not Aviano Farms 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 Aviano Farms 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 Aviano Farms in writing of the City’s determination after a Periodic Review, then it shall be conclusively presumed that Aviano Farms has complied in good faith with the terms and conditions of this Agreement during the year covered under the Written Report.

**7.4 Notice of Compliance.** Within 30 days following any written request which Aviano Farms 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 Aviano Farms 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 Aviano Farms and that there are no uncured defaults in the performance of Aviano Farms, except as may be represented by Aviano Farms. Aviano Farms shall have the right, in its sole discretion, to record the Notice of Compliance.

## **ARTICLE 8 DISPUTE RESOLUTION**

**8.1 Dispute; Confidentiality.** Any controversy or dispute arising out of or related to this Agreement, or the development of the Project (a “**Dispute**”), shall be subject to private negotiation among the Parties, and if then not resolved shall be subject to non-binding mediation followed by litigation, if necessary, as set forth below. Each Party agrees that any Dispute, and all matters concerning any Dispute, will be considered confidential and will not be disclosed to

any third-party except (a) disclosures to a Party's attorneys, accountants, and other consultants who assist the Party in the resolution of the Dispute, (b) as provided below with respect to the mediation, and (c) as otherwise required by law, including without limitation, the California Public Records Act.

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

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

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

## **ARTICLE 9 MISCELLANEOUS**

**9.1 Defined Terms; Citations.** The capitalized terms used in this Agreement, unless the context obviously indicates otherwise, shall have the meaning given them in this Agreement. Except as otherwise expressly stated, all citations are to the Government Code of the State of California.

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

**9.3 Other Necessary Acts.** Each Party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out the Project

Approvals, Subsequent Approvals or this Agreement and to provide and secure to the other Party the full and complete enjoyment of its rights and privileges under this Agreement.

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

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

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

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

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

**9.9 Notices.** All notices, consents, requests, demands or other communications to or upon the respective Parties shall be in writing and shall be effective for all purposes: (A) upon receipt on any City business day before 5:00 PM local time and on the next City business day if



obligations under this Agreement will be enforceable or admissible unless set forth in a writing approved by the City and Aviano Farms. The following exhibits are attached to this Agreement and incorporated for all purposes:

- Exhibit A Property Description described in Recital B.
- Exhibit B Aviano Farms Project Approvals described in Recital G.
- Exhibit C Ordinance approving this Agreement described in Recital P.

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

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

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

**CITY:**

**City of Antioch**, a municipal corporation

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

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
\_\_\_\_\_,  
Special Counsel to City

**ATTEST:**

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

**AVIANO FARMS:**

**Aviano Farms, LLC**, a California limited liability company

By: \_\_\_\_\_  
Dave Sanson, President

**APPROVED AS TO FORM:**  
Wendel, Rosen, Black & Dean LLP

By: \_\_\_\_\_  
\_\_\_\_\_  
Attorneys for Aviano Farms



**EXHIBIT A**

**Property Description described in Recital B**



**Exhibit B**

**Aviano Farms Project Approvals described in Recital G**

**EXHIBIT C**

**Ordinance approving this Agreement described in Recital P**

**RESOLUTION NO. 2015/\_\_\_**  
**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH**  
**RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A GENERAL PLAN**  
**AMENDMENT FOR THE AVIANO FARMS, LLC PROJECT**

**WHEREAS**, the City of Antioch received an application from Aviano Farms, LLC to modify the Aviano Active Adult Community Project, including a request for a Development Agreement, General Plan Amendment, Planned Development Rezone, a Vesting Tentative Map/Final Development Plan, and a Use Permit, for the development of a 533 unit residential community on a portion of approximately 184 acres (APNs 057-050-022, 057-030-005); and

**WHEREAS**, the City determined an Addendum to the Aviano Adult Community Project Environmental Impact Report is the appropriate environmental document pursuant to Section 15164 of the Guidelines of the California Environmental Quality Act; and

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

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

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

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

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

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

**WHEREAS**, on August 5, 2015, 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 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 is within the scope of the certified Aviano Adult Community Project EIR which included findings of fact for significant impacts and a statement of overriding considerations for significant and unavoidable impacts. An Addendum has been prepared for the project determining that the project does not result in any impacts beyond those identified in the Aviano Adult Community Project EIR; and
5. The proposed General Plan Amendment will not require changes to or modifications of any other plans that the City Council adopted before the date of this resolution.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, the Planning Commission hereby recommends adoption of the General Plan Amendment to allow small lot single family residential development within the Low Density Residential designation for this site within the Sand Creek Focus Area of the General Plan.

\* \* \* \* \*

**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 5<sup>th</sup> day of August, 2015, by the following vote:

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

---

FORREST EBBS  
 Secretary to the Planning Commission

**CITY OF ANTIOCH PLANNING COMMISSION  
RESOLUTION NO. 2015/\_\_\_**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING APPROVAL OF AN ORDINANCE TO REZONE TO MODIFY THE  
CURRENT AVIANO ADULT COMMUNITY PROJECT PLANNED DEVELOPMENT  
(PD) ZONE STANDARDS**

**WHEREAS**, the City Council of the City of Antioch approved Ordinance No. 2031-C-S to Rezone the Aviano Active Adult Community Project Site from Study Zone (S) to Planned Development District (PD); and

**WHEREAS**, the Rezone included the adoption of development standards; and

**WHEREAS**, the City received a request from Aviano Farms, LLC to modify the approved Planned Development District development standards; and

**WHEREAS**, the City determined that the appropriate CEQA document for the proposed modification to the development standards is an Addendum to the Aviano Adult Community Project Environmental Impact Report; and

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

**WHEREAS**, on August 5, 2015, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission makes the following findings required for approval of the proposed zone change to modify the adopted PD development standards:

1. That the public necessity requires the proposed zone change. Each project in the Sand Creek Focus Area of the General Plan is required to rezone to a Planned Development (PD) District and adopt development standards.
2. That the subject property is suitable to the use permitted in the proposed zone change. The subject property is relatively flat, undeveloped land adjacent to existing residential development and is suitable to single, family residential development.
3. That said permitted use is not detrimental to the surrounding property. The project is consistent with the adjacent residential development to the north and the project will construct infrastructure and improvements that will benefit surrounding properties.

4. That the proposed zone change modifying development standards is in conformance with the Antioch General Plan. The project conforms to the requirements of the General Plan Sand Creek Focus Area.

**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 184 acre project site (APNs 057-050-022, 057-030-005), located on located on the easterly side of the Sand Creek Focus Area, west of the current terminus of Hillcrest Avenue, east and north of Dozier Libby Medical High School to modify the Planned Development District (PD) development standards

\* \* \* \* \*

**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 5<sup>th</sup> day of August, 2015 by following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

FORREST EBBS  
Secretary to the Planning Commission

EXHIBIT A

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO REZONE TO MODIFY THE PLANNED DEVELOPMENT DISTRICT (PD) DEVELOPMENT STANDARDS (APNs 057-050-022, 057-030-005)**

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

SECTION 1:

The City Council determined on \_\_\_\_\_ that, pursuant to Section 15164 of the Guidelines of the California Environmental Quality Act, that the appropriate environmental document for the project is an Addendum to the Environmental Impact Report for the Aviano Adult Community Project.

SECTION 2:

At its regular meeting of August 5, 2015, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property to modify the Planned Development District (PD) development standards.

SECTION 3:

The real property described in Exhibit A, attached hereto, is hereby rezoned to modify the Planned Development District (PD) design standards.

SECTION 4:

The development standards, as defined below, for the subject property (**APNs 057-050-022, 057-030-005**), known as the Aviano Farms Project, are herein incorporated into this ordinance, and are binding upon said property.

**Development Standards for the Proposed Aviano Farms Planned Development District**

<b>Standard</b>	<b>Standard R-4 Zoning</b>	<b>Proposed PD Zoning</b>
Maximum Density	4 dwelling units per gross developable acre	3.14 dwelling units per gross developable acre
Maximum Number of Units	802	533
Minimum Lot Size	6,000 sq. ft.	5,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet	All lots shall have a minimum width of 45 feet at a distance of 20 feet from the right-of-way
Minimum Front Yard	20 ft (reserved for landscaping)	15 ft (reserved for

<b>Standard</b>	<b>Standard R-4 Zoning</b>	<b>Proposed PD Zoning</b>
Setbacks	only, excluding driveways)	landscaping only, excluding driveways)
Minimum Side Yard Setbacks	<p>Interior lot: 5 feet            Corner lot: 10 feet (reserved for landscaping only)</p> <p>For at least 25% of the lots in a given subdivision, one side yard of an interior lot shall be 10 feet in width and the other side yard can be five feet. The 10 foot side yard area shall remain as unrestricted open area. This shall also apply to 100% of the two-story single-family residential lots.</p>	<p>Interior lot: 5 feet            Corner lot: 10 feet (reserved for landscaping only)</p>
Minimum Rear Yard Setbacks	20 feet	15 feet
Accessory Structure Setbacks	<p>Interior lot: side yard and rear yard setback is zero (unless double frontage lot).            Corner lot: street side yard is 20 feet and rear /interior side yard is zero            Double frontage lot: 10-foot rear yard.</p>	<p>Interior lot: side yard and rear yard setback is zero (unless double frontage lot).            Corner lot: street side yard is 20 feet and rear /interior side yard is zero            Double frontage lot: 10-foot rear yard.</p>
Maximum Building Height	35 feet	35 feet with the exception of the recreation center
Maximum Lot Coverage	40%	50%
Parking and Driveways	20-foot setback to garage provides off-street parking (at least two spaces). One on-street parking space must be provided in front of each house (at least 20 feet of vertical curb with exceptions for cul de sacs).	20-foot setback to garage. One 20' long on-street parking space must be provided in front of each house with the exception of corner lots with less than 65 feet in width where a 20 foot parking space may be constructed on the street side yard.
Landscape Requirements	30-foot landscaped setback on arterial streets (Hillcrest Ave., Sand Creek Road)	The landscaped setbacks from arterial streets (Hillcrest Avenue and Sand Creek Road)



Standard	Standard R-4 Zoning	Proposed PD Zoning
		shall be as shown on the project's tentative map dated July 13, 2015.

**SECTION 5:**

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

**SECTION 6:**

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

\* \* \* \* \*

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

**AYES:**

**NOES:**

**ABSENT:**

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

**ATTEST:**

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

EXHIBIT A  
LEGAL DESCRIPTION

**PLANNING COMMISSION  
RESOLUTION NO. 2015/\_\_\_**

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION  
RECOMMENDING APPROVAL OF A TENTATIVE MAP/FINAL DEVELOPMENT  
PLAN AND USE PERMIT FOR THE AVIANO FARMS PROJECT**

**WHEREAS**, the City received an application from Aviano Farms, LLC to modify the Aviano Active Adult Community Project, including a request for a Development Agreement, General Plan Amendment, Planned Development Rezone, a Vesting Tentative Map/Final Development Plan, and a Use Permit, for the development of a 533 unit residential community on a portion of approximately 184 acres. The project is located on the easterly side of the Sand Creek Focus Area, west of the current terminus of Hillcrest Avenue, east and north of Dozier Libby Medical High School (APNs 057-050-022, 057-030-005); and

**WHEREAS**, the City determined the necessary environmental document is an Addendum to the Aviano Adult Community Project Environmental Impact Report (EIR); and

**WHEREAS**, on August 5, 2015, the Planning Commission recommended approval of a rezone to modify the Planned Development District (PD) development standards; and

**WHEREAS**, on August 5, 2015, the Planning Commission recommended approval of a General Plan Amendment to allow small lot development on land designated Low Density Residential on this site within the Sand Creek Focus Area; and

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

**WHEREAS**, on August 5, 2015, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

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

1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each parcel has its own independent parking and access. The uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to the General Plan designations for the project site and the requirement to establish a Planned Development Zoning District and receive approval for a Final Development Plan for each project in the Sand Creek Focus Area in the General Plan;

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

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

1. That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations. The site is designated Low Density Residential, Multiple Family Residential, Public/Quasi Public and Open Space and is zoned Planned Development and the subdivision will

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

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

**BE IT FURTHER RESOLVED** that the Planning Commission does hereby make the following findings for approval of a use permit:

1. The granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity because the project has been designed to comply with the City of Antioch Municipal Code requirements.
2. The use applied at the location indicated is properly one for which a use permit is authorized because the City of Antioch Zoning Ordinance requires a use permit for all Planned Development District (PD) applications.
3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood. The site plan complies with the Planned Development standards established for the project's Planned Development District.
4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use. The project site will construct an extension of Hillcrest Avenue and Sand Creek Road to serve the project site that and the street extensions are designed to meet City standards for adequate width and pavement.
5. That the granting of such use permit will not adversely affect the comprehensive General Plan because the proposed uses and design are consistent with the General Plan. The General Plan designation for the northern portion of the project site is Low Density Residential, which allows for the type of active adult community being developed by the project. The General Plan designations for the southern portion of the project site are

Hillside, Estate and Executive Residential and Open Space, Public/Quasi Public and Multiple Family Residential. The proposed Sand Creek Regional Trail, dedicated open space parcels are consistent with the General Plan designations and the need for habitat preservation on the site.

6. The Conditions of approval protect the public safety, health and general welfare of the users of the project and surrounding area. In addition, the conditions ensure the project is consistent with City standards.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Antioch does hereby recommend APPROVAL of a vesting tentative map/final development plan, and use permit, for the development of a 533 unit single family residential community on a portion of an approximately 184 acre parcel. The project is located on the easterly side of the Sand Creek Focus Area, west of the current terminus of Hillcrest Avenue, east and north of Dozier Libby Medical High School (APNs 057-050-022, 057-030-005), subject to the following conditions:

**A. GENERAL CONDITIONS**

1. The development shall comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto, or is otherwise modified in these conditions or in the development agreement.
2. Concurrent with the first submittal of grading or improvement plans, the applicant shall submit a site plan exhibit showing the site plan as modified by conditions and approvals.
3. Prior to the issuance of building permits architecture, sound walls, fencing, mailboxes, lighting, any accent paving, addressing, and landscaping for the entire project shall be subject to review and approval by the Planning Commission.
4. Sound wall locations and elevations for each phase of the project shall be included on the grading plan(s).
5. This approval expires two years from the date of approval (Expires \_\_\_\_\_, 2017) or alternate date as identified in the Development Agreement.
6. The applicant shall defend, indemnify, and hold harmless the City in any action brought challenging any land use approval or environmental review for the Project. In addition, applicant shall pay any and all costs associated with any challenge to the land use approval or environmental review for the Project, including, without limitation, the costs associated with any election challenging the Project.

7. A final and unchallenged approval of this project supersedes previous approvals that have been granted for this site.
8. Permits or approvals, whether discretionary or ministerial, will not be considered if the applicant is not current on fees, reimbursement and/or other payments that are due the City.
9. All required easements or rights-of-way for improvements shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or, if required from easement holders, for any work done within such property or easements.
10. All easements of record that are no longer required and affect individual lots or parcels within this project shall be removed prior to or concurrently with the recordation of the final map or subsequent separate document as approved by City Engineer.
11. The applicant shall establish a Home Owners Association (HOA) for this project in conformance with the regulations set forth by the State Bureau of Real Estate. The HOA shall be responsible for maintaining:
  - Landscaping in rights of way not adjacent to front-on or side-on lots and HOA owned parcels north of the northerly curb line of Sand Creek Road and west of the westerly curb line of Hillcrest Avenue.
  - Storm drain pipes leading into basin 1A and 2A (from the nearest catch basin or manhole).
  - All C.3 infrastructure north of the northerly curb line of Sand Creek Road and west of the westerly curb line of Hillcrest Avenue which may include, but is not limited to engineered soil, gravel, cleanouts, pipes, overflows, and flow control orifices.
  - Parcel R, unless retained by applicant
  - The City shall be reimbursed if it maintains landscape or C.3 areas that are not maintained by the HOA to an acceptable City level.
  - Parcel F Park, unless dedicated as a City owned park.
12. Subject to approval by the State, the CC&Rs shall include a provision indicating that the City of Antioch is named as a third-party beneficiary with the right, but not the obligation, to enforce the provisions of the CC&Rs relating to the maintenance and repair of the property and improvements, including but not limited to landscaping, parking, open space, storm water facilities and the prohibition of nuisances. The City shall have the same rights and remedies as the Association, Manager or Owners are afforded under the CC&Rs, including but not limited to rights of entry. This right of enforcement is in addition to all other legal and equitable remedies available to the City, including the right to refuse to

issue building permits for any building or structure that is not in compliance with applicable federal, state or local laws, regulations, permits or approvals. Neither action nor inaction by the City shall constitute a waiver or relinquishment of any rights or remedies. In addition, the CC&Rs shall include a provision that any design approvals required by the CC&RS for construction, reconstruction and remodeling are in addition to any approvals needed from the City as well. Further, the CC&Rs cannot be terminated or amended materially without the prior written consent of the Community Development Director and City Attorney of the City of Antioch. Material changes are those that would change the fundamental purpose of the development including but not limited to:

- City approvals of uses or external modifications.
- Property ownership or maintenance obligations including, but not limited to, common areas, storm water and landscaping.

The CC&Rs for this project shall be reviewed and approved by the City Attorney and the Community Development.

13. All advertising signs shall be consistent with the Sign Ordinance or as approved by the Community Development Director.
14. The property shall annex into or establish and participate in a Lighting and Landscape District (LLD) and accept a level of annual assessments sufficient to maintain:
  - The street lights within the development,
  - Street lights and landscaping adjacent to the project area excluding those areas to be maintained by the HOA (generally medians on Sand Creek Road, Dozier Libby Road, half of the median on Hillcrest Avenue).
  - Parcel Q.

The annual assessment shall cover the actual annual cost of maintenance as described in the Engineer's Report.

**B. TENTATIVE MAP CONDITIONS**

1. The Tentative Map approval is subject to the time lines established in the State of California Subdivision Map Act.
2. Approval is based upon substantial conformance with the Vesting Tentative Map dated July 13, 2015.
3. Approval of this tentative map shall not be construed as a guarantee of future extension or re-approvals of this or similar maps.



**C. CONSTRUCTION CONDITIONS**

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

**D. SITE AND PROJECT DESIGN**

1. Provisions for mail delivery in the subdivision area shall be reviewed and approved by staff prior to the approval of the final map. Applicant shall install mail box facilities as required by the City Engineer.
2. Any conversion of the homes to allow for a second unit shall be subject to a use permit for such a conversion, in conformance with the City's "Second Unit" provisions of the Zoning Ordinance.
3. Prior to the approval of the grading plan(s), the City Engineer shall determine if it is necessary to engage soils and structural engineers, as well as any other professionals, deemed necessary to review and verify the adequacy of the building plans submitted for this project. If deemed necessary by the City Engineer, this condition may include field inspections by such professionals to verify implementation of the plans. Costs for these services shall be borne by the applicant.
4. All proposed improvements shall be constructed to City standards or as approved by the City Engineer. The applicant, at its sole discretion, may use a land based financing mechanism such as an assessment district, and/or a community facilities district, statewide community infrastructure program, and/or other financing district or program to fund acquisition and/or construction of master infrastructure improvements and/or prepayment of development fees. The City shall act in good faith and cooperate with applicant in forming and implementing a land based financing mechanism.

5. All public streets shall intersect at approximately 90 degrees or as approved by the City Engineer.
6. All driveways shall be perpendicular to the street centerline, or as approved by the City Engineer.
7. All driveways shall be a minimum of five feet from curb return.
8. Monolithic sidewalks with beveled curb shall be 6" thick and reinforced as approved by the City Engineer. Detached sidewalks that will be crossed by vehicles at driveway locations shall be 6" thick and reinforced as approved by the City Engineer. Minimum sidewalk widths shall be as follows:
  - Adjacent to beveled curb, 4 feet excluding curb (bevel curb to be 12" deep by 3" high with ½" lip and 18" gutter).
  - Adjacent to vertical curb, 4.5 feet excluding curb.
  - Detached sidewalk, 5 feet.
9. A minimum of a 20 foot tangent shall extend beyond the return at intersections, or as approved by the City Engineer.
10. All lot sidelines shall be perpendicular or radial to the fronting street centerline, or as approved by the City Engineer.
11. Sight distance triangles shall be maintained per 9-5.1101, Site Obstructions at Intersections of the Antioch Municipal Code or as approved by the City Engineer.
12. Rear and side yard fencing shall be provided for all units. All fences shall be located at the top of slope, or as approved by the City Engineer.
13. In cases where a fence is to be built in conjunction with a retaining wall, and the wall face is exposed to a side street, the fence shall be setback a minimum of three feet (3') behind the retaining wall per 9-5.1603 or as approved by the City Engineer.
14. The applicant shall install streetlights within the project area at no cost to the City. Streetlights will be owned by the City and maintained as part of the LLD.
15. The proposed street names approved by Planning Commission shall be utilized in the development. Changes to street names not included in the staff report will require Planning Commission review and approval.

16. The applicant shall provide a “checklist” of universal design accessibility features to home buyers as required by Section 17959.6 of the Health and Safety Code.
17. All improvements for each lot (water meters, sewer cleanouts, etc.) shall be contained outside of the driveway and within the lot and the projection of its sidelines, or as approved by the City Engineer.
18. Cul-de-sac parking shall be provided as required by the City Engineer.
19. One on-street parking space per lot shall be located within close proximity to the unit served as approved by the City Engineer.
20. The applicant and then the HOA, once the CC&Rs are operative, shall maintain all undeveloped areas within this subdivision in an attractive manner, which shall also ensure fire safety.
21. All fencing adjacent to open space (trails and basins), shall be wrought iron, black vinyl clad chain link, or other material as approved by the City Engineer.
22. Masonry sound walls shall be constructed along the lots adjoining or adjacent to Sand Creek Road (Parcels D & G), Hillcrest Avenue (Parcels A & D), ‘A’ Street (Parcels B & C), ‘B’ Street (Parcel F), Dozier-Libbey Medical High School, and the western boundary of lots 423-444. Sound walls shall be a minimum of six (6) foot high and in conformance to the sound study.
23. That all two-car garages be a minimum of 20 feet by 20 feet clear inside dimensions or as approved by the Community Development Director.
24. Phasing of the project shall be in general conformance with the Preliminary Phasing Plan dated July 13, 2015 (PPP) or as approved by the City Engineer. If the City Engineer approves changes to the phasing of the project from that in the PPP in a manner that impacts the timing for the construction of improvements as set forth herein, the City Engineer has the authority to change the timing for those improvements to be consistent with the modified PPP. Such changes will not require an amendment to these conditions or to the project approvals.
25. Concurrent with the construction of the adjacent roadways, the applicant shall construct bus turnouts, benches, and shelters at the following locations or as approved by the City Engineer:
  - South side of Sand Creek Road east of the intersection of Dozier-Libbey Road.

- South side of Sand Creek Road east of 'B' Street.
  - North side of Sand Creek Road west of 'B' Street.
  - West side of Hillcrest Avenue south of 'A' Street.
26. Prior to the issuance of any building permits for the lots on "E" Street or "E" Court, the applicant shall construct a wall across the end of Equestrian Way at the project boundary as approved by the City Engineer.
27. Prior to the issuance of the 1st model building permit, Hillcrest Avenue shall be constructed with west side curb and gutter and west side median curb and gutter, utilities to be placed under the west half of the roadway, and asphalt for the southbound bike, turn, and travel lanes from the existing stub of Hillcrest Avenue to the south curb returns of 'A' Street. Hillcrest Avenue shall remain closed to the general public until Condition of Approval D.28 is implemented.
28. Prior to the opening the model complex to the public and prior to issuance of the 1<sup>st</sup> production building permit, Hillcrest Avenue shall be constructed to the interim configuration with two 12 foot lanes and an 8 foot bike lane southbound and one 12 foot lane and a 4 foot shoulder northbound (or as required by the fire district), landscaped median and western right of way and Parcel A, street lights, turn pockets and other appurtenances, and all utilities, including interconnect conduit and pull boxes, from the existing stub of Hillcrest Avenue to the south curb returns of 'A' Street. Improvements shall include conduits and pull boxes for a traffic signal at Hillcrest Avenue and 'A' Street, all as approved by the City Engineer. The existing asphalt on Hillcrest Avenue south of the southerly curb returns of Prewett Ranch Drive shall be ground down and receive a grind and overlay. Should development occur simultaneous with the Vineyards at Sand Creek development, full improvements shall be constructed with each developer paying their fair share of the improvements as approved by the City Engineer.
29. Design of Parcel L (Park) shall be approved by the Planning Commission and completed (signed by the City) prior to the issuance of the 188<sup>th</sup> building permit. Construction of Parcel L (Park) shall be completed prior to the issuance of the 225<sup>th</sup> building permit. Parcel L (approximately 1.9 acres) shall be dedicated to the City at no cost to the City.
30. Design of Parcel P (Park) shall be approved by the Planning Commission and completed (signed by the City) prior to the issuance of the 282<sup>nd</sup> building permit. Construction of Parcel P (park) shall be completed prior to the issuance of the 319<sup>th</sup> building permit.
31. The Candlewood Way connection shall be completed prior to the issuance of any building permits on 'U' Street. This connection or an approved

alternative 2<sup>nd</sup> access to the development shall be provided prior to the issuance of the 250<sup>th</sup> building permit.

32. Hillcrest Avenue shall be constructed at the interim configuration with two 12 foot lanes and an 8 foot bike lane southbound and one 12 foot lane and an 4 foot shoulder northbound (or as required by the fire district), landscaped medians, street lights, turn pockets and other appurtenances, and all utilities, including interconnect conduit and pull boxes, from 'A' Street to an asphalt dike constructed across Sand Creek Road from the extension of the its southerly face of curb prior one of the following:
- The issuance of the 355<sup>th</sup> or any subsequent building permit if the extension of Sand Creek Road between the SR4 interchange and Hillcrest Avenue is completed (by others).
  - The issuance of the 400<sup>th</sup> building permit

Should development occur simultaneous with the Vineyards at Sand Creek development, full improvements shall be installed with each developer paying their fair share of the improvements as approved by the City Engineer.

33. Sand Creek Road shall be constructed to its ultimate width of 80 foot curb to curb and 112 foot right-of-way from the intersection with 'B' Street to the easterly edge of Hillcrest Avenue with two 12 foot lanes and an 8 foot bike lane westbound and two 12 foot lanes and an 8 foot bike lane eastbound with landscape medians, street lights, turn pockets and other appurtenances, and all utilities, including interconnect conduit, prior to one of the following:
- The issuance of the 355<sup>th</sup> or any subsequent building permit if the extension of Sand Creek Road between the SR4 interchange and Hillcrest Avenue is completed (by others).
  - The issuance of the 400<sup>th</sup> building permit.

Improvements shall include conduits and pull boxes for traffic signals at Sand Creek Road/Hillcrest Avenue and Sand Creek Road/'B' Street, all as approved by the City Engineer. Should development occur simultaneous with the Vineyards at Sand Creek development, improvements at the intersection of Sand Creek Road/Hillcrest Avenue shall be coordinated with the other project with each developer paying their fair share of the improvements as approved by the City Engineer.

34. Sand Creek Road shall be constructed to its ultimate width of 80 foot curb to curb and 112 foot right-of-way from the intersection of Dozier-Libby Road to 'B' Street with two 12 foot lanes and an 8 foot bike lane westbound and two 12 foot lanes and an 8 foot bike lane eastbound with

landscape medians, street lights, turn pockets and other appurtenances, and all utilities prior to one of the following:

- The issuance of the 400<sup>th</sup> or any subsequent building permit if the extension of Sand Creek Road between the Deer Valley Road and Dozier-Libbey Road is completed (by others).
- The issuance of the 450<sup>th</sup> building permit.

35. As shown on the tentative map, Dozier-Libbey Road shall be constructed from the Sand Creek Road to the temporary access road to Deer Valley Road with landscape median, street lights, turn pockets and other appurtenances, and all utilities prior to one of the following:

- The issuance of the 400<sup>th</sup> or any subsequent building permit if the extension of Sand Creek Road between the Deer Valley Road and Dozier-Libbey Road is completed (by others).
- The issuance of the 450<sup>th</sup> building permit.

36. The applicant shall construct full traffic signals with interconnect at the following:

- Sand Creek Road and Dozier-Libbey Road.
- Sand Creek Road and 'B' Street.
- Sand Creek Road and Hillcrest Avenue.
- Hillcrest Avenue and 'A' Street.

Traffic signal improvements shall be completed at each location concurrently with roadway construction that creates an intersection with 3 or more legs.

Should development occur simultaneous with the Vineyards at Sand Creek development, traffic signals on Hillcrest Avenue shall be installed with each developer paying their fair share of the improvements as approved by the City Engineer. Should the traffic signals on Hillcrest Avenue be constructed by the Vineyards at Sand Creek development, the applicant shall pay ½ of the cost of the design and construction to the City for reimbursement to the Vineyards at Sand Creek development prior to the issuance of the building permit that would have triggered the traffic signal construction.

37. Trails shall be constructed as shown on the Revised Tentative Map and as approved by the City Engineer. All trails adjacent to basins shall be constructed and landscaped in conjunction with the construction of the adjacent basin.

38. Parcel N trail and landscaping shall be constructed prior to the issuance of 9<sup>th</sup> building permit on lots 284 thru 292 and lots 250 thru 259 and prior to

the issuance of the certificate of occupancy for any home on lots 284 through 292 or lots 250 through 259.

39. As shown on the tentative map, the applicant shall construct the multi-use Sand Creek Regional Trail prior to issuance of the 400<sup>th</sup> building permit. If allowed by the resource agencies, the Regional Trail shall be unfenced (on the Sand Creek side) and the surface shall be as required by the City Engineer. A portion of the maintenance roads/trails around Basin 3 and Basin East as shown on the tentative map may be incorporated into the Sand Creek Regional Trail if, in the opinion of the City Engineer, they meet the intent of the Regional Trail and the requirements of this condition. The trail shall extend along the Creek from the east boundary of the project to the west boundary of the project. The applicant shall discuss with the Vineyard at Sand Creek development and the Contra Costa County Flood Control District for the location and elevation of connection points. The final location of the Trail will be approved by the City Engineer. The last segment of the Trail (westerly segment) will be constructed at the 400<sup>th</sup> building permit if the Flood Control District connection is determined or at the 500<sup>th</sup> building permit if no connection is determined.
40. The sidewalk elevation on the south side of Sand Creek Road adjacent to the Sand Creek Flood Control Basin is to be constructed with a minimum elevation of 195.0 or as directed by the City Engineer.
41. A 60 foot wide, approximately 2.5 acre, irrevocable offer of dedication be offered to the City south of the intersection of Sand Creek Road and 'B' Street, south through Parcels Q and R to the Albers property boundary. The City does not intend to accept the offer of dedication until such time as the access road is constructed by Albers.

#### **E. UTILITIES**

1. Public utilities shall be constructed to their ultimate size and configuration with the road construction in which they are to be located.
2. All existing and proposed utilities shall be undergrounded (e.g. transformers and PMH boxes) and subsurface in accordance with the Antioch Municipal Code, except the existing PG&E towers or as approved by the City Engineer.
3. Underground utilities shall be designed to flow approximately parallel to the centerline of the street, or as approved by the City Engineer.
4. All sewage shall flow by gravity to the intersecting street sewer main.

5. All public utilities shall be installed in streets avoiding between lot locations unless approved by the City Engineer. Provide minimum 15' wide HOA maintained parcel with a trail and landscaping to accommodate the storm drain line shown between lots 243 and 244. Trail and landscaping shall be constructed prior to the issuance of building permits on lots 243 or 244.
6. Prior to the recordation of the first final map, the applicant shall submit hydrology and hydraulic analyses with a storm water control plan to the City for review and approval and to Contra Costa County Flood Control for review at no cost to the City as directed by the City Engineer.
7. The applicant shall provide adequate water pressure and volume to serve this development. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi or as approved by the City Engineer. See Fire Requirements 3.c. for additional water flow conditions.
8. The houses shall contain rain gutters and downspouts that direct water away from the foundation as approved by the City Engineer.
9. Recycled water mains shall be constructed in arterial roadways and internal streets with significant right of way, park, or other landscaping as approved by the City Engineer. This development is subject to State Laws which may require recycled water to all landscaped area.
10. Prior to recordation of the first final map, the applicant shall complete the sewer study for the Sand Creek Focus Area to the approval of the City Engineer. The applicant shall extend the existing sanitary sewer main trunk line from the stub in Heidorn Ranch Road at no cost to the City. Construction of some or all of the background infrastructure (including the sanitary sewer main) may be reimbursed through the formation of a land based financing mechanism or other benefit district as reflected in the final sewer study and as approved by the City Engineer.
11. Prior to issuance of any building permit for a lot with the existing temporary water or sewer line serving Dozier-Libbey Medical High School, an alternate water and sewer line shall be constructed and the existing temporary water and sewer lines shall be removed. A temporary water connection to the lines in 'U' Street is acceptable or other method as approved by the City Engineer. A temporary sewer connection may be constructed, as approved by the City Engineer, should there be a mechanism in place, acceptable to the City Engineer, requiring the applicant to cover all or a portion of the expenses incurred by AUSD for maintenance of the temporary sewer facilities. The Dozier-Libbey Medical High School shall be connected to the water and sewer lines in Sand



Creek Road when such lines are constructed and all temporary piping and appurtenances, if any, shall be removed.

**F. LANDSCAPING**

1. Except Chaparral Park (Parcel L) all slopes, medians, and open space areas north of the northerly curb line of Sand Creek Road and west of the westerly curb line of Hillcrest Avenue shall be landscaped and managed by the applicant or HOA as required by the City Engineer and shall be maintained at no cost to the City.
2. Parcel P (park) shall be designed and landscaped by the applicant and either:
  - Dedicated to and maintained by the HOA.
  - Dedicated to the City and maintained by the LLD.
3. Parcel Q shall be landscaped by the applicant and maintained by the LLD.
4. Parcel R shall be owned and maintained by the applicant or HOA.
5. Parcel L (park) shall be designed and landscaped by the applicant, owned by the City, and maintained by the LLD.
6. A minimum of one 15 gallon tree shall be located within 10' of the sidewalk in the front yard of each lot and the side yard of corner lots prior to the issuance of the certificate of occupancy. The type and location of the tree shall be as approved by the City Engineer.
7. Based on drought conditions, the City Engineer has the authority to delay some or all of the landscape Conditions of Approval.

**G. FIRE REQUIREMENTS**

1. All weather access roads and a water supply shall be provided prior to commencing any combustible construction, as required by the Fire Chief.
2. Street widths shall be subject to approval by the Contra Costa County Fire Protection District and the City Engineer.
3. The applicant shall comply with the following conditions provided by the Contra Costa County Fire Protection District:
  - a. Access roadways of less than 28-feet unobstructed width shall have NO PARKING – FIRE LANE signs posted or curbs painted red with the words NO PARKING – FIRE LANE clearly marked, per 22500.1 CVC.

- b. The cul-de-sacs or turnarounds shall have an outside turning radius of a minimum of a 45' or as approved by the City Engineer. Should the sidewalk be included in the turning radius, it shall be clear of street lights, fire hydrants and other obstructions.
- c. The applicant shall provide an adequate reliable water supply for fire protection with a minimum fire flow of 1750 GPM. Required flow shall be delivered from not more than one hydrant flowing simultaneously for the duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (508.1), (B105) CFC
- d. The applicant shall provide hydrants of the East Bay type, which shall be maintained by the City. Approximate hydrant locations will be determined by the Fire District and approved by the City Engineer.
- e. Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC. Gravel roads are not considered all-weather roadways for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum sub base materials and capable of supporting the designated gross vehicle weight specified above.
- f. Premises identification shall be provided. Such numbers shall contrast with their background and be a minimum of four inches high with ½-inch stroke or larger as required to be readily visible from the street. (505.1) CFC, (501.2) CBC
- g. Plan review and inspection fees shall be submitted at the time of plan review submittal. Checks may be made payable to Contra Costa County Fire Protection District (CCCFPD).
- h. Submit plans to: Contra Costa County Fire Protection District, 2010 Geary Road, Pleasant Hill, CA 94523.

#### **H. FEES**

1. The applicant shall pay all City fees which have been established by the City Council and as required by the Antioch Municipal Code. Fees include but are not limited to:
  - Any acreage and utility connection fees which have been established by the City Council prior to the filing of the final map and as required by the Antioch Municipal Code.
  - Park in lieu fees.

2. The applicant shall pay all pass through fees. Fees include but are not limited to:
  - East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Fee in effect at the time of building permit issuance.
  - Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance. (See G.3.g.)
  - Contra Costa County Map Maintenance Fee in affect at the time of recordation of the final map(s). (currently \$50 per lot or parcel).
  - Contra Costa County Flood Control District.
  - School Impact Fees.
  - Delta Diablo Sewer Fees.
  - Contra Costa Water Fees.

**I. MODEL HOMES**

1. Prior to the placement of any sales trailers, plans shall be submitted to the Engineering Department for review and approval. Any trailer shall be placed out of the public right-of-way and shall have its own parking lot.
2. The model home complex parking lot location and design shall be subject to City Engineer approval.
3. The model home landscaping shall be drought tolerant, with total area of spray irrigation for the complex not to exceed 50 percent of the landscaping area.

**J. GRADING**

1. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
2. Prior to any grading on the site, the applicant shall provide written confirmation from PG&E that the construction of basins in the easement is acceptable.
3. All lots and slopes shall drain to approved drainage facilities as approved by the City Engineer.
4. All grading shall be accomplished in a manner that precludes surface water drainage across any property line.

5. All lots shall be graded to drain positively from the rear to the street or as approved by the City Engineer.
6. The swales adjacent to the house structure shall have a minimum of a one (1) percent slope or as directed by the City Engineer.
7. All off-site grading is subject to the coordination and approval of the affected property owners and the City Engineer. The applicant shall submit written authorization to “access, enter, or grade” adjacent properties prior to performing any work.
8. Any sale of a portion (or portions) of this project to multiple developers shall include the necessary agreement and/or grading easements to assure that project-wide grading conforms to the approved map and conditions of this resolution.
9. The grading plan for this development shall be approved by the City Engineer.
10. All elevations shown on the improvement plans shall be on the USGS 1929 sea level datum or as approved by the City Engineer.
11. Retaining walls shall not be constructed in City right-of-way or other City maintained parcels unless approved by the City Engineer.
12. All retaining walls shall be of masonry construction.
13. All retaining walls shall be reduced in height to the maximum extent practicable and the walls shall meet the height requirements in the front yard setback and sight distance triangles as required by the City Engineer.
14. The back to back or side to side grading transitions from lot to lot shall have a maximum slope of 2:1, and shall be accommodated entirely on the lower lot or as approved by the City Engineer.
15. The minimum concrete gutter flow slope shall be 0.75%.
16. All property lines shall be located at the top of slope.

**K. CONSERVATION/NPDES**

1. Water conservation measures, including low volume toilets, flow restrictors in showers and the use of drought tolerant landscaping, shall be used.
2. The Project shall meet or exceed Tier 1 of the CALGreen Building Code.

3. The project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). (Note: Per State Regulations, NPDES Requirements are those in affect at the time of the Final Discretionary Approval.) Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the project include storm water treatment and source control measures, as well run-off flow controls, so that post-project runoff does not exceed estimated pre-project runoff. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved. The SWCP shall be submitted simultaneously with the project plans. For the treatment and flow-controls identified in the approved SWCP, a separate Operation and Maintenance Plan (O&M) shall be submitted and approved before the Building Department will issue Certificate of Occupancy permits. Both the approved SWCP and O&M plans shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs. Already stated in COAs below, 5.c and 5.h.w.
4. The applicant shall comply with the Storm Water Treatment Plan dated \_\_\_\_\_.
5. The following requirements of the federally mandated NPDES program (National Pollutant Discharge Elimination System) shall be complied with as appropriate, or as required by the City Engineer:
  - a. Prior to issuance of permits for building, site improvements, or landscaping, the applicant shall submit a permit application consistent with the applicant's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.
  - b. The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape

Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).

- c. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for review and approval by the City, a final Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&M plan shall incorporate City comments on the draft O&M plan and any revisions resulting from changes made during construction. The O&M plan shall be incorporated into the CC&Rs for the Project.
- d. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute and record any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
- e. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
- f. Collect and convey all storm water entering, and/or originating from, the site to an adequate downstream drainage facility without diversion of the watershed. Submit hydrologic and hydraulic calculations with the Improvement Plans to Engineering Services for review and approval.
- g. Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge Identification Number (WDID#) issued from the Regional Water Quality Control Board.
- h. Submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for review to the Engineering Department prior to issuance of a building and/or grading permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.
- i. Install appropriate clean water devices at all private storm drain locations immediately prior to entering the public storm drain system. Implement Best Management Practices (BMP's) at all times.

- j. Install on all catch basins “No Dumping, Drains to River” decal buttons.
  - k. If sidewalks are pressure washed, debris shall be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the sanitary sewer District.
  - l. Include erosion control/storm water quality measures in the final grading plan that specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydro seeding, gravel bags and siltation fences and are subject to review and approval of the City Engineer. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to review and approval of the City Engineer. The applicant shall be responsible for ensuring that all contractors and subcontractors are aware of and implement such measures.
  - m. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually.
  - n. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered.
  - o. Clean all on-site storm drain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by City Inspectors and/or City Engineer.
6. Per State Regulations, all impervious surfaces including off-site roadways to be constructed as part of the project, are subject to C.3 requirements.

**L. FINAL EIR AND MITIGATION MONITORING AND REPORTING PROGRAM**

- 1. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program for the Aviano Adult Community Project EIR, as modified by the proposed project Addendum.

\* \* \* \* \*

RESOLUTION NO. 2015/\_\_\_

August 5, 2015

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**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 5<sup>th</sup> day of August, 2015 by following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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FORREST EBBS

Secretary to the Planning Commission

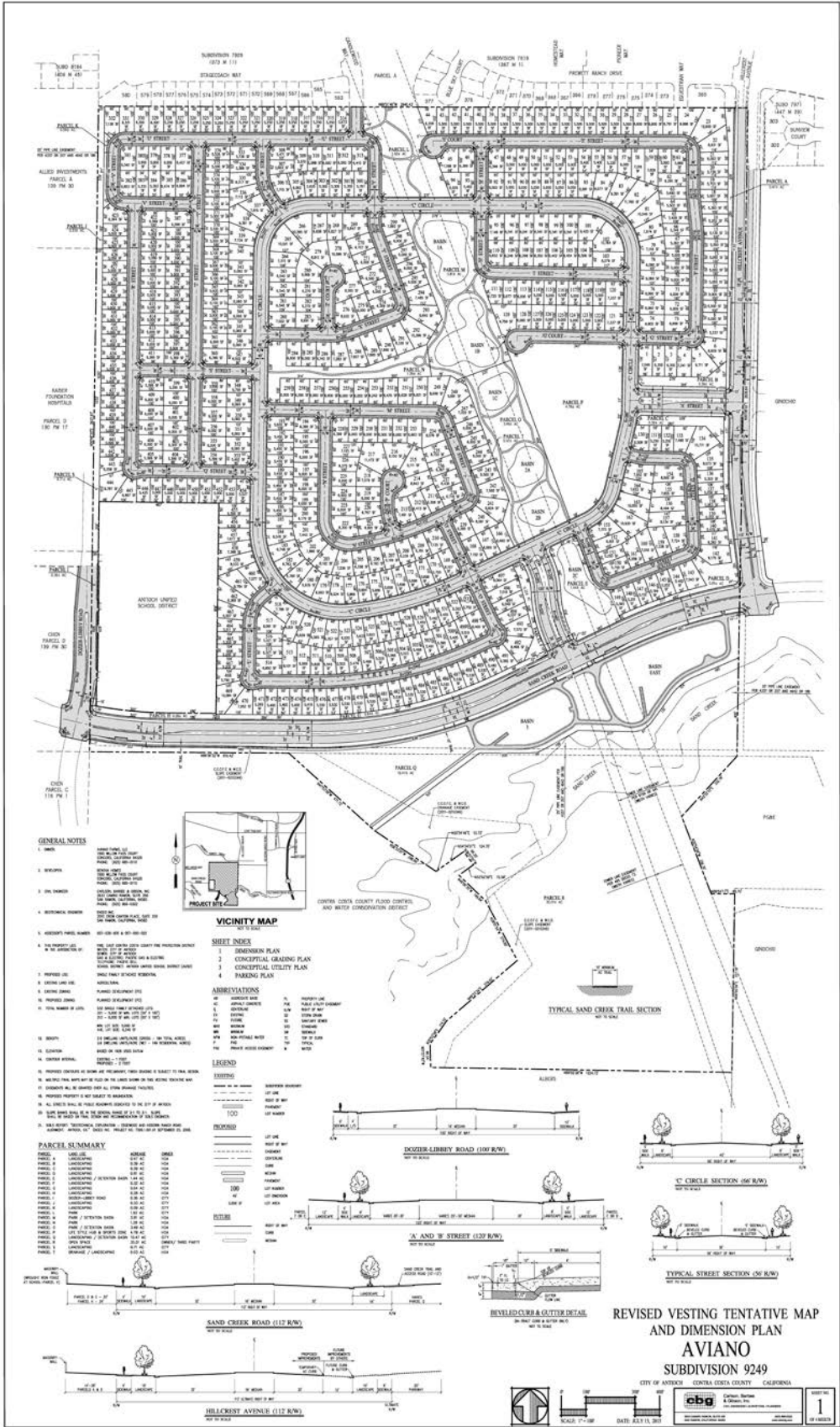


# ATTACHMENT “A”

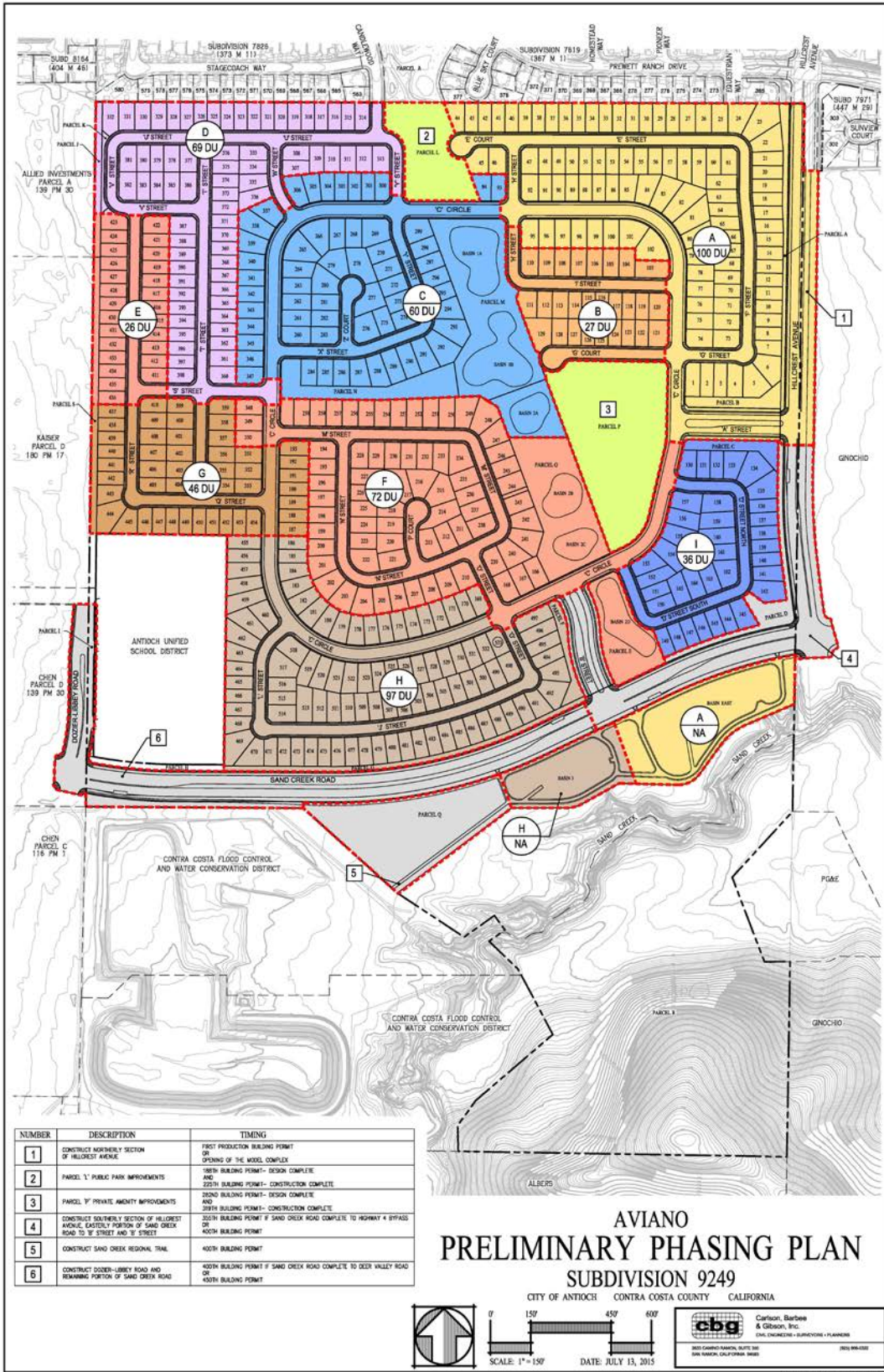
# ATTACHMENT A VICINITY MAP



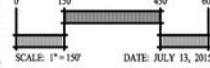
# ATTACHMENT “B”



# ATTACHMENT “C”



AVIANO  
**PRELIMINARY PHASING PLAN**  
 SUBDIVISION 9249  
 CITY OF ANTIOCH CONTRA COSTA COUNTY CALIFORNIA



**cbg** Carlson, Barber & Gibson, Inc.  
 CIVIL ENGINEERS • SURVEYORS • PLANNERS  
 8800 CAMPBELL AVENUE, SUITE 300  
 SAN FRANCISCO, CALIFORNIA 94133 (415) 968-6333

**ATTACHMENT “D”**

**ATTACHMENT D  
PROPOSED STREET NAMES**

Pinzano

Vivaro

Costa

Buttrio

Villota

Caneva

Marsure

Carlino

San Martino

Majano

Campagna

Medea

Caneva

Raveo

Nuovo

Rigolato

Clauzetto

Nimis

Frisanco

Ovaro

Maniago

Sistiana

Meduno

Dogna

Porcia

Paularo

Trimonti

Porpetto

Sopra

Tarvisio

Sotto

Tarcento

Travesio

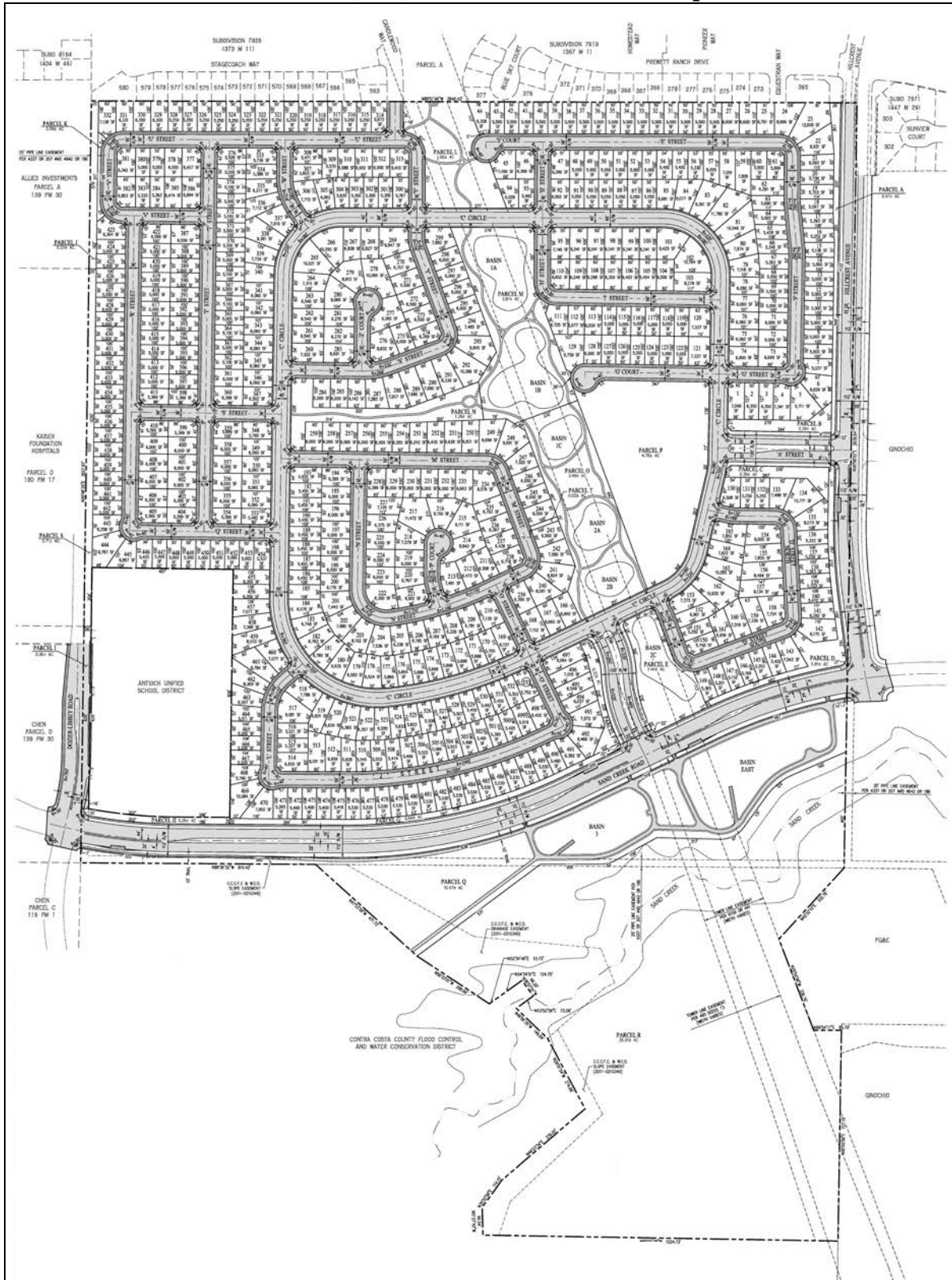


# ATTACHMENT “E”

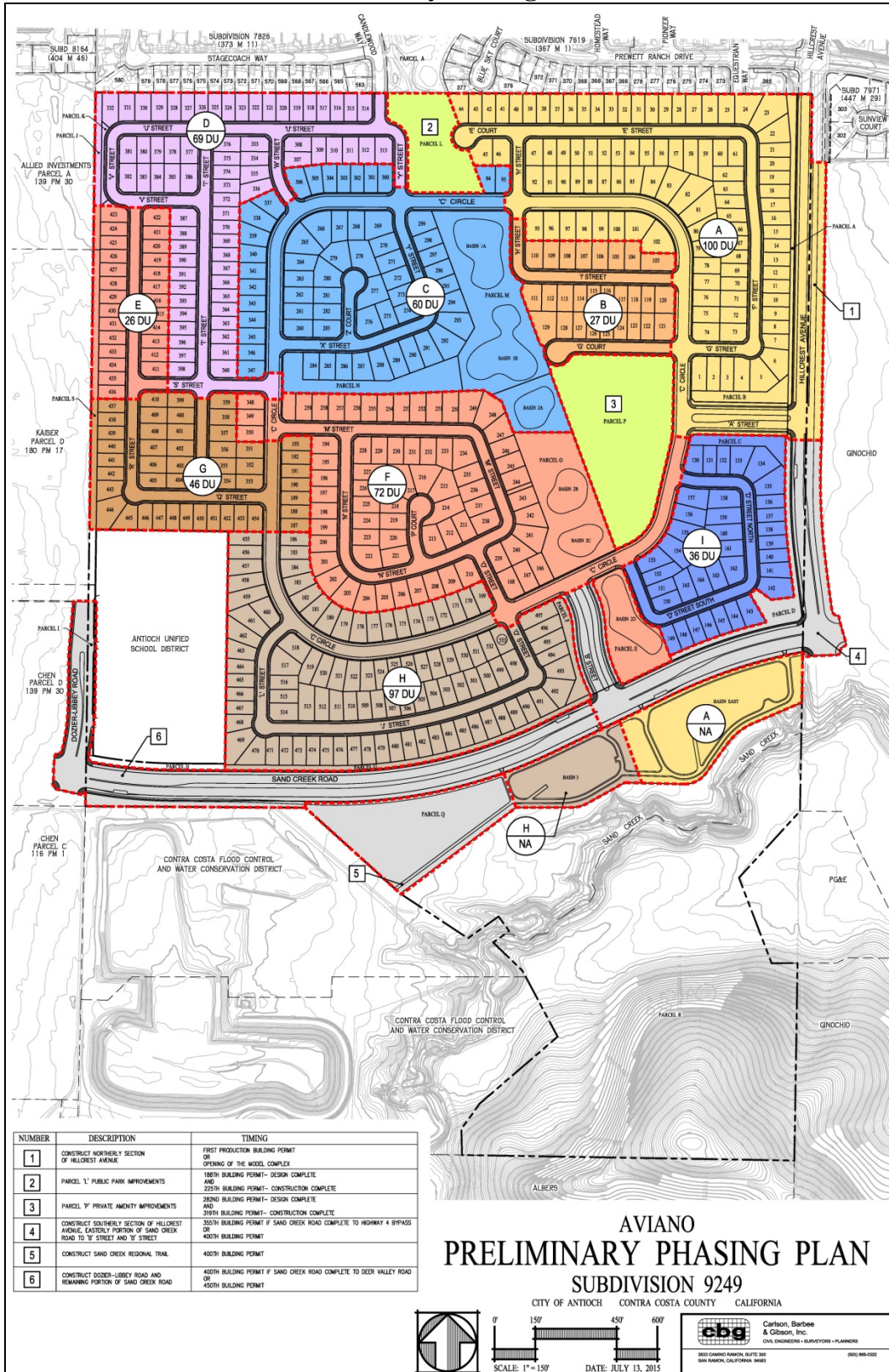
**ADDENDUM TO THE AVIANO ADULT COMMUNITY PROJECT  
ENVIRONMENTAL IMPACT REPORT**

<b>PROJECT NAME:</b>	<b>Aviano Farms</b>	<b>FILE NUMBER:</b> PD-14-01
<b>SITE ADDRESS:</b>	Hillcrest Avenue and Prewett Ranch Drive Antioch, CA	<b>APN:</b> 057-030-050 and 057-050-014
<b>APPLICANT:</b>	Aviano Farms, LLC 1500 Willow Pass Court Concord, CA 94520	<b>PHONE:</b> (925) 685-0110
<b>PROPERTY OWNER:</b>	Aviano Farms, LLC	<b>Prev. Cert. EIRs:</b> <b>SCH #:</b> 2006072027
<b>BACKGROUND:</b>		
<p>An EIR was previously completed for the Aviano Farms Project in 2008. The current project site was previously entitled by the City of Antioch in 2009 for the development of a 533-unit active adult community, called the Aviano Adult Community Project. An EIR was prepared in 2008 and certified as part of the project approvals. The current project applicant, Aviano Farms LLC, is proposing a similar development for 533 single-family market rate homes, removing the “age restriction” component of the previous project.</p>		
<b>PROJECT DESCRIPTION:</b>		
<p>The current project is a residential development on approximately 184 acres. The project is comprised of 533 single family units (including local streets) on 107 acres; 16.9 acres of park, including basins; 15 acres of private park (11.4 exclusive of basins); 12 acres of master roads (including Hillcrest Avenue, Sand Creek Road, Dozier-Libby Road and master entry roads); 3 acres of master road frontage landscaping; 10 acres of landscape/basins/Sand Creek regional trail south of Sand Creek Road; and 35 acres of open space south of Sand Creek Road. The current project would also construct roadway and utility improvements that would serve the Antioch Unified School District (AUSD) Dozier/Libbey Medical High School (Medical High School) adjacent to the southwest corner of the site (Hillcrest Avenue, Sand Creek Road and Dozier-Libby Road). See Figure 1 for the tentative subdivision map.</p> <p>The current project would construct off-site improvements, including a portion of the Royal Formosa/Chen property located west of the project site (construction for the entrance to AUSD site) and portions of the Ginocchio property located east of the project site (construction for the main sewer trunk line and a portion of Hillcrest Avenue). The adjacent properties are primarily flat and consist of grazing and agricultural lands.</p> <p>The proposed project would be built in phases. A preliminary phasing plan is shown in Figure 2.</p>		
<b>Project Entitlements:</b>		
<p>Requested project entitlements include the following:</p> <ul style="list-style-type: none"> <li>• Amendment to the General Plan for purposes of amending the Sand Creek Focus Area text to allow small-lot single family residential uses on-site;</li> <li>• Rezone to modify the current Planned Development zone standard;</li> <li>• Vesting Tentative Map (VTM), Final Development Plan (FDP), and Use Permit (UP);</li> <li>• Approval of a new Development Agreement, including, among other items, provisions for financing police services.</li> </ul>		

**Figure 1**  
**Current (2015) Tentative Subdivision Map**



**Figure 2  
Preliminary Phasing Plan**



**ENVIRONMENTAL SETTING:**

The 184-acre project site is comprised of two parcels, collectively known as the “Williamson” property. The site is generally rectangular; however the western, southwestern, and southern borders curve inward and are irregularly shaped. The site’s northern terrain is generally flat and the existing topography falls from west to east at approximately one percent slope with elevations ranging from 171 to 200 feet above mean sea level. The unchannelized Sand Creek, a tributary of Marsh Creek, flows in a northeastern direction across the southern portion of the site. A north-south drainage channel flows along the eastern boundary of the project site, emptying into Sand Creek. A north facing hill slope is located in the southernmost portion of the site, south of Sand Creek. The hill slopes upwards to an elevation of about 328 feet above mean sea level at the southern property boundary. The project site is primarily covered with non-native vegetation and is currently used for cattle grazing.

The project site is located in a mostly undeveloped area but is entitled for 533 active adult units. The site is surrounded by a mixture of uses including existing single-family residential uses and a community park to the north; the AUSD Dozier/Libbey Medical High School, Kaiser Hospital medical facilities, and undeveloped land planned for future residential, mixed use, and commercial development to the west; undeveloped land planned for future business park uses to the east but currently under review for a residential tentative map project entitled Vineyards at Sand Creek; and undeveloped grazing land and the Contra Costa County Flood Control and Water Conservation District (CCCFCDD) detention basin to the south (planned for a future Sports Complex).

**DETERMINATION:** CEQA allows the preparation of an addendum to a previously certified EIR if some changes or additions are made to the previous EIR and no conditions are present that would require the preparation of a subsequent EIR (*PRC Section 21166, CEQA Guidelines Sections 15162, 15164*). As explained throughout this Addendum, and summarized below, no such conditions are present.

**ADDITIONAL / NO ADDITIONAL IMPACT FINDING:**

A. Statement of Findings

1. Substantial changes are not proposed to the project that would require major revisions to the 2008 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified effect.
2. Substantial changes have not occurred with respect to the circumstances under which the project is undertaken requiring major revisions to the 2008 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified effect.
3. There is no new information of substantial importance which was not known and could not have been known at the time the 2008 EIR was certified showing any of the following:
  - a. The project will have a new significant effect not previously discussed in the 2008 EIR.
  - b. The project will not cause any significant effect examined in the 2008 EIR to be substantially more severe.
  - c. The mitigation measures in the 2008 EIR and adopted in the CEQA Findings for the 2008 Aviano Adult Community Project remain feasible but some have been modified to reflect the proposed project. All mitigation measures identified in this Addendum and required for the proposed project as identified in the 2008 EIR that are necessary to reduce the potentially significant impacts to a level of insignificance will be made a requirement of the project and are acceptable by the project proponent.

B. Evidence Supporting Findings

The proposed project is generally the same as the 2008 Aviano Adult Community Project, except the age restriction component is proposed to be removed. The proposed project includes the same number of units and general layout as the 2008 Aviano Adult Community Project.

An updated Noise Analysis was prepared as part of this Addendum to evaluate the changes in the ambient noise levels in the vicinity of the project area since 2008 and the traffic noise level effects resulting from a non-age restricted project. As explained in Section D, Noise, of the Addendum, the proposed project will not cause any new significant noise impacts or increase the severity of the noise impacts already evaluated in the 2008 EIR. Conversely, as noted on page 30 of the Addendum, the new noise measurements have determined that sound walls along Hillcrest Avenue and Sand Creek Road of 6 feet as opposed to 8 feet that was required of the 2008 Aviano Adult Community Project are adequate to allow the noise levels to remain at acceptable levels.

A traffic report was prepared to evaluate what changes might occur in traffic generated by a non-age restricted project, and to take into consideration the changes in land use projections in the area and the traffic improvements that have occurred since 2008 or will occur before the project is built out. As explained in Section B, Traffic, the proposed project, along with the updated land use forecasts (including the reduction in units once planned on Roddy Ranch) and the new traffic improvements (additional widening of Highway 4), will continue to have a less-than-significant impact on traffic with the same measures in the 2008 EIR.

Section C, Air Quality, and Section M, Global Climate Change, utilized the BAAQMD CEQA thresholds for significance which include thresholds for greenhouse gas emissions (GHG) which were not available for the 2008 Aviano Adult Community Project. An updated GHG analysis was also prepared in July 2014. That analysis confirmed, that even with these stricter thresholds, the proposed project will result in a less than significant impact on air quality and less than significant impact relating to the incremental contribution the project may have on global climate change.

All potential impacts that were known or could have been known were adequately analyzed in the 2008 EIR (i.e., land use, traffic/circulation, air quality, noise, cultural resources, geology, soil and seismicity, hydrology and storm drainage, public health and safety, biological resources, public services, utilities and infrastructure, visual resources, agricultural and mineral resources, and global climate change). It is important to note that potential impacts related to greenhouse gases is not “new information” as defined by CEQA. As explained in a series of cases, and mostly recent in *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal. App. 4<sup>th</sup> 1301 greenhouse gases were known as potential environmental issues before 1994 and thus do not qualify as “new information.” However to provide full disclosure and a conservative analysis, a greenhouse gas analysis was prepared and concluded that potential project impacts relating to global climate change are less than significant. (Also see, *Citizens of Responsible Equitable Development v. City of San Diego* (2011) 196 Cal.App.4<sup>th</sup> 515).

As summarized above and explained throughout this Addendum, this Addendum is appropriate for the proposed project since 1) substantial changes are not proposed in the project which will require major revisions to the 2008 EIR, 2) there are no substantial changes with respect to the circumstances under which the project is being undertaken that would require major revisions to the 2008 EIR, and 3) there is no new information which was not known or could not have been known at the time the 2008 EIR was certified.

**Prepared by:**

Date: July 2015

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Cindy Gnos, AICP  
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Vice President

**Prepared for:**

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Antioch, CA 94531

Contact:  
Alexis Morris  
Acting Senior Planner

*All referenced documentation is available for Public Review at:*

The City of Antioch  
Planning Division  
200 'H' Street  
Antioch, CA 94531

## ENVIRONMENTAL IMPACT COMPARISON

The purpose of the comparison is to evaluate the categories in terms of any “changes” or “new information” that may result in a changed environmental impact evaluation. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no relevant change in the condition or status of the impact due to its insignificance or its treatment in a previous environmental document.

Overriding considerations were adopted with the certification of the 2008 Aviano Adult Community Project EIR that accepted the possibility of certain impacts regardless of whether mitigations could reduce them to a less-than-significant level. Thus, certain environmental categories might be answered with a “no” in the checklist because the current project does not introduce changes that would result in a modification to the conclusion of the 2008 EIR Findings Document.

### Explanation of Impact Evaluation Categories

2008 EIR Conclusion: This column provides the conclusion reached by the 2008 EIR as well as a reference to the page(s) of the 2008 EIR where information and analysis may be found relative to the environmental issue listed under each topic (found in parenthesis).

Do Proposed Changes Involve New or More Severe Impacts?: Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this column indicates whether the changes represented by the current project will result in new impacts that have not already been considered and mitigated by other EIRs or that substantially increase the severity of a previously identified impact. If a “yes” answer is given and more severe impacts are specified, additional mitigations will be specified in the discussion section including a statement of impact status after mitigation.

Any New Circumstances Involving New or More Severe Impacts?: Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether there have been changes to the project site or the vicinity (environmental setting) that have occurred subsequent to the certification of an EIR, which would result in the current project having significant impacts that were not considered or mitigated by that EIR or which substantially increase the severity of a previously identified impact.

Any New Information Requiring New Analysis or Verification?: Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this column indicates whether new information is available requiring an update to the analysis of a previous EIR to verify that the environmental conclusions and mitigations remain valid. This also applies to any new regulations that might change the nature of analysis or the specifications of a mitigation measure. If additional analysis is conducted as part of this environmental impact comparison and the environmental conclusion remains the same, no new or additional mitigation is necessary. If the analysis indicates that a mitigation requires supplemental specifications, no additional environmental documentation is needed if it is found that the modified mitigation achieves a reduction in impact to the same level as originally intended.

Discussion: A discussion of the elements of the impact is provided for each impact statement in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.



## Mitigation Sections

2008 EIR Mitigation Measures: Applicable mitigation measures from the 2008 EIR that apply to the changes or new information are referenced under each environmental category. The 2008 mitigation measures include a statement of impact status after mitigation (found in parenthesis).

Special Mitigation Measures: If changes or new information involve new or more severe impacts, special mitigations will be listed which will be included as project conditions to address those impacts.

## Environmental Impact Comparison

The following environmental factors were considered in determining if potential impacts from the current project would be *potentially greater* when compared to the 2008 Aviano Adult Community Project. It has been determined that the current project would not result in any greater impacts when compared to the 2008 Aviano Adult Community Project.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics                   | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources         | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology, Soils, and Seismicity     |
| <input type="checkbox"/> Climate Change               | <input type="checkbox"/> Hazards and Hazardous Materials  | <input type="checkbox"/> Hydrology and Storm Drainage       |
| <input type="checkbox"/> Land Use and Planning        | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population and Housing       | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation & Circulation | <input type="checkbox"/> Utilities and Service Systems    | <input type="checkbox"/> Mandatory Findings of Significance |

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<b>A. Land Use and Planning Policy</b>					
(1) Divide an established community.	LS (p. 80)	No	No	N/A	The physical division of an established community typically refers to the construction of a physical feature (such as interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying areas. Similar to the 2008 Aviano Adult Community Project, the current project would result in the development of residential uses on the undeveloped, vacant project site. The residential uses would not divide an established community in the vicinity of the project site. The current project would extend Hillcrest Avenue south to connect with a segment of Sand Creek Road, also to be developed as part of the current project. Sand Creek Road would eventually provide connections to Heidorn Ranch Road to the east, and Deer Valley Road to the west. In addition to providing access to the project site, project roadways would provide access to the planned Sports Complex and Antioch Unified School District (AUSD) Dozier/Libbey Medical High School, which currently is accessible by a paved road extending east from Deer Valley Road. The roadways would also contribute to access from the east to the Kaiser Medical Facility. Therefore, the current project would not divide an established community and would have a <i>less-than-significant</i> impact, similar to the 2008 Aviano Adult Community Project.
(2) Compatibility with surrounding land uses.	LS (p. 81)	No	No	N/A	Similar to the 2008 Aviano Adult Community Project, the current project would introduce residential uses onto the currently undeveloped project site. The southern portion of the site, south of the proposed segment of Sand Creek Road, would be used for detention basins, passive recreational use as part of the Sand Creek Regional Trail, and as a creek buffer and wildlife habitat area, all of which provide a transition from the more intensive uses to the north to the undeveloped open space areas south of Sand Creek. Similar to the 2008 Aviano Adult Community Project, residential uses developed as part of the current project would be compatible with the existing residential



**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
(3) Conflict with applicable land use plans.	LS (P. 82)	No	No	Yes  (analysis shows that original environmental conclusion of LS remains the same)	<p>neighborhoods located north of the project site, and planned single-family residential uses to the northwest and adjacent east (Vineyards at Sand Creek Project). Residential uses at the eastern portion of the site would be separated from existing agricultural lands (planned for future business park uses) by the proposed extension of Hillcrest Avenue, sidewalks on both sides of the roadway, and the associated median and roadway landscaping (an approximate total of 80 feet). The proposed roadways would generally be consistent with the development pattern envisioned by the General Plan and would not result in conflicts with existing land uses. Therefore, the current project would generally be compatible with existing and planned land uses within the vicinity and would have a <i>less-than-significant</i> impact on land use compatibility, similar to the 2008 Aviano Adult Community Project.</p> <p><i>Antioch General Plan</i>. Similar to the 2008 Aviano Adult Community Project, the current project would be generally consistent with General Plan land use-related goals, objectives, and policies that envision development on the site. It should be noted that the General Plan contains many policies, which may in some cases address different goals, and thus some policies may compete with each other. Housing within the Sand Creek Focus Area may consist of Single-Family Detached, Small-Lot Single-Family Detached, or Multi-Family Attached housing. Development of the project site with single-family housing would be consistent with the General Plan vision for development in this area of the City.</p> <p>The project site is designated for Low Density Residential, Multiple Family Residential, and Public/Quasi-Public land uses by the General Plan under the Sand Creek Focus Area. The Low Density Residential designation for the 137-acre northern portion of the project site permits a maximum of four dwelling units per gross developable acre (du/ac) on lots ranging from 7,000 to 10,000 square feet (sf). While the density is within the range in the General Plan, an amendment to the text of the General Plan would be required in order to allow small-lot single family residential uses (lots less than 7,000 sq ft) on-site. A portion of the project site, south of Sand Creek Road, is designated</p>

**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
					<p>Multiple Family Residential and Public/Quasi-Public, the former of which allows 20 du/ac, and the southernmost approximately 36 acres of the site are designated Hillside Estate, Executive Residential or Open Space, which allows one to two du/ac. Under the current project, the entire area south of the Sand Creek Road extension would be used for Open Space uses consistent with the proposal for the 2008 Aviano Adult Community Project. More specifically, the area immediately north of Sand Creek itself would be used for water quality basins and the area south of the Creek would remain in its current, open conditions. In total, approximately 802 residential units could be built on the project site under the existing land use designations, at a development density of 4.2 du/acre. Development of approximately 93 acres of the 189-acre project site with up to 533 single-family residential units, at an average density of approximately 2.8 du/acre, would be consistent with the development intensity envisioned for the project site.</p> <p>Policy 3.5.3.1 of the City's Growth Management Element of the General Plan includes performance standards for police staffing. According to the standard, the City strives to maintain a force level within a range of 1.2 to 1.5 officers, including community service officers assigned to community policing and prisoner custody details, per 1,000 population. However, the current Antioch Police Department (PD) staffing ratio is approximately 1.0, which is unacceptable. Although the staffing for the Antioch PD is unacceptable, staffing is not identified as a physical environmental impact. The need to build additional law enforcement facilities, which could cause further environmental impacts, is considered a physical environmental impact. The Antioch PD has a state of the art 67,000-square foot police facility located at 300 "L" Street, near the Marina. The police facility features an indoor firing range, weight training and exercise room, spacious locker rooms and a computer aided dispatch system and a new law enforcement facility is not needed to serve the needs of the proposed project's residents. Although the project would add population to the Antioch PD service area and the current staffing ratio is unacceptable, the proposed Development Agreement includes</p>

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>a special tax or other financing mechanism to fund additional officers needed to serve development.</p> <p>In addition, in November 2014, the City of Antioch residents passed Measure O, which became effective in December 2014. Measure O updates the existing business license tax ordinance and requires residential landlords to pay a per unit, per year tax for single-family dwelling units of \$250.00 and \$150.00 for multi-family rental units. The intent of Measure O is to provide General Fund revenue, which primarily funds the Antioch PD. Measure O is anticipated to increase funding for the Antioch PD for the purpose of expanding law enforcement facilities and hiring additional sworn officers. Due to the recently voter approved Measure O and the Development Agreement financing mechanism, the Antioch PD is anticipated to continue to serve the project site and provide law enforcement services to the new residents upon project buildout.</p> <p><i>Antioch Zoning Code.</i> The City of Antioch previously approved the 2008 Aviano Adult Community Project rezone from the Study district (S) to the Planned Development (PD) zoning district. The current project proposes to amend the PD district with respect to lot coverage and setbacks.</p> <p><i>Conclusion.</i> The recently approved Measure O and the proposed Development Agreement financing mechanism would ensure that the current project would have a <i>less-than-significant</i> impact related to compatibility with the performance standards for police services identified in the Antioch General Plan and the Antioch Zoning Code, similar to the 2008 Aviano Adult Community Project.</p>
<p><b>2008 EIR Mitigation Measures:</b> None required.</p> <p><b>Special Mitigation Measures:</b> None required.</p>					

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<b>B. Transportation and Circulation</b>					
(1) Near-Term Condition (2011) Plus Project intersection level of service impacts.	LS (p. 125)	No	No	Yes (see discussion above)	All study intersections function with acceptable standards in the Near-Term (2015) Plus Project condition, with the exception of the Sand Creek Road and Kaiser Way intersection. The aforementioned intersection operates at Level of Service (LOS) F in the AM peak hour in the Near-Term No Project condition. The Sand Creek Road and Kaiser Way intersection would operate below acceptable standards regardless of the current project. Although the intersection operates at LOS F without the project, the delay decreased with the addition of project trips and redistribution of school trips. Therefore, the current project would have a <i>less-than-significant</i> impact related to intersection LOS in the Near Term Plus Project condition, similar to the 2008 Aviano Adult Community Project.
(2) Cumulative (2025) Plus Project intersection level of service impacts.	LS (p. 125)	No	No	Yes (see discussion above)	All study intersections would function with acceptable standards in the Long-Term (2030) Plus Project condition. Therefore, the current project would have a <i>less-than-significant</i> impact related to intersection LOS in the Long-Term (2030) Plus Project condition, similar to the 2008 Aviano Adult Community Project.
(3) The Hillcrest Avenue/Lone Tree Way intersection would operate	LSM (p. 127)	No	No	Yes (see discussion above)	All study intersections would function with acceptable standards in the Long-Term (2030) and Long-Term (2030) Plus Project conditions. Therefore, the current project would have a <i>less-than-significant</i> impact related to LOS for the Hillcrest Avenue and Lone Tree Way intersection in the Long-Term (2030) and Long-Term (2030) Plus Project conditions.

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>below an acceptable level of service in 2025 independent of the current project. The addition of project traffic in the Cumulative (2025) Plus Project condition would exacerbate the unacceptable operation of this intersection.</p>					
<p>(4) The SB SR-4 Bypass/Lone Tree Way intersection would operate below an acceptable level of service in 2025 regardless of the current project. The addition of project traffic in the 20205</p>	<p>LSM (p. 128)</p>	<p>No</p>	<p>No</p>	<p>Yes (see discussion above)</p>	<p>All study intersections would function with acceptable standards in the Long-Term (2030) and Long-Term (2030) Plus Project conditions. Therefore, the current project would have a <i>less-than-significant</i> impact related to operation of the SB SR 4/Lone Tree Way intersection in the Long-Term (2030) and Long-Term (2030) Plus Project conditions.</p>

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>plus project condition would further exacerbate the poor operation of this intersection.</p>					
<p>(5) The Hillcrest Avenue/Lone Tree Way intersection would have a northbound left turn queue that would spill out of the turn pocket in the Near-Term regardless of the current project. The addition of the project traffic would increase the queue by less than three vehicles.</p>	<p>LSM (p. 129)</p>	<p>No</p>	<p>No</p>	<p>Yes (see discussion above)</p>	<p>In the Near-Term Plus Project condition, the Lone Tree Way and Hillcrest Avenue intersection would have a westbound left turn queue of 559 feet, which extends beyond the 260 foot turn pocket by 290 feet during the PM peak hour. Without the project, the 150 foot queue would be fully contained in the 260 foot turn pocket in the PM peak. The project would create the entire 290 feet of the total queue exceeding the turn pocket in the PM peak; this would create at least one car length of the total queue exceeding the turn pocket, and the queue spilling out of the turn pocket is greater than one car in the PM peak hour. The City has improvements planned at this intersection which include the restriping of one of the westbound through lanes to be a left turn lane. This restriping would result in two westbound left turn lanes at the intersection. The improvement is anticipated to be completed by 2017, as part of a City overlay and restriping project before the proposed project would have an impact on this intersection. The improvement would reduce the queue to be contained in the left turn lane and, therefore, the impact would be <i>less than significant</i>.</p>
<p>(6) The Hillcrest Avenue/Lone Tree Way intersection would have</p>	<p>LSM (p. 129)</p>	<p>No</p>	<p>No</p>	<p>Yes (see discussion above)</p>	<p>In the Long Term (2030) Plus Project condition, the Lone Tree Way and Hillcrest Avenue intersection would have a westbound left turn queue of 359 feet, which extends beyond the 260 foot turn pocket by 99 feet during the PM peak hour. Without the project, the 150 foot queue would be fully contained in the 260 foot turn pocket in the PM peak hour. The current project would</p>



**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>westbound left and northbound left turn queues that would spill out of the turn pockets in 2025 regardless of the current project. The addition of project traffic would increase the westbound left turn queue by less than two vehicles and the northbound left turn queue by less than three vehicles.</p>					<p>create the entire 99 feet of the total queue exceeding the turn pocket in the PM peak hour. As noted above, the City has planned improvements at the Lone Tree Way and Hillcrest Avenue intersection. The City will restripe one of the westbound through lanes to be a left turn lane. This improvement would result in two westbound left turn lanes at the intersection. The improvement is anticipated to be completed by 2017, before the proposed project would have an impact on this intersection. The improvement would reduce the queue to be contained in the left turn lane and, therefore, the impact would be <i>less than significant</i>.</p>
<p>(7) Alteration of the delay index for any of the routes of regional significance under any of the scenarios.</p>	<p>LS (p. 129)</p>	<p>No</p>	<p>No</p>	<p>Yes (see discussion above)</p>	<p>The delay index (DI) is defined as the ratio between the peak congested travel time and the uncongested travel time along a roadway segment. Based on the Contra Costa Transportation Authority (CCTA) established criteria, Lone Tree Way, Hillcrest Avenue (north of Lone Tree Way), and Deer Valley Road are considered routes of regional significance within the current project area and would be subject to delay index analysis. In the Long-Term (2030) condition, Sand Creek Road will be extended from State Route (SR) 4 to Deer Valley Road and will become a route of regional significance. CCTA criteria do not have a threshold for DI and, therefore, the DI is used for comparison purposes only. Based on the analysis, all routes of regional significance will operate at a delay index of 2.3 or better. Therefore, the current project would have a <i>less-than-significant</i> impact related to the delay</p>

**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
<b>(8) Construction traffic.</b>	LS (p. 130)	No	No	Yes (see discussion above)	index for the routes of regional significance, similar to the 2008 Aviano Adult Community Project. Similar to the 2008 Aviano Adult Community Project, the day-to-day construction operations for the construction of the current project would include traffic impacts related to construction employees, site grading, construction material importation, and more. However, because construction activities generate significantly less traffic than the project would and because construction-related trips would occur partly outside of the peak hours, construction would not create additional impacts beyond those already identified in the 2008 EIR. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.
<b>(9) Transit operations.</b>	LS (p. 130)	No	No	Yes (see discussion above)	The City of Antioch General Plan has several policies established to help maximize the amount of transit usage that occurs within the City. The relevant policies include: <ul style="list-style-type: none"> <li>• Preserve options for future transit use when designing roadway and highway improvements.</li> <li>• Include Tri-Delta Transit in the review of new development projects and require new developments to provide transit improvements in proportion to traffic demands created by the project. Transit improvements may include direct and paved access to transit stops, provision of bus turnout areas and bus shelters, and roadway geometric designs to accommodate bus traffic.</li> </ul> <p>Similar to the 2008 Aviano Adult Community Project, Routes 384 and 388 on the Tri Delta Transit System would be the closest routes available to persons traveling to and from the project neighborhood. The closest bus stop to the project is located at Kaiser Hospital. According to the 2000 U.S. Census, only 4.3 percent of Antioch residents use transit to travel to work. The percentage typically represents the highest level of transit ridership during the day. If five percent of the current project residents were assumed to use transit during the peak hours of the day, approximately eight passengers in the weekday AM</p>

**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
<b>(10) Bicycle and pedestrian operations.</b>	LS (p. 131)	No	No	Yes (see discussion above)	<p>peak and nine in the weekday PM peak would make use of these buses, similar to the 2008 Aviano Adult Community Project. Data was not readily available for peak hour ridership levels on the Tri Delta Transit System, but during the morning and evening periods, the two routes operate every 30 to 60 minutes and observations indicate that sufficient capacity exists on the buses to accommodate the potential additional transit demand. Furthermore, dispersion of project-generated riders to the various bus routes would result in a minimal effect on transit capacity.</p> <p>Although transit stops or service adjacent to the project site does not currently exist, the service is anticipated to be extended in the future. Similar to the 2008 Aviano Adult Community Project, the current project would be required to provide bus turn outs on Hillcrest Avenue at the Project East Access intersection and on Sand Creek Road at the South Project Access intersection. The aforementioned improvements are included on the Tentative Map. The bus turn outs are to be located on the far side of each intersection. A bus turn out will also be provided on Sand Creek Road at the High School Access intersection. The addition of the bus stops would place most residents of the proposed development within ¼ mile walking distance of public transit.</p> <p>Based on the foregoing discussion, adequate capacity on existing transit routes would exist to accommodate the small number of project residents projected to use the local transit service in Antioch. The project complies with applicable General Plan policies related to transit in general with the exception of providing direct paved access to transit stops, which would be eliminated with installation of the bus turnouts on Hillcrest Avenue and Sand Creek Road. The project would have a <i>less-than-significant</i> impact on transit operations, similar to the 2008 Aviano Adult Community Project.</p> <p>Several Class II bike lanes currently exist in the vicinity of the project site on the following roadways: Canada Valley Road, Deer Valley Road, Prewett Ranch Drive, Marita Drive, and Hillcrest Avenue. Sand Creek Road and Heidorn Ranch Road are proposed to be Class II bicycle facilities in the</p>

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>future. The Mokelumne Trail (a Class I facility – i.e., completely separate from traffic travel lanes) runs parallel to Lone Tree Way. An inventory of pedestrian facilities at the project study intersections indicates that continuous sidewalk facilities exist at all existing project study intersections and that sidewalk facilities will be included when Hillcrest is extended south to Sand Creek and Sand Creek Road is extended from Deer Valley Road to the SR-4 Bypass/Sand Creek Road interchange. Similar to the 2008 Aviano Adult Community Project, sidewalks would be included on all streets within the project. In addition, the project would construct a segment of the Sand Creek regional trail along the Sand Creek buffer area, south of Sand Creek Road. The 12-foot wide paved pathway would provide pedestrian and bike access from the proposed residential neighborhood to the planned Sports Complex south of the site.</p>
(11) At locations where the greenway path crosses the current project's	LSM (p. 134)	No	No	No	<p>Residents from the current project would be able to use the continuous sidewalk facilities in the neighborhood and along study area roadways. The residents would be able to conveniently walk to nearby destinations or access transit services. Pedestrian crosswalks are present on approaches at signalized intersections near the project site. Based on the foregoing discussion, the site is well connected to multiple existing bicycle and pedestrian facilities and capacity deficiencies are not anticipated for either of these systems within the project vicinity. Similar to the 2008 Aviano Adult Community Project, the current project complies with applicable General Plan policies related to bicycle and pedestrian access. Therefore, the current project would have a <i>less-than-significant</i> impact on bicycle and pedestrian operations, similar to the 2008 Aviano Adult Community Project.</p> <p>Although the updated TIS did not analyze impacts related to collisions specifically, the current project has a similar site plan as the 2008 Aviano Adult Community Project. As such, any potential for collision due to drivers not anticipating pedestrians and bicyclists crossing at greenway paths would be identical to the 2008 Aviano Adult Community Project. Therefore, Mitigation Measure TRANS-5 remains adequate in order to ensure that</p>

**Aviano Project Environmental Impacts Comparison**

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<p>internal streets, there is increased potential for collision due to drivers not anticipating pedestrians and bicyclists crossing at those locations.</p>					<p>impacts related to potential collisions at gateway path crosses are <i>less than significant</i>.</p>
<p>(12) At locations where the gateway path abuts some cul-de-sacs and internal loop roads, residents are not able to directly access the gateway path and must take a circuitous route.</p>	<p>LSM (p. 134)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Although the updated TIS did not analyze impacts related to access to the gateway path specifically, the current project has a similar site plan as the 2008 Aviano Adult Community Project. As such, any potential impacts to site access for residents due to cul-de-sacs and internal loop roads would be identical to the 2008 Aviano Adult Community Project. Therefore, Mitigation Measure TRANS-6 remains adequate in order to ensure that impacts related to potential collisions at gateway path crosses are <i>less than significant</i>.</p>

**2008 EIR Mitigation Measures applicable to the proposed project:**

TRANS-5: Lighted crosswalks and flashing traffic signs are recommended to increase driver awareness of the crossing, slow traffic and thereby increase safety. The current project should be responsible for all of the mitigation costs associated with this measure. Adding the raised crosswalks and signage would reduce the impact to a less-than-significant level. (LTS)

TRANS-6: Direct access from the cul-de-sacs and loop streets should be provided to the path in harmony with the general plan policy to remove barriers for safe and convenient movement of pedestrians. The current project should be responsible for all of the mitigation costs associated with this measure. Adding additional access points to the gateway reduces the impact to a less-than-significant level. (LTS)

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<b>Special Mitigation Measures:</b> None required.					
<b>C. Air Quality</b>					
<b>(1) Clean Air Plan (CAP) consistency.</b>	LS (p. 145)	No	No	No	<p>The Bay Area Air Quality Management District (BAAQMD) has prepared the 2005 Ozone Strategy for the San Francisco Bay Area as a roadmap to show how the region will continue to make progress toward meeting the State 1-hour ozone standard as expeditiously as practicable, and how the region will reduce transport of ozone and ozone precursors to neighboring areas.</p> <p>Similar to the 2008 Aviano Adult Community Project, the current project would locate new residential development on a parcel designated for residential use. The current project would be generally consistent with General Plan land use-related goals, objectives, and policies that envision development on the site. In this way, the current project is consistent with growth anticipated under the City's General Plan and falls within the population projections prepared by the Association of Bay Area Governments (ABAG). As a result, the project would not conflict with the Bay Area 2005 Ozone Strategy or create a cumulative air quality impact. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to CAP consistency. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.</p>
<b>(2) Odor emissions.</b>	LS (p. 145)	No	No	No	<p>Similar to the 2008 Aviano Adult Community Project, heavy-duty equipment in the project area during construction would emit odors. However, the construction activity would be short-term and would cease to occur after individual construction is completed. Other sources of objectionable odors have not been identified for the current project. The current project involves a change from age-restricted to non-age restricted and, therefore, the changes would not create new or more severe impacts related to odorous emissions. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.</p>



**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
<b>(3) Toxic Air Contaminants.</b>	LS (p. 146)	No	No	No	Similar to the 2008 Aviano Adult Community Project, implementation of the current project would not result in any new sources of Toxic Air Contaminants, and the project land uses would not be located near any existing major sources of Toxic Air Contaminants. The project would not have the potential to expose sensitive receptors or the general public to substantial levels of Toxic Air Contaminants. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to Toxic Air Contaminants. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.
<b>(4) Operational emissions – CO analysis.</b>	LS (p. 146)	No	No	No	The CO analysis performed for the study intersections in the 2008 EIR was completed for the 14 intersections in the project study area. The estimated CO concentrations for the 14 intersections were compared to the State CO standard (20 parts per million [ppm] for one-hour CO levels) and the federal CO standard (9 ppm for eight-hour CO levels). The 2008 EIR determined that all of the 14 intersections would be below the State and federal standards for all intersections in the near-term plus project condition.  The CO concentrations at all of the 14 intersections were determined to be well below the State and federal CO thresholds and the additional traffic resulting from the current project would not substantially increase the CO emissions at the intersections. According to the 2008 EIR, the one-hour CO levels range from 3.5 ppm to 4.8 ppm, which are much lower than the State standard of 20 ppm. The eight-hour CO levels would range from 1.9 ppm to 2.8 ppm, which are much lower than the State standard of 9 ppm. Although the current project would result in greater projected trips than the 2008 Aviano Adult Community Project, the current project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed State or federal standards. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.
<b>(5) Operational</b>	LS	No	No	Yes	Long-term air emission impacts would be those associated with changes in

### Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
emissions – regional emissions.	(p. 146)			(analysis shows that original environmental conclusion of LS remains the same)	<p>usage of the project site. Mobile source emissions would result from vehicle trips associated with the current project. The current project's emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2013.2.2.<sup>1</sup> Results of the CalEEMod modeling are expressed in lbs/day for construction and operational emissions, and in tons/yr for cumulative emissions, which allows for comparison between the model results and the BAAQMD significance thresholds.<sup>2</sup></p> <p>The daily emissions increase associated with 2008 Aviano Adult Community Project and the current project's operational vehicular trip generation are identified in Table 1 for reactive organic gases (ROG) and nitrogen oxides (NO<sub>x</sub>) (two precursors of ozone) as well as coarse particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>).</p>

<sup>1</sup> CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. The model applies inherent default values for various land uses, including construction data, trip generation rates based on the Institute of Transportation Engineers (ITE) Manual, vehicle mix, trip length, average speed, etc. However, where project- or site-specific data was available, such data was input into the model (e.g., construction phases and timing).

<sup>2</sup> The BAAQMD was challenged in Alameda County Superior Court, and was ordered to set aside the thresholds and conduct CEQA review of the proposed thresholds. On August 13, 2013, the First District Court of Appeal reversed the trial court's decision striking down BAAQMD's CEQA thresholds of significance for GHG emissions. The Court of Appeal's held that CEQA does not require BAAQMD to prepare an EIR before adopting thresholds of significance to assist in the determination of whether air emissions of current projects might be deemed "significant." The Court of Appeal's decision provides the means by which BAAQMD may ultimately reinstate the GHG emissions thresholds, though the court's decision does not become immediately effective. It should be further noted that a petition for review has been filed; however, the court has limited its review to the following issue: Under what circumstances, if any, does CEQA require an analysis of how existing environmental conditions will impact future residents or users (receptors) of a current project? Ultimately, the thresholds of significance used to evaluate proposed developments are determined by the CEQA lead agency, which would be the City of Antioch for the current project. Per CEQA Guidelines Section 15064.7, the City has elected to use the BAAQMD's thresholds and methodology for this project, as they are based on substantial evidence and remain the most up-to-date, scientifically-based method available to evaluate air quality impacts. Thus, the



**Aviano Project Environmental Impacts Comparison**

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					<p align="center"><b>Table 1</b></p> <p align="center"><b>Unmitigated Project Operational Emissions</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>2008 Project Emissions (lbs/day)</th> <th>2014 Project Emissions (lbs/day)</th> <th>BAAQMD Significance Threshold (lbs/day)</th> <th>Would 2014 Exceed?</th> </tr> </thead> <tbody> <tr> <td>ROG</td> <td>60.47</td> <td>44.51</td> <td>54.0</td> <td>No</td> </tr> <tr> <td>NO<sub>x</sub></td> <td>44.34</td> <td>42.72</td> <td>54.0</td> <td>No</td> </tr> <tr> <td>PM<sub>10</sub></td> <td>44.12</td> <td>26.28</td> <td>82.0</td> <td>No</td> </tr> <tr> <td>PM<sub>2.5</sub></td> <td>--</td> <td>8.44</td> <td>54.0</td> <td>No</td> </tr> </tbody> </table> <p><i>Source: CalEEMod, July 2014.</i></p> <p>Current project emissions shown in Table 1 would not exceed the BAAQMD thresholds of significance for ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>, nor would the current project's emissions exceed the emissions projected for the 2008 project. Therefore, the current project would have a <i>less-than-significant</i> impact on regional air quality, similar to the 2008 Aviano Adult Community Project.</p> <p>Similar to the 2008 Aviano Adult Community Project, the current project would require excavation of soil from the site to prepare the site for development, which has a high potential for creating air pollutants. In addition to the dust created during site preparation for construction, substantial dust emissions could be created as debris and soil are loaded into trucks for disposal. Construction activities from vehicles and equipment would generate exhaust, fugitive particulate matter, and organic gas emissions that would also affect local air quality. Solvents in adhesives, non-water-base paints, thinners, and some insulating and caulking materials would evaporate into the atmosphere that would participate in the photochemical reaction that creates urban ozone. Similar to the 2008 Aviano Adult Community Project,</p>	Pollutant	2008 Project Emissions (lbs/day)	2014 Project Emissions (lbs/day)	BAAQMD Significance Threshold (lbs/day)	Would 2014 Exceed?	ROG	60.47	44.51	54.0	No	NO <sub>x</sub>	44.34	42.72	54.0	No	PM <sub>10</sub>	44.12	26.28	82.0	No	PM <sub>2.5</sub>	--	8.44	54.0	No
Pollutant	2008 Project Emissions (lbs/day)	2014 Project Emissions (lbs/day)	BAAQMD Significance Threshold (lbs/day)	Would 2014 Exceed?																										
ROG	60.47	44.51	54.0	No																										
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PM <sub>10</sub>	44.12	26.28	82.0	No																										
PM <sub>2.5</sub>	--	8.44	54.0	No																										
(6) Construction period activities during future development of the project site could generate significant dust, exhaust, and organic emissions.	LSM (p. 150)	No	No	Yes (analysis shows that original environmental conclusion of LSM remains the same)																										

BAAQMD's thresholds of significance are utilized for the following analysis.

### Aviano Project Environmental Impacts Comparison

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					<p>asphalt used in paving is also a source of organic gases for a short time after its application. Effects of project-related construction activities would be increased dust and locally elevated levels of PM<sub>10</sub> downwind of construction activity. Construction dust would be generated at levels that would create an annoyance to nearby properties. In addition to particulate emissions from earthmoving, air pollutants also would be emitted in the exhaust of construction equipment. Utilizing CalEEMod, the current project's construction-related criteria air pollutant emissions were estimated and are presented in Table 2 below.</p>

**Table 2**  
**Maximum Mitigated Project Construction Emissions**

Pollutant	Project Emissions (lbs/day)	BAAQMD Significance Threshold (lbs/day)	Exceed?
ROG	48.72	54.0	No
NO <sub>x</sub>	26.04	54.0	No
PM <sub>10</sub>	3.43	82.0	No
PM <sub>2.5</sub>	7.18	54.0	No

*Source: CalEEMod, July 2014.*

It should be noted that the BAAQMD requirement regarding architectural coating volatile organic compound (VOC) content limits was used to calculate the emissions for the current project. In addition, in accordance with Mitigation Measure AIR-1 proposed in the 2008 EIR, Tier 2 engines were applied to all off-road equipment used in construction. Furthermore, diesel oxidation catalysts were applied to all off-road equipment with an assumed reduction of 20 percent.<sup>3</sup> The 2008 Aviano Adult Community Project

<sup>3</sup> Diesel oxidation catalyst (DOC) reduces the emissions of particulate matter (PM), carbon monoxide (CO) and gaseous reactive organic gas (ROG) from diesel engines by catalytic oxidation. The technology is only effective on the soluble organic fraction of diesel PM, and therefore the overall reduction that can be achieved by a DOC is limited—the range of reduction is typically between 10 to 30 percent (Khair, 1999).

**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
					<p>construction emissions were not quantified in the 2008 EIR given the then-current BAAQMD guidance for construction emissions; therefore, the 2008 construction emissions are not included in Table 2.</p> <p>As shown in the table, the current project's construction-related ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would be below the applicable thresholds of significance. It should be noted that the project is required to comply with all BAAQMD rules and regulations for construction, including implementation of the BAAQMD's recommended Basic Construction Mitigation Measures. The Basic Construction Mitigation Measures include, but are not limited to, watering exposed surfaces, covering all haul truck loads, removing all visible mud or dirt track-out, limiting vehicle speeds on unpaved roads, and minimizing idling time.</p> <p>The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to air quality. Similar to the 2008 Aviano Adult Community Project, Mitigation Measure AIR-1 remains adequate in order to ensure that impacts related to construction-related emissions are <i>less than significant</i>.</p> <p>The 2008 EIR determined that the Aviano Farms Project would have a less-than-significant impact related to criteria pollutants and public health because of the overall improvement trend on air quality in the air basin. The project-specific analysis included in the 2008 EIR shows that emissions from the 2008 Aviano Adult Community Project would not worsen regional air quality or increase health risks in the area due to criteria pollutants.</p> <p>As shown in the project specific analysis above, the current project would not contribute significant regional emissions or create localized CO hot spots. Therefore, the current project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards. Furthermore, because the current project would not exceed the applicable threshold of significance for</p>
<b>(7) Project's criteria pollutants and public health.</b>	LS (p. 151)	No	No	No	

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>construction-related emissions, the project could not violate construction-related air quality standards or contribute to the area's nonattainment status of ozone. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to criteria pollutants and air quality. Overall, the current project would result in a <i>less-than-significant</i> impact related to criteria pollutants and public health, similar to the 2008 Aviano Adult Community Project.</p>

**2008 EIR Mitigation Measures:**

**AIR-1:** Consistent with guidance from the BAAQMD, the following controls shall be implemented at all construction sites for the project to control dust production and fugitive dust.

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing sensitive land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible;
- On-site idling of construction equipment shall be minimized as much as feasible (no more than 5 minutes maximum);
- All construction equipment shall be properly tuned and fitted with manufacturer's standard level exhaust controls;
- Contractors shall consider using alternative powered construction equipment (i.e., hybrid, compressed natural gas, biodiesel, electric) when feasible;
- Contractors shall use add-on control devices such as diesel oxidation catalysts or particulate filters; and
- All contractors shall use equipment that meets California Air Resources Board's (ARB) most recent certification standard for off-road heavy duty diesel engines. (LTS)

**Special Mitigation Measures:** None required.

### Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<b>D. Noise</b>					
An updated Noise Analysis was prepared by j.c. brennan & associates in 2014 for the currently proposed project. The updated Noise Analysis evaluated changes in ambient noise levels in the vicinity of the project site since 2008, and the traffic noise level effects resulting from a non-age restricted project as compared to the original age-restricted project evaluated in the 2008 EIR.					
<b>(1) Existing railroad noise impacts.</b>	LS (p. 160)	No	No	No	The Southern Pacific Railroad line passes approximately two miles to the east of the current project site. Due to the distance and location of the railroad line from the site, the 2008 EIR determined that ambient noise levels on the project site are not significantly affected by railroad operations. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to railroad noise. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.
<b>(2) Existing aircraft noise impacts.</b>	LS (p. 160)	No	No	No	Byron Airport is located approximately nine miles southeast of the project site. Buchanan Field Airport is located approximately 15 miles west of the project site. Rio Vista Municipal Airport is located approximately 18 miles to the north of the project site. Travis Air Force Base is located approximately 22 miles to the northwest of the project site. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to aircraft noise. Due to the project site's distance from and the flight path orientation of these airports, the noise effect from aircraft noise sources is <i>less than significant</i> for the project site in terms of 24 hour averaged noise levels such as CNEL or L <sub>dn</sub> , similar to the 2008 Aviano Adult Community Project.
<b>(3) Construction period activities could create significant short-term noise impacts on existing residential</b>	LSM (p. 160)	No	No	Yes  (analysis shows that original environmental conclusion of LSM remains the same)	The 2008 EIR concluded that impacts related to construction activities on existing residential properties would be less than significant with implementation of Mitigation Measures NOISE-1a through 1e. The current project would not generate new or more severe noise impacts associated with construction activities as compared to the 2008 Aviano Adult Community Project. In addition, out of an abundance of caution, j.c. brennan & associates recommends having a disturbance coordinator during project construction. Therefore, Mitigation Measures NOISE-1a through NOISE-1e remain

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>properties and on buildings that would become occupied within the project site before completion of the entire project.</p> <p>(4) Local traffic would generate long-term exterior noise exceeding normally acceptable levels on the project site and could expose site uses to unacceptable noise levels.</p>	<p>LSM (p. 162)</p>	<p>No</p>	<p>No</p>	<p>Yes (analysis shows that original environmental conclusion of LSM remains the same)</p>	<p>adequate in order to ensure that impacts related to potential construction period noise impacts are <i>less than significant</i>. In addition, the updated Environmental Noise Analysis completed by j.c. Brennan &amp; Associates suggests further mitigation related to construction noise for the current project. The additional mitigation measure (Mitigation Measure NOISE-1f) is provided under the “Special Mitigation Measures” section below.</p> <p><i>Exterior Traffic Noise Level Impacts</i></p> <p>The Federal Highway Administration (FHWA) highway traffic noise prediction model (FHWA RD-77-108) was used to predict Cumulative Plus Project traffic noise levels at the proposed residential land uses associated with the project. The model is based upon the Calvino reference noise emission factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly <math>L_{eq}</math> values for free-flowing traffic conditions. Traffic volumes for existing conditions were obtained from the traffic study prepared for the project. Truck percentages and vehicle speeds on the local area roadways were estimated from field observations.</p> <p>Table 3 shows the predicted traffic noise levels at the proposed residential uses adjacent to the major project-area arterial roadways. Table 3 also indicates the property line noise barrier heights required to achieve compliance with an exterior noise level standard of 60 dB CNEL.</p>

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion																																
					<p align="center"><b>Table 3</b></p> <p align="center"><b>Transportation Noise Levels at Proposed Residential Uses</b></p> <table border="1"> <thead> <tr> <th rowspan="2">Noise Source</th> <th rowspan="2">Receptor Description</th> <th rowspan="2">Approx. Distance to Center of Outdoor Activity Area (feet<sup>1</sup>)</th> <th rowspan="2">Average Daily Trips</th> <th colspan="2">Predicted Noise Levels (dB CNEL<sup>2</sup>)</th> </tr> <tr> <th>No Wall</th> <th>6-foot Wall</th> </tr> </thead> <tbody> <tr> <td>Hillcrest Avenue</td> <td>Prewett Ranch Drive to East Entrance</td> <td>75</td> <td>7,588</td> <td>63</td> <td>58</td> </tr> <tr> <td>Hillcrest Avenue</td> <td>East Entrance to Sand Creek Road</td> <td>75</td> <td>6,400</td> <td>62</td> <td>57</td> </tr> <tr> <td>Sand Creek Road</td> <td>Hillcrest Avenue to South Entrance</td> <td>75</td> <td>7,663</td> <td>63</td> <td>58</td> </tr> <tr> <td>Sand Creek Road</td> <td>South Entrance to Future School Access</td> <td>75</td> <td>5,938</td> <td>62</td> <td>57</td> </tr> </tbody> </table> <p><sup>1</sup> Setback distances are measured in feet from the centerlines of the roadways to the center of residential backyards.  <sup>2</sup> The modeled noise barriers assume flat site conditions where roadway elevations, base of wall elevations, and building pad elevations are approximately equivalent.  Source: <i>j.c. breman &amp; associates, Inc. 2014</i></p> <p>The modeled noise barriers assume flat site conditions where roadway elevations, base of wall elevations, and building pad elevations are approximately equivalent. The Table 3 data indicate that noise barriers six-feet in height would be required to reduce exterior noise levels to 60 dB</p>	Noise Source	Receptor Description	Approx. Distance to Center of Outdoor Activity Area (feet <sup>1</sup> )	Average Daily Trips	Predicted Noise Levels (dB CNEL <sup>2</sup> )		No Wall	6-foot Wall	Hillcrest Avenue	Prewett Ranch Drive to East Entrance	75	7,588	63	58	Hillcrest Avenue	East Entrance to Sand Creek Road	75	6,400	62	57	Sand Creek Road	Hillcrest Avenue to South Entrance	75	7,663	63	58	Sand Creek Road	South Entrance to Future School Access	75	5,938	62	57
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**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
					<p>CNEL or less at the sensitive receptors located closest to Hillcrest Avenue and Sand Creek Road. Because grading plans are not currently available, noise barrier height and placement should be reviewed when such plans are available.</p> <p>In contrast, the 2008 EIR noise analysis determined that a sound wall of 8 feet in height along Hillcrest Avenue, and a sound wall of 8 feet in height along Sand Creek Road, would reduce traffic noise levels to within the City's acceptable range of 60 dBA CNEL for new residential outdoor activity areas. These sound wall heights are measured in feet above the finished roadway elevation. As a result, Mitigation Measures NOISE-2a and 2b of the 2008 EIR require modifications to specify that the 2014 Noise Analysis has determined that a 6-foot tall sound wall would be adequate to reduce noise levels experienced at the project residences to a level below the City's exterior noise standard of 60 dB. The modified NOISE-2a and 2b measures have been included in the <i>Special Mitigation Measures</i> section below.</p> <p>In conclusion, with implementation of NOISE-2a and 2b (as modified), the currently proposed project would not result in a new or more severe exterior traffic noise impact than that which was identified in the 2008 EIR.</p> <p><i>Interior Noise Impacts</i></p> <p>Modern construction typically provides a 25 dB exterior-to-interior noise level reduction with windows closed. Therefore, sensitive receptors exposed to exterior noise of 70 dB CNEL, or less, will typically comply with the City's 45 dB CNEL interior noise level standard. Additional noise reduction measures, such as acoustically-rated windows are generally required for exterior noise levels exceeding 70 dB CNEL.</p> <p>Based upon the analysis shown in Table 3, the predicted noise levels will not exceed 60 dBA CNEL at the first floor facades, which are either shielded by</p>



**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>existing residential buildings on the east, or sound walls along Hillcrest Avenue and Sand Creek Road. Second floor facades along Hillcrest Avenue and Sand Creek Road will be less than 65 dBA CNEL. Therefore, typical interior noise levels are expected to be less than 40 dBA CNEL, and will comply with the interior noise level standard of 45 dBA CNEL.</p> <p>Notwithstanding this, j.c. Brennan has recommended a mitigation measure to require mechanical ventilation in all residential uses in order to allow residents to keep doors and windows closed. The additional mitigation measure (NOISE-2c) is provided under the “Special Mitigation Measures” section below.</p> <p>In conclusion, with implementation of NOISE-2c, the currently proposed project would not result in a new or more severe interior traffic noise impact than that which was identified in the 2008 EIR.</p>
	<p><b>2008 EIR Mitigation Measures:</b></p> <p><u>NOISE-1a:</u> The construction contractor shall limit all noise producing construction related activities, including haul truck deliveries or warming up and idling of heavy construction equipment, to the hours of 8:00 a.m. to 5:00 p.m. on weekdays. On Saturdays, noise producing construction activities shall be limited to 9:00 a.m. to 5:00 p.m., irrespective of the distance from occupied dwellings. No construction shall be allowed on Sundays and public holidays. All weekend noise producing construction activity is subject to approval by the City Engineer.</p> <p><u>NOISE-1b:</u> During all project site excavation and on-site grading, the construction contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers’ standards.</p> <p><u>NOISE-1c:</u> The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</p> <p><u>NOISE-1d:</u> The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction related noise sources and noise-sensitive receptors nearest the project site during all project construction.</p> <p><u>NOISE-1e:</u> The construction contractor shall use temporary noise attenuation fences at least 6 feet in height to protect all sensitive receptors along the northern property line that are not currently protected by a sound wall of at least 6 feet in height. (LTS)</p>				

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<b>Special Mitigation Measures:</b>					
<u>NOISE-1f</u> : Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator will receive all public complaints about construction noise disturbances and will be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem. (LTS)					
<u>NOISE-2a</u> : A sound wall barrier at least 6-feet-high (relative to the building pad elevation) shall be constructed along the project property line adjacent to Hillcrest Avenue to reduce traffic noise impacts to a less-than-significant level. The sound wall should be of solid construction without gaps (including at the bottom), and have a minimum surface weight of 4 pounds per square foot.					
<u>NOISE-2b</u> : A sound wall barrier at least 6-feet-high (relative to the building pad elevation) shall be constructed along the project property line adjacent to Sand Creek Road to reduce traffic noise impacts to a less-than-significant level. The sound wall should be of solid construction without gaps (including at the bottom), and have a minimum surface weight of 4 pounds per square foot. (LTS)					
<u>NOISE-2c</u> : Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation. This requirement shall be shown on building plans prior to issuance of any building permit as verified by the Chief Building Official. (LTS)					

**E. Cultural and Paleontological Resources**

<b>(1) Site preparation, grading, and construction activities could adversely impact subsurface historic resources at site CA-CCO-682H.</b>	LSM (p. 174)	No	No	No	According to the 2008 EIR, site CA-CCO-682H is partially located within the off-site Sand Creek Road (east) corridor. The site is described as a historic ranching outpost with five habitation-associated features consisting of an earthen loading ramp, a metal water tank made from an old truck bed, a kidney-shaped depression representing a possible foundation, a circular cistern, and a barbed-wire fence enclosure surrounding a well. Due to the potential for subsurface historic deposits that may produce information important to early development of the area on a local scale, ground disturbing activities could adversely impact site CA-CCO-682H. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts. Therefore, Mitigation Measure CULT-1 remains adequate in order to ensure that impacts related to CA-CCO-682-H are <i>less than significant</i> .
<b>(2) Site preparation,</b>	LSM (p. 175)	No	No	No	Due to the proximity of recorded archeological sites, the potential exists for unknown archeological resources to occur on the project site. A review of the

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Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
grading, and construction activities could adversely impact previously undiscovered archaeological resources.		No			Sacred Lands File by the Native American Heritage Commission (November 1, 2006) did not identify any Native American cultural resources within the vicinity of the project area; however, the potential exists for undiscovered Native American resources to occur within the project area. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to archaeological resources. Therefore, Mitigation Measure CULT-2 remains adequate in order to ensure that impacts related to archaeological resources are <i>less than significant</i> .
(3) Impacts to previously undiscovered paleontological resources.	LSM (p. 175)	No	No	No	Unique geologic features are not located within the project area. Although six fossil localities are located within four miles of the project area, none were identified within the same geologic setting as the project area. However, the possibility that construction activities could impact paleontological resources within the Pleistocene alluvium still exists. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to paleontological resources. Therefore, Mitigation Measure CULT-3 remains adequate in order to ensure that impacts related to paleontological resources are <i>less than significant</i> .
(4) Disturbance of human remains, including those interred outside of formal cemeteries.	LSM (p. 176)	No	No	No	The potential to uncover Native American human remains exists in locations throughout California. Although not anticipated, human remains may be identified during site-preparation and grading activities, resulting in a significant impact to Native American cultural resources. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to human remains. Therefore, Mitigation Measure CULT-4 remains adequate in order to ensure that impacts related to the disturbance of human remains are <i>less than significant</i> .

**2008 EIR Mitigation Measures:**

CULT-1: If feasible, the site shall be avoided. If avoidance is not feasible, an Archaeological Research Design and Testing Plan (ARDTP) shall be developed. Once the ARDTP is reviewed and approved by the City of Antioch, and testing is completed, a report shall be prepared detailing the methods and results, and the site shall be evaluated using the California Register of Historic Resources eligibility criteria. The report shall be submitted to the project applicant, the City of Antioch, and the Northwest Information Center

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p><b>Impact</b> (NWIC). If the site appears to be ineligible for the California Register, project construction activity within the area of the site may begin. If the site is found to be potentially eligible, a Cultural Resources Treatment Plan (CRTP) shall be developed to mitigate project effects. Once the program is approved by the City, and the work completed, project construction activities within the site area can begin. A Cultural Resources Treatment Report (CRTR) shall be prepared and submitted to the project applicant and the City for review and comment. Final copies of the CRTR shall be submitted to the project applicant, the City of Antioch, and the NWIC. (LTS)</p>					<p><b>CULT-2:</b> If deposits of prehistoric or historic archeological materials<sup>4</sup> are encountered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archeologist shall be contacted to assess the deposit finds and make recommendations. While deposits of prehistoric or historic archeological materials should be avoided by project activities, if the deposits cannot be avoided, they shall be evaluated for their California Register eligibility. If the deposits are not eligible for the California Register, avoidance is not necessary. If the deposits are eligible for the California Register, they shall be avoided. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of the evaluating archaeologist and CEQA Guidelines §15126.4 (b)(3)(C), which requires implementation of a data recovery plan and avoidance of human remains. Upon completion of the archaeologist's assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the discovered archaeological materials. The report shall be submitted to the project applicant, the City of Antioch, and the Northwest Information Center (NWIC). Once the report is reviewed and approved by the City, and any appropriate resource recovery completed, project construction activity within the area of the find may resume. (LTS)</p> <p><b>CULT-3:</b> If paleontological resources<sup>5</sup> are encountered during site preparation or grading activities, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has assessed the discoveries and made recommendations. If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by project activities. If project activities cannot avoid the resources, the adverse effects shall be mitigated. Mitigation shall include data recovery and analysis, preparation of a final report, and the formal transmission or delivery of any fossil material recovered to a paleontological repository, such as the University of California Museum of Paleontology (UCMP). Upon completion of recovery activities, a final report documenting methods and findings of the mitigation shall be prepared and submitted to the project applicant, the City of Antioch, and a suitable paleontological repository. Once the final report is reviewed and approved by the City, project construction activity within the area of the find may resume. (LTS)</p> <p><b>CULT-4:</b> If human remains are encountered, work within 25 feet of the discovery shall be redirected and the Contra Costa County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner must notify the</p>

<sup>4</sup> Prehistoric materials include flaked-stone tools (e.g. projectile points, knives, choppers) or obsidian, chert, or quartzite toolmaking debris; culturally darkened soil (i.e., midden soil often containing heat affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, and other refuse.

<sup>5</sup> Paleontological resources include fossil plants and animals, and evidence of past life such as trace fossils and tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources may also include plant imprints, petrified wood, and animal tracks.

**Aviano Project Environmental Impacts Comparison**

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					<p>The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the project applicant, the City of Antioch, and the Northwest Information Center. Once the report is reviewed and approved by the City, and any appropriate treatment completed, project construction activity within the area of the find may resume. (LTS)</p>
<p><b>Special Mitigation Measures:</b> None required.</p>					
<p align="center"><b>F. Geology, Soils, and Seismicity</b></p>					
(1) Fault rupture at the project site.	LS (p. 189)	No	No	No	<p>Active faults which pose a hazard for surface rupture have not been mapped across the current project and no portion of the current project is located within an Alquist-Priolo Earthquake Fault Zone. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to fault rupture. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.</p>
(2) Landslide hazards at the project site.	LS (p. 189)	No	No	No	<p>The U.S. Geological Survey (USGS) maps the hillsides south of Sand Creek as Category 3: “generally to marginally stable” or Category 5: “unstable”. The site-specific investigation has mapped a landslide on the northwest face of the hills south of Sand Creek. The area south of Sand Creek is not proposed for development as a part of the current project; however, the Sand Creek Focus Area of the General Plan designates the site for development. If a project is eventually developed south of Sand Creek, the issue of slope stability and determination of the appropriate level of environmental review under CEQA would need to be addressed at that time. Similar to the 2008 Aviano Adult Community Project, the portion of the current project to be developed north of Sand Creek is not subject to landslide hazards. The current project is not located on an unstable geologic unit, which if developed would be subject to, or contribute to, on- or off-site fault rupture, liquefaction, or lateral spreading. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to landslide hazards. Therefore, a <i>less-than-significant</i></p>

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
(3) Loss of known mineral resources.	LS (p. 189)	No	No	No	<p>impact would result, similar to the 2008 Aviano Adult Community Project. Implementation of the current project would not result in the loss of known mineral resources; as noted in the 2008 EIR, the project area is classified MRZ-1, “areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.”<sup>6</sup> USGS mapping does not indicate any present or historical mines at the project site.<sup>7</sup> The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to mineral resources. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.</p>
(4) Seismically-induced ground shaking at the project site could result in injuries, fatalities, and property damage.	LSM (p. 190)	No	No	No	<p>The site-specific geotechnical feasibility investigation notes that the site is situated in the vicinity of the Mt. Diablo thrust fault, the Great Valley 5 fault, the Greenville fault, and the Concord-Green Valley fault. Because of the proximity to active faults, the project site, including the off-site areas, will likely be subjected to strong ground shaking from at least one moderate to severe earthquake during the life span of the project. The geotechnical feasibility investigation recommends that a final design-level geotechnical investigation be prepared that would provide detailed recommendations on specific design and site layout parameters.</p> <p>The adverse impacts of seismically-generated ground shaking on potential development infrastructure, structures, and people can be reduced to acceptable levels by completing the project seismic design and construction in conformance with, or by exceeding, current best standards for earthquake resistant construction per the California Building Code (CBC) as adopted and amended for the City of Antioch Building Code.<sup>8</sup> Appropriate grading and design elements prepared by a Certified Engineering Geologist or Geotechnical Engineer would also help reduce the potential impact to areas</p>

<sup>6</sup> California Department of Conservation, 1987. Mineral Land Classification Special Report 146-II, updated with CDMG OFR 96-03, 1996.

<sup>7</sup> U.S. Geological Survey, 2007. *Mineral Resources On-Line Spatial Data*. Website: [mrdta.usgs.gov/index.html](http://mrdta.usgs.gov/index.html).

<sup>8</sup> City of Antioch Municipal Code, Title 8: Building Regulations, Chapter 1: Building Code.

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Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
(5) Differential settlement at the project site could result in damage to project buildings and other improvements.	LSM (p. 191)	No	No	No	<p>that have undergone extensive grading and are prone to the secondary effects of ground shaking, such as differential settlement or liquefaction. However, in the event of a major earthquake, some structural damage is likely to occur to some residences/structures and infrastructure. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to seismically-induced ground shaking as the current project would be required to comply with the CBC. Therefore, Mitigation Measure GEO-1 remains adequate in order to ensure that impacts related to ground shaking are <i>less than significant</i>.</p> <p>Grading of the project site, including off-site areas, in preparation for construction of buildings and utilities may result in areas of cut and fill. Fills of different thickness and fills adjacent to cut areas could create the potential for differential settlement. Construction on un-compacted and loose fill, if present, on the site would be subject to varying rates of settlement. If the settlement is not uniform, structural damage could occur. Buried utilities may also experience differential settlement along their alignments.</p> <p>The site-specific geotechnical feasibility investigation for the project site notes that undocumented artificial fill containing concrete rubble was placed along the eastern and northern property lines, and that in general, existing fill not removed by design cut should be over-excavated entirely and replaced with engineered fill. The geotechnical feasibility investigation recommends that a final design-level geotechnical investigation be prepared that would address these issues based on specific design and site layout parameters to be finalized as the part of the development process. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to differential settlement. Therefore, Mitigation Measure GEO-2 remains adequate in order to ensure that impacts related to differential settlement are <i>less than significant</i>.</p>

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<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
(6) Damage to structures or property could result from expansive or corrosive soils.	LSM (p. 192)	No	No	No	Similar to the 2008 Aviano Adult Community Project site, soils underlying the project site have been identified as having a high shrink/swell potential. <sup>9</sup> Structural damage of buildings or rupture of utilities may occur if the potentially expansive soils were not considered in the design and construction of the current project. The site-specific geotechnical feasibility investigation for the project site notes that to reduce the adverse effects of on-site surface soils with high expansion potential, post-tensioned concrete slab foundations should be considered. The investigation also noted that at the early stage of planning, determining what the actual foundations supporting materials can be difficult. The report recommended that additional study be carried out at the design-stage and, at that time, the geotechnical parameters for foundation design can be provided based on the soils conditions at different areas within the project site. The geotechnical feasibility investigation recommends that a final design-level geotechnical investigation be prepared that would provide detailed recommendations on specific design and site layout parameters. Therefore, Mitigation Measure GEO-3 remains adequate in order to ensure that impacts related to expansive or corrosive soils are <i>less than significant</i> .
(7) The presence of improperly abandoned soil or gas wells at the project site could result in instability of surface soils.	LSM (p. 193)	No	No	No	The current project is located within the Brentwood Oil and Gas Field. Approximately eight wells are located within the project site area but all are mapped as plugged and capped by the State. <sup>10</sup> If any of the wells have not been properly capped and are exposed during grading, the wells could cause caving hazards and/or undermine project improvements. The City of Antioch General Plan states that the locations of all oil or gas wells on proposed development sites shall be identified on development plans including those of off-site improvements. Project sponsors of development containing existing or former oil or gas wells shall submit documentation demonstrating that all abandoned wells have been properly abandoned pursuant to the requirements of the California Department of Conservation, Oil, Gas, and Geothermal Resources Division. The site-specific geotechnical feasibility investigation

<sup>9</sup> Natural Resource Conservation Service, 2008. op. cit.

<sup>10</sup> California Department of Conservation, 2006. Oil and Gas Well Map 608, Division of Oil, Gas and Geothermal Resources.



**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<b>(8) Personal injury could result during construction due to inadequately shored walls in trenches and excavations.</b>	LSM (p. 193)	No	No	No	<p>does not make recommendations regarding the potential presence of oil or gas wells at the project site. A final design-level geotechnical investigation would address the issue based on specific design and site layout parameters to be finalized as the part of the development process. Due to the nature of the current project (i.e., non-age restricted compared to age-restricted), the current project would require the same mitigation measures identified in the 2008 EIR (Mitigation Measure GEO-4) in order to ensure that impacts related to abandoned soil or gas wells are <i>less than significant</i>.</p> <p>The California Division of Occupational Safety and Health (DOSH) (which acts to protect workers from safety hazards through the California OSHA (Cal/OSHA)) issues guidelines and regulations regarding worker safety and shoring methods for trenches and excavations.<sup>11</sup> As previously discussed, soils in the project vicinity have a low potential for liquefaction, lateral spreading or landslide. However, based on NRCS mapping, the Capay and Altamont clays like those found on the project site have a high potential for caving at excavations and trenches. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to personal injury during construction. Therefore, Mitigation Measure GEO-5 remains adequate in order to ensure impacts related to inadequately shored walls in trenches and excavation are <i>less than significant</i>.</p>

**2008 EIR Mitigation Measures:**

**GEO-1:** Project design and construction shall be in conformance with, or exceed, current best standards for earthquake resistant construction in accordance with the California Building Code, applicable local codes, and in accordance with the generally accepted standards of geotechnical practice for seismic design in Northern California. In addition, project design for on- and off-site project elements shall follow the recommendations of a site-specific design-level geotechnical investigation report to be prepared by a Certified Engineering Geologist or Geotechnical Engineer. The City Engineer shall approve all final design and engineering plans. (LTS)

**GEO-2:** A site-specific design-level geotechnical investigation report for on- and off-site project elements shall be prepared by a licensed professional and submitted to the City Engineer for review and approval. The report shall include specific recommendations for mitigating potential settlement associated with native soil/fill boundaries and areas of different fill thickness, if any. The report shall specifically address treatment of test pit areas and trenches to ensure that differential settlement will not occur in those areas. (LTS)

<sup>11</sup> Title 8, California Code of Regulations, Sections 1539-1543. Construction Safety Orders can be reviewed at: [www.dir.ca.gov/Title8/sub4.html](http://www.dir.ca.gov/Title8/sub4.html).

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<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
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GEO-3: A site-specific design-level geotechnical investigation report for both on- and off-site project elements, prepared by a licensed professional, shall be prepared. The report shall include recommendations for foundations and improvements, including sidewalks, paved paths, parking lots, and subsurface utilities, considering expansive soil conditions. Measures shall be incorporated into the report to ensure that potential damage due to shrink/ swell potential of soils is minimized. Corrective measures, as recommended by a licensed professional, may include removal and replacement of problematic soils with engineered and compacted fill, proper drainage design, or design and construction of improvements to withstand the forces exerted by expected shrink/ swell cycles. The report shall be submitted to the City Engineer for review and approval.

In addition, the design-level geotechnical study shall include an evaluation of the potential for corrosive soils. If the study results indicate corrosive soil conditions, appropriate measures to mitigate these conditions shall be incorporated into the design of project improvements that may come into contact with site soils. Wherever corrosive soils are found in sufficient concentrations, recommendations shall be made to protect iron, steel, metal, and concrete from long-term deterioration caused by contact with corrosive on-site soils. In general, these recommendations are expected to include, but not be limited to, the following provisions:

- Protect buried iron, steel, cast iron, ductile iron, galvanized steel, and dielectric coated steel or iron (including all buried metallic pressure piping) against corrosion from soil.
- Protect buried metal and cement structures in contact with earth surfaces from chloride ion concentrations.
- Use sulfate-resistant concrete mix for all concrete in contact with the ground.
- Consult a corrosion expert during the project's detailed design phase to design the most effective corrosion protection.

All design criteria and specifications set forth in the site-specific design-level geotechnical investigation report shall be implemented to reduce impacts associated with problematic soils to a less-than-significant level. (LTS)

GEO-4: Research and verification of closure records, as well as physical verification of well closure and capping shall be completed during preparation of the site-specific design-level geotechnical investigation report for on- and off-site project elements. Any improperly abandoned wells within the project boundaries shall be brought into compliance with the requirements of California Department of Conservation and City of Antioch. The report shall be submitted to the City Engineer for review and approval. (LTS)

GEO-5: The applicant shall ensure that the requirements for worker health and safety as specified by Cal/OSHA are implemented. In particular, due to the caving proclivity of the soil types of the project site, shoring requirements of the California standards for workers dealing with and work in excavations as specified in the California Code of Regulations, Title 8, Section 1540 et. al., *Excavations*, shall be observed for all on- and off-site operations. This article applies to all open excavations made in the earth's surface. Excavations are defined to include trenches. (LTS)

**Special Mitigation Measures:** None required.



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<b>G. Hydrology and Storm Drainage</b>					
<b>(1) Place housing within a 100-year flood hazard area.</b>	LS (p. 202)	No	No	No	According to the most recent FEMA mapping, the portion of the project proposed for development, including off-site improvement areas, is not located within the 100-year flood hazard zone, and therefore, placement of housing or other structures in a flood hazard zone would not occur under the current project. The project site is roughly three miles from the coastline with a minimum elevation of 170 feet above mean sea level. Therefore, the 2008 EIR concluded that impacts related to flooding would be less than significant. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to flooding. Therefore, impacts related to coastal hazards, such as extreme high tides, tsunami, or sea level rise, would be <i>less than significant</i> .
<b>(2) Impacts of dam failure inundation.</b>	LS (p. 202)	No	No	No	The current project is not located in any currently mapped dam failure inundation zones. <sup>12</sup> The inundation zone <sup>13</sup> for the Upper Sand Creek Basin (USCB) may overlie a portion of the current project area. <sup>14</sup> Based on current plans, residential development of the current project is not anticipated to occur within the area that would be affected by inundation due to failure of the USCB. <sup>15</sup> Therefore, impacts related to dam failure inundation would be <i>less than significant</i> , similar to the 2008 Aviano Adult Community Project.
<b>(3) Substantially deplete groundwater supplies or interfere substantially</b>	LS (p. 202)	No	No	No	With the installation of new buildings, improved pavement surfaces, and a stormwater conveyance system, on-site recharge would likely be reduced relative to the existing condition. However, implementation of the current project is not expected to contribute to depletion of groundwater supplies because the current project would not use groundwater underlying the site. In addition, stormwater treatment best management practices (BMPs) that detain

<sup>12</sup> Association of Bay Area Governments, 2007. Interactive ABAG (GIS) Maps Showing Dam Failure Inundation Website: <http://www.abag.ca.gov>.

<sup>13</sup> The inundation zone for the planned USCB has not yet been officially mapped.

<sup>14</sup> Contra Costa County Flood Control District, 2008. *op. cit.*

<sup>15</sup> City of Antioch, 2008. *op. cit.*

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Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
with groundwater recharge.					water on-site will include an infiltration component (detention basins) that will encourage recharge. The 2008 EIR conclusion is applicable to the current project because the overall amount of impervious surfaces would be similar to the 2008 Aviano Adult Community Project. Therefore, a <i>less-than-significant</i> impact related to groundwater supplies would occur, similar to the 2008 Aviano Adult Community Project.
(4) Increased runoff volume resulting from creation of new impervious surfaces resulting in hydromodification impacts.	LSM (p. 203)	No	No	No	Similar to the 2008 Aviano Adult Community Project, development of the project would result in more surface area covered by impervious surfaces (buildings, paved roadways and parking areas, paved pathways (Sand Creek trail), sidewalks) relative to existing conditions. The existing project site has a lower runoff coefficient than would occur under the current project, meaning that more water would leave the site as runoff under the developed site condition. Increased runoff volume and the increased rate of delivery of runoff to Sand Creek could result in hydromodification impacts to downstream creeks (Sand Creek and Marsh Creek).
					A preliminary stormwater control plan (stormwater plan) was prepared for the project site in 2008. <sup>16</sup> The stormwater plan proposes to use a three-tiered approach to address stormwater management (in accordance with the County National Pollutant Discharge Elimination System (NPDES) permit): 1) site design, 2) source control, and 3) treatment control. Properly designed, site design and treatment controls would serve the dual function of reducing runoff volumes/velocities and improving water quality. Under the stormwater plan, site design features that could reduce potential hydromodification impacts of the project include clustering development in the north to provide a buffer area along Sand Creek and to reduce the amount of directly-connected impervious surfaces. Of the total project site area of about 189 acres, approximately 70 acres would remain as pervious parks or undeveloped open space; including individual lot landscaping results in roughly 50 percent of the project site remaining pervious surface post-development. The Sand

<sup>16</sup> Balance Hydrologics, Inc., 2008. Preliminary Stormwater Control Plan, Aviano Project, City of Antioch, California, May.

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Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
(5) Increased runoff resulting from creation of new impervious surfaces could potentially exacerbate downstream flooding problems.	LSM (p. 205)	No	No	No	<p>Creek trail would result in approximately one-half acre of additional impermeable surface in close proximity to the Creek, and needs to be included in the final design-level calculations for the site.</p> <p>The stormwater control plan provides an adequate conceptual strategy for complying with the County NPDES permit. In addition, the 2008 EIR Mitigation Measure HYD-1 requires a design-level stormwater management plan, which will be prepared consistent with the currently proposed non-age restricted Aviano Farms Project. Similar to the 2008 Aviano Adult Community Project, the stormwater management plan will ensure that the proposed detention basins for the 2014 project would adequately mitigate potential hydromodification impacts resulting from drainage into Sand Creek. Therefore, Mitigation Measure HYD-1 remains adequate in order to ensure that impacts related to hydromodification are <i>less than significant</i>.</p> <p>Increased runoff volume and peak discharges to Sand Creek from the site would, if left unmitigated, increase under the current project, potentially exacerbating cumulative flooding impacts in downstream areas along Sand Creek that already are prone to flooding. Under the stormwater management plan required by Mitigation Measure HYD-1, project design would include features that would reduce peak flows and runoff durations relative to current site conditions. The features would also reduce potential impacts to downstream flooding. In addition, the 2008 EIR Mitigation Measure HYD-2 requires a detailed hydraulic analysis, which will be prepared consistent with the currently proposed non-age restricted Aviano Farms Project. Similar to the 2008 Aviano Adult Community Project, the hydraulic analysis will ensure that implementation of the current project will not impact flooding conditions or create potential flooding downstream. Therefore, Mitigation Measure HYD-2 remains adequate in order to ensure that impacts related to downstream flooding problems are <i>less than significant</i>.</p>
(6) Construction activities and post-	LSM (p. 205)	No	No	No	<p>During the construction period, grading and excavation activities, including those in the off-site improvement areas, would result in exposure of soil to runoff, potentially causing erosion and</p>

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<p>construction site uses could result in degradation of water quality in the San Joaquin River by reducing the quality of stormwater runoff.</p>					<p>entrainment of sediment and contaminants in the runoff. Similar to the 2008 Aviano Adult Community Project, soil stockpiles and excavated areas on the project site and off-site improvements would be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation and pollutants in stormwater.</p> <p><i>Operation-Period Impacts.</i> New construction and intensified land uses of the current project as well as the 2008 Aviano Adult Community Project would result in increased vehicle use and potential discharge of associated pollutants. Increased numbers of vehicles and outdoor parking facilities at the project site would likely result in increased leaks of fuel, lubricants, tire wear, and fallout from exhaust, which would contribute petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff being transported to receiving waters. Runoff from landscaped areas at the site may contain residual pesticides and nutrients. Long-term degradation of water quality runoff from the site could impact local water quality in the San Joaquin River.</p> <p><i>Water Quality Impairment.</i> Runoff from the current project eventually enters the San Joaquin River, a water body the Central Valley Water Board has designated as water quality impaired for several pesticides (including DDT), boron, electrical conductivity, mercury, and toxaphene.<sup>17</sup> All of these pollutants have an identified source of "agriculture" or "resource extraction." If the current project would increase the load of any of these pollutants discharged to the River, then a significant impact would occur (the Central Valley Water Board has determined that the assimilative capacity of the San Joaquin River for these pollutants has already been exceeded). However, none of the contaminants that have been identified as causing the water quality impairment of the River are likely to be used at the site (or to be generated in concentrations exceeding existing conditions).</p>

<sup>17</sup> Regional Water Quality Control Board, Central Valley Region, 2006, Proposed 2006 CWA Section 303(d) List of Water Quality Limited Segment, Approved by SWRCB, October 2006.

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<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
					<p>The 2008 EIR requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) (see Mitigation Measure HYD-3a and 3b) to ensure that impacts to surface water quality through the construction period are minimized. Mitigation Measures 3a and 3b would be required for the currently proposed non-age restricted project, which would not generate new or more severe impacts than the 2008 Aviano Adult Community Project due to the change from age-restricted to non-age restricted. Therefore, Mitigation Measures HYD-3a and 3b remain adequate in order to ensure that impacts related to downstream degradation of water quality in the San Joaquin River are <i>less than significant</i>.</p>
<p>(7) Water supply well(s) at the project, if not properly managed or de-commissioned, could be damaged during construction, potentially resulting in impacts to groundwater quality.</p>	<p>LSM (p. 208)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Water supply wells were not observed at the project site during the reconnaissance conducted in February 2007. However, the possibility exists that wells may be discovered during project site or off-site improvements, preparation, and grading. If any on-site wells are disturbed during grading, surface seals could be damaged and allow surface water (potentially containing pollutants) to preferentially seep into the well(s) and the underlying aquifer, causing water quality degradation. In addition, similar to the 2008 Aviano Adult Community Project, known abandoned oil and gas wells exist at the project site and in the vicinity. Therefore, Mitigation Measure HYD-4 remains adequate in order to ensure that impacts related to water supply wells are <i>less than significant</i>.</p>
<p><b>2008 EIR Mitigation Measures:</b>  <b>HYD-1:</b> As a condition of approval of the final grading and drainage plans for the project, and prior to issuance of a grading permit the applicant shall demonstrate through detailed hydraulic analysis that implementation of the proposed drainage plans for all on-site and off-site improvements will not create potential hydromodification impacts downstream by implementing the following:                      1. A qualified licensed engineering firm retained by the applicant shall develop final design-level drainage and C.3 compliant stormwater management plans for the current project including all on-site and off-site improvements. The project drainage plan shall include a design that, when implemented, would ensure that post-project runoff does not exceed estimated pre-project rates and/or durations, where the increased stormwater discharge rates and/or durations will result in increased potential for erosion.</p>					

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<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
<p>2. Include drainage components that are designed in compliance with City of Antioch standards. The qualified licensed engineering firm preparing drainage plans shall consider the proximity of the proposed detention basins to Sand Creek and shall implement adequate design measures so as to not result in bank instability in Sand Creek. The grading and drainage plans shall be reviewed for compliance with these requirements by the City of Antioch.</p> <p>3. <del>Neither the City of Antioch nor any government agency shall be responsible for</del> <u>Maintenance of C-3 compliance detention and water quality facilities shall be determined by the City Engineer.</u> The project must include a self-perpetuating drainage system maintenance program (to be managed by a homeowners association, LLD or similar entity) that includes annual inspections and necessary maintenance of detention basins, sedimentation basins, drainage ditches, and drainage inlets. Any accumulation of sediment or other debris shall be promptly removed and damage to the drainage system repaired in a timely manner.</p> <p>4. Storm Water Control Plans shall be in conformance with the engineering guidance and specifications provided by the Contra Costa County Flood Control and Water Conservation District. (LTS)</p>					<p><b>HYD-2:</b> As a condition of approval of the final grading and drainage plans for the project, and prior to issuance of a grading permit the applicant shall demonstrate through detailed hydraulic analysis that implementation of the proposed drainage plans will not impact flooding conditions or create potential flooding impacts downstream, by implementing the following:</p> <ol style="list-style-type: none"> <li>1. The qualified licensed engineering firm retained by the applicant shall analyze the potential for the project including all on-site and off-site improvements to contribute to downstream flooding impacts at the project limits, as well as downstream of the site, to the junction of Sand Creek and Marsh Creek. The project drainage plan shall include a design that, when implemented, would not increase peak flows above existing flows, or exacerbate downstream flooding.</li> <li>2. Storm Water Control Plans, including underlying hydrology and hydraulic analysis, shall be submitted to the CCCFCD for review and <u>City for review and approval.</u> to ensure that the design is in conformance with CCCFCD engineering guidance and specifications and that the proposed design is compatible with the future plans for the USCB. The applicant shall work closely with the City of Antioch and the CCCFCD to ensure that the proposed uses within the on-site open space immediately downstream of the USCB dam structure are compatible with the dam inundation zone, emergency release route, and primary spillway alignment of the proposed USCB facility. (LTS)</li> </ol> <p><b>HYD-3a:</b> As a condition of approval of the final grading plans, the applicant shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project including all on- and off-site improvements. The SWPPP shall be submitted for approval to the City of Antioch prior to issuance of a grading permit. The SWPPP must be maintained on-site and made available to City inspectors and/or San Francisco Bay or Central Valley Water Board staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain. An important component of the stormwater quality protection effort is the knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.</p>



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<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
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The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, which must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046,<sup>18</sup> monitoring would be required during the construction period for pollutants that may be present in the runoff that are “not visually detectable in runoff.”<sup>19</sup> Water Board and/or City personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly implemented. BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of fiber rolls, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

**HYD-3b:** The design-level stormwater control plan shall demonstrate through detailed hydraulic analysis that implementation of the proposed drainage plan would result in treatment of the appropriate percentage of the runoff from the project including all on- and off-site improvements (in compliance with the County NPDES permit). The amount of runoff that is typically required to be treated is about 85 percent of the total average annual runoff from the site (depending on whether the volume-based or flow-based approach is used). The qualified professionals preparing the design-level stormwater control plan shall include as many of the BMPs identified in the preliminary stormwater plan as feasible and consider additional measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. The project’s design-level stormwater control plan must meet the requirements of the Water Board and City of Antioch per the terms of the NPDES permit. City staff shall review and approve the SWPPP and design-level stormwater control plan prior to approval of the grading plan. (LTS)

**HYD-4:** Any existing water supply wells that may be discovered during site preparation shall either be:

1. Properly abandoned in compliance with the California Department of Water Resources, California Well Standards; or
2. Inspected by a qualified professional to determine whether the well is properly sealed at the surface to prevent infiltration of water-borne contaminants into the well casing or surrounding gravel pack. The California Well Standards require an annular surface seal of at least 20 feet for water supply wells. If any of the wells are found not to comply with this requirement, the applicant shall retain a qualified well driller to install the required seal. (LTS)

**Special Mitigation Measures:** None required.

<sup>18</sup> State Water Resources Control Board, 2001. Modification of Water Quality Order 99-08-DWQ State Water Resources Control Board (SWRCB) National Pollutant Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activity.

<sup>19</sup> Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<b>H. Public Health and Safety</b>					
<b>(1) Agricultural and chemical-related hazards.</b>	LS (p. 215)	No	No	No	Agricultural use of the project site and off-site impact areas may have involved the use of agricultural chemicals such as insecticides, herbicides, fertilizers, and/or fungicides. Based on soil sampling data from the Environmental Investigation prepared in 2004 for the project site, a review of historical land use information, a site reconnaissance, interviews with the property owner and persons familiar with the property, and a review of regulatory databases, agricultural chemical residues in shallow soils are determined not to be a potential issue at the project site or the off-site impact areas. <sup>20</sup> The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to agricultural and chemical-related hazards. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.
<b>(2) School sites.</b>	LS (p. 215)	No	No	No	Dozier-Libbey Medical High, at 4900 Sand Creek Road, is located immediately southwest of the project site. Other nearby schools, Diablo Vista Elementary, at 4791 Prewett Ranch Drive, Heritage Baptist Academy Christian School, at 5200 Heidorn Ranch Road, and Deer Valley High School, at 4700 Lone Tree Way, are located between one-quarter and one-half mile from the project site. As the current project would not emit hazardous emissions of significant risk or handle significant quantities of hazardous materials, substances, or waste, no significant impact to existing or proposed school facilities would occur at the aforementioned locations. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.

<sup>20</sup> Ingram Mason & Fairbairn, 2004. *Environmental Investigation Report, Williamson Property, Antioch, Contra Costa County, California*. November.



**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
(3) Government Code sites.	LS (p. 215)	No	No	No	The project site is not located on or adjacent to a site that is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5. <sup>21</sup> Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.
(4) Airport/Airfield hazards.	LS (p. 215)	No	No	No	Airports or private air strips are not located in the project vicinity, and residents of the current project would not face any hazards regarding airfield hazards. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.
(5) Emergency response / emergency evacuation.	LS (p. 215)	No	No	No	The internal roadways and intersections are nearly identical to the configuration proposed by the 2008 Aviano Adult Community Project. Roadways and sidewalks at the project site would be constructed in accordance with City of Antioch requirements. All roadways and intersections would meet City design standards. The project would not restrict vehicular, pedestrian, or bicycle access within or in the vicinity of the project site. Development of the project would not be expected to interfere with the City's Emergency Plan. <sup>22</sup> Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.
(6) Wildland fire hazards.	LS (p. 215)	No	No	No	The project site is not in or adjacent to an area mapped as presenting a wildland fire hazard. <sup>23</sup> Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.
(7) Electric and magnetic fields (EMFs).	LS (p. 216)	No	No	No	An approximately 200-foot wide Pacific Gas and Electric (PG&E) right-of-way with four 230-kilovolt (kV) electrical transmission lines runs from the southeast corner of the site to approximately the center of the northern property boundary. As no specific health effects of EMFs have been conclusively demonstrated, health-based or regulatory risk standards do not exist for EMF exposure. Therefore, describing impacts of the current or potential effects of EMFs would necessarily be speculative in nature. The <i>CEQA Guidelines</i> state that if, after thorough investigation, a lead agency

<sup>21</sup> IMFC, 2004. op cit.

<sup>22</sup> City of Antioch, General Plan, 2003. Section 11.8, Disaster Response, November 24.

<sup>23</sup> California Department of Forestry and Fire Protection (CDF), 2000. *Contra Costa County Natural Hazards Disclosure (Fire)*, Map ID NHD-07. January 6.

**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
					<p>finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.<sup>24</sup> As such, the 2008 EIR did not identify any impacts related to EMFs. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to EMFs. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.</p>
<b>(8) Development of the project site and off-site areas could expose construction workers and future residents to hazardous materials from historic oil and gas exploration.</b>	LSM (p. 216)	No	No	No	<p>Although no obvious evidence of contamination is apparent at the project site or is anticipated at the off-site impact areas, the potential exists that areas of stained and/or odorous soils resulting from contamination from historic oil and natural gas exploration and production may be discovered during project construction. If present, this contamination could pose a human health risk to construction workers and future residents who may be directly exposed to contaminated soils and groundwater or to volatile contaminants that have migrated into indoor air. The current project would involve some level of disturbance similar to the 2008 Aviano Adult Community Project. Therefore, the change from age-restricted to non-age restricted would not create new or more severe impacts related to hazardous materials from historic oil and gas exploration. Therefore, Mitigation Measure HAZ-1 remains adequate in order to ensure that impacts related to historic oil and gas exploration are <i>less than significant</i>.</p>
<b>(9) Development of the current project could expose future open space recreational users to hazardous materials and</b>	LSM (p. 217)	No	No	No	<p>Data is not available to evaluate whether the waters of Sand Creek near the project site have been affected by acid mine drainage within the regional watershed. Although the nearest source of the acid mine drainage is approximately two miles away, the potential exists for acidic water or metals leached into the water to migrate to the project site through Sand Creek. Any contaminated water could potentially pose a health risk to future users of the proposed open space areas and the Sand Creek trail, if the users were to have direct contact with the Creek waters. The current project still includes the proposed open space area and Sand Creek Trail. Therefore, the same potential</p>

<sup>24</sup> CEQA Guidelines, Section 15145.

**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
corrosives that may be present in Sand Creek.		No			for contaminated waters to pose a health risk to future users of the open space areas still exists. Mitigation Measure HAZ-2 remains adequate in order to ensure that impacts related to hazardous materials and corrosives are <i>less than significant</i> .
<b>(10) Oil and natural gas pipelines may create safety hazards for construction workers during development of the project.</b>	LSM (p. 217)	No	No	No	Construction in the vicinity of the oil and natural gas pipelines during development of the current project has the potential to damage the pipelines, which could result in a significant release of hazardous materials that could affect construction workers and the environment. The current project involves the same level of development; therefore, the potential for exposure identified in the 2008 EIR still exists for the current project. The 2008 EIR required Mitigation Measure HAZ-3 to ensure that potential impacts from oil and natural gas pipelines would be reduced to a less-than-significant level. The current project does not involve changes that would create new or more severe impacts. Therefore, Mitigation Measure HAZ-3 remains adequate in order to ensure that impacts related to oil and natural gas pipelines are <i>less than significant</i> .
<b>(11) Improper use, storage, or disposal of hazardous materials during construction activities could result in releases affecting construction workers, the public, and the environment.</b>	LSM (p. 218)	No	No	No	Construction of residences, roadways, pedestrian paths, and landscaping features at the current project site would require the use and transport of hazardous materials. The materials would include fuels, oils, and other chemicals used during construction activities. Improper use and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and environment.  The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to the improper use, storage, or disposal of hazardous materials during construction. As such, all the mitigation measure requirements for the 2008 Aviano Adult Community Project are still applicable for the current project and would be implemented through the Mitigation Monitoring and Reporting Plan (MMRP). Therefore, Mitigation Measure HAZ-4 remains adequate to ensure that impacts related to the improper use, storage, or disposal of hazardous materials during construction

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Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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**2008 EIR Mitigation Measures:**

HAZ-1: Prior to the issuance of grading or construction permits for the project site and off-site impact areas, a Construction Risk Management Plan (CRMP) should be prepared to address potential hazardous material issues during construction of the project. The CRMP shall include provisions to protect construction workers and the nearby public from health risks from pipeline hazards and potential contaminated soils associated with oil and natural gas production in the project vicinity. The CRMP shall incorporate Best Practices defined by the Common Ground Alliance to ensure construction worker safety and prevent accidental releases from oil and natural gas pipelines. The CRMP shall also require site inspections during initial grading activities at the site; provide procedures to be undertaken in the event that previously unreported petroleum contamination or subsurface hazards are discovered during construction; incorporate construction safety measures for excavation and other construction activities; establish detailed procedures for the safe storage, stockpiling, use, and disposal of hazardous materials at the project site; provide emergency response procedures; and designate personnel responsible for implementation of the CRMP. Any areas of contamination that may be discovered during project development shall be immediately reported to the Hazardous Materials Program of Contra Costa Health Services (CCHS) and investigated and remediated under the oversight of CCHS or other appropriate agency in accordance with existing regulatory programs. The CRMP shall be submitted to the City of Antioch for review and approval. (LTS)

HAZ-2: Prior to the issuance of a certificate of occupancy at the site, a qualified environmental professional shall conduct a surface water quality investigation at the portion of Sand Creek within the project site. At least one surface water sample shall be collected from Sand Creek during three different quarters of the year to evaluate water quality at the start of, during, and at the end of the rainy season. The samples shall be analyzed for pH and California Title 22 heavy metals, and the laboratory results shall be compared to established residential health risk standards (RWQCB Environmental Screening Levels).<sup>25</sup> Water quality sampling results shall be provided to the Mining Section of the Central Valley RWQCB, which is responsible for implementation of water quality regulations related to mining wastes, to aid their investigation and remediation of the source of the acid mine drainage. The surface water quality investigation shall also be submitted to the City of Antioch for review and approval. If acidic conditions are identified (pH lower than 6.5) and/or concentrations of metals in excess of residential water quality standards, warning signs shall be posted on both banks of Sand Creek warning open space users to avoid contact with Creek water. (LTS)

HAZ-3: Preparation and implementation of the CRMP in Mitigation Measure HAZ-1, which requires compliance with best management practices for construction safety in pipelines, would reduce this potential impact to a less than significant level. (LTS)

HAZ-4: Preparation and implementation of the CRMP in Mitigation Measure HAZ-1 as well as the required SWPPP for construction (see Mitigation Measure HYD-2) would reduce the potential impacts of hazardous materials releases during construction to a less-than-significant level. No additional mitigation is required. (LTS)

**Special Mitigation Measures:** None required.

*are less than significant.*

<sup>25</sup> San Francisco Bay Regional Water Quality Control Board, 2005. *Screening For Environmental Concerns at Sites with Contaminated Soil and Groundwater*. February.

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<b>I. Biological Resources</b>					
<p>The following permits and associated consultation have been completed or will soon be completed by the Aviano Farms Project: USFWS Biological Opinion; CDFW Section 1602; CDFW Section 2081 California Endangered Species Act (CESA) Conditional Incidental Take permit; Section 7 Federal Endangered Species Act (FESA) Consultations between USFWS and the USACE; USACE Section 404 Clean Water Act Permit; and RWQCB Section 401 Clean Water Act.</p>					
<b>(1) Wildlife movement corridors.</b>	LS (p. 260)	No	No	No	<p>The current project involves the same area of disturbance as the 2008 Aviano Adult Community Project. Similar to the 2008 Aviano Adult Community Project, the area proposed for development occurs to the north of Sand Creek and is comprised mainly of non-native grassland, which supports a diverse assemblage of native wildlife species. The non-native grassland portion of the site is adjacent to developed lands along both the western and northern boundaries, consisting of the Kaiser Hospital facility and residential development respectively. As such, the portion of the site proposed for development is unlikely to function as a significant movement corridor, although wildlife occurring on the site may move within the non-native grassland area. Sand Creek potentially functions as a movement corridor for native species; however, just as with the 2008 tentative map, the tentative map for the current project preserves a Sand Creek riparian corridor within a riparian buffer zone with a setback averaging 100 feet. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to wildlife movement corridors. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.</p>
<b>(2) Special-status plants.</b>	LS (p. 260)	No	No	No	<p>Although the proposed site provides potential habitat for several special-status plant species, protocol-level surveys for rare plants have determined that all but one, round-leaved filaree, are absent from the project site. The population of round-leaved filaree occurs within the area that has been designated as preserved open space and would be avoided during project development. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to special-status plants. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.</p>

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
(3) Conflict with plans.	LS (p. 260)	No	No	No	Project. The City of Antioch is not currently participating in a Habitat Conservation Plan (HCP), Natural Communities Conservation Plan (NCCP) or other such plan. East Contra Costa County does have an HCP/NCCP, however, and the mitigation measures proposed have been developed with consideration for that plan. Mitigation measures proposed are consistent with the City's General Plan policies with regard to preservation and management of biological resources. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to conflicts with plans. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.
(4) Grading and construction of the current project would result in a loss of habitat for special-status grassland and vernal pool species including the vernal pool fairy shrimp, vernal pool tadpole shrimp, California tiger salamander, burrowing owl, and San Joaquin kit fox.	LSM (p. 260)	No	No	No	The current project involves the same area of disturbance as the 2008 Aviano Adult Community Project. As such, the current project would disturb the same habitats identified in the 2008 EIR, with the exception of the adjacent school which is already built. Grasslands of the project site provide known nesting and foraging habitat for the burrowing owl, a State Species of Special Concern. Grasslands, agricultural fields, and ruderal areas of the Royal Formosa/Chen and Ginocchio/Numm parcels also provide potential nesting and foraging habitat for the burrowing owl species. The aforementioned habitats also provide suitable foraging and denning habitat for the San Joaquin kit fox and suitable upland habitat for the California tiger salamander. Although neither of the latter two species has been observed on the site, protocol-level studies to confirm their absence have not been conducted and the species are assumed to be present.  Grading and construction occurring on the project site to the north of Sand Creek would also result in the loss of approximately 0.32 acres of seasonal wetlands and 0.86 acres of manmade detention channel, while temporary impacts to seasonal wetlands occurring along the eastern boundary of the Ginocchio/Numm parcel near Heidorn Ranch Road, estimated at less than 0.10 acre, may occur as a result of the installation of the sanitary sewer line. The



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Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p><b>(5) Grading and construction of the current project may result in a loss of dispersal habitat for the California red-legged frog.</b></p>	<p>LSM (p. 270)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>seasonal wetlands of the site provide potential habitat for the vernal pool fairy shrimp and marginal habitat for the vernal pool tadpole shrimp. As protocol-level surveys have not been conducted, shrimp are assumed to be present on the sites. Seasonal wetlands of the Ginocchio/Nunn parcel are known to support populations of the vernal pool fairy shrimp. The seasonal wetlands of both the project site and the Ginocchio/Nunn parcel, as well as the manmade detention channel on the project site, may also provide marginal breeding habitat for the California tiger salamander. Therefore, Mitigation Measures BIO-1a through 1d remain adequate in order to ensure that impacts related to special-status grassland and vernal pool species are <i>less than significant</i>.  The California red-legged frog is known to be present on-site within Sand Creek, although breeding habitat for the species is considered absent on the site. The California red-legged frog species also may utilize the manmade detention channel on-site as a dispersal corridor, although they have never been observed in the channel. Grading and construction of the project would include placing the detention channel in an underground culvert, resulting in a loss of approximately 0.86 acres of potential dispersal habitat for the species.  For the most part, red-legged frog habitat within the aquatic environs of the Sand Creek channel would not be impacted by the current project as the channel would be set aside within the Open Space Preserve area. However, both the 2008 Aviano Adult Community Project and the current non-age restricted project identify the construction of two outfalls on the northern bank of the creek channel that would drain the proposed detention basins, as well as a 12-foot wide paved trail along the northern edge of the creek channel just outside the riparian buffer. The 2008 EIR required Mitigation Measures BIO-2a and 2b in order to ensure that impacts related to California red-legged frog are less than significant. The current project would not involve changes that would create new or more severe impacts. Therefore, Mitigation Measures BIO-2a and 2b remain adequate in order to ensure that impacts related to California red-legged frog are <i>less than significant</i>.</p>

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Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>(6) Grading and construction of the current project may result in harm or mortality to individual special-status animals including vernal pool fairy shrimp, vernal pool tadpole shrimp, California tiger salamander, California red-legged frog, western pond turtle, burrowing owl, American badger, and San Joaquin kit fox.</p>	<p>LSM (p. 273)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Similar to the 2008 Aviano Adult Community Project, grading and construction activities within wetlands could result in mortality to vernal pool fairy shrimp and vernal pool tadpole shrimp. Grading and construction activities within grasslands of the site and adjacent properties could result in harm or mortality to California tiger salamanders, to nesting/roosting burrowing owls which are known to be using burrows on the site, to American badgers if they are denning on the site, and/or to San Joaquin kit foxes that may be denning or foraging on the site. Grading and construction activities within or in the immediate vicinity of Sand Creek and the manmade detention channel could result in harm or mortality to California red-legged frogs and/or western pond turtles if they are present in the wetlands during grading and construction activities. The 2008 EIR required implementation of Mitigation Measures BIO-3a through 3h in order to ensure that impacts to individual special-status animals would be less than significant. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to individual special-status animals. Therefore, Mitigation Measures BIO-3a and 3h remain adequate in order to ensure that impacts related to individual special-status animals are <i>less than significant</i>.</p>
<p>(7) Grading and construction of the current project may result in destruction or abandonment of special-status</p>	<p>LSM (p. 278)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Riparian trees and shrubs occurring along Sand Creek, and oak trees occurring in the southern portion of the site, provide potential nesting habitat for several special-status bird species including the golden eagle, Swainson's hawk, white-tailed kite, and loggerhead shrike. While riparian vegetation would be preserved along Sand Creek within the riparian buffer zone, and trees occurring south of Sand Creek would be preserved in open space, project construction activities occurring in the vicinity of the Creek or other riparian habitat, such as the construction of the detention basins adjacent to</p>

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<p>bird nests including golden eagle, Swainson's hawk, white-tailed kite, northern harrier, loggerhead shrike, and tricolored blackbird.</p>					<p>the riparian buffer zone, could result in disturbance that causes nest abandonment for the above species. In addition, similar to the 2008 Aviano Adult Community Project, grading and construction activities for the current project would result in the removal of grasslands that provide potential nesting habitat for the California horned lark, and of cattail stands within the manmade detention channel that provide potential nesting habitat for the tricolored blackbird. The 2008 EIR required implementation of Mitigation Measures BIO-4a through 4d in order to ensure that impacts to individual special-status birds' nests would be less than significant. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to special-status bird nests. Therefore, Mitigation Measures BIO-4a through 4d remain adequate in order to ensure that impacts related to special-status birds are <i>less than significant</i>.</p>
<p>(8) Grading and construction of the current project would result in fill being placed within jurisdictional waters of the U.S. and State.</p>	<p>LSM (p. 279)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Similar to the 2008 Aviano Adult Community Project, project grading and construction on the north side of Sand Creek would result in the filling of approximately 0.09 acres of seasonal wetlands and 0.05 acres of other waters that have been claimed as jurisdictional Waters of the U.S. by USACE (totaling 0.14 acres). The 0.14 acres claimed by USACE, along with another 0.23 acres of isolated wetlands not claimed by USACE, would be considered jurisdictional Waters of the State by the RWQCB (totaling 0.37 acres). The 0.86-acre detention channel that would be filled has been disclaimed as jurisdictional by USACE and is also expected to be disclaimed by the RWQCB as a manmade feature that was constructed in upland habitat.</p> <p>It should be noted that the proposed project has obtained a Section 404 permit for discharge of dredge or fill material into waters of the U.S. In addition, a Streambed Alteration Agreement has been obtained by the CDFW. Furthermore, a Streambed Alteration Agreement and Section 401 permit is currently under review by the Central Valley RWQCB for the proposed project</p>

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
(9) Grading and construction activities associated with the project could harm or disturb nesting birds or destroy their nests.	LSM (p. 281)	No	No	No	The channel of Sand Creek would be considered jurisdictional Waters of the U.S. and State to the extent of the Ordinary High Water mark (OHWM) on opposing banks. The creek would also be considered jurisdictional by CDFW to the top of the bank or the dripline of riparian vegetation, whichever is greater. Installation of the two outfalls on the northern bank of the Sand Creek channel would impact areas of the creek under the jurisdiction of CDFW. The outfalls would also impact areas under the jurisdiction of the USACE and RWQCB if installed below the OHWM. However, the extent of the potential impact to jurisdictional waters within the creek channel would be minimal, estimated at approximately 0.03 acres. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to waters of the U.S. and State. Therefore, Mitigation Measures BIO-5a and 5b remain adequate in order ensure that impacts related to waters of the U.S. and State are <i>less than significant</i> .
(10) Grading and construction activities on the	LSM (p. 281)	No	No	No	All native resident and migratory birds are protected by the Migratory Bird Treaty Act of 1918 (Act; 16 U.S.C. 703-712), which makes the intentional take, harm, or harass of any migratory bird or their eggs illegal, except under the authority of an appropriate permit. Many common resident and migratory birds may potentially nest in on-site habitats such as within riparian trees and shrubs along Sand Creek, trees occurring south of Sand Creek, grasslands of the site, and the cattail stands occurring within the manmade detention channel. Similar to the 2008 Aviano Adult Community Project, grading and construction activities for the current project during the breeding season would impact those species that are nesting on the site. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to birds and nests. Therefore, Mitigation Measure BIO-6 remains adequate in order to ensure that impacts related to nesting birds are <i>less than significant</i> . Several trees, including a large blue gum ( <i>Eucalyptus globulus</i> ), occur along the southern and eastern boundaries of the Aera Energy property that would be considered either “mature” or “established trees” under the City’s tree

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<p>Aera Energy parcel associated with the installation of the sewer pipeline would result in a loss of trees covered by the City of Antioch's tree ordinance.</p>					<p>ordinance. Some of the trees occur within the footprint of the proposed sewer pipeline alignment. It should be noted that an EIR for the currently proposed Vineyards at Sand Creek Project, located adjacent to the current project site, is currently being drafted. The Vineyards at Sand Creek Project EIR will address impacts to trees on the Aera property as well. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to trees covered by the Antioch tree ordinance. Therefore, Mitigation Measure BIO-7 remains adequate in order to ensure impacts related to Antioch's tree ordinance are <i>less than significant</i>.</p>

**2008 EIR Mitigation Measures:**

**BIO-1a:** The project sponsor shall compensate for the permanent loss of 154 acres of suitable habitat for listed grassland and vernal pool species (vernal pool fairy shrimp, vernal pool tadpole shrimp, California tiger salamanders, and San Joaquin kit fox) at a ratio of 1:3 (e.g., for each acreage impacted, a minimum of 3 acres of suitable habitat will be preserved). The above ratio would result in a mitigation requirement of 462 acres of suitable habitat for listed grassland species. Mitigation for impacts to listed species habitat may be accomplished 1) through on and/or off-site preservation as described below or 2) through the purchase of habitat credits equivalent to preservation of habitat at a 1:3 ratio (loss:preserved) at an approved mitigation bank that includes the City of Antioch in its service area. Alternatively, the project sponsor may negotiate and pay development fees to the East Contra Costa County (ECC) HCP/NCCP Implementing Entity consistent with the applicable fee schedule for projects covered under the ECC HCP/NCCP (see Mitigation Measure BIO-1d).

To compensate for the permanent loss of habitat for grassland and vernal pool animals, the project sponsor shall be required to preserve and/or create suitable habitat on-site and/or off-site within eastern Contra Costa County. Habitat to be preserved on-site would partially compensate for impacts to San Joaquin kit fox and burrowing owl in the on-site preserve as described below. The remainder of the mitigation would be accomplished at off-site mitigation areas. Habitat to be preserved off-site must be grassland habitat possessing the following characteristics: 1) the site shall be located within the northern range of the San Joaquin kit fox in Contra Costa County and shall be contiguous with other suitable kit fox habitat, 2) the site shall provide suitable foraging and denning habitat for kit foxes; 3) the site shall encompass seasonal wetlands/vernal pools that support vernal pool fairy shrimp and/or vernal pool tadpole shrimp; 4) the site shall provide breeding and upland habitat for California tiger salamanders; 5) the site shall provide upland and migration habitat for California red-legged frogs, and 6) the site shall have supported breeding burrowing owls in the last three years.

The basis for the above required mitigation is as follows. While it is acknowledged that the project site is outside the area covered by the HCP/NCCP, and the HCP/NCCP does not set forth specific ratios for preservation or creation of habitat, the Plan does set a goal of the acquisition and preservation of 13,900 acres of grassland habitat. The acquisition and preservation of grassland habitat is to compensate for projected impacts to between 3,920 and 5,578 acres of such habitat in the plan area. Using these impacted and preserved acreage values roughly translates to a loss:preservation ratio between 1:2.5 to 1:3.5 for grassland species such as California tiger salamander and San Joaquin kit fox. Participants in



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the HCP/NCCP divide the responsibility for land acquisition and preservation to meet the HCP/NCCP goals between new development at 52 percent and existing development (i.e., the public) at 48 percent. Since cost sharing for projects not covered by HCP/NCCP does not exist, the entire responsibility to mitigate the impacts in a manner consistent with the regional HCP/NCCP would fall to new development (i.e., the project sponsor).

Consistent with the derived ratio above, the 1:3 (loss:preservation) ratio is the standard used by the USFWS and CDFW to determine appropriate compensation for impacts to listed grassland species' habitat (e.g., California tiger salamander, San Joaquin kit fox) for other projects in these species' ranges including those in eastern Contra Costa and Solano counties.<sup>26</sup> Given that both the derived ratio from the regional HCP/NCCP and the resource agencies' typical requirements are similar, the 1:3 (loss:preservation) ratio is justified for the current project. For mitigation purposes, the minimum loss:preservation ratio is 1:3, unless the applicable resource agencies determine a lower ratio to be acceptable.

Upland habitat mitigation for both San Joaquin kit fox and California tiger salamander may be accomplished on the same acreage provided that 1) the mitigation site is determined to be suitable for both of these species by a qualified biologist in consultation with USFWS and CDFW and 2) the management plan includes measures for conservation of both species and enhancement of habitat for both species. The additional acreage purchased by the project sponsor to mitigate habitat impacts for California tiger salamander must be grassland habitat that supports ground squirrels and either has known breeding habitat on-site or is within migration range of, and has preserved connectivity to, known breeding habitat for this species. The known breeding habitat must be located on a site that is preserved and managed for California tiger salamanders and other native wildlife and plants (i.e., regional or state park, mitigation or conservation bank, or other area preserved in a conservation easement). Additional acreage purchased by the project sponsor to mitigate for impacts for San Joaquin kit fox must be within the USFWS mapped range of the species, must have connectivity to areas where kit fox are known to occur, and provide suitable foraging and denning habitat. The project sponsor must either establish a conservation easement on the additional mitigation lands to preserve them in perpetuity as wildlife habitat or donate the additional mitigation lands acres to a qualified conservation organization. The project sponsor must also establish an endowment fund to provide for the long-term management, maintenance, and monitoring of the mitigation site. Requirements for each preservation/creation (on-site and off-site) are detailed below.

*On-site Preservation.* The project sponsor shall preserve 35.9<sup>27</sup> acres as an Open Space Preserve at the south end of the project site. Approximately 4.7 acres of the preserved area are located north of the Sand Creek channel and would serve to buffer the Sand Creek riparian corridor from the development north of the creek. The on-site preserved area excludes 2.5 acres that have been set-aside for a potential future road extending from Sand Creek Road southwest through the Preserve, as well as another 1.0 acre which has been granted as an easement to PG&E for grading and landscaping associated with a new substation located at the eastern boundary of the preserve. On-site habitat preservation within the Preserve would provide habitat for San Joaquin kit fox and burrowing owl. The population of round-leaved filaree is located within the on-site preserve. The on-site preserve also would provide habitat for common wildlife and plant species that occur in the grasslands of the region.

<sup>26</sup> USFWS and CDFW. 2007. Personal communication with S. Larsen and L. Triffleman (USFWS) and J Gan (CDFW), Dec 2007. Personal communication with M. Tovar and A. Raabe (USFWS) and A. Holmes (CDFW), Nov. 2007.

<sup>27</sup> The area designated as Open Space Preserve differs slightly from the acreage described in Chapter III, Project Description, of the 2008 EIR. The difference (from 36.9 to 35.9 acres) is due to the deduction of the 1.0 acre easement adjacent to the PG&E Substation. This land is not suitable for inclusion in the Open Space Preserve as it will be graded and landscaped as part of the new substation.

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<p>The Preserve would include a permanently protected riparian buffer along the north side of Sand Creek on the project site averaging 100 feet from the top-of-bank. The development plan for the project site shall include the transfer of the preserve averaging 100 feet from top-of-bank. The development plan for the project site shall include the transfer of the preserve into a dedicated parcel. A deed restriction shall be recorded over the parcel, ensuring that its ecological values would be maintained in perpetuity. An endowment fund shall be established by the project sponsor and held and administered by an appropriate public agency such as CDFW, to provide for the long-term maintenance, monitoring, and management of the on-site preserve including the plantings established in the Riparian Enhancement Plan (described in Mitigation Measure BIO-2b). As required by the City's General Plan, the site would be managed pursuant to a Resource Management Plan (a draft version of which is provided as Appendix K in the 2008 EIR).</p>					
<p><i>Off-site Preservation.</i> The project sponsor has purchased a 205.6-acre property known as the Ralph Property in eastern Contra Costa County as partial mitigation for impacts associated with the development of the project site. Approximately 166.6 acres would be used as off-site mitigation for biological impacts resulting from the current project. The Ralph property is located approximately two miles south of the Byron Airport, just outside the town of Byron, California, and is composed of two parcels: APN 001-031-018-3 (147.02 acres), and APN 001-031-019-1 (58.53 acres). Per an agreement with CDFW in 2006, 39 acres of the 205.6-acre Ralph property have already been designated as mitigation for impacts that occurred to burrowing owls at another of the project sponsor's project sites in Oakley. As mitigation compensation for the current project, the project sponsor shall donate the remaining 166.6 acres of the Ralph property to a qualified conservation organization to mitigate impacts to waters of the U.S. and State, and for habitat loss for the vernal pool fairy shrimp, vernal pool tadpole shrimp, California tiger salamander, western burrowing owl, and San Joaquin kit fox. The project sponsor shall establish an endowment fund to provide for the long-term maintenance and monitoring of the site. As required by the City's General Plan, the site shall be managed pursuant to a Resource Management Plan (Appendix K of the 2008 EIR). The 166.6 acres of the Ralph property that would be preserved as compensation for impacts to special-status grassland and vernal pool species is comprised of predominantly non-native grassland habitat (estimated at 136.6 acres), with the remaining acreage (estimated at 30 acres) supporting a mosaic of vernal pool, seasonal wetland channel, and seasonal alkali wetland habitats.</p>					
<p>The Ralph site is within USFWS Critical Habitat for vernal pool crustaceans and within the mapped range of San Joaquin kit fox. The site also supports known populations of four species of vernal pool crustaceans including the vernal pool fairy shrimp; breeding and upland habitat for the California tiger salamander; and breeding and overwintering habitat for burrowing owls. Additionally, occurrences of California red-legged frog have been documented upstream of the site in a seasonal wetland channel that enters the site in the southwest corner. Adding to the resource value of the site, the Ralph property is located just outside the 2,000-foot protection zone established around the Byron Airport and therefore would remain part of a much larger preservation complex with regional importance as identified in the ECC HCP/NCCP. The HCP/NCCP indicates that there are already areas adjacent to the Ralph property that are preserved in perpetuity and whose resources will be managed for the benefit of native wildlife and plants (816 acres within the airport boundaries and 121 acres in a private mitigation bank). The Ralph property is immediately outside the indicated preserved areas and thus has regional significance as a property that can be added to existing preserved areas. Based on information provided by M&amp;A, information contained in the HCP/NCCP, and on a reconnaissance-level site visit to the Ralph property by LOA staff in April 2007, the Ralph mitigation site appears to provide higher habitat value for special-status animals that occur on the site or its vicinity than the project site itself. Acreages of impacts and mitigations for the loss of habitat for individual special-status grassland and vernal pool species impacted by the project are provided in Table IV.I-3 of the 2008 EIR (page 265) and discussed in further detail in the text below.</p>					

*Vernal Pool Crustaceans.* The Ralph property occurs within vernal pool fairy shrimp critical habitat and, although no formal wetland delineation has been conducted on the site, the

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					<p>site contains a rough estimate of at least 9.0 acres of vernal pool habitat.<sup>28</sup> In 2006, M&amp;A conducted wet season protocol-level surveys for federally-listed vernal pool crustaceans on the Ralph site. The site was found to support one listed fairy shrimp species – vernal pool fairy shrimp (<i>Branchinecta lynchi</i>), and three non-listed species – Lindahl’s fairy shrimp (<i>Branchinecta lindahli</i>), Midvalley fairy shrimp (<i>Branchinecta mesovalleensis</i>), and alkali fairy shrimp (<i>Branchinecta mackini</i>).<sup>29</sup> Vernal pool tadpole shrimp were not found to be present on the mitigation site. The current project would result in a loss of 0.32 acres of potential vernal pool crustacean habitat occurring on the project site, and would result in temporary impacts to another approximately 0.10 acres of such habitat occurring on the Ginocchio/Nunn site. The loss would be compensated by the preservation of an estimated 9.0 acres of occupied vernal pool crustacean habitat on the Ralph property, resulting in a loss: preservation ratio greater than 1:20 and well in excess of the 1:3 mitigation ratio generally required by the USFWS. Additionally, the project sponsor shall create another 0.91 acres of seasonal wetland habitats that shall be suitable for vernal pool fairy shrimp and vernal pool tadpole shrimp. The created wetlands shall be inoculated with salvaged soils from the seasonal wetlands on the project site, resulting in a greater than 1:2 loss:creation ratio. The salvaging of topsoil from the seasonal wetlands is described in Mitigation Measure BIO-3.</p> <p><i>California Tiger Salamander</i>. The Ralph site is known to support breeding habitat for California tiger salamanders. On April 7, 2005, M&amp;A staff observed numerous California tiger salamander larvae in one of the larger alkali wetlands located in the south central portion of the site confirming the presence of the species on the site.<sup>30</sup> The extent of the known breeding habitat on the site is estimated at approximately 6.0 acres, however, another large, approximately 4.0-acre wetland occurring in the northeastern portion of the site also supports proper hydrology for salamander breeding.<sup>31</sup> Additionally, a CNDDB record from 1994 reports California tiger salamanders breeding in a stock pond located approximately 1,500 feet east of the Ralph site. As such, all 146.6 acres of the Ralph site are considered to be salamander breeding and upland habitat. Additionally, the Ralph site is surrounded by open rangeland, over 900 acres of which has already been preserved and is being managed for sensitive resources according to the HCP/NCCP,<sup>32</sup> which likely provides an additional significant amount of upland habitat for salamanders breeding on the Ralph site.</p> <p>The project would result in a loss of 0.32 acres of seasonal wetland/vernal pool habitat, and 0.86 acres of manmade detention channel (totaling 1.18 acres) which provides low quality breeding habitat for salamanders as a result of the surrounding land uses (development, crop production); the shallow nature, small size and observed hydrologic regime of the seasonal wetlands; and the hydrologic regime and likely presence of predatory nonnative bullfrogs in the detention channel. Additionally, the current project would result in the loss of 149.6 acres of potential upland habitat on-site for tiger salamanders and the loss of another 4.4 acres of potential upland habitat for the species due to off-site impacts on the Royal Formosa/Chen parcel and the Ginocchio/Nunn parcel. The loss of 1.18 acres of low quality potential tiger salamander breeding habitat on-site along with the loss of another 154 acres of upland habitat would be partially off-set by the preservation of 146.6 acres of combined breeding and upland habitat on the Ralph property, of which approximately 10 acres is wetland habitat that is either known to support breeding salamanders, or that has the proper hydrology to provide such habitat. Although 35.9 acres of grassland habitat</p>

<sup>28</sup> Monk & Associates, 2007. *Biological Assessment, Aviano Project Site, City of Antioch, California*. July 5.

<sup>29</sup> Monk & Associates, 2006. Vernal pool crustacean surveys, Ralph property mitigation site, Contra Costa County, California. October 3, 2006. 19pp.

<sup>30</sup> Monk & Associates, 2007. op. cit.

<sup>31</sup> Pers. comm. Geoff Monk. Monk & Associates, on July 11, 2007.

<sup>32</sup> Jones & Stokes, 2006. Final East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan. October (J&S 01478.01) Prepared for the East Contra Costa County Habitat Conservation Plan Association. Prepared by Jones & Stokes, San Jose, CA.



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would be preserved on-site, the preserved acreage has not been considered in the mitigation of habitat impacts for tiger salamander species. The 39.5-acre area has been excluded because of the unlikely future preservation of off-site migration corridors to the Preserve area from known salamander breeding habitat in the site's vicinity, as well as the uncertainty that such off-site breeding habitat would be preserved in perpetuity.

The combination of breeding habitat in proximity to suitable upland habitat is most important for the ongoing viability of the tiger salamander populations. Breeding habitat on the Ralph property supports not just upland habitat on the site, but also many more acres of upland habitat on open rangeland surrounding the site. According to the HCP/NCCP, <sup>33</sup> over 900 acres of such habitat is already preserved in the immediate vicinity of the Ralph property. However, given that the loss:preservation ratio for salamander habitat on the Ralph property alone is below the minimum by the resource agencies, or as derived from the HCP/NCCP, acreage on the Ralph property alone does not adequately mitigate this impact, and additional mitigation is required (see BIO-1b).

*Burrowing Owl.* As many as three pairs of burrowing owls have been observed to be present on the current project site; however, formal surveys for the burrowing owl species have not been conducted and, potentially, more individuals or pairs could be present. The project would result in the loss of 149.6 acres of known breeding and/or foraging habitat for burrowing owls on-site, as well as another 4.4 acres of potential breeding and/or foraging habitat off-site on the Royal Formosa/Chen and Ginocchio/Numm properties. Typically, CDFW has required that 6.5 acres of habitat be preserved to compensate for each pair of owls, or each individual owl. Mitigation for the three pairs known to occur on the site based on this ratio would be 19.5 acres of preserved habitat.

Approximately 35.9 acres of grassland habitat would be preserved on-site, and another approximately 166.6 acres of combined breeding and foraging habitat would be preserved off-site on the Ralph property which is known to support breeding burrowing owls, totaling 202.5 acres, or more than 10 times the habitat preservation that would typically be required by CDFW for impacts to the three pairs of owls known to occur on the project site. Considered another way, preservation of approximately 202.5 acres of suitable foraging and nesting habitat would be adequate mitigation for up to 31 pairs of owls. M&A has confirmed the presence of at least three pairs of burrowing owls on the Ralph property over a two-year period.<sup>34</sup> M&A staff has observed these owls on an on-going basis beginning in the fall of 2005 and continuing through the 2006 breeding season. Most recently the owls were observed in the non-breeding season in January 2007, which indicates that a burrowing owl population is firmly established on the Ralph property, and that they use the site both as breeding and wintering habitat. The entire Ralph site would be considered breeding and foraging habitat for the burrowing owl species.

*San Joaquin Kit Fox.* The site provides marginal habitat for San Joaquin kit fox because of surrounding land uses (i.e., residential, agricultural and commercial), and its location along the very northern edge of the USFWS mapped range for kit fox. The aforementioned factors make it unlikely that the project would directly impact the kit fox species. However, as the project sponsor has opted at this time not to conduct protocol-level studies to demonstrate that kit foxes do not occur on the site, presence is presumed. The project, therefore, would result in a loss of 154 acres of suitable foraging and denning habitat for kit foxes: 149.6 acres of grassland habitat on-site and another 4.4 acres of habitat off-site which is considered suitable kit fox habitat.

<sup>33</sup> Jones & Stokes. 2006. op. cit.

<sup>34</sup> Monk & Associates, 2007. op. cit.

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Although protocol-level studies for San Joaquin kit fox have not been conducted on the Ralph site, the site occurs well within the USFWS mapped range of the kit fox species, and the USFWS considers the site to be kit fox habitat based on M&A's informal consultation with USFWS in February 2006.<sup>35</sup> Additionally, eleven occurrences of kit fox have been documented in the vicinity of Byron in the period from 1987 to 2002, within one and six miles north and northwest of the Ralph site, with the latest of these sightings in 2002.<sup>36 37</sup> Approximately 166.6 acres of grasslands and seasonal wetlands that provide habitat for the San Joaquin kit fox species would be preserved off-site on the Ralph property, and additionally, another 35.9 acres of grassland habitat would be preserved on-site, totaling 202.5 acres. Preservation of the on-site and off-site mitigation lands would result in a 1:1.3 (loss:preservation) ratio. The 1:1.3 ratio is below the minimum ratio of 1:3 (loss:preservation) required to mitigate this impact to a standards used by the USFWS, CDFW, and the ratio derived from the regional HCP/NCCCP. Therefore, the preserved acreage on-site and off-site on the Ralph property would not adequately mitigate this impact, and additional mitigation is required (see BIO-1b).

*Resource Management Plan (RMP)*. Pursuant to the City of Antioch's General Plan, Resource Management Section 10.3.2e and Section 10.4.2d, a Resource Management Plan (RMP) has been developed for the management of natural resources to be preserved both on-site within the open space and riparian buffer areas, and for the off-site mitigation lands (Ralph mitigation site and other lands that may be purchased by the project sponsor as mitigation pursuant to Mitigation Measure BIO-1b) (see Appendix K of the 2008 EIR). The project sponsor must be required to implement and adhere to all recommendations contained in the RMP.

**BIO-1b:** In order to achieve the 1:3 (loss:preservation) ratio for impacts to listed species grassland habitat on the project site (462 acres), the project sponsor shall purchase 315.4 acres of additional land that is suitable habitat for California tiger salamander. Additional mitigation lands must meet the criteria as described in Mitigation Measure BIO-1a. Of this additional 315.4 acres, at least 259.4 acres must also provide suitable foraging and denning habitat for San Joaquin kit fox as described in Mitigation Measure BIO-1a.

Alternatively, the sponsor may choose to purchase an equivalent amount of preservation credits in an accredited mitigation bank within eastern Contra Costa County that includes the City of Antioch in its service area. The alternative would result in a total of 462.00 acres of on-site and/or off-site habitat being preserved for these two species and a 1:3 (loss:preservation) ratio. Mitigation for both kit fox and California tiger salamander may be accomplished on the same acreage provided that 1) the mitigation site is determined to be suitable for both of these species by a qualified biologist in consultation with USFWS and CDFW and 2) the management and monitoring plan includes measures for conservation of both species and enhancement of habitat for both species. The additional acreage purchased by the project sponsor to mitigate habitat impacts for California tiger salamander must be grassland habitat that supports ground squirrels and either has known breeding habitat on-site or is within migration range of, and has preserved connectivity to, known breeding habitat for this species. The known breeding habitat must be located on a site that is preserved and managed for California tiger salamanders and other native wildlife and plants (i.e., regional or state park, mitigation or conservation bank, or other area preserved in a conservation easement). Additional acreage purchased by the project sponsor to mitigate for impacts for San Joaquin kit fox must be within the USFWS mapped range of the species, must have connectivity to areas where kit fox are known to occur, and provide suitable

<sup>35</sup> Monk & Associates, 2007. op. cit.

<sup>36</sup> Monk & Associates, 2007. op. cit.

<sup>37</sup> EDAW. 1998. op. cit.

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foraging and denning habitat. The project sponsor must either establish a conservation easement on the additional mitigation lands to preserve them in perpetuity as wildlife habitat or donate the additional mitigation lands acres to a qualified conservation organization. The project sponsor must also establish an endowment fund to provide for the long-term management, maintenance, and monitoring of the mitigation site.

**BIO-1c:** The installation of the sewer pipeline along the eastern boundary of the Ginocchio/Numm property may result in temporary impacts to seasonal wetlands that provide habitat for special-status vernal pool crustaceans, estimated at less than 0.10 acres. To the maximum extent possible, wetlands on the Ginocchio/Numm property shall be avoided during pipeline installation. A qualified biologist shall stake a minimum buffer of 25 feet along the edge of all wetlands adjacent to the pipeline corridor prior to ground disturbance and pipeline excavation activities. Exclusionary fencing shall be erected along the edge of the buffer to ensure wetlands are protected from construction related impacts. A biological monitor shall inspect the exclusionary fencing on a twice-weekly basis during the pipeline installation phase to ensure it remains in place and that no intrusion into the avoided wetlands occurs. Soil contours within the pipeline corridor shall be restored to pre-project conditions following installation of the pipeline.

If wetlands on the Ginocchio/Numm property cannot be avoided during pipeline installation, then prior to any grading and excavation activities related to the installation, the topsoil of all wetland areas to be impacted shall be salvaged and stockpiled, and the configuration of the impacted wetlands shall be mapped so the wetlands can be re-contoured to pre-project conditions after the completion of the pipeline installation. Once pipeline installation is completed, the wetlands shall be re-contoured on the site and salvaged topsoils shall be re-deposited in the wetlands.

**BIO-1d:** As an alternative to purchasing land or purchasing habitat credits at a mitigation bank, the project sponsor may negotiate to pay development fees to the ECC HCP/NCCP Implementing Entity. The individual project buy-in to the HCP/NCCP would provide mitigation fees for the purpose of implementing the ECC HCP/NCCP. Based on the 2008 fee schedule, assuming 154 acres of permanent disturbance and impacts to 0.42 acres of seasonal wetlands, the project would incur development fees and wetland fees of approximately \$3,797,000.00. However, as the project site falls outside the area covered by the HCP, the project sponsor would need to negotiate a fee which is mutually agreeable to the Implementing Entity, USFWS, and CDFW.<sup>38</sup> If the project sponsor chooses to pursue the negotiation mitigation option, the project sponsor shall provide the City with evidence that the project has been accepted for individual coverage under the ECC HCP/NCCP and evidence of payment of the applicable development and wetland mitigation fees prior to issuance of a grading permit. (LTS)

**BIO-2a:** To compensate for the loss of 0.86 acres of marginal dispersal habitat for the frog within the detention channel and approximately 0.03 acres of known frog dispersal habitat within the Sand Creek channel, approximately 1.0 acre of such habitat shall be preserved on-site within the Sand Creek riparian buffer area. Additionally, as part of the project sponsor's mitigation for the loss of jurisdictional waters of the U.S. and State on the project site, the project sponsor shall create 0.91 acres of seasonal pond habitat on the Ralph site within and/or adjacent to the seasonal wetland drainage on the site, which would be designed to provide suitable breeding habitat for red-legged frogs. The created pond habitat will be managed to support breeding habitat for red-legged frogs pursuant to the RMP (see Mitigation Measure BIO-1 and Appendix K). Management of the site must include such

<sup>38</sup> Kopchick, John, 2008. Senior Planner, Contra Costa County Conservation and Development Department. Personal communication with Sara Welch, Mark Thomas and Company, Contract Planner to the City of Antioch. September 2.

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					<p>measures as draining ponds as necessary to control predators such as fish and bullfrogs. This created wetland habitat would provide an opportunity for the red-legged frog to become established on the mitigation site and in its immediate vicinity.</p> <p><b>BIO-2b:</b> The project proponent shall provide the City with a map showing the extent of encroachment of project development, including the detention basins, landscaped areas, roads and trail, that occur within 100 feet of the dripline of riparian vegetation or the creek bank, whichever is greater, as well as the acreage of such encroachment. To compensate for such encroachment, the project proponent shall enhance riparian habitat on-site within the 4.7 acre riparian set-back area at a 1:1 (loss:enhancement) ratio. A Riparian Enhancement Plan shall be developed by a qualified Plant or Restoration Ecologist in consultation with the USFWS and CDFW. A copy of the Enhancement Plan shall be provided to the City. At a minimum, the Plan shall include:</p> <ul style="list-style-type: none"> <li>• A Planting Plan which provides the location of on-site Enhancement Areas within the 4.7 acre designated riparian buffer and the number, location, planting container size, and species of trees and shrubs to be utilized in the enhancement effort.</li> <li>• A Maintenance Plan which provides details on irrigation, weed abatement and other maintenance activities to be conducted in the Enhancement Area(s) during the monitoring period.</li> <li>• A Monitoring Plan which provides specific measurable performance and final success criteria, and the methods that will be used to monitor these criteria. Performance criteria shall be monitored on an annual basis for a minimum of five years. The Monitoring Plan shall also include specific remedial actions to be taken should annual monitoring indicate that the Enhancement Area is not meeting the annual performance criteria during each annual monitoring period, or doesn't meet the final success criteria at the end of the minimum five-year monitoring period. One of the remedial actions will include an extension of the monitoring period until the final success criteria are met.</li> </ul> <p>Results of the annual monitoring effort and any remedial actions to be taken to rectify situations where the Enhancement is not meeting the annual performance criteria or final success criteria shall be provided to the City by an annual monitoring report. (LTS)</p> <p><b>BIO-3a:</b> The project sponsor shall consult with the USFWS and CDFW regarding impacts to federal and State listed species from the current project. The project sponsor shall obtain the appropriate take authorization (Section 7 Biological Opinion and/or 2081 permit) from the USFWS and CDFW prior to initiation of construction activities. The project sponsor shall comply with all terms of the endangered species permits including any mitigation requirements and provide proof of compliance to the City prior to issuance of a grading permit.</p> <p><b>BIO-3b:</b> Project grading shall only occur during the dry season (April 15 – October 30) and only after a qualified biologist has determined that all wetland areas of the site providing potential habitat for vernal pool crustaceans are dry, and individuals of these species, if present, would be in cyst form. Prior to filling the wetlands, the topsoil of all permanently impacted wetlands shall be salvaged and deposited in appropriate seasonal wetland habitats to be created on the Ralph mitigation property. Additionally, should pipeline installation on the Ginocchio/Nunn parcel result in temporary impacts to wetlands on the site, prior to the installation, topsoils in areas of these wetlands to be impacted shall be salvaged and then redeposited in the wetlands of the site once pipeline installation is complete and the wetlands have been re-sculpted on the site pursuant to Mitigation Measure BIO-1c.</p> <p><b>BIO-3c:</b> California tiger salamanders that are in burrows or soil cracks on the project site would be impacted by ground disturbing activities. California tiger salamanders may also</p>

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<p>become trapped in trenches excavated during project construction. In order to minimize and avoid mortality of California tiger salamanders on the site, as well as in the vicinity of off-site impacts occurring on the Royal Formosa/Chen and Ginocchio/Nunn parcels, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>• Prior to project-related ground disturbance activities occurring on-site or off-site, an employee training program for operators/contractors shall be conducted by a qualified biologist to explain the endangered species concerns at the project site and the measures being implemented to minimize and avoid mortality to the listed species.</li> <li>• All project-related grading activities shall be conducted during the summer months after all potential breeding sites on and in the vicinity of the project site have dried and when California tiger salamanders are not breeding or migrating.</li> <li>• A qualified biologist shall be present at the locations of all on- and offsite project-related ground disturbance activities to monitor these activities and to salvage California tiger salamanders that may be unearthed during ground disturbing activities. Salvaged California tiger salamander may be turned over to CDFW personnel for relocation, or the relocation of the CTS may be handled by a 10(a)(1)(A) permitted biologist as approved and directed by the USFWS and CDFW. Terms of the salvage shall be established in consultation with USFWS and CDFW prior to initiation of construction activities.</li> <li>• The sponsor shall develop and implement a plan to prevent salamanders from moving onto the construction areas during grading or construction activities and to monitor the site during construction. The plan shall be approved by the City, USFWS, and CDFW prior to the initiation of construction activities.</li> <li>• Best Management Practices also shall be implemented to minimize the potential mortality, injury, or other impacts to California tiger salamanders. Erosion control materials shall not include small-mesh plastic netting, which could result in entanglement within the material and death of California tiger salamanders. All trash items shall be removed from the project site to reduce the potential for attracting predators of California tiger salamanders, such as crows and ravens which could scavenge uncovered salamanders.</li> </ul>	<p><b>BIO-3d:</b> California red-legged frogs are known to be present on-site within Sand Creek and may also occur from time to time in the manmade detention channel. To avoid harm or mortality to California red-legged frogs to the greatest extent practicable, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>• Any construction-related activity that occurs within either the manmade detention channel or the Sand Creek channel, or within 300 feet of the top of the bank of either of these features, including project-related activities occurring on the Royal Formosa/Chen and Ginocchio/Nunn properties, shall only occur during the dry season (April 15 to October 30) when the frog would most likely have moved off-site to deeper pool habitats upstream of the site in Sand Creek.</li> <li>• No more than 48 hours prior to such construction-related activities described above, a qualified biologist shall survey Sand Creek and the detention channel, including at least 100 feet upstream and downstream of the construction site to determine if frogs are present and may be impacted by the activities.</li> <li>• Prior to any ground disturbance occurring within 300 feet of Sand Creek or the manmade detention channel, an employee training program for operators/contractors shall be conducted by a qualified biologist to explain the endangered species concerns at the project site. The education/training program must include a discussion of the general protection measures to be implemented to protect the frog and minimize take, and a delineation of the limits of the work area.</li> <li>• The project sponsor shall isolate the work area with suitable amphibian exclusion fencing that would block the movement of California red-legged frogs from entering the work area. The fence shall be installed prior to the time any site grading or other construction-related activities are implemented. The fence shall remain in place during site grading or other construction-related activities to prevent frogs from entering the project site work areas. Exclusion fencing shall consist of a 4-foot wall of ¼-inch mesh, galvanized wire (i.e., hardware cloth). Initially, staking would be installed along the route of the exclusion fencing in a 4-inch deep trench. Then, the bottom of the fence</li> </ul>				

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<p>shall be firmly seated in the trench. The fencing above the ground shall be anchored to metal staking with wire. Finally, the top 10 inches or less shall be bent over in a semicircle towards the outside of the fence to ensure that the fence cannot be climbed.</p> <ul style="list-style-type: none"> <li>• A qualified biologist possessing the proper authorizations from USFWS and CDFW shall be on-site during all construction and grading activities occurring within 300 feet of Sand Creek or the detention channel to conduct daily inspections of the fencing and to ensure that stranded frogs are relocated back to the stream channel. The biological monitor shall be responsible for ensuring that the frog fencing is not compromised, and shall notify both the on-site contractor and supervisor when fencing needs to be repaired.</li> <li>• All trash that might attract predators to the project site shall be properly contained and removed from the site and disposed of regularly. All construction debris and trash shall be removed from the site when construction activities are complete. All fueling and maintenance of equipment and vehicles, and staging areas shall be at least 75 feet from the top of the bank of Sand Creek or the detention channel. The construction personnel shall ensure that contamination of California red-legged frog habitat does not occur and shall have a plan to promptly address any accidental spills.</li> </ul>					<p><b>BIO-3e:</b> Within 24 hours of ground disturbance occurring within the manmade detention channel or the Sand Creek channel on the project site, or within 50 feet of the top of the banks of either of these areas, a qualified biologist shall survey the work area for western pond turtles. If turtles are found within the work area, they shall be relocated to other suitable habitat at least 300 feet up- or down-stream from the work area by a qualified biologist with the appropriate approvals from CDFW shall conduct all the relocations.</p> <p><b>BIO-3f:</b> Burrowing owls or their nests shall not be disturbed during the breeding season (February 1 through August 31). In the non-breeding season (September 1 to January 31), or at such time as all young owls have been determined by a qualified biologist to have fledged and be foraging independently, owls may be passively evicted from the project site's development area by a qualified biologist. Passive eviction methods shall be implemented pursuant to CDFW guidelines, and all eviction activities shall be coordinated with the CDFW prior to disturbance of active burrows. Once owls are evicted from the site, a qualified biologist shall develop a plan for management and on-going biological monitoring of the site to be implemented by the project sponsor to preclude owls from becoming re-established on the site. If construction or ground disturbance activities commence on the site prior to a passive eviction of owls, the CDFW shall be notified and a qualified biologist shall implement a routine monitoring program and establish a fenced exclusion zone around each occupied burrow in which no construction-related activity shall occur until the burrows are confirmed to be unoccupied. Disturbance shall not occur within 160 feet (50 meters) of an occupied burrow during the non-breeding season (September 1 through January 31) and within 250 feet (75 meters) of an occupied burrow during the breeding season (February 1 through August 31).</p> <p><b>BIO-3g:</b> To avoid harm or mortality to American badgers, a qualified biologist shall survey the site for denning badgers on the project site, and in areas of off-site temporary or permanent project impacts. The survey may be conducted at the same time that surveys for denning kit foxes are conducted (see Mitigation Measure BIO-3h below). If potential badger dens are found, they shall be monitored by the biologist to determine their status. If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a no disturbance buffer zone consisting of a 300-foot circumference around the den (or distance specified by the CDFW) shall be established. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or den abandonment. The monitor shall remain on-site until young are determined to be of an independent age and construction activities would not harm individual badgers.</p>

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<p><b>BIO-3h:</b> Pre-construction surveys for kit fox dens shall be conducted no more than 30 days prior to any construction-related activities. A qualified biologist shall conduct pre-construction kit fox surveys on the project site, and in areas of off-site temporary or permanent project impacts. The primary objective is to identify kit fox habitat features (potential dens and refugia) on the project site and evaluate use by kit fox. If an active kit fox den is detected within (or immediately adjacent to) the area of work, the USFWS shall be contacted immediately to determine the best course of action. The project sponsor will implement all measures specified by the USFWS and CDFW in the Biological Opinion and 2081 permit. All potential dens shall be monitored prior to destruction according to the terms of the <i>Standardized Recommendations for Protection of the Kit Fox Prior to or During Ground Disturbance</i> (USFWS 1999). If no kit fox activity is detected during den monitoring and destruction then a written report shall be submitted to the USFWS within five days following completion of the surveys. The project sponsor shall follow the <i>Standardized Recommendations for Protection of the Kit Fox Prior to or During Ground Disturbance</i> developed by the U.S. Fish and Wildlife Service (1999).<sup>39</sup> The recommendations include the following:</p> <ul style="list-style-type: none"> <li>• Preconstruction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the San Joaquin kit fox.</li> <li>• All construction-related activities shall be preceded by a tail-gate session, the primary purpose of which is to describe the importance of implementing construction related activities that would minimize potential construction related impacts to kit foxes.</li> <li>• Project-related vehicles shall observe a 20-mph speed limit in all project areas, except on city or county roads; this is particularly important at night when kit foxes are most active. To the extent possible, night-time construction and traffic should be avoided. Off-road traffic outside of designated project areas should be prohibited.</li> <li>• To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2-feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. In addition, these structures shall be thoroughly inspected by properly trained construction personnel each morning for kit fox or other species. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.</li> <li>• All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected by properly trained construction personnel for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity.</li> <li>• All food related trash items such as wrappers, cans, bottles, food scraps shall be disposed of in a closed container and removed at least once a week from a construction or project site and signs shall be placed at the construction site that prohibit feeding wildlife.</li> <li>• Firearms shall not be allowed on the project site.</li> <li>• To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, pets shall not be permitted on project sites.</li> <li>• Use of rodenticides and herbicides in project areas shall be restricted.</li> <li>• A representative shall be appointed by the project sponsor who would be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual (the representative's name and address shall be provided to the USFWS).</li> </ul>					

<sup>39</sup> USFWS. 1999. Standardized Recommendations for Protecting Kit Fox Prior to or During Ground Disturbance Activities.

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<ul style="list-style-type: none"> <li>Upon completion of the project, all areas subject to temporary ground disturbance, including storage and staging areas, temporary roads, pipeline corridors, etc., shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions.</li> <li>In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for advice.</li> <li>Any contractor, employee(s), or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. The representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045.</li> <li>The Sacramento Field Office of the USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal and any other pertinent information. (LTS)</li> </ul>					
<p><b>BIO-4a:</b> A qualified biologist shall conduct a pre-construction survey for nesting special-status raptors and loggerhead shrikes within 30 days prior to the commencement of tree trimming, site preparation, or construction related activities on the project site or at off-site project areas. The survey shall include all impacted areas within 250 feet of riparian vegetation along Sand Creek or within 250 feet of trees occurring in the area south of the creek, if this disturbance is to occur during the breeding season (February 1 to August 31). If nesting birds are detected, an appropriate fenced construction buffer shall be established around the nest. The actual size of the buffer shall be determined by the biologist in consultation with CDFW and would depend on the species, topography, and type of construction activity that would occur in the vicinity of the nest. The fenced construction buffers shall be monitored weekly by the biologist and shall remain in effect until the young have fledged the nest and are foraging independently or the nest is no longer active. Construction activity, staging, or parking shall not be allowed with the buffer zones until the young have fledged from the nest and are foraging independently or the nest is no longer active. Preconstruction surveys shall be repeated at 30 day intervals until construction activities are initiated.</p>					
<p><b>BIO-4b:</b> A qualified biologist shall conduct pre-construction surveys for nesting tricolored blackbirds within the manmade detention channel within 30 days prior to the commencement of any activities occurring within or within 100 feet of the detention channel or within the grasslands of the site, if this disturbance would occur during the passerine (songbird) breeding season, March 1 to August 31. If nesting tricolored blackbirds are detected, an appropriate fenced construction buffer shall be established around the nest. The actual size of the buffer shall be determined by the biologist in consultation with CDFW depending on the species, topography, and type of construction activity that would occur in the vicinity of the nest. The fenced construction buffers shall be monitored weekly by the biologist and shall remain in effect until the young have fledged the nest and are foraging independently or the nest is no longer active. Preconstruction surveys shall be repeated at 30-day intervals until construction activities are initiated.</p>					
<p><b>BIO-4c:</b> A qualified biologist shall conduct pre-construction surveys for nesting northern harriers, and nesting or roosting burrowing owls, 30 days prior to the commencement of ground disturbance activities in all grassland habitats occurring within 250 feet of such disturbance. If nesting birds are detected, an appropriate fenced construction buffer shall be established around the nest. The actual size of the buffer shall be determined by the biologist in consultation with CDFW and would depend on the species, topography, and type of construction activity that would occur in the vicinity of the nest. The fenced construction buffers shall be monitored weekly by the biologist and shall remain in effect until the young have fledged the nest and are foraging independently or the nest is no longer active. No construction activity, staging, or parking shall be allowed with the buffer zones until the young have fledged from the nest and are foraging independently or the nest is no longer active. Preconstruction surveys shall be repeated at 30 day intervals until construction</p>					



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<p>activities are initiated. If roosting burrowing owls occur on the site outside the raptor breeding season (i.e. outside of the period from February 1 to August 31), the project proponent may proceed with a passive eviction as discussed in Mitigation Measure BIO-3f.</p>					
<p><b>BIO-4d:</b> The project sponsor shall consult with the CDFW regarding impacts to Swainson’s hawk from the current project. The project sponsor shall obtain the appropriate take authorization (2081 permit) from the CDFW prior to initiation of construction activities. The project sponsor shall comply with all terms of the endangered species permits including any mitigation requirements and provide proof of compliance to the City prior to issuance of a grading permit. Implementation of Mitigation Measures BIO-4a, 4b, 4c, and 4d would reduce impacts as a result of destruction or abandonment of special-status bird nests to a less-than-significant level. (LTS)</p>					
<p><b>BIO-5a:</b> To mitigate for the loss of 0.17 acres of jurisdictional Waters of the U.S., 0.40 acres of jurisdictional Waters of the State, and approximately 0.03 acres of riparian areas under CDFW jurisdiction on the project site, the project sponsor shall preserve approximately 0.61 acres of jurisdictional tributary waters within the Sand Creek channel on-site, as well as preserve and create jurisdictional seasonal wetland habitat off-site on the 166.6-acre Ralph mitigation property. Although formal delineation has not been conducted on the Ralph property, the site supports an estimated 30 acres of combined vernal pool, seasonal wetland channel, and seasonal alkali wetland habitats that would be preserved in perpetuity on the site. Additionally, the project sponsor shall create 0.91 acres of seasonal wetland habitat on the Ralph site to mitigate at a 1:2.8 (loss:creation) ratio the loss of 0.32 acres of seasonal wetland habitat on the project site.</p>					
<p><b>BIO-5b:</b> Prior to issuing a grading permit, the project sponsor shall obtain the appropriate State and federal permits authorizing the fill of wetlands that are waters of the State and U.S. The project sponsor shall provide proof to the City of compliance with the terms and conditions of the permits, including all mitigation requirements, prior to issuance of the grading permit. (LTS)</p>					
<p><b>BIO-6:</b> If grading or construction begins within the breeding season for passerines (songbirds) and other common bird species (March – August), a qualified biologist shall conduct surveys of the grassland, ruderal and riparian habitats on-site and in all off-site impact areas to identify any bird species that are nesting in these areas. The surveys shall be carried out no sooner than two weeks prior to the start of construction. Impacts to active nests shall be avoided by establishing a fenced exclusion zone around all active nests, within which construction-related activities shall be prohibited until nesting birds have been determined to have fledged and be foraging independently or the until the nest is no longer active. Preconstruction surveys shall be repeated at 30-day intervals until construction activities are initiated. (LTS)</p>					
<p><b>BIO-7:</b> A formal tree survey shall be conducted by a qualified arborist or botanist to determine the sizes, locations, and species of all trees that would be impacted by the pipeline installation. Trees covered under the tree ordinance that would be removed as a result of pipeline construction shall be replaced at a 3:1 mitigation to loss ratio for “mature trees” and at a 2:1 mitigation to loss ratio for “established trees” to offset the temporal loss of these mature trees on the site. All mitigation trees shall consist of native trees indigenous to the region. Trees planted as mitigation can be incorporated into the landscape plans and/or the Riparian Enhancement Plan for the project site. (LTS)</p>					
<p><b>Special Mitigation Measures:</b> None required.</p>					

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<b>J. Public Services</b>					
<b>(1) Police services.</b>	LS (p. 289)	No	No	No	<p>The 2008 EIR determined that the proposed age-restricted project would have less-than-significant impacts to police services.</p> <p>The Antioch PD is responsible for providing law enforcement services within the City of Antioch. The Antioch PD operates out of the police headquarters at 300 L Street, and is currently budgeted for 124 sworn and 59 non-sworn employees, however, actual staffing levels are lower.<sup>40</sup> As noted previously, Policy 3.5.3.1 states that the City strives to maintain a force level within a range of 1.2 to 1.5 officers, including community service officers assigned to community policing and prisoner custody details, per 1,000 population. The City of Antioch's current population is 107,100,<sup>41</sup> which results in a current staffing ratio for the Antioch PD of approximately 1.0 per 1,000 residents. According to the current Antioch General Plan EIR, population growth has created an increased demand for police-related services, and consequently a need for additional Antioch PD staff. The General Plan EIR identified that without new funding sources the changes in the staffing ratio is unlikely; however, as population increases, additional officers would be hired to maintain the required ratio.<sup>42</sup> In addition, the proposed project's Development Agreement would require a financing mechanism for the provision of police services to the project site.</p> <p>The proposed change to a non-age-restricted project with the same number of dwelling units would not be expected to increase the demand for police services above and beyond that which was predicted for the 2008 age-restricted project. As a result, the 2008 EIR conclusion remains valid for the</p>

<sup>40</sup> City of Antioch. About Antioch Police Department. Available at: [http://www.ci.antioch.ca.us/CityGov/Police/about\\_apd.htm](http://www.ci.antioch.ca.us/CityGov/Police/about_apd.htm). Accessed on March 9, 2015.

<sup>41</sup> United States Census Bureau. *Antioch (city), California Quickfacts*. Available at: <http://quickfacts.census.gov>. Accessed on March 10, 2015.

<sup>42</sup> City of Antioch. *City of Antioch General Plan EIR [pg. 4.11-1]*. July 2003.

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<b>(2) Fire protection.</b>	LS (p. 289)	No	No	No	<p>current project and no new impacts would be generated.</p> <p>Similar to the 2008 Aviano Adult Community Project, the current project would result in an increased demand for fire protection and emergency medical services to accommodate the proposed residential development. The current average response time to the project site from Station 88 is approximately 6½ to 7½ minutes, which is within the National standard of eight minutes 80 percent of the time, but does not meet the City's General Plan standard of five minutes 90 percent of the time. In addition, a full alarm fire at the project site, requiring response from all five fire stations currently exceeds the 8-minute response time by one to 10 minutes. The current project would place an additional demand on the Contra Costa County Fire Protection District (CCCFPD) services and contribute to response times within southeast Antioch that would not meet established national or local standards.</p> <p>However, as development occurs within the Sand Creek Focus Area, the CCCFPD plans to construct a new fire station to serve the area. Construction of a new fire station is required to maintain acceptable response times within this area of the City. Development of the project site with up to 533 residential units would exacerbate the need for this new fire station. The CCCFPD levies a fire protection fee on new development to pay for the construction of new fire stations. The project applicant would be required to pay \$591 per residential unit, or approximately \$315,003 for development of 533 residential units on the project site. The fee would provide the project's pro-rata fair share towards the construction of the new fire station. Once this fire station is constructed, the CCCFPD would be able to maintain adequate response times to the project site; however the anticipated dates of construction and operation of this station are unknown at this time. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.</p>
<b>(3) Parks and recreation.</b>	LS (p. 290)	No	No	No	<p>Development of the 2008 Aviano Adult Community Project and the current project would result in the construction of up to 533 residential units. It</p>

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					<p>should be noted that the current project may increase park use with the change to non-age restricted homes. Similar to the 2008 Aviano Adult Community Project, each lot would have a private backyard and front landscaped area, which would be maintained by each individual homeowner..</p> <p>Article 10, Regulations for the Dedication of Land, the Payment of Fees, or Both, for Park and Recreational Lands, of Chapter 4 of the Antioch Zoning Ordinance outlines the parkland dedication requirements for new residential subdivisions. According to the table in Section 9-4.1004 of the Zoning Ordinance, 0.015 acres of parkland are required for each single-family detached dwelling unit. Based on this requirement, the project would require 8.025 acres of parkland. It should be noted that Section 9-4.1010 of the Zoning Ordinance outlines potential credits for private open space within new developments which is usable for active recreational uses. The project will provide 16.9 acres of park, including basins.</p> <p>The current project provides parks, open space and landscaped areas. The additional residential population and parkland located on the project site would not substantially increase or decrease the current parkland/population ratio. The current project would pay the in-lieu fees to the City for any required parkland acreage.</p> <p>Residents of the current project would be expected to make some use of community and regional parks in the areas surrounding the project site. However, the increase in usage would not be such that physical deterioration of existing facilities would occur or be accelerated, given the abundance and proximity of intensive on-site recreational facilities tailored specifically for project residents. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.</p>

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<b>(4) Libraries.</b>	LS (p. 290)	No	No	No	The current project would add approximately 1,723 new residents to southeast Antioch, thereby increasing demand for library services. However, according to page 190 of the 2008 EIR, the demand for library services would be met by existing and planned library facilities. Similar to the 2008 Aviano Adult Community Project, the current project would not cause or accelerate the physical deterioration of existing library facilities. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.
<b>(5) Schools.</b>	N/A	No	No	Yes	Because the 2008 Aviano Farms Adult Community was an age-restricted development, the 2008 EIR did not include a discussion of school impacts. Using the Antioch Unified School District's student generation rates, the proposed project's single-family dwelling units would generate an estimated 166 new elementary school students, 80 new middle school students, and 112 new high school students for a total of 358 new students. <sup>43</sup> The new students generated by the proposed project would add additional students to schools capacity. It should be noted that the Antioch Unified School District currently owns property within the Sand Creek Focus Area for the development of a future school.  The applicant is required to pay school impact fees. 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 to be "full and complete mitigation." Therefore, the project would have a <i>less-than-significant</i> impact regarding the need for the construction of new school facilities which could cause significant environmental impacts.

<sup>43</sup> Antioch Unified School District, 2008.

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<p><b>2008 EIR Mitigation Measures:</b> None required.</p> <p><b>Special Mitigation Measures:</b> None required.</p>					
<p align="center"><b>K. Utilities and Infrastructure</b></p>					
<p><b>(1) Water.</b></p>	<p>LS (p. 300)</p>	<p>No</p>	<p>No</p>	<p>Yes  (analysis shows that original environmental conclusion of LS remains the same)</p>	<p>The City of Antioch's 2010 Urban Water Management Plan (UWMP) showed a water supply surplus in Normal and Single Dry Years through the year 2030, but shows a supply deficit during Multiple Dry Years. The Project's potable water demand is not specifically designated in the City's 2010 UWMP, but is included as a planned development area within the Sand Creek Focus Area.</p> <p>The projected water demand for the current project is based on the City's water demand factors for single family residences that were documented in the City's 2010 UWMP (Tables 3-8 and 3-9) and an estimate of the required irrigation demand based on the City's Water Efficient Landscape Ordinance. According to the Water Supply Assessment (WSA) performed for the current project, the total projected annual water demand for the current project is approximately 330 acre-feet per year (AFY), assuming an unaccounted for water value of three percent of total water produced.<sup>44</sup> The 2008 EIR determined that the 2008 Aviano Adult Community Project would require approximately 240 AFY.</p> <p>Although the current project is not specifically identified in the City's 2010 UWMP, the Sand Creek Focus Area is included, and the City's growth projections (an additional 17,771 people from 2010 to 2035) and water demand projections (an additional 2,587 AFY from 2010 to 2035) accommodate the current project's potential population of 1,679 people and projected water demand of 330 AFY. It should be noted that, applying the City's 3.22 persons per household statistic to the current project's 533 units,</p>

<sup>44</sup> West Yost Associates. *Water Supply Assessment for Aviano Farms*. January 2015.

**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
					<p>the current project would result in a service population of 1,723 persons.</p> <p>According to the WSA, the current project, if approved by the City, is capable of being served by the City from the City's existing and future portfolio of water supplies. The water supply for the project will have the same water supply reliability and water quality as the water supply available to each of the City's other existing and future water customers.</p> <p>A comparison of the City's projected water supplies and demands is shown in Table 7-1 of the WSA for Normal, Single Dry, and Multiple Dry Years. Table 7-1 is based on Tables 5-8, 5-9, and 5-10 from the City's 2010 UWMP. The positive difference between supply and demand in Table 7-1 indicates that, in average precipitation years, the City will have sufficient water to meet the customers' needs through 2035. As indicated in Table 7-1, a projected supply deficit may exist during the third year of a multi-year drought. The projected water supply deficit is approximately nine percent of supply in 2035. The deficit would be closed by the City's short-term water demand reduction measures. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.</p>
<b>(2) Wastewater.</b>	LS (p. 300)	No	No	No	<p>The Delta Diablo WWTP NPDES Permit allows an average dry weather flow of 16.5 million gallons per day (MGD). An EIR for the expansion of the wastewater treatment plant capacity to an average dry weather flow of 22.7 MGD was completed in April 1988. During the most recent reporting period, 2012, the average dry weather flow influent to the treatment plant was 12.7 MGD. In 2000 and 2005, the average dry weather flow influent to the treatment plant was 13.5 MGD and 14.2 MGD, respectively.<sup>45</sup> The Delta Diablo Sanitation District (DDSD) uses a wastewater generation rate of 200 gallons per day per residential unit. At this rate, the current project would generate 107,000 gallons (0.11 MGD) of wastewater per day. This represents</p>

<sup>45</sup> According to Patricia Chapman, Associate Engineer, Delta Diablo Sanitation District. Correspondence with Nick Pappani, Vice President of Raney Planning & Management, Inc., October 3, 2013.



**Aviano Project Environmental Impacts Comparison**

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					<p>less than a one percent increase in the average dry weather flow to the WWTP and less than one percent of the WWTP's existing capacity. It should be noted that the calculations in the 2008 EIR relating to sewer generation would still be applicable to the current project as the wastewater generation rate is based on standard residential units. The additional wastewater generated by the current project would not exceed the capacity of the WWTP. As a result, the current project would not cause any wastewater treatment requirements established by the RWQCB to be violated. In addition, the project sponsor would pay a sewer connection fee to DSSD for the current project. This fee would contribute to future WWTP expansions, as necessary to serve projected development.</p> <p>The current project would connect to the existing 24-inch main sanitary sewer pipeline located in Heidorn Ranch Road, south of EBMUD. The pipe would be extended south along the future alignment of Heidorn Ranch Road and through the center of the Vineyards at Sand Creek project (Ginocchio property) along the main promenade; then south in Hillcrest Avenue and west in Sand Creek Road. The new sanitary sewer line would serve both the project site as well as the AUSD Dozier/Libbey/Medical High School. It should be noted that the proposed Vineyards at Sand Creek Project, adjacent to the Aviano Farms site, also requires extension of the existing 24-inch sanitary sewer pipe, located at Heidorn Ranch Road. Therefore, this sewer improvement is also being evaluated in the Vineyards at Sand Creek EIR. Wastewater would be conveyed from the 24-inch main pipeline to either the Antioch or Bridgehead pump stations, in north Antioch. These pump stations are expected to have the capacity to meet the increased demand. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.</p> <p>According to the CIWMB, the average single-family residence produces 10 pounds of solid waste per day. It should be noted that the solid waste generation rate would still be applicable to the current project as the generation rate is based on standard single-family residential units. As such,</p>
<b>(3) Solid waste.</b>	LS (p. 301)	No	No	No	



**Aviano Project Environmental Impacts Comparison**

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					<p>the proposed 533 residences would produce approximately 5,350 pounds (2.7 tons) of waste per day. The permitted daily throughput for the Contra Costa Transfer and Recovery Station is 1,900 tons per day and the permitted throughput for the Keller Canyon Landfill is 3,500 tons per day. The increase in waste associated with the current project would represent approximately one tenth of one percent of the daily permitted throughput for the Transfer Station and less than one tenth of one percent of the daily capacity of the landfill. The increase in solid waste generated by the current project would be minimal and would be accommodated by existing landfill capacity. Similar to the 2008 Aviano Adult Community Project, the addition of project waste would not diminish the anticipated life span of the landfill.</p>
<b>(4) Electricity, natural gas, and telecommunications.</b>	LS (p. 301)	No	No	No	<p>In addition, Allied Waste Services would provide recycling services and yard waste collection for the current project, thereby reducing the solid waste generated by the current project. The current project would not cause the solid waste provider to be out of compliance with applicable statutes and regulations related to solid waste, resulting in a <i>less-than-significant</i> impact related to solid waste generation, similar to the 2008 Aviano Adult Community Project.</p> <p>Development of the current project would increase demand for electricity, natural gas and telecommunications services in order to serve the additional 533 project residences. However, new construction associated with the current project would take place adjacent to developed areas currently serviced by electricity, gas, and telecommunications providers. In addition, the recently constructed PG&amp;E substation in Antioch would improve the reliability and safety of electric services within the project area. Therefore, the extension of utilities to serve new development would result in less-than-significant impacts to the aforementioned services.</p> <p>In addition, per City requirements, the City would review project development plans prior to project approval to ensure that Title 24 energy conservation and efficiency standards are met and incorporated into project</p>

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					design. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.

**2008 EIR Mitigation Measures:** None required.

**Special Mitigation Measures:** None required.

**L. Visual Resources**

(1) Scenic vistas.	LS (p. 309)	No	No	No	Important view corridors within the vicinity of the project site include Lone Tree Way, Hillcrest Avenue, Deer Valley Road, and SR 4. The roadways provide views to natural ridgelines and landmarks, such as Mount Diablo and the distant foothills and local ridgelines. Similar to the 2008 Aviano Adult Community Project, development of the project site with up to 535 residences would not adversely alter the views from any of the above-mentioned scenic view corridors. The General Plan includes policies to preserve public view corridors and seeks to minimize the loss of views from public places. The 2008 EIR concluded that impacts related to scenic vistas would be less than significant. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to scenic vistas. According to the current application, a significant portion of the project will still include single-story homes. Therefore, the findings in the 2008 EIR related to aesthetics remain applicable to the current project, and a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.
(2) Scenic resources within a State Scenic Highway.	LS (p. 315)	No	No	No	The only officially designated scenic highways within Contra Costa County are portions of Highway 24 and Interstate 680. <sup>46</sup> The aforementioned highways are not located within the vicinity of the project site. The current project would not result in the removal of trees, rock outcroppings, or historic resources, nor would the project substantially damage scenic resources within a State scenic highway. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.

<sup>46</sup> California Department of Transportation, 2007. California Scenic Highway Program. Website: [www.dot.ca.gov/hq/LandArch/scenic/schwy.html](http://www.dot.ca.gov/hq/LandArch/scenic/schwy.html). April 9.

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
(3) Visual character.	LS (p. 315)	No	No	No	<p>Similar to the 2008 Aviano Adult Community Project, the project site currently consists of open grassland and a north facing hillside. The current project would develop the northern, grassland portion of the site with up to 533 residential units, along with associated landscaping and roadway improvements. Despite the removal of the age-restriction component of the project, a significant portion of the project will still include single story homes. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to the visual character of the area. Although the majority of the Sand Creek Focus Area is currently rural, the intent of the General Plan is for this area to transition to an urbanized area. The southern portions of the project site, including Sand Creek and the hillside area, would remain as open space. Landscaping along the trail would consist of native trees that would blend with the natural landscape along the creek. As such, the visual character of the area would remain essentially unchanged.</p> <p>Consistent with General Plan Buffering Policies, the current project would be appropriately buffered from adjacent uses at the Kaiser Medical Facility. Soundwalls and fencing would incorporate landscaping along the project boundary. The change in character of the project site, once developed, would be visually compatible with surrounding development, including existing residential neighborhoods to the north, resulting in a less-than-significant impact. In addition, the current project would be subject to the City of Antioch's Design Review process. Design review would ensure that the current project complies with the City's objectives and policies related to project design. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.</p>
(4) The current project would create a new source of light and glare	LSM (p. 316)	No	No	No	<p>Similar to the 2008 Aviano Adult Community Project, the proposed residential development would include indoor lighting and outdoor lighting for safety purposes. The proposed recreational facilities, parks and pathways, and parking area would also include outdoor lighting for safety purposes. These new sources of light would be visible from a distance at night;</p>

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
affecting day and nighttime views in the area.					however, the addition of new light sources associated with the current project would generally blend in with surrounding development. Sun reflecting off of the windows of the proposed development could create daytime glare. The 2008 EIR required implementation of Mitigation Measure VIS-1 in order to ensure that the outdoor lighting would be designed to minimize glare and spillover to surrounding properties. Therefore, Mitigation Measure VIS-1 remains adequate in order to ensure that impacts related to light and glare are <i>less than significant</i> . The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to light and glare.

**2008 EIR Mitigation Measures:**  
 VIS-1: Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties. The current project shall incorporate non-mirrored glass to minimize daylight glare. Proposed lighting and building materials shall be reviewed and approved by the City as part of the Design Review process prior to issuance of building permits for the current project. (LTS)

**Special Mitigation Measures:** None required.

**M. Agricultural and Mineral Resources**

<b>(1) Conversion of Farmland.</b>	LS (p. 324)	No	No	No	The project site and off-site impact areas are not designated by the Farmland Mapping & Monitoring Program (FMMP) as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The FMMP designates the northern portion of the project site as “Farmland of Local Importance” while the southern hillside portion of the project site is designated as “Grazing Land.” The conversion of these lands to non-agricultural uses would not result in significant impacts to FMMP-designated farmlands. Therefore, similar to the conclusion of the 2008 EIR, the currently proposed project would have a <i>less-than-significant</i> impact to the conversion of Farmland.
<b>(2) Conflict with agricultural zoning or</b>	LS (p. 325)	No	No	No	Similar to the 2008 Aviano Adult Community Project, the project site and off-site impact areas are PD on the Antioch Zoning Map and are not under a Williamson Act contract. <sup>47</sup> Development of the current project would not

<sup>47</sup> California, State of, 2002. Department of Conservation, Division of Land Resource Protection. Contra Costa County Williamson Act Lands 2002. March 6.

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
Williamson Act contract.					conflict with existing zoning for agricultural use or a Williamson Act contract. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.
(3) Loss of mineral resources.	LS (p. 325)	No	No	No	Coal mining activities west of the site have been abandoned and no coal has been extracted in the area since the early 1900s. All oil and gas production wells within the vicinity of the project site have been plugged and abandoned and the Brentwood oil field is not currently in active production. The General Plan does not designate the project site as suitable for mineral resource extraction, but rather for residential uses. Therefore, consistent with the conclusion of the 2008 EIR, development of the current project would not result in the loss of availability of a known mineral resource of value to the region or the State.
(4) Construction of sewer extension associated with the current project would temporarily disturb approximately 5 acres of agriculturally productive farmland on the Ginocchio/Nunn property, within the adjacent off-site impact area.	LSM (p. 325)	No	No	No	In addition to the three acres of permanently converted land on the Ginocchio parcel as part of the Hillcrest Avenue extension, an additional approximately five acres (not 10 acres) of agriculturally productive farmland would be temporarily disturbed due to construction of the sewer extension across the Ginocchio property and north along the alignment of Heidorn Ranch Road.. Within the alignment of Heidorn Ranch Road, an approximately 112-foot wide, 2.3-acre area would be temporarily disturbed for these same activities. As noted previously, the Vineyards at Sand Creek Project also includes extension of the sanitary sewer pipe, located in Heidorn Ranch Road. The Vineyards at Sand Creek Project could possibly construct the sewer improvements before the current project; if so, Mitigation Measure AG-1 would not be necessary. Upon completion of construction activities associated with the sewer extension, agricultural activities may return to the disturbed areas of the project site. Similar to the 2008 Aviano Adult Community Project, Mitigation Measure AG-1 would remain adequate in order to ensure impacts related to farmland on the Ginocchio property are <i>less than significant</i> .

**Aviano Project Environmental Impacts Comparison**

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p><b>2008 EIR Mitigation Measures:</b>  <u>AG-1:</u> Under the direction and approval of the City, the project sponsor shall consult with adjacent property owners regarding construction of the sewer line extension through adjacent agriculturally productive parcels. Upon completion of the sewer line extension, the project sponsor shall retille disturbed areas to restore the field to previous conditions. This shall occur prior to issuance of a certificate of occupancy for the current project. (LTS)</p> <p><b>Special Mitigation Measures:</b> None required.</p>					

<b>M. Global Climate Change</b>					
(1) Impacts to the current project from global climate change.	LS (p. 338)	No	No	No	Local temperatures could increase in time as a result of global climate change, with or without development as envisioned by the project. Based on the analysis contained in Section IV.G, Hydrology and Storm Drainage, of the 2008 EIR, the project site is not located in an area that would be subject to coastal or other flooding resulting from climate change. The current project site boundaries are the same as the 2008 Aviano Adult Community Project. Therefore, the potential effects of climate change (e.g., effects of flooding on the project site due to sea level rise) on the current project would be <i>less than significant</i> , similar to the 2008 Aviano Adult Community Project.
(2) Implementation of the project could result in greenhouse gas emission levels that would conflict with implementation of the greenhouse gas reduction goals under AB 32 or other State regulations.	LSM (p. 339)	No	No	Yes (analysis shows that original environmental conclusion of LSM remains the same)	<p><i>It should be noted that an updated greenhouse gas emissions (GHG) analysis was prepared for the non-age restricted project by Raney Planning &amp; Management, Inc. in July 2014. This GHG analysis was based upon BAAQMD methodology and thresholds of significance.</i></p> <p>GHG emissions generated by the current project would predominantly consist of CO<sub>2</sub>. In comparison to criteria air pollutants (see Section IV.C, Air Quality), such as ozone and PM<sub>10</sub>, CO<sub>2</sub> emissions persist in the atmosphere for a substantially longer period of time. While emissions of other GHGs, such as CH<sub>4</sub>, are important with respect to global climate change, emission levels of other GHGs are less dependent on the land use and circulation patterns associated with the proposed land use development project than are levels of CO<sub>2</sub>.</p> <p><i>Construction Impacts.</i> Construction activities produce combustion emissions</p>

**Aviano Project Environmental Impacts Comparison**

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					<p>from various sources such as site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, asphalt paving, and motor vehicles transporting the construction crew. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.</p> <p>Development of the project site is anticipated to require site grading and preparation. Construction is anticipated to begin in 2015 and be completed in 2017. The only GHG with well-studied emissions characteristics and published emissions factors for construction equipment is CO<sub>2</sub>.</p> <p>According to the 2014 CalEEMod results, construction of the current project would result in the generation of 18.86 MTCO<sub>2</sub>e/yr. The total construction emissions were amortized over the anticipated 25-year lifetime of the project (471.44 MTCO<sub>2</sub>e / 25 years = 18.86 MTCO<sub>2</sub>e/yr). The project would be required to implement the construction exhaust control measures listed in Mitigation Measure AIR-1 of Section IV.C, including minimization of construction equipment idling, proper engine tuning and exhaust controls, and the use of alternatively powered construction equipment when feasible. All of these measures would reduce GHG emissions during the construction period. The 2008 EIR required Mitigation Measure GCC-1a to further reduce GHG emissions impacts, specifically those associated with construction waste generation and vehicle miles traveled for delivery of materials and products to the project site.</p> <p>It should be noted that the construction emissions for the 2008 Aviano Adult Community Project were quantified using the URBEMIS 2007 model. According to page 340 of the 2008 EIR, the average daily CO<sub>2</sub> emissions associated with construction equipment exhaust for the 2008 Aviano Adult Community Project would be approximately 900 tons per year, with total project construction-related CO<sub>2</sub> emissions of 1,821 tons. Because the site plan, site conditions, and construction activities of the current project would</p>

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					<p>be similar to the 2008 Aviano Adult Community Project, impacts related to construction GHGs would be similar for the current project as the 2008 Aviano Adult Community Project. Although the construction emissions quantified using CalEEMod are below the emissions quantified in 2008 using the URBEMIS model, Mitigation Measure GCC-1a would further reduce the construction emission resulting from the current project.</p> <p><i>Operational Impacts.</i> Long-term operation of the current project would generate GHG emissions from area and mobile sources, and indirect emissions from stationary sources associated with energy consumption.</p> <p>The current project's emissions were quantified using the CalEEMod software version 2013.2.2. Results of the CalEEMod modeling are expressed in lbs/day for construction and operational emissions, and in tons/yr for cumulative emissions, which allows for comparison between the model results and the BAAQMD significance thresholds. Analysis of the current project's operational GHG emissions included estimations of CO<sub>2</sub>, N<sub>2</sub>O, and CH<sub>4</sub> emissions and was conducted by Raney Planning &amp; Management in 2014 using CalEEMod. According to the CalEEMod results, the current project would result in estimated unmitigated operational GHG emissions of 6,901.70 MTCO<sub>2</sub>eq/yr. However, applying the City's 3,222 persons per household statistic to the current project's 535 units, the current project would result in a service population of 1,723 persons. Accordingly, the current project's operational GHG emissions would be 4.3 MTCO<sub>2</sub>eq/SP/yr, which would be below BAAQMD's applicable GHG threshold of significance of 4.6 MTCO<sub>2</sub>eq/SP/yr. The current project's GHG emissions were calculated using CalEEMod and are presented in Table 4 below.</p> <p>It should be noted that the 2008 Aviano Adult Community Project EIR quantified the long-term project operational emissions of GHG in terms of CO<sub>2</sub>eq. According to page 341 of the 2008 EIR, the 2008 Aviano Adult Community Project would result in approximately 8,100 tons of CO<sub>2</sub>eq per year (or 7,348 MTCO<sub>2</sub>eq/yr). As shown in Table 4, the current project would</p>



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					<p>result in 6,967.8 MTCO<sub>2</sub>eq/yr. As such, the current project would result in 380.2 MTCO<sub>2</sub>eq fewer annually. Nevertheless, mitigation measures included in the 2008 EIR would decrease the GHG emissions for the current project even further.</p> <div data-bbox="565 138 1102 846" style="border: 1px solid black; padding: 5px;"> <p align="center"><b>Table 4 Unmitigated Project (2020) GHG Emissions</b></p> <table border="1"> <thead> <tr> <th data-bbox="565 138 699 447">Emission Source</th> <th data-bbox="565 447 699 846">Annual GHG Emissions (MTCO<sub>2</sub>e/yr)</th> </tr> </thead> <tbody> <tr> <td data-bbox="699 138 737 447">Construction Emissions<sup>1</sup></td> <td data-bbox="699 447 737 846">66.10</td> </tr> <tr> <td data-bbox="737 138 774 447">Operational Emissions</td> <td data-bbox="737 447 774 846">6,901.70</td> </tr> <tr> <td data-bbox="774 138 802 447">Area</td> <td data-bbox="774 447 802 846">46.46</td> </tr> <tr> <td data-bbox="802 138 829 447">Energy</td> <td data-bbox="802 447 829 846">2,118.50</td> </tr> <tr> <td data-bbox="829 138 857 447">Mobile</td> <td data-bbox="829 447 857 846">4,323.66</td> </tr> <tr> <td data-bbox="857 138 885 447">Waste</td> <td data-bbox="857 447 885 846">292.33</td> </tr> <tr> <td data-bbox="885 138 912 447">Water</td> <td data-bbox="885 447 912 846">120.75</td> </tr> <tr> <td data-bbox="912 138 1003 447"><b>TOTAL ANNUAL GHG EMISSIONS</b></td> <td data-bbox="912 447 1003 846"><b>6,967.80</b></td> </tr> </tbody> </table> <p><small><sup>1</sup> Amortized total construction emissions (1,652.61 MTCO<sub>2</sub>e) over the anticipated 25-year lifetime of the project (1,652.61 MTCO<sub>2</sub>e / 25 years = 66.10 MTCO<sub>2</sub>e/yr). Source: CalEEMod, July 2014.</small></p> </div> <p>In addition, consistent with the 2008 EIR, the project would also be subject to Mitigation Measures GCC-1 and GCC-1b, which would further reduce GHG emissions attributable to the current project. Therefore, Mitigation Measures GCC-1a and 1b remain adequate in order to ensure impacts related to the incremental contribution to global climate change are <i>less than significant</i>.</p>	Emission Source	Annual GHG Emissions (MTCO <sub>2</sub> e/yr)	Construction Emissions <sup>1</sup>	66.10	Operational Emissions	6,901.70	Area	46.46	Energy	2,118.50	Mobile	4,323.66	Waste	292.33	Water	120.75	<b>TOTAL ANNUAL GHG EMISSIONS</b>	<b>6,967.80</b>
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**2008 EIR Mitigation Measures:**

**GCC-1a:** To the extent feasible and to the satisfaction of the City, the following measures shall be incorporated into the design and construction of the project:

- Develop and implement a construction waste management plan that, at a minimum, identifies the materials to be diverted from disposal and whether the materials will be sorted on-site or co-mingled;

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<ul style="list-style-type: none"> <li>Reuse and/or recycle at least 50 percent (as calculated by weight or volume) of non-hazardous construction debris (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard);</li> <li>Use building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site, unless use of such products are demonstrated to the satisfaction of the City to be infeasible.</li> </ul> <p><u>GCC-1b</u>: To the extent feasible and to the satisfaction of the City, the following measures shall be incorporated into the design and construction of the project:</p> <p><i>Energy Efficiency Measures</i></p> <ul style="list-style-type: none"> <li>Design all project buildings to exceed California Building Code's Title 24 energy standard, including, but not limited to any combination of the following:               <ul style="list-style-type: none"> <li>Increase insulation to exceed minimum code requirements so that heat transfer and thermal bridging is minimized;</li> <li>Construct all units to achieve the Home Energy Rating System (HERS) certification to minimize energy consumption by constructing "tight" building envelopes and HVAC systems;</li> <li>Install only EnergyStar™ or better rated space heating and cooling equipment, appliances or other applicable electrical equipment;</li> <li>Install EnergyStar™ approved lighting and lighting control systems and use daylight as an integral part of lighting systems in buildings; and</li> <li>Install only EnergyStar™ approved or better Low-E windows.</li> </ul> </li> <li>Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping;</li> <li>Install light colored "cool" roofs and pavements;</li> <li>Install solar powered or light emitting diodes (LED) outdoor lighting systems.</li> </ul> <p><i>Water Conservation and Efficiency Measures</i></p> <ul style="list-style-type: none"> <li>Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include the following, plus other appropriate innovative measures:               <ul style="list-style-type: none"> <li>Create water-efficient landscapes within the development (i.e., through the use of drought tolerant vegetation);</li> <li>Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;</li> <li>Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water;</li> <li>Install water-efficient fixtures and appliances including low-flow faucets and shower heads and dual-flush toilets in all buildings; and</li> <li>Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.</li> </ul> </li> </ul> <p><i>Solid Waste Measures</i></p> <ul style="list-style-type: none"> <li>Provide adequate recycling containers in all public areas of the project.</li> </ul> <p><i>Transportation and Motor Vehicle Measures</i></p> <ul style="list-style-type: none"> <li>Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters);</li> <li>Provide bicycle lanes and/or paths, incorporated into the proposed street systems and connected to a community-wide network;</li> <li>Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network;</li> <li>Size parking capacity to not exceed the City's zoning requirements; and</li> </ul>					

**Aviano Project Environmental Impacts Comparison**

<b>Impact</b>	<b>2008 EIR Conclusion</b>	<b>Do Proposed Changes Involve New or More Severe Impacts?</b>	<b>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</b>	<b>Any New Information Requiring New Analysis or Verification?</b>	<b>Discussion</b>
<ul style="list-style-type: none"> <li>To the extent feasible, provide infrastructure and support programs to facilitate shared vehicle usage such as carpool drop-off areas, designated parking for vanpools, or car-share services, ride boards, and shuttle service to mass transit. (LTS)</li> </ul>					
<p><b>Special Mitigation Measures:</b> None required.</p>					