

ANNOTATED

AGENDA

CITY OF ANTIOCH PLANNING COMMISSION

ANTIOCH COMMUNITY CENTER

4703 LONE TREE WAY, COMMUNITY HALL A

WEDNESDAY, SEPTEMBER 4, 2019

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, SEPTEMBER 11, 2019**.

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

Turnage, Chair (**absent**)
Schneiderman, Vice Chair
Motts
Martin
Parsons (**absent**)
Soliz
Zacharatos

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:** August 7, 2019 **APPROVED**
- * * * END OF CONSENT CALENDAR * * *

NEW PUBLIC HEARINGS

2. **PDP-19-01 – Sorrento Village Preliminary Development Plan** – Albert D. Seeno Construction Company requests the review of a preliminary development plan, which is not an entitlement, for the development of 93 single family homes on approximately 20.24 acres. The purpose of a preliminary development plan is to gather feedback from the Planning Commission and others in order for the applicant to become aware of concerns and/or issues prior to final development plan submittal. The project would require the following entitlements: a General Plan amendment, a Planned Development Rezone, a Use Permit and Design Review. The project site is located at the intersection of James Donlon Boulevard and Pintail Drive on the north side of James Donlon Boulevard (**APNs 076-021-017 and 076-021-018**).

DIRECTION GIVEN

3. **Residential Growth Management Ordinance Amendment** – City staff is recommending that the Title 9, Chapter 5, Article 40 “Residential Growth Management” be amended to replace the annual maximum allocation limit with a rolling 5-year average and replace the one-year maximum development standard with a two-year maximum development standard. This project has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act.

RESOLUTION NO. 2019-25

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT (8:05 pm)

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 2nd floor of City Hall, 200 "H" Street, Antioch, California, 94509, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday for inspection and copying (for a fee) or on our website at:

<https://www.antiochca.gov/fc/community-development/planning/Project-Pipeline.pdf>

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

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

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**August 7, 2019
Antioch Community Center**

Chair Turnage called the meeting to order at 6:30 P.M. on Wednesday, August 7, 2019 in Community Hall A at the Antioch Community Center. He stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, August 14, 2019.

ROLL CALL

Present: Commissioners Motts, Martin, Zacharatos, Soliz, Vice Chair
Schneiderman and Chair Turnage
Absent: Commissioner Parsons (arrived at 6:36 P.M.)
Staff: Planning Manager, Alexis Morris
Associate Planner, Kevin Scudero
City Attorney, Thomas Smith
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: June 19, 2019

On motion by Commissioner Zacharatos, seconded by Commissioner Soliz, the Planning Commission approved the minutes of June 19, 2019, as presented. The motion carried the following vote:

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

NEW PUBLIC HEARING

2. **UP-19-04, AR-19-02– Mesa Billboard** – Mesa Billboard requests approval of a use permit and design review to construct a fifty-foot tall digital billboard on the southern property line of 2404 Mahogany Way facing State Route 4. This project has been found to be Categorically Exempt for the requirements of the California Environmental Quality Act. The subject property is located at 2404 Mahogany Way (APN's 074-370-025).

Associate Planner Scudero presented the staff report dated August 2, 2019 recommending the Planning Commission approve a use permit and design review application allowing the construction of a new digital billboard, located at 2404 Mahogany Way, subject to the conditions contained in the staff reports attached resolution.

In response to Commissioner Martin, Associate Planner Kevin Scudero explained that the sign would hang over a drive aisle but it would not impact the business. In speaking to the letter submitted by the Department of Transportation, he stated that they had received the correspondence this afternoon and he would defer to the applicant to explain Caltrans regulations.

Commissioner Parsons arrived at 6:36 P.M.

In response to Commissioner Soliz, speaking to the letter submitted by the Department of Transportation, Associate Planner Kevin Scudero clarified that the applicant submitted a comprehensive lighting study which demonstrated that the spillover onto neighboring properties would be insignificant. He stated lacking an explanation from Caltrans, he was unaware of what their concerns could be regarding this matter.

Chair Turnage stated that it appeared that the letter was a standard letter sent from Caltrans to put the City on notice that these were issues that needed to be considered. He asked staff if they believed the concerns were legitimate.

Associate Planner Kevin Scudero responded that if the signage were approved this evening, the applicant would need to obtain final approval from the Department of Transportation. He noted that a preliminary letter from Caltrans (attachment E1) indicated that the location was identified as conforming to the requirements of the Outdoor Advertising Act.

Chair Turnage opened the public hearing.

Mike McCoy, General Manager of Mesa Outdoor, reported that this project, if approved, would be their fifth sign. He discussed their business plan and their goal to advertise for small local businesses. He stated this property was eligible for declassification of its landscape freeway status because it did not meet the minimum width requirements, as defined by Caltrans. He noted they successfully declassified a very narrow stretch of freeway on SR4 and received a letter confirming that action on April 12, 2019. He further

noted preliminary approval for this application was granted through the Caltrans Outdoor Advertising Agency. He stated that he believed the letter received this evening was from the District 4 Real Estate Office and it was possible that they were not as close to Caltrans regulations as the Outdoor Advertising Agency. He commented that the letter referenced the landscape freeway list as of January 31, 2019; however, the property was declassified on April 12, 2019. He stated that they believed they would be successful in getting a Caltrans final permit and they would file for it soon after receiving local approval.

In response to Commissioner Martin, Mr. McCoy stated there would be no advertising on the backside of the signage because it would not be legible from Mahogany Way. He noted anyone wishing to advertise could contact them by phone or submit information via their website.

In response to Commissioner Soliz, Mr. McCoy stated that they had the ability to utilize the billboard for public service announcements as part of the city's disaster communications plan and they would be open to coordinating with the city's emergency preparedness coordinator.

Chair Turnage closed the public hearing.

In response to Commissioner Motts, Associate Planner Kevin Scudero reported that there were currently two billboards on the south side of the freeway and a digital auto center sign in Pittsburg. He explained that the applicant had indicated that this is one of the few areas left for a billboard sign. He noted that if there were any new applications for billboard signage, they would come before the Planning Commission for discretionary approval.

RESOLUTION NO. 2019-21

On motion by Commissioner Motts, seconded by Commissioner Zacharatos, the Planning Commission approved a use permit and design review application allowing the construction of a new digital billboard, located at 2404 Mahogany Way, subject to the conditions contained in the staff reports attached resolution. The motion carried the following vote:

<i>AYES:</i>	<i>Schneiderman, Motts, Parsons, Martin, Soliz, Zacharatos and Turnage</i>
<i>NOES:</i>	<i>None</i>
<i>ABSTAIN:</i>	<i>None</i>
<i>ABSENT:</i>	<i>None</i>

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Chair Turnage requested a detailed report be given at the next meeting after Commissioners were provided with a hard copy of the draft Transportation Expenditure Plan.

Planning Manager Morris stated they would put copies of the report in the Agenda packet for the August 21, 2019 Planning Commission meeting.

Commissioner Motts reported on his attendance at the TRANSPLAN meeting.

ADJOURNMENT

On motion by Chair Turnage, seconded by Commissioner Martin, the Planning Commission unanimously adjourned the meeting at 6:53 P.M. The motion carried the following vote:

***AYES: Schneiderman, Parsons, Motts, Martin, Zacharatos, Soliz and
 Turnage***
NOES: None
ABSTAIN: None
ABSENT: None

Respectfully submitted:
KITTY EIDEN, Minutes Clerk

**STAFF REPORT TO THE CITY OF ANTIOCH PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF SEPTEMBER 4, 2019**

Prepared by: Kevin Scudero, Associate Planner 
Approved by: Alexis Morris, Planning Manager 
Date: August 30, 2019
Subject: **Preliminary Development Plan for the Sorrento Village Project**

RECOMMENDATION

It is recommended that the Planning Commission provide feedback to staff regarding the proposal and to provide direction to the applicant for the Final Development Plan submittal.

REQUEST

The applicant is requesting preliminary plan review of a proposal to develop a 93-unit residential subdivision on 20.24 acres. The project site is located at the intersection of James Donlon Boulevard and Pintail Drive on the north side of James Donlon Boulevard (APN's 076-021-017 and 076-021-018).

The purpose of a preliminary plan is to gather feedback from the Planning Commission and others in order for the applicant to become aware of concerns and/or issues prior to final development plan and tentative map submittal. As a standard practice, preliminary plans are not conditioned; rather a list of needed items, information, and issues to be addressed is compiled for the applicant to address prior to a final development plan hearing.



ENVIRONMENTAL

Preliminary plan review is a non-entitlement action and does not require environmental review. The final development plan and other entitlements associated with the application would require compliance with the California Environmental Quality Act (CEQA). The appropriate CEQA document will be determined at the time of application submittal and preparation of an Initial Study checklist.

ANALYSIS

Issue #1: Project Overview

The project site encompasses approximately 20.2 acres of vacant land located north of James Donlon Boulevard and west of Somersville Road. The project site is bounded to the east and west by open space, to the south by James Donlon Boulevard and to the north by a decommissioned landfill facility.

The proposed project consists of 93 single family residential lots, two bio retention basins and necessary roadway and utility improvements. The proposed density of the project is 4.5 units per gross acre with an average lot size of approximately 5,000 s.f. The median lot size is 4,291 s.f. and 36 of the 93 proposed lots are less than 4,000 s.f.

A homeowner's association (HOA) will be required for the project, which will be responsible for maintaining the water quality basins, the landscape parcels, and the recommended park, which is discussed in more detail below.

The future project entitlements would include a CEQA document, a General Plan Amendment, a Final Development Plan and Planned Development Rezone, a Tentative Map, a Use Permit, Design Review, and possibly a Development Agreement.

Issue #2: Consistency with the General Plan and Zoning

The General Plan designation for the project site is Commercial Office, which does not allow for residential uses; therefore, the project would require a General Plan amendment. The applicant would like to change the General Plan designation to Medium-Low Density Residential, which is described in the General Plan as areas that are generally characterized by single-family homes in typical subdivision development, as well as other detached housing such as zero lot line units and patio homes.

Under General Plan Table 4.A – Appropriate Land Use Types the proposed project would fall under the Small Lot Single Family Detached land use category. This land use category consists of dwelling unit types that are typically located within a specific plan or other type of “planned development,” and consist of single family, detached dwellings on lots smaller than 7,000 square feet. In exchange for development on small residential lots, amenities such as permanent open space and private recreation facilities are required to be provided specifically for the use of residents of the development.

According to the General Plan, achievement of maximum densities are not guaranteed nor implied. The final density is determined by development design; any onsite constraints such as physical or environmental; available infrastructure; and other factors. The maximum allowable density for Medium-Low Density Residential is 6 dwelling units per gross acre and the proposed density is 4.5 dwelling units per gross acre, which is within the maximum allowable density.

The zoning designation for the site is Commercial Office (CO), which is consistent with the General Plan and would require a zoning amendment for the proposed project. The applicant is proposing Planned Development (PD) as the zoning designation, which is a designation to encourage flexibility in the design and development of land so as to promote the most appropriate use; to allow diversification in the relationship of various uses, structures, and space; to facilitate the adequate and economical provision of streets and utilities; to preserve natural and scenic qualities of open space; to offer recreational opportunities convenient to residents to enhance the appearance of neighborhoods through the preservation of natural green spaces; and to counteract the effects of urban congestion and monotony.

Issue #3: General Plan Amendment Request

The applicant does not believe the site is viable for a commercial office development and has provided a survey conducted by TRI Commercial of Walnut Creek to support their position. The survey is included as attachment “A” to the staff report. As part of their Final Development Plan submittal, the City will require a market analysis to

determine the economic implications of the request to eliminate the Commercial Office designation from this site.

The applicant has also submitted a letter from the California Department of Toxic Substance Control (DTSC) regarding the project site which states that “the Revised Preliminary Endangerment Assessment concludes no complete and significant exposure pathways identified for ecological receptors; and soil, groundwater, and soil vapor do not pose a human health risk to hypothetical future onsite residential receptors.” A copy of the DTSC letter is included as attachment “B” to the staff report.

Whether or not Commercial Office is the appropriate land use designation for this site, staff has concerns regarding the compatibility of residential uses adjacent to the GBF Landfill directly to the north of the project site. The primary access road to the landfill is accessed via the West Entry to the project site. This is currently the access point to the landfill site for maintenance activities, and it will need to be preserved for the sole purpose of ingress/egress to the landfill to allow post-closure activities to continue. The landfill is currently under monitoring and remediation and will be for the foreseeable future. The GBF Landfill site is not located within Antioch City limits and the City has no jurisdiction over the monitoring or remediation activities at the site. Staff has included the most recent Quarterly Summary Report (Attachment “C”) submitted to DTSC which details the activities that have occurred at the GBF Landfill site this year, and a comment letter from GBF Holdings, LLC who is the owner of the landfill site (Attachment “H”). In addition, if future residents had any complaints in relation to noise, odor or other activities at the landfill they would have to be addressed by the County, not the City of Antioch. The backyards of the proposed lots on the south side of Sorrento Drive would be looking directly at the landfill, which is an unattractive engineered slope with no landscaping and is difficult to screen due to its height above the homes.

Another issue to consider is whether the project is consistent with the General Plan policies with respect to the siting of hazardous materials facilities. General Plan section 11.7.2h states that the City should “locate hazardous materials facilities at a sufficient distance from populated areas to reduce potential health and safety impacts.” While this application is not requesting to locate a hazardous materials facility, it is requesting to locate a residential subdivision adjacent to a contaminated site that previously stored hazardous materials. When you look at the General Plan map for the area adopted in 2003 (attachment “D”) you will notice the City has not designated any sites adjacent to the landfill for residential use. This was also true in the prior General Plan adopted in 1988, which designated the project site as Regional Commercial and other adjacent parcels designated as either Light Industrial or Open Space.

In order to approve a General Plan Amendment, the following findings must be made:

1. The proposed project conforms to the provisions and standards of the General Plan.

2. The proposed Amendment is necessary to implement the goals and objectives of the General Plan.
3. The proposed Amendment will not be detrimental to the public interest, convenience, and general welfare of the City.
4. The proposed project will not cause environmental damage.
5. The Proposed General Plan Amendment will not require changes to or modifications of any other plans that the City Council adopted.

Recommendation

Staff is recommending that the Planning Commission discuss and consider whether amending the General Plan to allow residential development on the site is appropriate and whether the required findings could be made. Should the Planning Commission support the change to residential, staff is recommending that the Planning Commission provide direction on the following options:

- Whether the proposed small lot single family detached development is the most appropriate use for the site. Should the Planning Commission feel that the proposed small lot development is appropriate, staff has provided a detailed analysis below with recommendations that would bring the proposed project more into compliance with the General Plan and Zoning standards of the City, as well as the Citywide Design Guidelines.
- Discuss whether a different design would be more appropriate. For example, other residential options could involve courtyard cluster homes that could be oriented in a way to minimize the visual impacts the adjacent landfill may have on the development.

Should the Planning Commission disagree with allowing residential development, then the Planning Commission should provide feedback to the applicant and staff on what uses they believe may be appropriate for the site.

Issue #4: Proposed Development Plan

Site Plan

The proposed project is a small lot subdivision with the majority of the lots less than 4,500 s.f. The lots back onto James Donlon Boulevard and vacant land adjacent to the GBF Landfill site. The applicant's plan does not provide any setback information, but has provided a non-dimensioned typical lot detail, which shows the house covering the majority of the lot. The applicant has indicated that the average lot size will accommodate home sizes likely up to 3,500 s.f. The table below illustrates the setbacks for R-6, which is the zoning designation equivalent to the proposed Medium-Low Density Residential General Plan designation.

Development Standards	R-6
Front Setback(Local Street)	20'
Front Setback (Garage)	20'
Rear Setback	20'
Side Setback (Interior)	5'
Side Setback (corner)	10'
Lot Coverage	40%
Lot Width	60'
Minimum Lot Size	6,000 s.f.

While the Planned Development (PD) zoning the applicant is requesting does allow for flexibility in zoning standards, the R-6 zoning standards are what the Planned Development will be compared to and will need to be mostly consistent with. Based on the proposed small lot sizes, staff does not anticipate the project being able to come close to meeting these standards.

Further, the width of the typical driveway is shown at only 16' and the City standard detail requires a width of at least 18'. The driveways will have to be widened in order to meet this minimum requirement. Each home will also be required to have a minimum 20'x20' two-car garage with at least a 20' deep driveway, which staff is recommending the driveways be at a right angle to the street.

All streets are proposed to be public; therefore, the project would require annexation into the Streetlight and Landscaping District.

Parking

Per the code, the parking requirements for a single-family home are a two-car garage and one guest parking space on the street within close proximity to the unit served. Staff is recommending that on street parking at the East Entry and West Entry be eliminated and that the street be wide enough to accommodate bike lanes, one inbound lane and two outbound (right turn and thru/left) lanes. The applicant is proposing parking within the cul-de-sac, which provides parking for the units around the cul-de-sac. While the design is not City standard, the number of on-street parking spaces shown in the parking plan appears to be adequate to waive the cul-de-sac center parking requirement. The ordinance doesn't specify the placement of the spaces, but small lot subdivisions are typically conditioned to provide a guest parking space within 150-200' of the unit it is serving. Furthermore, garbage service for three cans is required to be provided in front of each house. Due to the forty-five-foot lot widths, it is unlikely that there is room for guest parking and garbage cans in front of each lot. No

off-street parking areas are proposed. In order to meet the parking and garbage can requirements, the plan will need to be revised, which could result in fewer units. Staff is recommending that the applicant revise the plan to provide a minimum lot width of fifty feet. A parking plan will be required with any future application submittal that shows space for a standard on-street parking space, as well as three garbage bins with three feet between each bin in front of each house.

The Zoning Ordinance also requires unrestricted access to the rear yard for recreational vehicles for 25% of single-family lots. The applicant's proposed site plan makes it difficult to provide the required number of RV parking spaces. Requiring RV parking may not be practical for this type of development and could be appropriately deterred by prohibiting RV parking in the development's Covenants, Codes and Restrictions (CC&Rs). This is consistent with other approved small-lot subdivisions.

Lot Sizes

The minimum lot size for the standard R-6 zoning district is 6,000 s.f. with a minimum lot width of sixty feet. While the Planned Development zoning process does allow for some flexibility in the standards, staff is recommending that the applicant revise the plan to provide a minimum lot size of 5,000 s.f. Staff also recommends that Sorrento Drive be reoriented to reduce the disparity between the lot sizes on the north and south sides of the street. For example, lots 67-69 range from 6,819 s.f – 7,782 s.f. and they are across the street from lots 34-36 which range from 3,538 s.f. – 3,934 s.f.

The small lot sizes along the south side of the development will also make it difficult to vary the front setbacks and the rear setbacks along James Donlon Boulevard. Section 6.1.3c2 of the Citywide Design Guidelines states that “the front setback shall be staggered at least every third house an additional five feet to create a varied streetscape” and Section 6.1.4b2 states that “the height, mass, and appearance of residential units shall include some variation to provide visual interest to the streetscape.”

Parks and Open Space

The project does not offer any recreational or open space, as required in the General Plan. Section 6.1.8b of the Citywide Design Guidelines states that “open space shall be a primary feature of the development site plan.” Antioch Municipal Code Section 9-4.1004 Standard and Formula For The Dedication Of Land requires that single-family detached subdivisions provide land at a rate of .015 acres per unit. Based on these calculations, the development would be required to dedicate 1.39 acres for a park. They could also pay park-in-lieu fees if they wanted to construct a smaller park. The nearest public parks are located over a half mile away and would require children to cross a major arterial street to access them. Therefore, staff is recommending the applicant provide a minimum of one acre of parkland and recreational open space. Staff is also recommending the park be maintained by the HOA.

Architecture and Landscaping

The applicant has provided four home plans with each plan having three styles: Spanish, Cottage and Traditional. Three of the home plans are for two story homes and one plan is for single story. Only front elevations of the homes were provided but they appear to provide the variation in materials and rooflines that are consistent with the Citywide Design Guidelines. Staff recommends that enhanced elevations be included for the side elevations on all corner lots and that all garages have windows to create a more attractive streetscape.

Several sections of the Citywide Residential Design Guidelines (including Section 6.1.4.H.6) state that the garage width should not account for greater than fifty percent of the width of the home. No dimensions were provided for the proposed homes, but due to the small 45-foot lot widths and the 20-foot wide garage requirement, it is unlikely that the homes will be able to comply with these Guidelines. Providing wider lots as discussed above would help the project to better comply with the Citywide Design Guidelines.

The conceptual landscaping plan provided by the applicant shows a mix of drought tolerant trees and shrubs which are consistent with the Citywide Design Guidelines. The applicant is also showing a significant amount of lawn in the front yard landscaping plan, which may not meet State of California water efficiency landscaping requirements. Staff is recommending the applicant submit a landscaping plan with their Final Development Plan submittal that complies with City of Antioch Ordinance No. 2162-C-S The State Model Water Efficient Landscape Ordinance (MWELO).

The proposed project entry features enhanced landscaping and sign panels featuring black tiles, gold accent tiles and gold lettering that reads "Sorrento Village." Staff is recommending that the Planning Commission provide feedback to the applicant on the design of the proposed entry sign. Staff also recommends that all entry trees be a minimum size of 48" box.

The Final Development Plan submittal will be peer reviewed by an architect for compliance with the Citywide Design Guidelines, per the requirements of Section 9-5.2610 of the Antioch Municipal Code .

Issue #5: Outside Agency Comments

Staff has received comments from Contra Costa County Fire District and the City of Pittsburg. Their comments are included as attachment "E" to the staff report.

Issue #6: Conclusion

The purpose of a preliminary plan is to gather feedback from the Planning Commission and others in order for the applicant to become aware of concerns and/or issues prior to Final Development Plan submittal. As standard practice, preliminary plans are not conditioned; rather a list of needed items, information, and issues to be addressed is compiled for the applicant to address prior to a final plan hearing. Staff suggests the following, along with any issues brought up by the Planning Commission, be considered by the applicant.

Policy Discussion by the Planning Commission

1. Consideration of the General Plan Amendment to change from commercial office to allow small-lot, market rate housing.
2. Discuss staff recommendations detailed below related to project design and provide feedback and recommendations to the applicant.

Modifications to the Project Design

1. Where practical, the developer should stagger the front yard setbacks of adjacent lots to provide for a varied streetscape. The rear setbacks to homes that back on to James Donlon Boulevard should also be staggered.
2. Each home should include at least a 20-foot deep driveway apron at a right angle to the street. The driveways shall also be at least 18 feet in width.
3. The minimum lot size should be 5,000 square feet and the lot widths should be a minimum of fifty feet. Sorrento Drive should be reoriented to reduce the disparity in lot sizes on each side of the street.
4. The Final Development Plan should include a minimum one acre of parkland and recreational open space.
5. A landscaping plan should be submitted with the Final Development Plan submittal that complies with City of Antioch Ordinance No. 2162-C-S The State Model Water Efficient Landscape Ordinance (MWELo).
6. An HOA should be established for the project and should be responsible for maintaining the water quality basin, landscape parcels, and the park.
7. The project should provide guest parking spaces in front of the unit each space serves. The applicant should submit a parking plan with the final development plan submittal that numbers each unit and its corresponding parking space. The plan should also show the location where garbage cans will be located on the main streets for trash pickup days. The areas should be able to accommodate

three bins plus three feet between the bins while still maintaining enough room for a parking space.

8. For homes located on corner lots, the design treatments (e.g. a built-up stucco or stone veneer) found on the “front” elevations should also be placed on the side elevations facing the street.
9. The project’s CC&Rs should not allow any RV’s, boats or jet skis to be parked within the project.
10. The developer should design and construct storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest man-made drainage facility or natural watercourse, without diversion of watershed, as required by the City Engineer. The Flood Control District should review, and the City Engineer approve, the hydrologic and hydraulic calculations for the site and the capacity of the storm drainage system downstream of the site. The developer should be responsible for any upsizing of facilities necessary for the development.
11. Public streets are proposed. Per City policy, “Place” or “Lane” (e.g., “Sorrento PL”) are suffixes reserved for private streets. Staff recommends Sorrento Place be renamed Sorrento Court and Sorrento Court be replaced with an entirely new street name to avoid confusion. Street names are reviewed by Police, Fire and emergency responders, and recommended by the Planning Commission to the City Council for approval.
12. Where necessary, utility easements should be located entirely along the sideline of a single lot (Parcel ‘H’), should not ‘straddle’ two lots (Lot 48/49), or bisect a lot (Lot 51). Homeowners should receive full disclosure notification of the location of any public easements on their property and associated building restrictions. The City will not be responsible to restore the property following work within said utility easements.
13. The applicant should submit a utility plan showing the location of water meter boxes; backflows for fire sprinklers; sewer cleanouts; cable, phone, and power boxes as it relates to frontage of the houses.
14. Retaining walls should be reduced in height to the maximum extent practicable and no retaining walls should be constructed within City right-of-way.
15. Metal survey posts should be located at the corners of Parcel B, the 3.12-acre parcel adjacent to the northern property line, to demarcate the boundary of maintenance responsibility.
16. The utility easement shown crossing the West Entry and Lot 6 should be identified, vacated, abandoned, and relocated as necessary.

17. All easements (existing and proposed) should be shown on the site plan, e.g., the easement between Lot 48/49, bisecting Lot 51, on east side of Parcel A and the north side of Parcel B.
18. Provide a 12'-wide access road for Parcel B maintenance.
19. A peer review of the project's geotechnical recommendations will be required.
20. The developer should pay all costs for the City's consultants to verify water and sewer capacity for the development. The developer should be responsible for any upsizing of facilities necessary to serve the development.
21. The above ground utility lines should be undergrounded.
22. Street and median trees should be selected from the City's Approved Tree List.
23. All trees placed at the project entryways should be a minimum of 48" box.
24. No on-street parking should be allowed at East Entry & West Entry. Entry streets should be wide enough to accommodate bike lanes, one inbound lane and two outbound (right turn and thru/left) lanes.
25. A six-foot (6') wide sidewalk should be constructed along the project frontage and beyond the eastern end of the site along the frontage of the water tank site to ensure that there are no gaps in the sidewalk.
26. The project should annex to Police Protection CFD 2018-02.
27. The project should be annexed into the Streetlight and Landscape District.
28. The project's architecture should comply with the City's Residential Design Guidelines.
29. A masonry wall should be constructed the length of the property along James Donlon Boulevard and should be at least six feet in height. A noise study should be conducted to determine if the wall needs to be taller than six feet for noise attenuation. The wall should also wrap around at West Entry and East Entry at Lots 5, 6, 43, and 44. The wall should be decorative, and a design should be submitted with the Final Development Plan.
30. Bio-retention basins on Parcels A & D, landscaped slopes on Parcels B & C, landscape Parcels E, F & G, and sound walls should be maintained by the HOA.
31. The public right-of-way with the 32'-wide driveway, shown between Parcels B & C and terminating at the GBF Holding LLC property line, should be maintained by the HOA/CFD and protected from dumping by a fence and gate.

32. C.3 treatment and flow-control measures are required.
33. Parcel B & C drainage should be restricted from crossing overland to the GBF Holding LLC property.
34. Require record documentation for Exception BK 8652 OR 252 shown on the site plan at the northwest corner of Parcel B.
35. A market analysis should be conducted to determine the implications of the request to eliminate the Commercial Office designation from this site.
36. The project should comply with all local, state and federal agency requirements regulating soil and air quality at the site and obtain all necessary approvals from the agencies overseeing the post-closure activities at the GBF Landfill site.

ATTACHMENTS

- A. TRI Commercial Letter
- B. DTSC Letter
- C. GBF Landfill Quarterly Summary Report
- D. General Plan Map
- E. Outside Agency Comments
- F. Project Description
- G. Site Photos
- H. GBF Holdings, LLC Letter

ATTACHMENT "A"



1777 Oakland Blvd, Suite 100
Walnut Creek, CA 94596
BPE # 00532032

Tel: 925 296 3358
Fax: 925 296 3359
www.tricommercial.com

May 31, 2019

Dear City of Antioch,

As Managing Director of East Bay Retail Commercial Services for TRI Commercial Services out of Walnut Creek, I have been asked to give my opinion of the viability of commercial development versus residential development for Sorrento Village in Antioch.

As I understand it, the property is currently zoned C-O (office - commercial), allowing for permitted uses such as government offices, banks, communication facilities, medical laboratories, medical, business and professional offices, and pharmacies, etc.

Per the City of Antioch's General Plan 4.0, (land use), with regard to the office use, it reads "the primary purpose of areas designated Office on the General Plan land use map is to provide areas for the establishment of park-like working environments for corporate, professional, and commercial services needed to support major business development; and retail facilities supporting office-based business operations. The office designation is intended to encourage the concentration of office uses near centers of commercial activity within the City, and to discourage isolated office buildings."

We agree wholeheartedly with the City's definition of offices. To establish a parklike working environment for corporate services with the intention to encourage the concentration of office uses near centers of commercial activity and "to discourage isolated office buildings". We believe this is a very sensible and smart intention. Office users require buildings with ease of access to primary highways and major thoroughfares, in close proximity to goods and services, restaurants, etc., and critical mass of other office users.

An office development on the subject site would not meet any of the criteria and it would be isolated. It would also be at a competitive disadvantage given the quantity and location of existing available office space in the market. Office users today want to be three blocks or closer to a highway interchange or BART station and want to be close to or within walking distance to restaurants, banks, office devices and other amenities. Nearly all the existing office availabilities in the market are located in close proximity of a major/busy arterial or Highway 4. Additionally, many are within walking distance of numerous commercial businesses. The subject property is 1.4 miles from the freeway, surrounded by residential neighborhoods, and is very isolated. Office buildings located far from other office building clusters historically have long term vacancies and are difficult to lease or retain growing tenants.

Twelve (12) buildings are currently vacant in the trade area representing 350,000 square feet of available space, most of which are in close proximity to the site. An office user could lease and renovate any number of these buildings at virtually half the rent of new construction and fulfil the intention and objectives of the above "office development" definition of locating "near centers of commercial activity." Additional housing will create further demand and help support the existing commercial space in Antioch.

Regarding the two parcels of land located at the Northwest corner of Somersville Rd and James Donlon Blvd in Antioch, we understand the City envisioned an office development for the property pursuant to the current zoning. The proposed office site is also too narrow not allowing for ideal floor plate size for the current tenants



1777 Oakland Blvd, Suite 100
Walrus Creek, CA 94596
BRE # 00532052

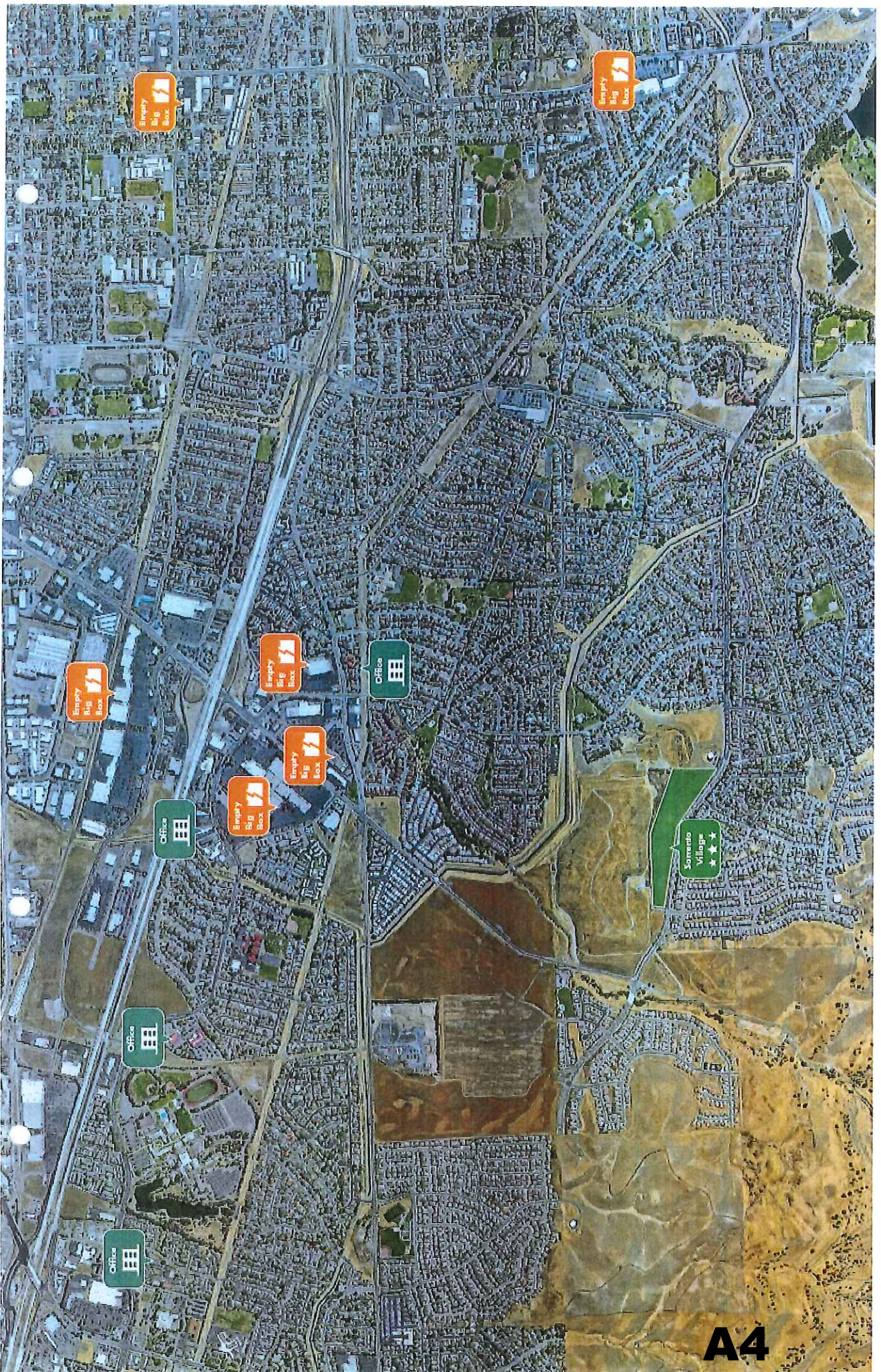
Tel 925 296 3368
Fax 925 296 3349
www.tricommercial.com

in the market place. Therefore, it is our professional opinion that the highest and best use for the site is residential development, which will support the existing commercial shopping centers in Antioch. The commercial properties closest to this site are experiencing vacancies.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Sechser". The signature is fluid and cursive, with a large initial "J" and "S".

John P. Sechser Lic#00829597
Managing Director East Bay Retail Services
925.296.3368, john.sechser@tricommercial.com



ATTACHMENT "B"



Matthew Rodriguez
Secretary for
Environmental Protection

Department of Toxic Substances Control

Barbara A. Lee, Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Edmund G. Brown Jr.
Governor

December 5, 2018

Via E-Mail Only

Richard Sestero, dsestero@seenohomes.com

NO FURTHER ACTION DETERMINATION, PRELIMINARY ENDANGERMENT ASSESSMENT, DOCKET NUMBER HSA-FY16/17-095, SORRENTO VILLAGE, ANTIOCH, CALIFORNIA

Dear Mr. Sestero:

Department of Toxic Substances Control (DTSC) has reviewed a September 6, 2017 Preliminary Endangerment Assessment (PEA) and a July 27, 2018 Revised PEA for the Sorrento Village Site. The Site is a 20.24 acre vacant parcel of land on the northeast corner of Somersville Road and James Donlon Boulevard in Antioch, California. It is zoned for commercial land use, but the owner intends to request a change in zoning from City of Antioch to include single-family residences. Due to the Site's proximity to the Contra Costa Sanitary Landfill (CCSL, aka GBF/Pittsburg Landfill), the Property Owner entered into Voluntary Cleanup Agreement (VCA) HSA-FY16/17-095 on April 26, 2017 to prepare a PEA with the intent of evaluating potential environmental impacts. Based on DTSC's review of the studies completed and presented in the Revised PEA, DTSC concurs with the PEA's conclusion and recommendation that no further action is necessary for the Site with respect to investigation of potential environmental impacts and that site conditions do not pose a health risk for unrestricted residential land use.

The Site is located in an urban area, surrounded by the CCSL and residential neighborhoods. Based on historical aerial photographs from 1939 to 2012, the Site has never been developed or used for agricultural purposes. The San Joaquin River is the nearest downgradient surface water feature and is located 2.8 miles in the direction of groundwater flow. The nearest nature preserve is 0.75 miles southwest, and wildlife is not expected to be found at the Site apart from small animals that are common to urban settings. The Revised PEA concludes there are no complete and significant exposure pathways identified for ecological receptors at the Site, and ecological receptors were not evaluated further.

Mr. Richard Sestero
December 5, 2018
Page 2 of 3

In 2002, approximately 296,000 cubic yards of soil were placed on the Site, to a maximum depth of 25 feet below ground surface (bgs) from an adjacent residential development. While the imported soil was not anticipated to be a source of contamination, a soil boring investigation was conducted in June 2018 to evaluate soil quality in the upper five feet across the Site. The Revised PEA indicates that a total of 20 soil samples were collected and analyzed for metals and organochlorine pesticides. Of the metals, only arsenic exceeded the residential screening level of 0.11 milligrams per kilogram (mg/kg), with concentrations between 4.3 to 8.5 mg/kg in all 20 soil samples. However, arsenic was interpreted to be representative of background conditions being below 11 mg/kg, as recommended by Regional Water Quality Control Board San Francisco Bay Region. Only one organochlorine pesticide, Aldrin, was detected above its laboratory reporting limit but below its residential screening level. Because of the analytical data and Site's history, the Revised PEA concludes no chemicals of potential concern were identified in soil.

North of the Site is the CCSL, which received municipal solid waste, industrial solid waste, and hazardous chemical and liquid wastes from the 1950s through 1992. The groundwater plume below the CCSL is impacted primarily by volatile organic compounds (VOCs). Groundwater flows to the north and away from the Site. Depth to groundwater at the CCSL ranges from approximately 40 to 100 feet bgs from east to west. TRC Environmental Solutions, Inc. (TRC) monitors the groundwater monitoring network for the CCSL, which includes wells downgradient and crossgradient to the Site. Data from TRC, provided in the Revised PEA, indicates that groundwater underlying the Site is not impacted with VOCs. Furthermore, the Revised PEA states that construction onsite is not expected to extend to groundwater, and any dewatering would be under best management practices, a site management plan, and a site health and safety plan to preclude any direct exposure.

Soil vapor at the CCSL is also being monitored by TRC, and VOCs were detected at concentrations above residential screening levels at wells located 50 to 100 feet to the north of the Site at depths of 40 to 60 feet bgs, and at James Donlon Boulevard to the south of the Site. Due to the presence of VOCs in the TRC soil vapor wells near the boundary of the CCSL, and the anticipated land use at the Site, a soil vapor investigation was conducted between October 2015 and March 2016 to evaluate the potential for lateral migration of soil vapor through volatilization. The work consisted of installing and sampling 33 soil vapor monitoring points at the Site in three intervals, targeting the depths of the highest VOC concentrations in the adjacent TRC soil vapor wells: 5.5 feet bgs, 15.5 to 30.5 feet bgs, and 30.5 to 45 feet bgs. The Revised PEA indicates that a total of 66 soil vapor samples were collected and analyzed for the following chemicals: methane, benzene, ethylbenzene, m,p=xylene, chloroform, trichloroethene (TCE), tetrachloroethene (PCE), Freon-12, and naphthalene.

Mr. Richard Sestero
December 5, 2018
Page 3 of 3

All 33 soil vapor samples at 5.5 feet bgs had VOCs below residential screening levels. While 8 of the 33 soil vapor samples had VOCs above residential screening levels, they were at depths of 15.5 to 45 feet bgs. The hypothetical risks associated with soil vapor intrusion to indoor air were evaluated in a human health risk assessment.

For all samples, the theoretical non-cancer hazard index was less than the acceptable value of one. Except for three samples, the theoretical cancer risk was within the acceptable range of 1×10^{-6} to 1×10^{-4} . The exceptions were at depths of 24, 23.5, and 45 feet bgs; however, in the same locations, soil vapor samples at 5.5 feet bgs did not have VOCs above the residential screening levels. The Revised PEA concludes vertical and lateral attenuation is occurring, and based on the shallow soil vapor data, soil vapor does not pose a human health risk to future onsite resident receptors.

To summarize, the Revised PEA concludes no complete and significant exposure pathways identified for ecological receptors; and, soil, groundwater, and soil vapor do not pose a human health risk to hypothetical future onsite residential receptors. The Revised PEA recommends a "No Further Action" status. DTSC concurs with the Revised PEA's conclusion that no further action is necessary for the Site. As with any real property, if previously unidentified contamination is discovered at the Site, additional assessment, investigation and/or cleanup may be required.

You may contact the Site's project manager by phone at (916) 255-3601, or by email at Ruth.Cayabyab@dtsc.ca.gov if you have any questions.

Sincerely,



Charlie Ridenour
Branch Chief
Cleanup Program – Sacramento Office
Department of Toxic Substances Control

cc: Ivy Inouye, Ivy.Inouye@apexcos.com
Nathan Colton, Nathan.Colton@apexcos.com
Jay Torres Muga, JTorresMuga@seenohomes.com
Louis Parsons, LParsons@discoverybuilders.com

B3

ATTACHMENT “C”

July 11, 2019

Project No. 125530-C781

Ruth Adviento Cayabyab
Project Manager
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826

**GBF/Pittsburg Landfill
Quarterly Summary Report
Second Quarter 2019 (April through June)**

Dear Ms. Cayabyab:

On behalf of GBF Holdings, LLC, and in accordance with Article 6.3 of the GBF/Pittsburg Landfill Consent Order (Docket No. HSA-CO 01/02-007), TRC is submitting this quarterly summary report for site activities conducted from April through June 2019.

Activities Completed – First Quarter 2019 (January through March):

- Submitted the First Semiannual Groundwater Monitoring Report (January).
- Conducted the second semiannual soil vapor monitoring event (February and March).
- Continued preparation of the Soil-Bentonite Mix Design and Compatibility Testing Report for design of a planned soil-bentonite (SB) barrier wall along the northern boundary of the landfill (see below).
- Continued discussions and correspondence with the DTSC regarding the final content of the third revision of the Phase II Feasibility Study for Groundwater and Soil Vapor.
- Continued working on an Explanation of Significant Differences (ESD), describing proposed changes to the existing groundwater remedy, which will include a barrier wall along the northern landfill boundary, groundwater extraction, soil vapor extraction, and offsite monitoring. The ESD will address remedial actions for both groundwater and soil vapor, and will include the DTSC-requested Field Quality Assurance Plan for construction activities.
- Conducted ongoing OM&M for landfill and groundwater programs.

Activities Completed – Second Quarter 2019 (April through June):

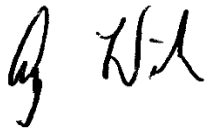
- Conducted the second semiannual groundwater monitoring event (April and May).
- Submitted the First Semiannual Soil Vapor Monitoring Report (May).
- Continued working on the Soil-Bentonite Mix Design and Compatibility Testing Report.
- Participated in an April 8, 2019, meeting to finalize discussions and correspondence with the DTSC regarding the final content of the third revision of the Phase II Feasibility Study for Groundwater and Soil Vapor.
- Continued working on the ESD.
- Conducted ongoing OM&M for landfill and groundwater programs.

Activities Planned – Third Quarter 2019 (July through September):

- Submit the Second Semiannual Groundwater Monitoring Report (July).
- Conduct the second semiannual soil vapor monitoring event (August).
- Submit the Soil-Bentonite Mix Design and Compatibility Testing Report.
- Finalize discussions and correspondence with the DTSC regarding the final content of the third revision of the Phase II Feasibility Study for Groundwater and Soil Vapor, and submit a revised report.
- Continue working on the ESD.
- Conduct ongoing OM&M for landfill and groundwater programs.

If you have any questions, please contact me at (925) 688-2474.

Sincerely,

Handwritten signature of Amy Wilson in black ink.

Amy Wilson, PhD, PE
Project Manager

cc: Mr. Kenny Croyle, Regional Water Quality Control Board, Rancho Cordova (*via upload*)
Ms. Lori Braunesreither, Contra Costa County Environmental Health Services (*via email*
lori.braunesreither@hsd.cccounty.us)

ATTACHMENT “D”



General Plan Map

ATTACHMENT “E”

Contra Costa County



Fire Protection District

July 22, 2019

Mr. Scudero
City of Antioch
Community Development
PO Box 5007
Antioch, CA 94531-5007

Subject: Sorrento Subdivision #9346
James Donlon/Somersville
Project # PDP-19-01
CCCFPD Project No.: P-2019-02884

Dear Mr. Scudero,

We have reviewed the development plan application to establish a 93 lot subdivision at the subject location. The following is required for Fire District approval in accordance with the 2016 California Fire Code (CFC), the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), and Local and County Ordinances and adopted standards:

1. Access as shown on appears to comply with Fire District requirements.

Provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard. (503) CFC
2. Access roadways of **less than 28-feet** unobstructed width shall have signs posted or curbs painted red with the words **NO PARKING – FIRE LANE** clearly marked. (22500.1) CVC, (503.3) CFC

Access roadways of **28 feet or greater, but less than 36-feet** unobstructed width shall have **NO PARKING – FIRE LANE** signs posted, allowing for parking on one side only or curbs painted red with the words **NO PARKING – FIRE LANE** clearly marked. (22500.1) CVC, (503.3) CFC
3. Turnaround as shown appears to comply with Fire District requirements. 45' minimum radius required.
4. Access gates for Fire District apparatus shall be a minimum of 20-feet wide. Access gates shall slide horizontally or swing inward and shall be located a minimum of 30 feet from the street. Electrically operated gates shall be equipped with a Knox Company key-operated switch. Manually operated gates shall be equipped with a non-casehardened lock or approved Fire District lock. Contact the Fire District for information on ordering the key-operated switch. (D103.5) CFC.

5. The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code. (507.1) CFC
6. The developer shall provide hydrants of the East Bay type. (C103.1) CFC
7. The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating all existing or proposed hydrant locations, fire apparatus access, and a striping and signage plan for review and approval prior to obtaining a building permit. This is a separate submittal to the Fire District to be approved prior to construction plan submittal. ***Final placement of hydrants shall be determined by this office.***

These plans shall be approved prior to construction or storage of combustible materials on site. (501.3) CFC

8. ***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

Note: A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 37 tons.

9. The homes as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2016 edition of NFPA 13D or Section R313.3 of the 2016 California Residential Code. Submit a minimum of two (2) sets of plans to this office for review and approval prior to installation. (903.2) CFC, (R313.3) CRC, Contra Costa County Ordinance 2016-23.
10. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC
11. The developer shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property. (304.1.2) CFC
12. Development on any parcel in this subdivision shall be subject to review and approval by the Fire District to ensure compliance with minimum requirements related to fire and life safety. Submit three (3) sets of plans to the Fire District prior to obtaining a building permit. (501.3) CFC

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,



Todd Schiess
Fire Inspector I

cc: Brian Kesler
Albert D. Seeno Construction Co.
4021 Port Chicago Hwy.
Concord, CA 94520
bkesler@seenohomes.com

File: 0 JAMES DONLON BLVDxSOMERSVILLE RD (SORRENTO VILLAGE SUB 9346)-PLN-P-2019-02884

Scudero, Kevin

From: Kristin Pollot <KPollot@ci.pittsburg.ca.us>
Sent: Friday, July 19, 2019 4:27 PM
To: Hammers, Cheryl; Scudero, Kevin
Cc: Paul Reinders
Subject: RE: Sorrento Village PDP-19-01

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Pittsburg would like to provide the following comment on this project referral:

At 93 proposed SFU's, this development will be adding peak-hour vehicle trips to the Somersville Rd./Buchanan Rd. intersection and the City would like to request a traffic impact analysis for this development that considers the approved Tuscany Meadows development in Pittsburg. Although it may not quite meet the CCTA threshold for requiring a Traffic Impact Study (100 peak-hour trips), we still believe this warrants a LOS analysis of nearby intersections (existing, future w/ development, and cumulative condition scenarios with and without the James Donlon Bvd. extension), especially the Somersville Road/Buchanan Road intersection.

Please let me know if you have any questions.

Thanks,

Kristin Pollot
(925) 252-6941

From: Hammers, Cheryl <chammers@ci.antioch.ca.us>
Sent: Friday, June 28, 2019 1:55 PM
To: Kristin Pollot <KPollot@ci.pittsburg.ca.us>
Subject: Sorrento Village PDP-19-01

Attached, please find the Project Referral – Request for Comments/Conditions for the above project.
Thank you,

Cheryl Hammers
Development Services Technician
Community Development | Planning

☎: (925) 779-6108
☎: (925) 779-7034
🌐: www.antiochca.gov

City of Antioch | P.O. Box 5007, Antioch, CA 94531-5007

ANTIOCH
CALIFORNIA
OPPORTUNITY LIVES HERE

ATTACHMENT “F”

**PROJECT DESCRIPTION
SORRENTO VILLAGE
PRELIMINARY DEVELOPMENT PLAN**

The project site encompasses approximately 20.2 acres of vacant land located north of James Donlon Boulevard and just east of Somersville Road in Antioch, California. The project site is bounded to the west, south and east by residential development and to the north by a decommissioned landfill facility further discussed below.

The proposed Sorrento Village project consists of 93 single family residential lots, two bio-retention basins and necessary roadway and utility improvements. The proposed density of the project is approximately 4.5 units per acre with an average lot size of approximately 5,000 SF. The average lot size will accommodate home sizes likely up to approximately 3,500 SF. The size of the lots, the size and character of the homes and the nature of the typical street elevation will be complimentary to the existing neighborhoods adjacent to the project.

The project proposes two points of access opposite existing roadways at Hummingbird Drive and Pintail Drive, modification of the left turn pocket in the center median of James Donlon Boulevard and the construction of sidewalk improvements along the project frontage of James Donlon Boulevard.

Out of an abundance of caution, in 2017 and 2018 an extensive health and safety evaluation was conducted under the direct supervision of the State of California Department of Toxic Substances Control (DTSC) related to potential health risks associated with the nearby closed landfill facility. As a result of those evaluations, in December 2018 DTSC released a No Further Action Determination confirming that the adjacent closed facility does not pose a health risk for unrestricted residential land use for the project site (see attached letter from DTSC dated December 5, 2018).

Residential development of the project site will require a General Plan Amendment from Office to Medium Low Density Residential and a rezone from Commercial – Office to Residential P-D. Defined in part under the General Plan as "...intended to encourage the concentration of office uses near centers of commercial activity within the City, and to discourage isolated office buildings" (City of Antioch General Plan Dated November 24, 2003 Section 4.4.1.3), the project site does not fit the General Plan definition for the Office designation.

In addition, according to a recent survey prepared by TRI Commercial of Walnut Creek, California, numerous opportunities for office development currently exist in vacant retail and commercial buildings within established centers for commercial/office activities along existing major thoroughfares within the City, near the Highway 4 corridor and in close proximity to the BART station (see attached letter from TRI Commercial dated May 13, 2019). Accordingly, re-designation of the project site under the City of Antioch General Plan to Medium Low Density Residential and rezoning under the City of Antioch Municipal Code to Residential P-D is not only appropriate but a natural extension of current land use within the region.

RECEIVED

JUN 06 2019

F1

ATTACHMENT “G”



G1





ATTACHMENT “H”

GBF HOLDINGS, LLC

2300 Clayton Road, Suite 610
Concord, California, 94520

August 29, 2019

Secretary to the Planning Commission
City of Antioch
PO Box 5007
Antioch California, 94509

Submitted via email to Kevin Scudero, Associate Planner, City of Antioch

RE: Sorrento Village Preliminary Development Plan (PDP-19-01)

Dear Secretary to the Planning Commission:

Pursuant to the Notice of Public Hearing dated August 16, 2019, GBF Holdings, LLC, is providing comments on the Preliminary Development Plan (PDP) for Sorrento Village. GBF Holdings, LLC (GBF), is the owner of the former GBF/Pittsburg Landfill, a.k.a. Contra Costa Sanitary Landfill, located north of and directly adjacent to the proposed development.

The landfill is a closed former hazardous waste and municipal landfill that was actively operated from the mid-1940s through 1992. Currently, the landfill is in post-closure, which includes: landfill gas monitoring; landfill gas collection and treatment via flaring; stormwater management; erosion control; and vegetation management / fire prevention. These activities are conducted under the oversight of the Central Valley Regional Water Quality Control Board (Regional Board), Contra Costa County Department of Environmental Health (as the Local Enforcement Agency, or LEA, to the Regional Board), CalRecycle, and the Bay Area Air Quality Management District (BAAQMD).

The landfill is also undergoing active groundwater remediation of volatile organic compound (VOCs) impacts to the north of the site, under the oversight of the Department of Toxic Substances Control (DTSC).

Our comments to the PDP are as follows:

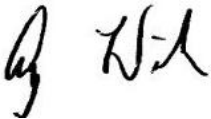
1. Page 11 of the PDP shows a “commercial driveway” near the northern end of Pintail Drive. This is currently the access point to the landfill site for maintenance activities, and it will need to be preserved for the sole purpose of ingress/egress to the landfill, to allow post-closure activities to continue. The location is and will need to remain gated and locked, with appropriate signage (e.g., “Private Property”, “No Trespassing”, “No Dumping”).
2. As required by the DTSC, the project developer performed a Preliminary Endangerment Assessment (PEA) dated July 27, 2018. In a letter dated December 5, 2018, the DTSC concluded that no further action was necessary with respect to investigation of potential environmental impacts, and that site conditions do not pose a health risk for unrestricted residential land use. DTSC’s determination notwithstanding, the California Code of Regulations (CCR) Title 27, Section 21190(c) requires that: *“All proposed postclosure land uses ... on sites implementing closure or on closed sites shall be submitted to the [L]JEA, RWQCB, local air district and local land use agency. The [L]JEA shall review and*

approve proposed postclosure land uses if the project involves structures within 1,000 feet of the disposal area ...” Thus, these agencies will be required to review the plan and provide comment at the appropriate point in the development planning process. Additionally, the DTSC’s further review and approval should be a condition of any land use approval(s) for the proposed project.

3. It is the opinion of GBF that, as a condition of any land use approval(s) for the project, any new structures be constructed with vapor intrusion (VI) mitigation as an engineering control. Although the DTSC determined that site conditions do not pose a health risk, subsurface conditions can potentially change seasonally or under longer-term trends, and the regulatory process for assessing indoor air risk could also change in the future. VI engineering controls would proactively guard against any such future changed conditions, and could more readily be installed during construction than retroactively, after completion of the development project.
4. To ensure that property owners do not interfere with GBF’s post-closure activities, or trespass onto the landfill, the developer of the property should be required to disclose to prospective purchasers of the homes the presence of the landfill, its history and current conditions, health risks, operation and maintenance information for VI engineering controls, and the ongoing ingress/egress of maintenance vehicles to the property prior to sale. Potential purchasers should also be made aware that, for the protection of their health and safety, they cannot enter the landfill property. These disclosures could be ensured via record notice against the deed, or at a minimum, as part of the offering documents in connection with each home sale.

Thank you for the opportunity to provide comments on the Sorrento Village PDP. GBF Holdings, LLC, remains committed to the health and safety of the community and to working cooperatively with neighboring property owners. Please send future notices regarding this development to Amy Wilson, Project Manager, 2300 Clayton Road, Concord, California, 94520, awilson@trccompanies.com.

Sincerely,



Amy Wilson, PhD, PE
Sr. Project Manager
GBF Holdings, LLC
by: TRC Companies, Inc.
Managing Member

cc: Ruth Cayabyab, DTSC
Brad Shelton, Regional Water Quality Control Board
Kenny Croyle, Regional Water Quality Control Board
Lori Braunesreither, Contra Costa County Department of Environmental Health
Christina Reese, CalRecycle

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF SEPTEMBER 4, 2019**

Submitted by: Forrest Ebbs, Community Development Director *FE*

Date: August 15, 2019

Subject: Residential Growth Management Ordinance

RECOMMENDATION

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

1. Adopt the resolution recommending approval of an ordinance to amend Title 9, Chapter 5, Article 40 "Residential Growth Management".

REQUEST

Staff requests amendments to Residential Growth Management chapter of the Zoning Ordinance to replace the annual maximum allocation limit with a rolling 5-year average and replace the one-year maximum development standard with a two-year maximum development standard. This project has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act.

BACKGROUND

On July 21, 1998, the Antioch City Council adopted a resolution placing Measure U on the ballot for the November 3, 1998 general election. Measure U constituted an advisory vote to instruct the City Council to phase new residential development with financial planning, infrastructure and other criteria. The exact language of the question concerning Measure U was as follows:

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

Measure U was passed by the voters and the City Council then created a system to address the approximately 4,700 approved units that were subject to development agreements expiring by December 31, 2002. A series of "Measure 'U' Implementation Policies" were adopted to carry out the goals and purposes of Measure U and a

Residential Development Allocation (RDA) Ordinance (AMC 9-5.40) was adopted in 2002. These policies were then reflected in the Growth Management Element of the forthcoming General Plan that was adopted on November 24, 2003.

The RDA Ordinance established objectives by which all non-exempt projects were to be reviewed by the City Council. Development allocations were established for the period of 2006-2010, with a total of 2,000 allocations to have been issued. Beyond 2010, the annual allocation could not exceed a maximum annual average of 600, as measured over a contiguous 5-year period. Stated differently, no 5-year period could have more than 3,000 allocations. Age restricted and multifamily units were discounted to 0.5 and 0.63 allocations, respectively. Certain projects were exempt from the allocation process, including affordable housing, special-needs housing, projects with valid tentative maps or development agreements not requiring the allocation process, owner-built housing, second units, and small projects with four or fewer single-family dwellings. The RDA Ordinance was written to sunset on May 1, 2012.

Before the RDA Ordinance (1989-2002), the City averaged 791 units per year. During the life of the RDA Ordinance (2003-2013), the average was reduced to 198 units. In addition to the effects of the RDA Ordinance, the recession had a significant impact on housing production.

During the recession, housing production slowed and significant reductions in staff occurred. As a result, no formal action was taken in anticipation of the 2012 sunset. The Planning Commission eventually held a study session on November 20, 2013 to discuss how best to address residential growth metering and made a formal recommendation to the City Council on January 15, 2014. The City Council considered the matter at its March 6, 2014 and, at the recommendation of the City Attorney and City staff, adopted a resolution amending the General Plan to modify the language addressing residential growth metering and introduced an ordinance amending the Residential Development Allocation Ordinance significantly. The new ordinance was referred to as the Residential Growth Management (RGM) Ordinance.

The amended ordinance stands today and eliminated much of the process and metering required of the original ordinance. Per the new language, if more than 500 building permits are issued in one year for new residential units, the Community Development Department must bring forward a new growth metering process. Until such new process is adopted and implemented, the City may not issue more than 600 building permits in a year.

Building Permit Analysis

Building Permits Issued for New Residences – 1989 to 2019					
Year	Units	5-Yr. Avg	Year	Units	5-Yr. Avg
1989	903		2005	350	576
1990	754		2006	212	345
1991	701		2007	154	243
1992	770		2008	116	219
1993	824	790	2009	127	192
1994	706	751	2010	93	140
1995	601	720	2011	131	124
1996	691	718	2012	263	146
1997	619	688	2013	240	171
1998	628	649	2014	83	162
1999	686	645	2015	68	157
2000	1,157	756	2016	127	156
2001	1,370	892	2017	45	113
2002	665	901	2018	121	89
2003	233	822	2019	690 *	210
2004	264	738	* 1/1 – 6/30 and includes AMCal project		

From 2014-2018, the Community Development Department issued a total of 444 building permits for new residences, averaging 89 permits per year. Through June 30 of 2019, the Department issued 132 permits and expects to issue at least 300 permits for new single and multi-family homes this year. In addition, the recently-approved AMCal affordable housing project on East 18th Street has applied for building permits that could be issued this year, which would increase the total by 390 units to an annual total of 690. The current ordinance prohibits the Department from issuing permits for more than 600 units and, if over 500 units are permitted, a new residential growth metering process will be required. Without the AMCal project, the total would likely remain closer to 300 units.

Staff believes that this year will be exceptional and will not be repeated because there are no other known projects with the potential to pull such a large number of permits at once. The last year that 600 permits were issued was 2002, when the RDA Ordinance was adopted. Even the larger residential subdivisions only pull permits as needed to build smaller numbers of houses over multiple years and rarely pull more than 100 permits annually. As such, staff recommends that the current RGM Ordinance be amended to account for anomalies such as the situation anticipated for 2019.

CEQA

The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") through the general rule, that it can be found with certainty that the project will have no potential for significant impact on the environment.

PROPOSAL

The proposed amendment would borrow from the previous RDA Ordinance and utilize a rolling 5-year average. In this case, the new threshold would be a rolling 5-year average of 300 units. For reference, from 1993-2018, the average 5-year rolling average was 458 units per year. However, from 2014-2018, the average 5-year rolling average was just 135 units per year. If we include the projected 690 units for 2019, the 2019 5-year rolling average would be 210 units.

Staff expects that the coming years will see more development than the past 5 years, but does not expect any other years to exceed 300 units. The City would have to permit 350 units each year for 2020 and 2021 to exceed the 300 unit, 5-year rolling average in 2022. Though this is possible, staff is also mindful of the intent of Measure U and the community's desire to responsibly meter growth. Should the next two years be even more productive than 2019, the Community Development Department will be prepared to introduce a new growth metering process for the Council's consideration.

In addition, staff is recommending that the maximum standard of 600 units per year be modified to be a maximum combined standard of 1,200 units over two consecutive years. More than 600 units could be permitted in one year, but not over two consecutive years. This would allow for the anomaly that is anticipated for 2019.

SUMMARY

In summary, staff recommends that the Planning Commission adopt the resolution recommending that the City Council adopt the attached ordinance to amend Title 9, Chapter 5, Article 40, Residential Growth Management, to use a rolling 5-year average and a two-year combined standard instead of a single-year maximum.

ATTACHMENTS

- A. Resolution with Ordinance
- B. Existing RGM Ordinance
- C. Prior RDA Ordinance (2002-2014)
- D. Resolution Adopting Measure U Policies (1999)

ATTACHMENT “A”

ATTACHMENT A

PLANNING COMMISSION
RESOLUTION NO. 2019-**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE TO
AMEND TITLE 9, CHAPTER 5, ARTICLE 40 "RESIDENTIAL GROWTH
MANAGEMENT"

WHEREAS, on September 4, 2019, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and written; and,

WHEREAS, the approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") through the general rule, that it can be found with certainty that the project will have no potential for significant impact on the environment.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend to the City Council APPROVAL of the draft Ordinance (Exhibit A) to amend Title 9, Chapter 5, Article 40 "Residential Growth Management".

* * * * *

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 4th day of September, 2019.

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

FORREST EBBS
Secretary to the Planning Commission

ATTACHMENT A

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING TITLE 9, CHAPTER 5, ARTICLE 40, RESIDENTIAL GROWTH MANAGEMENT, OF THE ANTIOCH MUNICIPAL CODE TO REPLACE THE ONE-YEAR STANDARD WITH A ROLLING FIVE-YEAR AVERAGE

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

SECTION 1:

The Planning Commission considered this amendment at a public hearing on September 4, 2019, considered all testimony received and has recommended that the City Council adopt the ordinance.

SECTION 2:

The City Council determined on September 24, 2019, that, the project does not have the potential for causing a significant effect on the environment because and is therefore not subject to the California Environmental Quality Act (CEQA).

SECTION 3:

The following Sections are hereby amended as follows:

ARTICLE 40: RESIDENTIAL GROWTH MANAGEMENT

9-5.4001 CITATION.

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

(Ord. 2081-C-S, passed 3-25-14)

9-5.4002 PURPOSE.

The following are the purposes and goals of this article:

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

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

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

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

(Ord. 2081-C-S, passed 3-25-14)

9-5.4003 NUMERICAL LIMITS ON RATE OF GROWTH.

In January of each year, the Community Development Department shall document the number of residential building permits issued in the preceding year. If the ~~total number of permits issued in the preceding year~~ rolling 5-year average of building permits issued provides for the construction of ~~500~~300 or more residential units (whether comprised of single-family structures, multi-family structures, or both), the Community Development Department shall develop and promulgate a growth metering process and guidelines which shall be reviewed and

ATTACHMENT A

recommended by the Planning Commission and approved by City Council. Unless and until the process and guidelines described herein are approved by the City Council, the city shall not, in any ~~single~~ two consecutive calendar years, issue building permits to allow construction of more than 600 residential units during such years (whether comprised of single-family structures, multi-family structures, or both).
(Ord. 2081-C-S, passed 3-25-14)

9-5.4004 EVALUATION OF GROWTH LIMITS.

The growth metering process and guidelines promulgated and approved pursuant to § 9-5.4003 above may be amended by the City Council from time to time, as deemed necessary for the above purposes.
(Ord. 2081-C-S, passed 3-25-14)

SECTION 3:

Severability. If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 4:

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

* * * * *

I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 24th of September 2019, and passed and adopted at a regular meeting thereof, held on the ____ of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

Sean Wright, Mayor of the City of Antioch

ATTEST:

**Arne Simonsen, CMC
City Clerk of the City of Antioch**

ATTACHMENT "B"

[Print](#)

Antioch, CA Code of Ordinances

ARTICLE 40: RESIDENTIAL GROWTH MANAGEMENT**§ 9-5.4001 CITATION.**

This article may be known and be cited as the “Residential Growth Management Program Ordinance” of the city.

(Ord. 2081-C-S, passed 3-25-14)

§ 9-5.4002 PURPOSE.

The following are the purposes and goals of this article:

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

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

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

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

(Ord. 2081-C-S, passed 3-25-14)

§ 9-5.4003 NUMERICAL LIMITS ON RATE OF GROWTH.

In January of each year, the Community Development Department shall document the number of residential building permits issued in the preceding year. If the total number of permits issued in the preceding year provides for the construction of 500 or more residential units (whether comprised of single-family structures, multi-family structures, or both), the Community Development Department shall develop and promulgate a growth metering process and guidelines which shall be reviewed and recommended by the Planning Commission and approved by City Council. Unless and until the process and guidelines described herein are approved by the City Council, the city shall not, in any single calendar year, issue building permits to allow construction of more than 600 residential units during such year (whether comprised of single-family structures, multi-family structures, or both).

(Ord. 2081-C-S, passed 3-25-14)

§ 9-5.4004 EVALUATION OF GROWTH LIMITS.

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

(Ord. 2081-C-S, passed 3-25-14)

ATTACHMENT “C”



ATTACHMENT "A"

Antioch, CA Code of Ordinances

ARTICLE 40: RESIDENTIAL DEVELOPMENT ALLOCATION

§ 9-5.4001 CITATION.

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

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

§ 9-5.4002 PURPOSE.

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

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

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

§ 9-5.4003 PRECEDENCE OVER OTHER PROVISIONS.

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

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

§ 9-5.4004 FINDINGS.

The Council hereby makes the following legislative findings:

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

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

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

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

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

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

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

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

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

AL A2
C2

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

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

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

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

§ 9-5.4005 ESTABLISHMENT OF OBJECTIVES.

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

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

§ 9-5.4006 GUIDELINES FOR OBJECTIVES.

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

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

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

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

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

- (5) Development on sites located in close proximity to existing parks or recreation facilities, public transit, or that have convenient access to special services and facilities, such as libraries, day care, and neighborhood shopping;
- (6) Development within large-scale projects where construction has already begun pursuant to existing city approvals, or projects subject to existing infrastructure financing mechanisms, such as assessment districts;
- (7) Mixed-use, or transit-oriented development;
- (8) Development projects that provide private open space, recreational facilities, streets or other features, thereby reducing the city's maintenance costs and allowing resources to be used for police and other services;
- (9) Development within a previously- approved Specific Plan or Planned Development;
- (10) Projects providing unique water or energy conservation features;
- (11) Projects providing unique public safety/police features.

(B) If the Council should fail to adopt development objectives for any relevant fiscal year, then the objectives specified in this section shall be deemed to be the objectives to be used.

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

§ 9-5.4007 DEVELOPMENT ALLOCATION PROCESS.

(A) Development allocation requests shall be considered by the Council prior to approval of a tentative subdivision map or vesting tentative subdivision map, use permit, or design review approval for residential units containing no more than the number of residential units allocated to the project pursuant to this article.

(B) On a semiannual basis, the Council shall consider development allocations for proposed projects based upon the extent to which such projects meet or are consistent with the development allocation objectives set by the Council for the period.

(C) The Council may issue all, some, or none of the available development allocations to a given project based on the Council's determination of the proposed project's ability to meet the city's objectives. These allocations may be issued over a single- or multi-year period at the discretion of the Council. Although it is the Council's intent to address its regional housing objectives by providing for the possible development of a maximum annual average of 600 allocations, the goal of the Council shall be to meet such objective by averaging the units allocated over any five-year period rather than meeting the objective on an annual basis.

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

(E) Applications for development allocations may be submitted only for properties located within the existing Antioch city limits, and which have General Plan, Specific Plan (if applicable), and zoning

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

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

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

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

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

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

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

§ 9-5.4008 NUMERICAL LIMITS ON RATE OF GROWTH.

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

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

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

A9 AS
C5

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

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

§ 9-5.4009 EXEMPTIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 9-5.4010 SPECIAL ALLOCATIONS.

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

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

§ 9-5.4011 EVALUATION OF GROWTH LIMITS.

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

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

§ 9-5.4012 SUNSET OF ARTICLE.

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

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

All
A7

ATTACHMENT “D”

RESOLUTION NO. 99/135

**RESOLUTION OF THE ANTIOCH CITY COUNCIL
ADOPTING THE MEASURE "U"
IMPLEMENTATION POLICIES**

WHEREAS, on November 3, 1998 an advisory ballot measure entitled Measure "U" was passed by the voters of Antioch, and

WHEREAS, Measure "U" directs that the City of Antioch shall take steps to ensure that the phasing of infrastructure and new public facilities better meets the demands created by new development in order to maintain and enhance the quality of life in Antioch, and

WHEREAS, development agreements executed over ten (10) years previously are due to expire on December 31, 2002. At the time these agreements were executed it was assumed that the projects covered by the agreements would be completed within the fifteen (15) year time frame of these agreements, prior to the December 31, 2002 expiration date. Due to circumstances unforeseen at the time these agreements were executed in 1988 and 1989, including the economic recession in California in the early 1990s, approximately 4700 single family units remain to be constructed as of July 1, 1999, and

WHEREAS, the Antioch City Council initiated a public process with the goal of implementing the policy direction contained in Measure "U", and

WHEREAS, the Antioch City Council has held an extensive series of public workshops to collect information relevant to the implementation of Measure "U" and to receive input from the public, and

WHEREAS, the workshops to date were held on January 19, 1999; March 2, 1999; March 30, 1999; April 6, 1999; April 20, 1999; May 4, 1999; June 1, 1999; July 6, 1999; August 3, 1999, and August 31, 1999, and

WHEREAS, public comments were solicited at these workshops from all interested parties, and

WHEREAS, the Antioch City Council through this workshop process has determined that certain actions are necessary, as contained in Attachment #1, to implement the intent of Measure "U" in order to maintain the quality of life of Antioch residents and protect their public health, safety and welfare.

NOW, THEREFORE BE IT RESOLVED, that the Antioch City Council hereby directs City staff to prepare the necessary implementing documents to carry out the policy direction as outlined in Attachment #1.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 14th day of September, 1999 by the following vote:

AYES: Councilmembers Davis, Soliz, Freitas and Mayor Rocha

NOES: Councilmember Sudario

ABSENT: None

ABSTAIN: None



L. JOLENE MARTIN, City Clerk

Attachment #1: Measure "U" Implementation Policies

Resolution No. 99/135 Adopted September 14, 1999

This section contains a list of policies identified by the City Council to carry out the goals and purposes of Measure U. These policies are intended to provide the direction for City staff to prepare the necessary documents to implement these policies. These implementation documents will then be taken through the required procedures, and then brought to the City Council for action.

The policies are organized based on their applicability to three broad categories of projects, namely projects with development agreements, projects without development agreements, and new projects. There are also separate sections concerning exemptions, regional coordination, and administrative issues.

I. Previously Approved Projects with Development Agreements: The following policies, #1 through #3, shall be applicable to projects with existing development agreements.

Policy #1: Regional Traffic Fee: The City shall initiate an update of the East County Regional Traffic Fee to increase the fee from \$5000/unit to approximately \$10,000/unit with the exact amount determined through transportation analysis. This work shall be coordinated with the East County Regional Fee and Finance Authority. The City may decide to update the fee prior to other jurisdiction taking action if delays are experienced in implementing the fee at the regional level. In such a scenario any funds collected by the City in excess of the rate being collected by the other member jurisdictions of the Fee and Finance Authority shall be set aside specifically for the City of Antioch. If all other jurisdictions that constitute the East County Fee and Finance Authority have not implemented an update of the regional fee consistent with the City's action within one year of the City updating the regional fee, the City will review the fee. The fees collected to date and thereafter would be a benefit to Antioch local streets.

Policy #2: Prospective Homebuyer Information: In addition to the new homebuyer disclosures currently required by the City and the State, all developers shall provide information to all prospective buyers of new homes of a) the existing and projected congestion problems on regional roads in East County, and b) the status of any overcrowding at schools within the Antioch Unified School District, identifying which schools are impacted. Additionally, this information shall identify which schools the children of new residents would be attending. This notification shall at a minimum be attached to all literature and handouts provided in the model sales complexes, or otherwise distributed by the developer or their

agents to potential buyers. The City shall approve the content of this notification statement.

Policy #3: McBail Project: The McBail project, located in the East Lone Tree Specific Plan Area, will be subject to Policies #1, #2, #3, #4, and #5, but not to Policies #6, #7, and #8, due to the fact the McBail project already contains a development allocation system based on job creation.

II. Previously Approved Projects without Development Agreements: The following Policies #4 and #5 shall apply to all projects that have existing legally valid development entitlements, but do not have development agreements. In addition, all the preceding policies, with the exception of Policy #3, shall also apply to this category of projects. For the purposes of this section entitlements refers to projects that have valid unexpired tentative map approval prior to the approval by City Council of Measure U implementation documents.

Policy #4: Municipal Services Fee: Projects shall be subject to a “Municipal Services Fee” that is payable prior to issuance of building permits. The purpose of this fee is to ensure that new development generates sufficient revenue over the life of that development to pay for the cost of City services based on established service levels.

Policy #5: Economic Development Fee: Projects shall be subject to an “Economic Development Fee”. The purpose of this fee is to fund activities to attract employment-generating uses to the City.

III. New residential Projects that do not have Development Entitlements: This section refers to all residential projects that do not have development entitlements prior to the approval by the City Council of Measure “U” implementation documents. The following Policies, #6, #7, and #8, shall apply to these projects in addition to the preceding Policies #1, #2, #4, #5 (Policy #3 would not apply).

Policy #6: School Mitigation: New projects shall be required to participate in a mitigation program to provide a closer link between the timing of new school construction and increases in student population. The City in conjunction with the Antioch Unified School District shall develop this program. The goal of this mitigation program shall be to phase the timing of school construction to coincide with the minimum student occupancy necessary for the School District to efficiently staff and run a school. It is currently estimated that this would occur at a 60% to 70% student occupancy level.

Policy #7: Job Creation: All new projects shall be required to participate in a mitigation program with the goal of ensuring that two jobs are created for every housing unit developed. These jobs must be created prior to the issuance of a

building permit for residential development. This may occur either through on site or off site job creation as determined by the City. In the case of off site job creation a fee may be required instead of actual job creation. Such a fee would be used by the City for economic development activities, and would need to be of an amount sufficient to facilitate both infrastructure construction and marketing to assure that the project's job creation goals are met. These jobs would have a minimum salary of \$12/hour plus benefits. Retail jobs would be excluded from qualifying in the "jobs to housing ratio." Office and manufacturing jobs would be targeted to meet this requirement.

Policy #8: Entitlements and Development Allocations: New projects shall be subject to entitlements and an allocation on a case by case basis based on a project's ability to meet specific criteria established by the City. These factors shall include such components as: a) the current capacity of the City's infrastructure, including regional roads and schools; b) job creation; c) providing a housing type currently under-represented in the City, such as higher end estate housing; and, d) providing significant amenities, such as a golf course or similar facilities.

For new residential growth that has no entitlements and no development agreements, the City shall establish an annual building cap of 500 units per year.

That this cap be reviewed every two years for possible modifications, either increased or decreased based on infrastructure conditions.

The allocation method shall include the following items:

1. Date of receipt of the development application
2. Project readiness
3. Assessments
4. The total number of units being built

IV. Exemptions: Exemptions to the previous policies shall be evaluated and proposed by staff in preparing the necessary implementation documents for approved and new projects. The number of exemptions shall be minimized and shall be subject to City Council approval. Such exemptions shall be considered for very small projects, for projects of an infill nature, and for projects that fill a special housing need, such as senior housing and for needed affordable housing projects.

V. Regional Coordination

#1. Regional Business Park: Staff shall work with neighboring jurisdictions to develop a implementation program for the creation of an approximately 1000 acre East County Business Park. This shall include but not be limited to such

issues as coordinating land use designations, and development standards, and the construction of the necessary infrastructure.

#2. Delta 5 Principles: The City shall continue to work with the cities of Brentwood, Oakley, Pittsburg, and Contra Costa County to further refine and implement the draft principles for regional cooperation.

VI. Administrative Issues

#1. Court Validation: As a result of legal issues raised in relation to the development agreements staff shall prepare the necessary documentation and take the necessary procedural steps to initiate a court validation process. This validation process shall include at a minimum Policies #1, #2, #3, #7, and #8 as identified in the previous sections.

#2. Annual Review: A process shall be established for the annual review of the Measure U implementation program. Changes as necessary may be made to carry out the goals and purposes of this program as part of this review process.