



Council Chambers
200 H Street
Antioch, CA 94509

Closed Session - 6:30 P.M.
Regular Meeting - 7:00 P.M.

ANNOTATED AGENDA

for

JANUARY 28, 2014

Antioch City Council
Regular Meeting

Including the Antioch City Council
acting as Successor Agency/
Housing Successor to the
Antioch Development Agency
Antioch Public Financing Authority

Wade Harper, Mayor
Mary Helen Rocha, Mayor Pro Tem
Gary Agopian, Council Member
Monica E. Wilson, Council Member
Tony Tiscareno, Council Member
Arne Simonsen, City Clerk
Donna Conley, City Treasurer
Steven Duran, City Manager
Lynn Tracy Nerland, City Attorney

Electronic Agenda Packet viewing at: <http://www.ci.antioch.ca.us/CityGov/agendas/FindAgenda.asp>

With Project Plans at: <http://ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/Project-Pipeline.pdf>

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Council meetings are televised live on Comcast Channel 24

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the City Council. For almost every agenda item, materials have been prepared by the City staff for the Council's consideration. These materials include staff reports which explain in detail the item before the Council 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 City Clerk's Office, located on the 3rd Floor of City Hall, 200 H Street, Antioch, CA 94509, during normal business hours for inspection and (for a fee) copying. 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 City Clerk's Office, who will refer you to the appropriate person.

Notice of Opportunity to Address Council

The public has the opportunity to address the Council on each agenda item. To address the Council, fill out a yellow Speaker Request form, available on each side of the entrance doors, and place in the Speaker Card Tray. See the Speakers' Rules on the inside cover of this Agenda. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section.

6:30 P.M. **ROLL CALL – CLOSED SESSION** for Council Members/City Council Members acting as Housing Successor to the Antioch Development Agency – ***Council Members Wilson, Rocha, Tiscareno and Agopian (Mayor Harper arrived at 6:32 p.m.)***

PUBLIC COMMENTS for Closed Session – ***None***

CLOSED SESSION:

- 1) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** pursuant to California Government Code section 54956.9(d)(2) and (d)(4) and **CONFERENCE WITH REAL PROPERTY NEGOTIATORS** pursuant to California Government Code section 54956.8; Property – 620 Gary Avenue; Agency Negotiator – City Attorney and City Manager; Parties -- Jennifer Findley; Under negotiation – price and terms of payment.

Direction given to City Attorney

7:01 P.M. **ROLL CALL – REGULAR MEETING** for Council Members/City Council Members acting as Successor Agency/ Housing Successor to the Antioch Development Agency/Antioch Public Financing Authority – ***All Present***

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS:

- *BOARD OF ADMINISTRATIVE APPEALS (Deadline date to apply: 01/30/14)*
- *PARKS AND RECREATION COMMISSION (Deadline date to apply: 01/30/14)*
- *CONTRA COSTA COUNTY MOSQUITO & VECTOR CONTROL DISTRICT BOARD (Reopened; Deadline date to apply: 01/30/14)*
- *CONTRA COSTA COUNTY LIBRARY COMMISSION (Reopened; Deadline date to apply: 01/30/14)*

PUBLIC COMMENTS—Only unagendized issues will be discussed during this time

CITY COUNCIL SUBCOMMITTEE REPORTS

MAYOR'S COMMENTS

PRESENTATIONS – *Investment Report by Public Finance Management (PFM), Sarah Meacham*
– *Police Statistics for Year 2013, presented by Chief Allan Cantando*

Presentation

Presentation

Presentation

1. CONSENT CALENDAR for City /City as Successor Agency and Housing Successor to the Antioch Development Agency /Antioch Public Financing Authority

A. APPROVAL OF COUNCIL MINUTES FOR JANUARY 14, 2014

Recommended Action: Motion to approve the minutes

Approved, 5/0

MINUTES

B. APPROVAL OF COUNCIL WARRANTS

Recommended Action: Motion to approve the warrants

Approved, 5/0

STAFF REPORT

C. APPROVAL OF TREASURER'S REPORT FOR DECEMBER 2013

Recommended Action: Motion to approve the report

Approved, 5/0

STAFF REPORT

D. IMPLEMENTATION OF THE SALES TAX ORDINANCE

Recommended Action: Motion to adopt a resolution authorizing the examination of sales or transaction and use tax records

Reso No. 2014/04, 5/0

STAFF REPORT

E. CITY OF ANTIOCH – COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2013

Recommended Action: Motion to receive and file the report

Received and filed, 5/0

STAFF REPORT

F. CITY OF ANTIOCH – SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2013

Recommended Action: Motion to receive and file the report

Approved, 5/0

STAFF REPORT

CONSENT CALENDAR for City /City as Successor Agency and Housing Successor to the Antioch Development Agency /Antioch Public Financing Authority – Continued

- G.** APPROVAL OF PROPOSAL AND AUTHORIZATION FOR THE CITY MANAGER TO SIGN AN AGREEMENT WITH MUNICIPAL FINANCIAL SERVICES FOR THE PREPARATION OF AN UPDATE OF THE WATER AND SEWER RATE FEE STUDY, (P.W. 362-7)

Approved, 5/0

Recommended Action: Motion to approve the proposal and authorize the City Manager to sign an agreement with Municipal Financial Services in the amount of \$66,690 for the preparation of a review and update of water and sewer rates, fees, and charges to ensure that sufficient funding is available to meet the City's operating, capital and debt service costs

STAFF REPORT

- H.** AUTHORIZE A FY 2013/14 BUDGET ADJUSTMENT TO FUND ONE (1) ADDITIONAL COMMUNITY SERVICES OFFICER

Reso No. 2014/05, 5/0

Recommended Action: Motion to adopt the resolution authorizing a FY 2013/14 budget adjustment to fund one (1) additional Community Services Officer (CSO). This will bring the total funded positions to four (4).

STAFF REPORT

City of Antioch Acting as Successor Agency/Housing Successor to the Antioch Development Agency

- I.** APPROVAL OF SUCCESSOR AGENCY WARRANTS

Approved, 5/0

Recommended Action: Motion to approve the warrants

STAFF REPORT

- J.** APPROVAL OF HOUSING SUCCESSOR WARRANTS

Approved, 5/0

Recommended Action: Motion to approve the warrants

STAFF REPORT

Antioch Public Financing Authority

- K.** ANTIOCH PUBLIC FINANCING AUTHORITY – BASIC FINANCIAL STATEMENTS AND INDEPENDENT AUDITORS' REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2013

Received and filed, 5/0

Recommended Action: Motion to receive and file the report

STAFF REPORT

8:20 P.M. Adjourned to break

8:28 P.M. ROLL CALL for Council Members – All Present

PUBLIC HEARING

2. GP-13-02, Z-13-07, PD-08-01, PW 608, UP-08-01: THE POINTE – DISCOVERY BUILDERS REQUESTS THE APPROVAL OF A GENERAL PLAN AMENDMENT (GPA) FROM LOW DENSITY RESIDENTIAL TO INCLUSION IN THE SOMERSVILLE ROAD CORRIDOR FOCUS AREA AND TO ADD LANGUAGE TO THE GENERAL PLAN WAIVING THE REQUIREMENTS OF CERTAIN APPLICABLE SECTIONS OF THE GENERAL PLAN RELATED TO HILLSIDE DEVELOPMENT; A REZONE FROM HILLSIDE PLANNED DEVELOPMENT (HPD) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT; AN AMENDMENT TO THE ZONING ORDINANCE TO PROVIDE THE CITY COUNCIL WITH THE DISCRETION TO DETERMINE IF THE HILLSIDE PLANNED DEVELOPMENT POLICIES APPLY TO A PROJECT; A VESTING TENTATIVE MAP; A FINAL PLAN DEVELOPMENT; AND A USE PERMIT IN ORDER TO CREATE 60 LOTS INTENDED FOR SINGLE FAMILY HOMES. THE PROJECT IS GENERALLY LOCATED WEST OF THE INTERSECTION OF SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD (APN: 089-160-010). AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION ARE ALSO BEING CONSIDERED FOR ADOPTION. THE PLANNING COMMISSION DID NOT ACT ON THE IS/MND AND BY WAY OF A 5-0 VOTE, WITH ONE VACANCY AND ONE COMMISSIONER ABSENT, RECOMMENDED THE CITY COUNCIL DENY THE GENERAL PLAN AMENDMENT, REZONE, FINAL DEVELOPMENT PLAN, VESTING TENTATIVE MAP, AND USE PERMIT (*Continued from 12/10/13*)

Recommended Action: 1) Motion to adopt the resolution denying the General Plan amendments.
Reso No. 2014/06, 3/2-T, H

2) Motion to adopt the resolution denying the rezone of the subject property from Hillside Planned Development (HPD) to Planned Development (PD).
Reso No. 2014/07, 3/2-T, H

3) Motion to adopt the resolution denying the Final Development Plan, Vesting Tentative Map, and Use Permit for 60 single family units.
Reso No. 2014/08, 3/2-T, H

STAFF REPORT

STAFF REPORT

STAFF REPORT

COUNCIL REGULAR AGENDA

3. ANTIOCH WATER PARK INFRASTRUCTURE UPDATE

Received and filed, 5/0

Recommended Action: Motion to receive and file report and provide direction to staff

STAFF REPORT

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – 10:31 p.m.

ANTIOCH

California



ALLAN CANTANDO
Chief of Police

CITY COUNCIL REPORT



2013 ANNUAL REPORT

PART 1 CRIME

PART 1 CRIME STATISTICS

January – December 2012 vs. 2013

	Jan-Dec 2012 Total	Jan-Dec 2013 Total	#Change 2012 - 2013	%Change 2012 - 2013
*HOMICIDE	10	12	2	20.0%
RAPE	29	25	-4	-13.8%
ROBBERY	372	352	-20	-5.4%
AGGRAVATED ASSAULT	657	557	-100	-15.2%
Total Violent Crime	1068	946	-122	-11.4%
BURGLARY	1741	1351	-390	-22.4%
THEFT	1920	1872	-48	-2.5%
AUTO THEFT	1096	1217	121	11.0%
Total Property Crime	4757	4440	-317	-6.7%
TOTAL PART 1 Crime	5825	5386	-439	-7.5%
ARSON	51	61	10	19.6%
Adult Arrests	3186	3137	-49	-1.5%
Juvenile Arrests	932	752	-180	-19.3%
TOTAL ARRESTS	4118	3889	-229	-5.6%
*Murder & Nonnegligent Manslaughter as reported in FBI UCR tables				
Manslaughter by Negligence	1	0	-1	-100.0%

UCR REPORTED PART 1 CRIME / CLEARANCES

2009 – 2013

	2009	2010	2011	2012	2013	*2012 Nat'l Clearance Rate
HOMICIDE	5	13	5	10	12	
CLEARANCE	6	11	6	6	6	
Clearance Rate	120%	85%	120%	60%	50%	59.5%
RAPE	40	32	21	29	25	
CLEARANCE	23	24	11	12	9	
Clearance Rate	58%	75%	52%	41%	36%	36.1%
ROBBERY	315	313	290	372	352	
CLEARANCE	104	94	88	109	92	
Clearance Rate	33%	30%	30%	29%	26%	27.8%
AGR ASSAULT	537	506	502	657	557	
CLEARANCE	343	288	257	305	267	
Clearance Rate	64%	57%	51%	46%	48%	52.7%
BURGLARY	824	1,087	1,335	1,741	1351	
CLEARANCE	72	87	98	117	95	
Clearance Rate	9%	8%	7%	7%	7%	11.2%
THEFT	1,082	1,049	1,571	1,920	1872	
CLEARANCE	333	368	368	361	251	
Clearance Rate	31%	35%	23%	19%	13%	20.8%
MVTHEFT	747	960	967	1,094	1217	
CLEARANCE	60	108	103	112	129	
Clearance Rate	8%	11%	11%	10%	11%	10.0%
ARSON	40	37	56	51	61	
CLEARANCE	12	7	7	4	6	
Clearance Rate	30%	19%	13%	8%	10%	19.9%

* http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/25tabledatacoverviewpdfs/table_25_percent_of_offenses_cleared_by_arrest_or_exceptional_means_by_population_group_2012.xls
 Cities (100,000 - 249,999)

BUREAU OF SUPPORT SERVICES

VOLUNTEER PROGRAM 2013

- APD Volunteers have worked a total of **10,809.92** hours

Field Services	8936.55
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Investigations	153.45
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Professional Standards	236.42
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Records	1483.50
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- The value of the work provided is: ***\$251,763.04**

- Decoy Patrol Car Program is functioning 6 days a week.

* Based on \$23.29 an hour

ANIMAL SERVICES KENNEL STATISTICS 2013

<u>INTAKES</u>				
	CAT	DOG	OTHER	TOTAL
TOTAL	1544	1853	254	3651

<u>ANIMALS ADOPTED</u>				
	CAT	DOG	OTHER	TOTAL
ADOPTED	324	357	14	695

<u>OUTCOMES</u>				
	CAT	DOG	OTHER	TOTAL
ADOPTION	324	357	14	695
EUTH	648	597	56	1301
FOSTER	64	61	3	128
RESCUE	155	319	72	546
RTO	24	393	2	419
OTHER	299	124	101	524
TOTAL	1514	1851	248	3613

Animal Control Calls for Service - **2905**

Animals on hand on December 31, 2013 - **256**

2013

100 Volunteers worked **6,597 Hours**

*Value of work provided: **\$153,644.13**

* *Based on \$23.29 an hour*

SOU Totals

- Searches
(Warrants/Prob/Parole): 20 +
- Methamphetamine: 3 lbs +
- Marijuana (processed): 100 lbs +
- Marijuana (plants): 5200 +
- Ecstasy Pills: 100 +
- Other Pills: 100 +
- Asset Seizure: \$41,000 + vehicles



Proactive Enforcement Details (Totals)



TOTAL OPERATIONS: 13

Narcotic Related Arrests: 44

All Warrant Arrests: 36

Other Offenses Arrests: 28

Total Arrests: 108

Guns Seized: 13

SPECIALIZED UNITS INVESTIGATION CALL-OUTS 2013

#CALL-OUTS – 18

CHARGES/REASON

12 – Murder

2 – Justified Homicides

2 – O.I.S.

2 – Kidnapping/Sexual Assault

BUREAU OF FIELD SERVICES

CALLS FOR SERVICE

2012 vs. 2013

PRIORITY	2012	2013	%CHANGE
1	8,806	8,536	-3.1%
2	37,788	39,060	3.4%
3	27,603	24,908	-9.8%
4	5,290	5,332	0.8%
5	2,085	2,103	0.9%
TOTALS	81,572	79,939	-2.0%

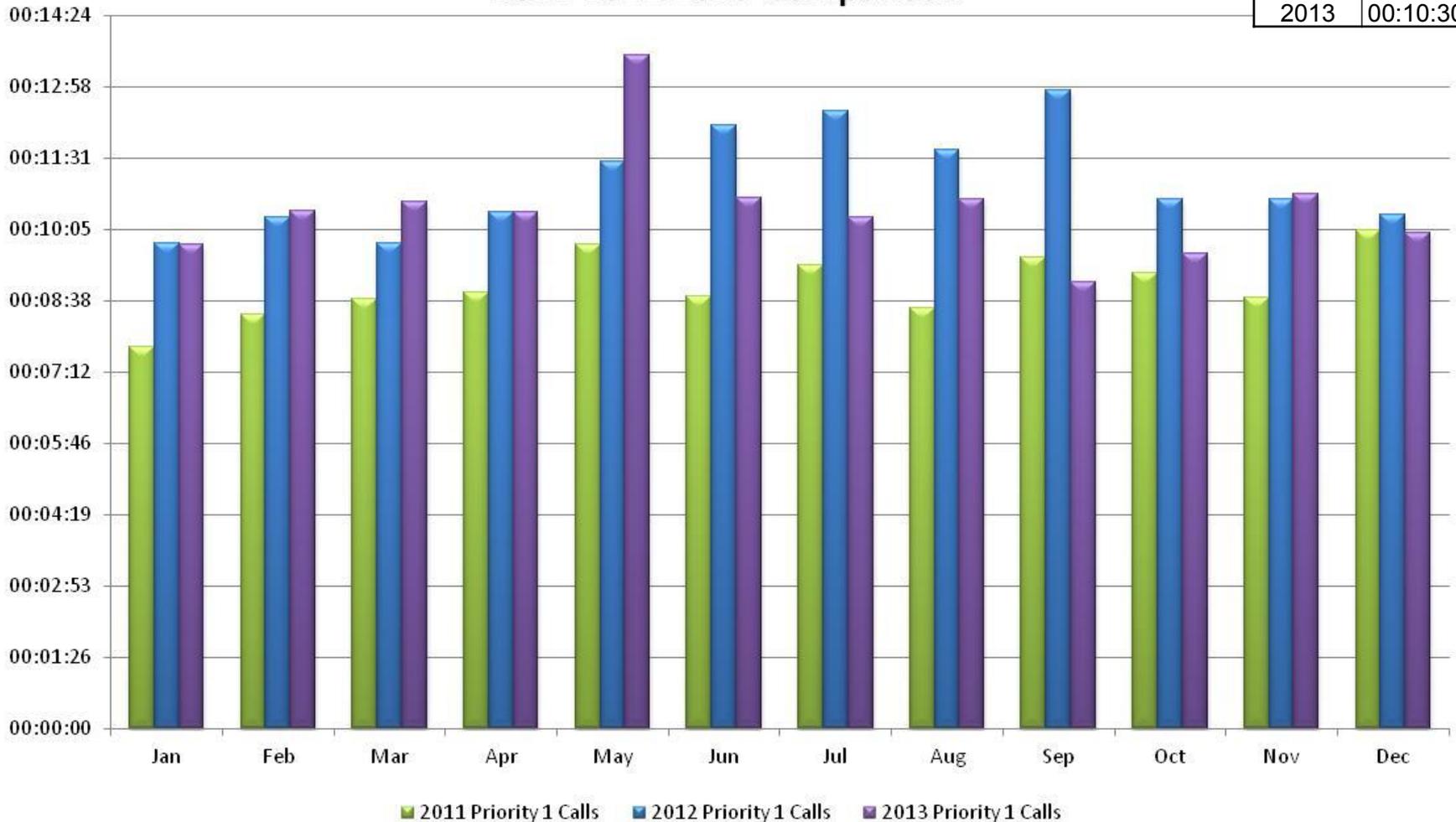
HOW REC'D	2012	2013	%CHANGE
OFFICER ON-VIEW	8,377	7,571	-9.6%
PHONE	72,983	72,095	-1.2%
*OTHER	212	273	28.8%
TOTALS	81,572	79,939	-2.0%

*Calls For Service which usually are reported at the Station, via teletype or other non-typical means.

CALL RECEIVED to OFFICER ARRIVED

**Priority 1 Response Times
Receive to Arrive
2011-2012-2013 Comparison**

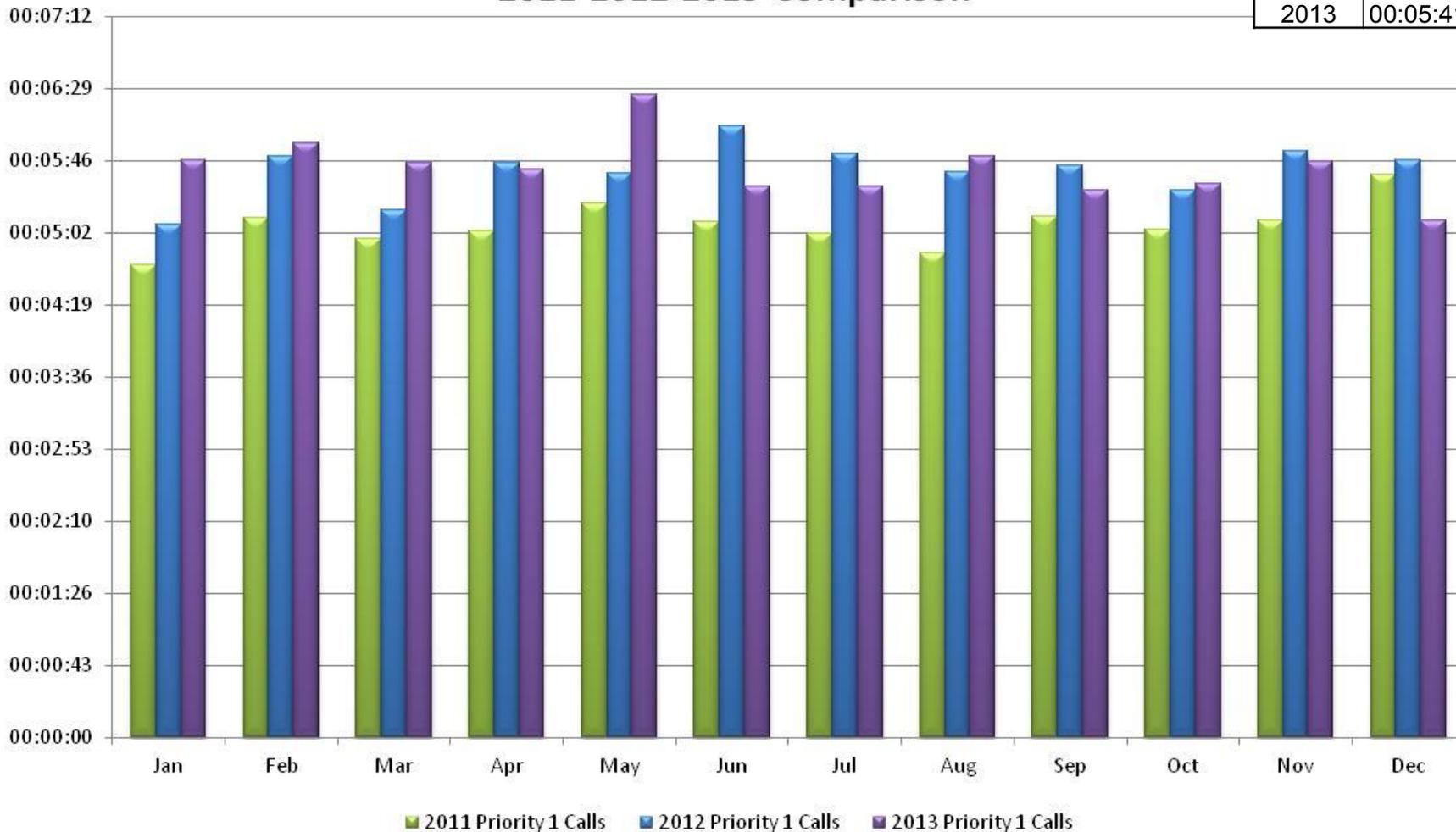
Year	AVG Rec'd to Arr
2011	00:08:57
2012	00:11:04
2013	00:10:30



CALL DISPATCHED to OFFICER ARRIVED

**Priority 1 Response Times
Dispatch to Arrive
2011-2012-2013 Comparison**

Year	AVG Dispatch to Arrive
2011	00:05:07
2012	00:05:40
2013	00:05:41



ARRESTS & CITATIONS

2012 vs. 2013

ARRESTS

	2012	2013	%CHANGE
ADULT	3187	3137	-1.6%
JUVENILE	932	752	-19.3%
TOTAL	4,119	3,889	-5.6%

CITATIONS

CLASS	2012	2013	%CHANGE
ATMC	213	109	-48.8%
TRAFFIC	1,866	1,305	-30.1%
**PARK	1,411	1,627	15.3%
TOTAL	3,490	3,041	-12.9%

**Includes Parking Citations Issued by VIPS

PARK by VIPS	658	1221
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TRAFFIC STATISTICS

2012 vs. 2013

TRAFFIC CALLS FOR SERVICE			
<u>CLOSE CLASS</u>	2012	2013	%CHANGE
ACCIDENT – NO INJURY	1259	1324	5.2%
ACCIDENT – WITH INJURY	257	216	-16.0%
DUI - MISDEMEANOR	285	222	-22.1%
DUI - FELONY	9	6	-33.3%
OTHERS	10	28	180.0%
TOTAL	1,820	1,796	-1.3%

	2012	2013	%CHANGE
<u>TRAFFIC FATALITIES</u>	7	5	-28.6%

CURRENT STAFFING LEVELS

SWORN POSITIONS

- **102** Authorized Sworn positions
- **81** Full-time positions are filled.
- **2** Per diem positions
- **71** Full-Duty Sworn positions
- **1** Cadet is in the Police Academy.
- **1** Officer successfully completed FTO.
- **2** Officers are in FTO.
- **2** Officers unable to participate in FTO program at this time due to injuries.

RECRUITMENTS AND HIRING

- **6** Pending conditional offers to lateral officer candidates.
- **2** Lateral officer candidates are currently in background.
- **1** Veteran Antioch officer gave his 2 week notice.
- **1** Veteran Antioch officer is in background by another Bay Area agency
- **1** CSO is starting on February 3.
- **1** CSO candidate is in background.
- A physical agility test for officers was given on January 24.

RECRUITMENTS AND HIRING

- **30** Entry level officer candidates have been invited to oral boards on January 22 & 23.
- **2** Dispatch vacancies
- **2** Dispatchers are off on medical leave.
- **1** Dispatcher is planning to retire in April.
- **1** Lateral Dispatcher candidate is in background.
- We are still accepting applications for: Police Laterals; Academy Students & Graduates; Entry Level Candidates; Lateral Police Dispatchers.

POLICE DEPARTMENT RECRUITMENT 2013

Type of Recruitment	Number of Applicants	Applicants Invited to Physical Agility	Applicants Invited to Written Exam	Applicants Invited to Interviews	Applicants on Eligibility List	TOTAL No. of Hires	Percent of Applicants Hired
Lateral	133	37	-	65	37	8	6.0%
Academy Grad/Student	455	106	-	57	16	0	0.0%
Police Trainee	1782	179	150	124	44	3	0.2%
Community Service Officer	185	-	28	16	12	1	0.5%
**Police Dispatcher	563	-	-	4	2	2	0.4%
Total number of applications	3118	322	150	266	111	14	0.4%

**6 out of 8 Laterals are pending pre-placement medical clearance*

***400 of these applications have been processed since the beginning of 2014.*

LOOKING FORWARD

PROACTIVE ASSERTIVE POLICING

Because crime is not evenly distributed throughout a community, it stands to reason that some places need more patrol than others.

A smart use of resources would be to concentrate proactive “assertive” police operations on the concentration of crime with certain offenders, places and victims.

PROACTIVE ASSERTIVE POLICING (CONT)

Proactive “assertive” operations include, but are not limited to the following strategies and tactics:

- **Undercover/plain clothed details** – Narcotics Related
- **Warrant service** – Due Diligence
- **Traffic enforcement** – Although specific to traffic, brief and intense enforcement in higher crime areas will reduce and displace criminal offenses.
- **Police Chronic Complaint Locations** – Saturation Patrols
- **Probation Parole Searches** – Collaborative effort with Probation/Parole

PROACTIVE ASSERTIVE POLICING (CONT.)

- **Hot Spot Policing** – Small number of locations account for a disproportionate number of calls for service.
- **Shadowing Repeat Offenders** – Surveillance Program
- **Brief Periods of Intense Patrol** – Will help reduce and displace crime.
- **Assertive Field Interrogation (FI's)** – Increasing the frequency of FI's on suspicious persons and places has proven to help reduce crime.
- **Order Maintenance Policing** – Focus on less serious offenses e.g., panhandling, loitering, disturbing the peace, truancy issues, truancy sweeps, curfew, public intoxication, etc., will lead to a decrease in more serious crime.

NEW DEVELOPMENTS

PROMOTIONS



Questions?



STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE COUNCIL MEETING OF JANUARY 28, 2014

SUBMITTED BY: Donna Conley, City Treasurer

A handwritten signature in blue ink, appearing to be "DC", is written over the printed name "Donna Conley".

DATE: January 22, 2014

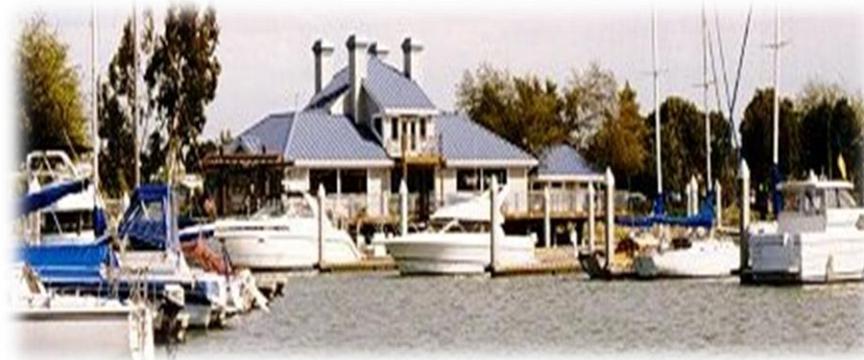
SUBJECT: Presentation of Investment Report by PFM (Public Finance Management)

RECOMMENDATION: Review and file.

BACKGROUND: On September 27, 2011 the City Council approved to disband the Investment Advisory Committee. In order to keep the City Council and the public informed on investment transactions, PFM (Public Finance Management) will be making investment presentations to the City Council at meetings in January and July of each year.



City of Antioch



Fourth Quarter 2013 Review of Portfolio

PFM Asset Management LLC

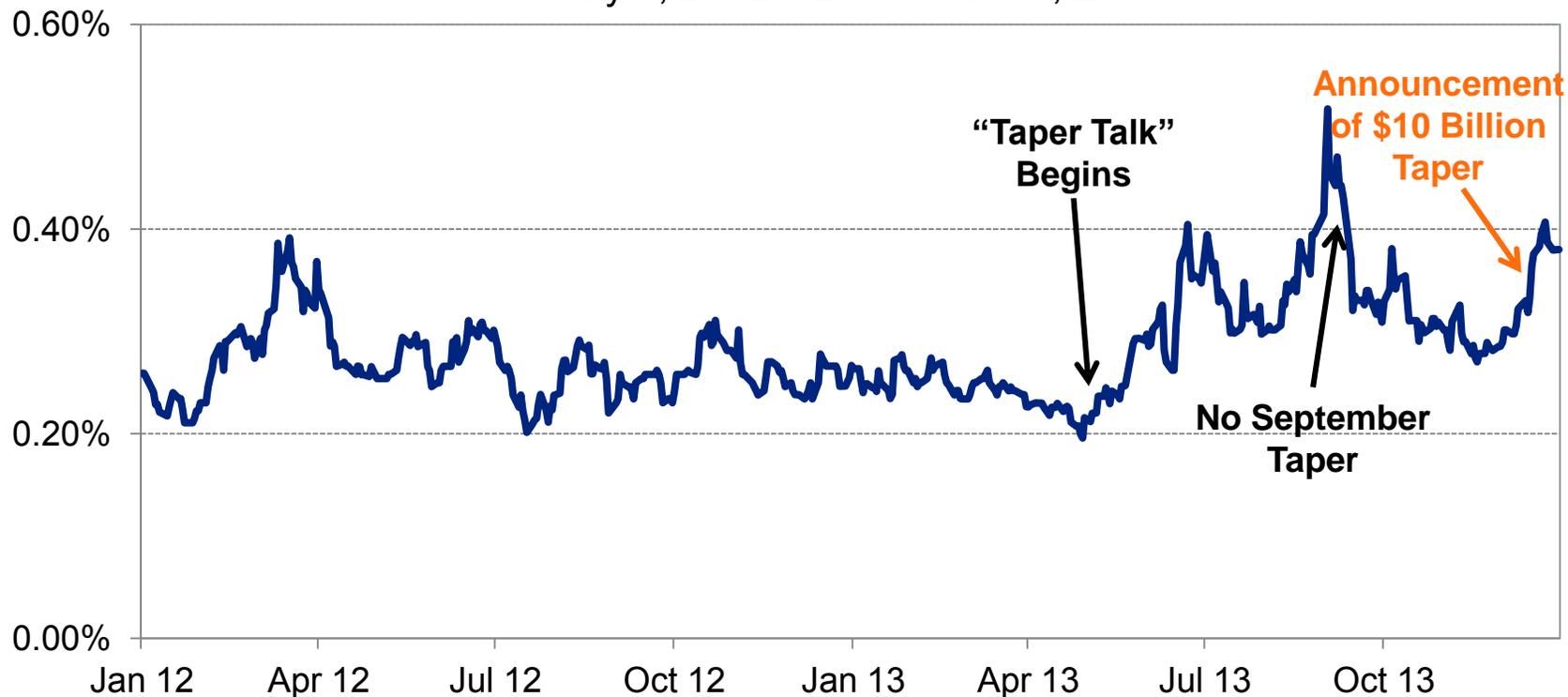
Nancy Jones, Managing Director

Sarah Meacham, Director

Federal Reserve Taper Talk Drives Interest Rates

- The Federal Open Market Committee (FOMC) shocked markets in September by announcing that they would continue their asset purchase program (Quantitative Easing) when most market participants expected a taper. This announcement prompted a reversal of the rate rising trend from the prior four months.
- In December, rates started to rise again following the FOMC's announcement that they would begin tapering in January.

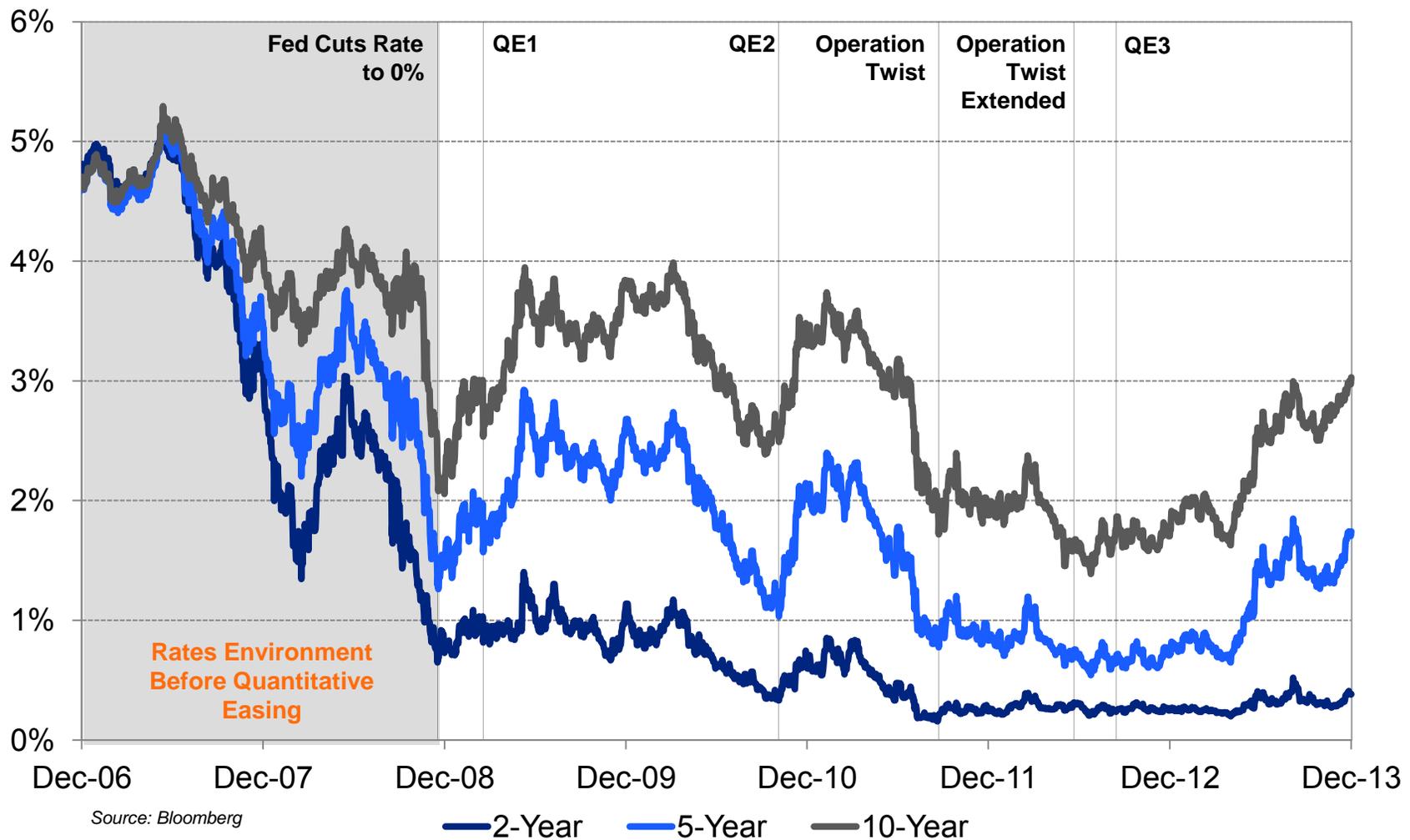
2-Year U.S. Treasury Yield
January 1, 2012 – December 31, 2013



Source: Bloomberg

A Longer View of Treasury Yields

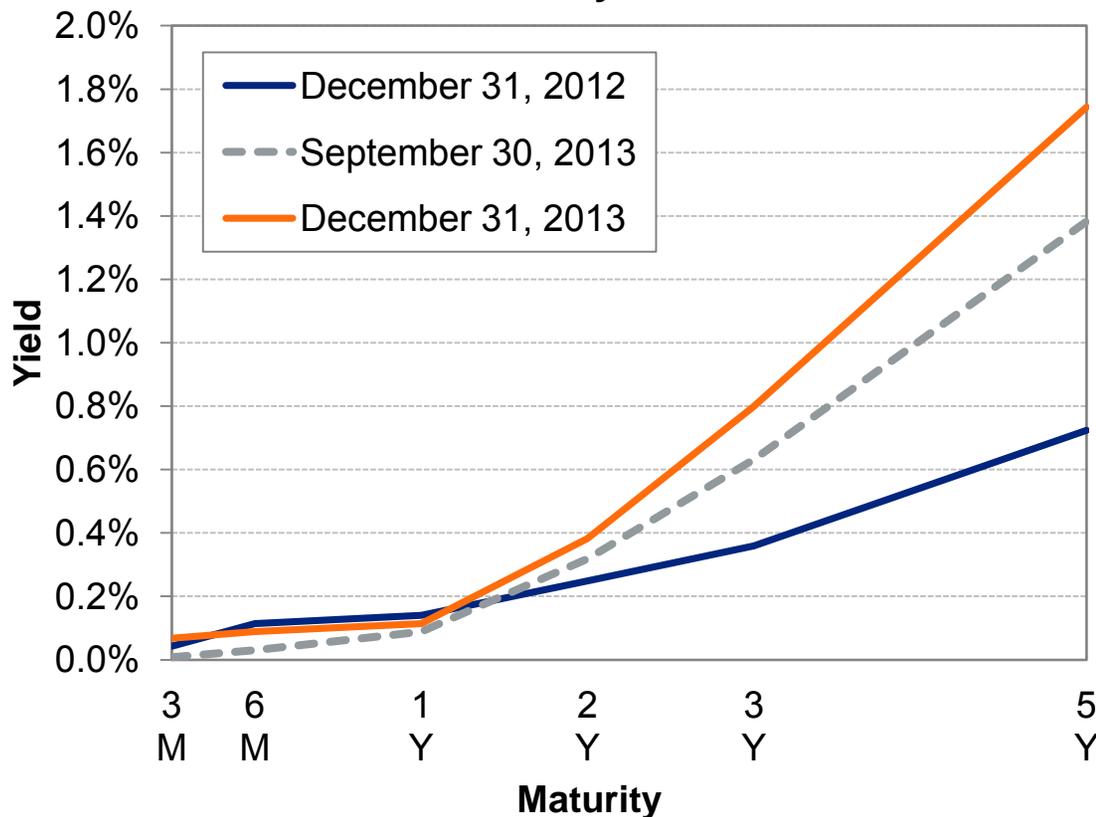
- The Fed's multiple versions of Quantitative Easing were geared towards creating a low-rate environment, and yields at the end of December 2013 were still well below their levels before Quantitative Easing began.



Yield Curve Continued to Steepen

- With short maturity yields anchored by the Fed Funds rate, the rise in longer-term rates left the yield curve in December 2013 much steeper than it was during most of the year.

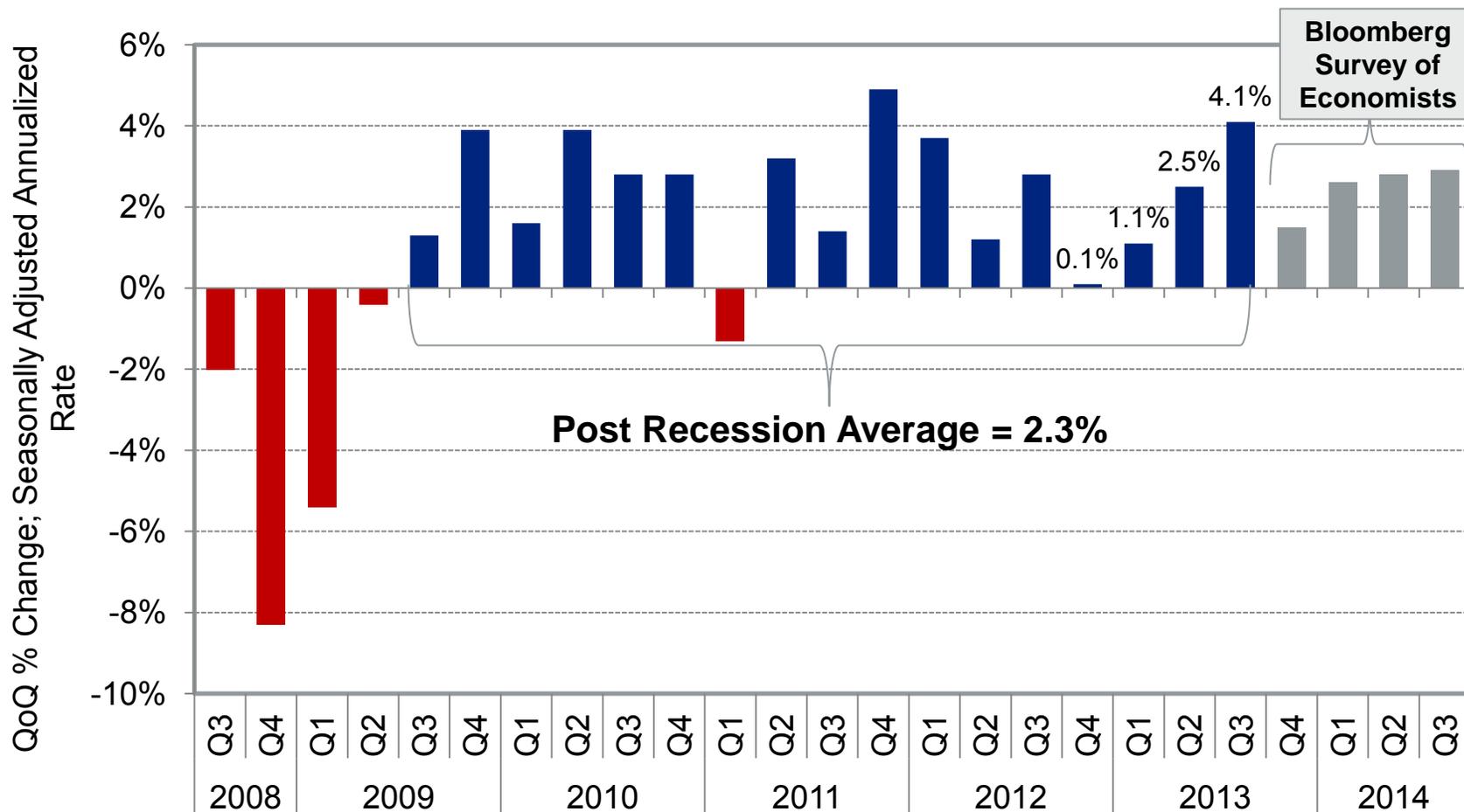
U.S. Treasury Yield Curve



	12/31/12	9/30/13	12/31/13
3 Month	0.04%	0.01%	0.07%
6 Month	0.11%	0.03%	0.09%
1 Year	0.14%	0.09%	0.11%
2 Year	0.25%	0.32%	0.38%
3 Year	0.36%	0.63%	0.80%
5 Year	0.72%	1.38%	1.74%

Economic Growth Remains Moderate

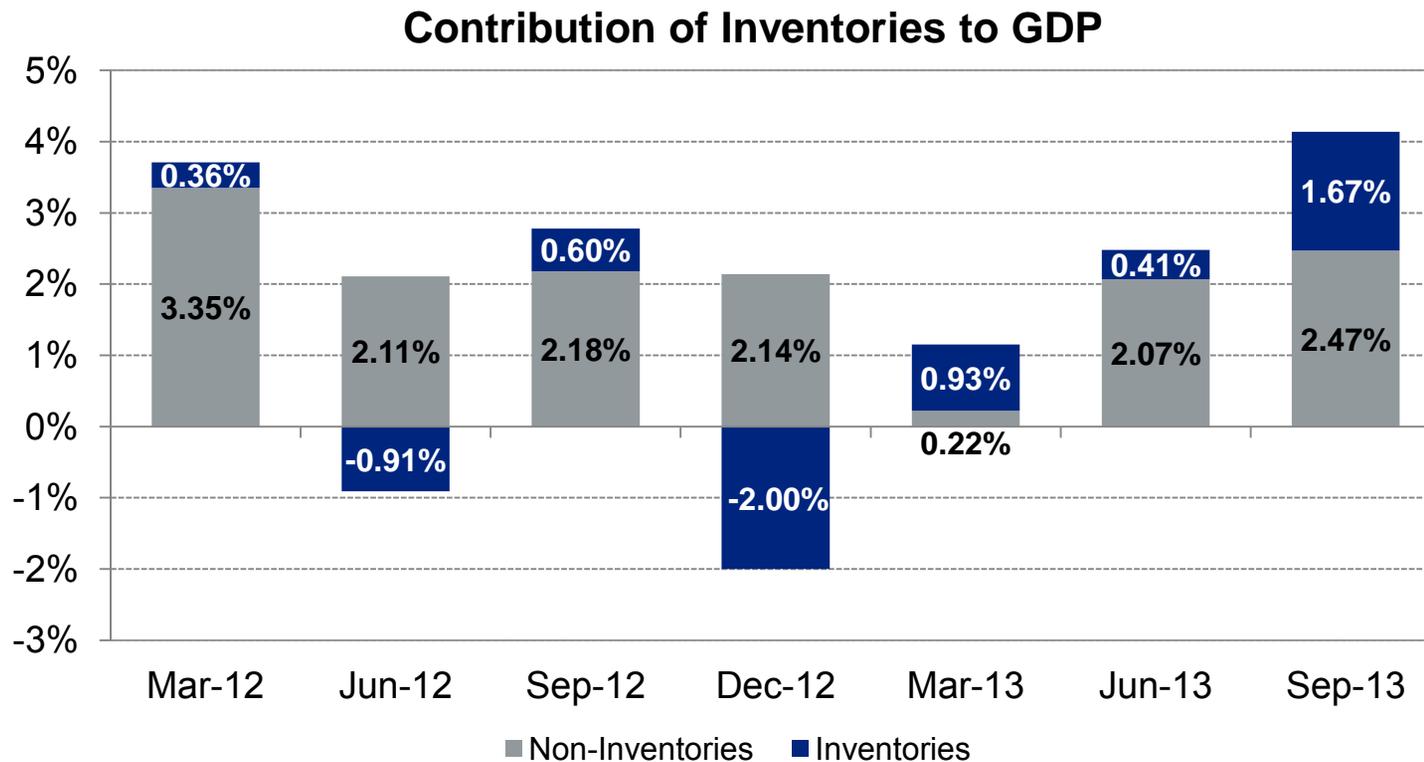
- Third quarter GDP surprised the market. The 4.1% annualized growth rate far exceeded the market expectation of 2.0%. It is important to note that the upward surprise was largely attributed to a sizable increase in inventories.



Source: Bureau of Economic Analysis

Inventory Build-Up Overstates Economic Strength

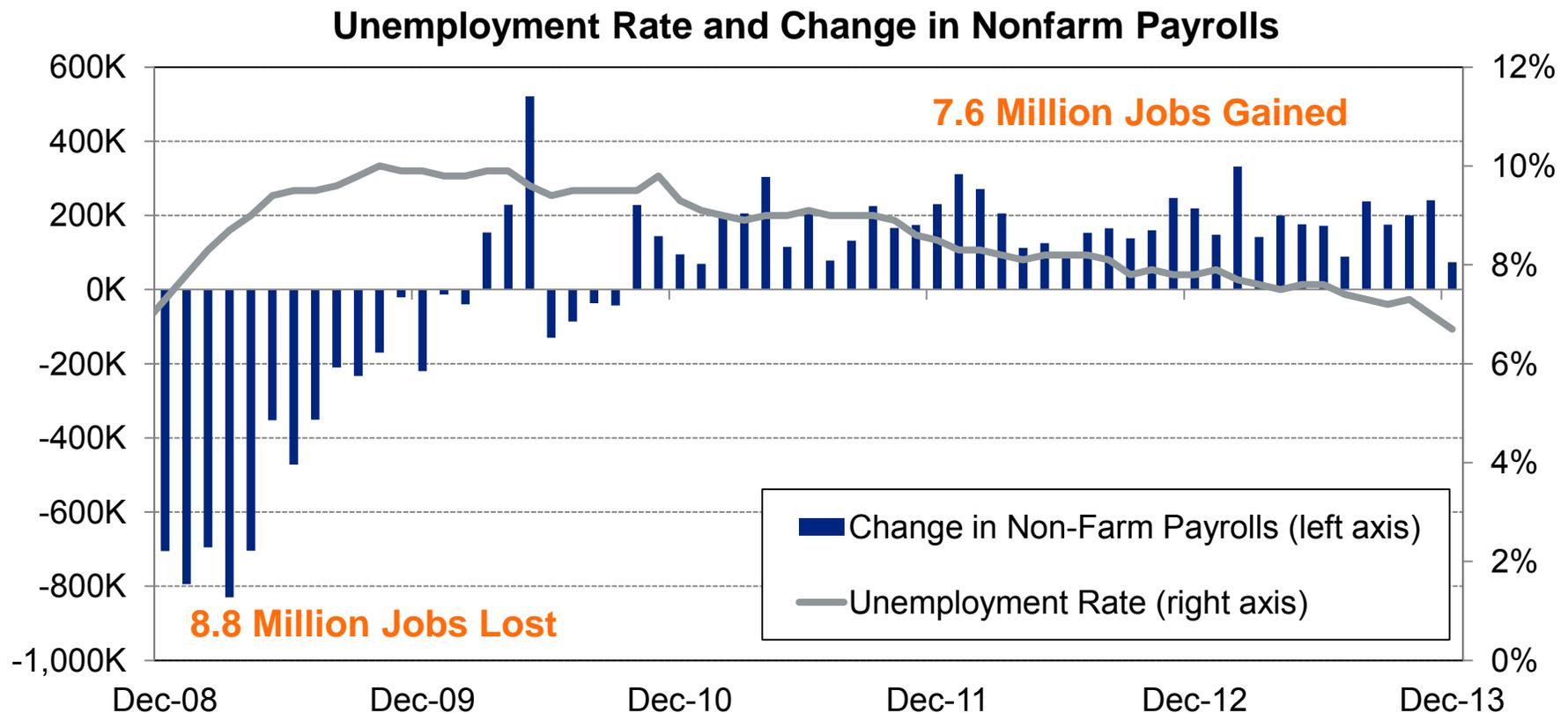
- The third quarter growth rate may have overstated the underlying strength of the economy as nearly half of the growth was attributable to a 1.7% growth in inventories.
- If consumers' purchases don't accelerate enough to justify the third quarter's 1.7% inventory growth, then companies may slow production in the coming quarters to decrease inventories. This could result in inventories being a negative contributor to GDP growth in future.



Source: Bureau of Economic Analysis, Bloomberg

Labor Market Conditions Continue to Improve

- In 2013, the economy added 2.2 million new jobs, signaling an improving labor market. In December, the economy added only 74,000, far short of the market's expectation of 197,000.
- Despite the negative surprise in the number of new jobs added, the unemployment rate finished 2013 at 6.7%. This is 1.2% lower than at the end of 2012. Much of the decline in the unemployment rate is attributable to a decline in the labor force participation rate, which ended the year at 62.8%—a 35-year low.



Source: Bureau of Labor Statistics

Janet Yellen Takes Over as Fed Chairman

- Janet Yellen is generally considered a “dove” and a Federal Reserve insider; the market expects her to continue the monetary policy path of the current Fed Chairman, Ben Bernanke.



Education

- Brown University: B.A. in Economics
- Yale University: Ph.D. in Economics

Career

- Professor at University of California, Berkeley since 1980
- Served on the Federal Reserves Board of Governors from 1994-1997
- Chair of the President’s Council of Economic Advisers from 1997-1999 (Clinton Administration)
- President of the Federal Reserve Bank of San Francisco from 2004-2010
- Nominated in 2010 as Vice-Chair of the Federal Reserve System (Obama Administration)

Source: Federal Reserve

Fourth Quarter 2013 Recap

- Our investment strategy for the third quarter was based on our view that interest rates would trend gradually higher in anticipation of the Federal Reserve tapering its bond purchases.
- The key components of our strategy included:
 - Maintaining a defensive duration posture to protect portfolio value
 - Emphasizing high-quality credit instruments as they offer value over Treasury and Federal Agency securities
 - Monitoring yield spreads and relative value between sectors

Total Return

- Our strategy for the fourth quarter proved to be effective. The return of the City's portfolio for the fourth quarter exceeded the return of the performance benchmark, as it has for the past year, and since inception.

Total Returns
for periods ending December 31, 2013

	Duration (years)	Past Quarter	Past Year	Past 5 Years	Since Inception
City of Antioch	1.69	0.16%	0.53%	1.30%	4.06%
City's Treasury Benchmark	1.83	0.06%	0.36%	1.14%	3.83%

- Performance on trade-date basis, gross (i.e., before fees) in accordance with the CFA Institute's Global Investment Performance Standards (GIPS).
- Merrill Lynch Indices provided by Bloomberg Financial Markets.
- Excludes LAIF in performance and duration computations.
- Performance numbers for periods one year and greater are presented on an annualized basis.
- The benchmark was the 1-Year Treasury Index prior to the third quarter 2001. From the fourth quarter 2001 through the third quarter 2010, 1-3 Year Treasury Index. The benchmark was changed to the 1-Year Treasury Index in the fourth quarter 2010 because of the City's increased cash needs. Beginning February 2011, the benchmark was changed back to the 1-3 Year Treasury index because the City's cash needs have returned to prior levels.

Fourth Quarter Trades

Settle Date	Action	Issuer	Par	Maturity
10/2/13	Sale	FNMA	\$350,000	5/27/15
10/2/13	Purchase	University of California	\$230,000	5/15/15
10/2/13	Purchase	University of California	\$135,000	5/15/16
10/3/13	Sale	FHLMC	\$250,000	9/22/14
10/3/13	Sale	FHLMC	\$1,400,000	9/19/14
10/3/13	Purchase	FNMA	\$1,625,000	9/28/16
10/10/13	Sale	U.S. Treasury	\$550,000	8/31/16
10/10/13	Purchase	American Honda Finance	\$585,000	10/7/16
11/1/13	Sale	FNMA	\$3,400,000	11/7/13
11/1/13	Purchase	U.S. Treasury	\$3,450,000	11/30/16
11/5/13	Sale	U.S. Treasury	\$950,000	8/31/16
11/5/13	Purchase	State of California GO	\$950,000	11/1/16
12/3/13	Sale	FHLMC	\$2,200,000	9/22/14
12/3/13	Sale	FHLMC	\$910,000	9/22/14
12/3/13	Purchase	U.S. Treasury	\$3,110,000	11/30/16
12/30/13	Sale	FHLB	\$50,000	12/12/14
12/30/13	Sale	U.S. Treasury	\$1,200,000	12/15/14
12/30/13	Purchase	FHLB (Callable)	\$1,375,000	12/30/15

Portfolio Complies with Government Code and City's Investment Policy

Security Type	Market Value as of December 31, 2013	Percentage of Portfolio	Permitted by Policy	In Compliance
U.S. Treasuries	\$32,390,959	46%	100%	✓
Federal Agencies	\$10,850,725	15%	100%	✓
Municipal Obligations	\$3,176,791	4%	100%	✓
Negotiable CDs	\$9,168,021	13%	30%	✓
Corporate Notes	\$13,242,041	19%	30%	✓
Money Market Fund	\$161,213	<1%	20%	✓
LAIF	\$2,194,222	3%	\$40 million	✓
Totals	\$71,183,971	100%		

Change in Portfolio Composition

Security Type	Market Value as of 9/30/13	Percentage of Portfolio	Market Value as of 12/31/13	Percentage of Portfolio	Change in Allocation
U.S. Treasuries	\$28,665,318	39%	\$32,390,959	46%	+7%
Federal Agencies	\$16,069,068	22%	\$10,850,725	15%	-7%
Municipal Obligations	\$2,218,639	3%	\$3,176,791	4%	+1%
Negotiable CDs	\$9,164,074	13%	\$9,168,021	13%	-
Corporate Notes	\$12,645,276	17%	\$13,242,041	19%	+2%
Money Market Fund	\$133,028	<1%	\$161,213	<1%	-
LAIF	\$4,190,710	6%	\$2,194,222	3%	-3%
Totals	\$73,086,113	100%	\$71,183,971	100%	-

Portfolio Is Well Diversified

Issuer Distribution

Corporate Issuers

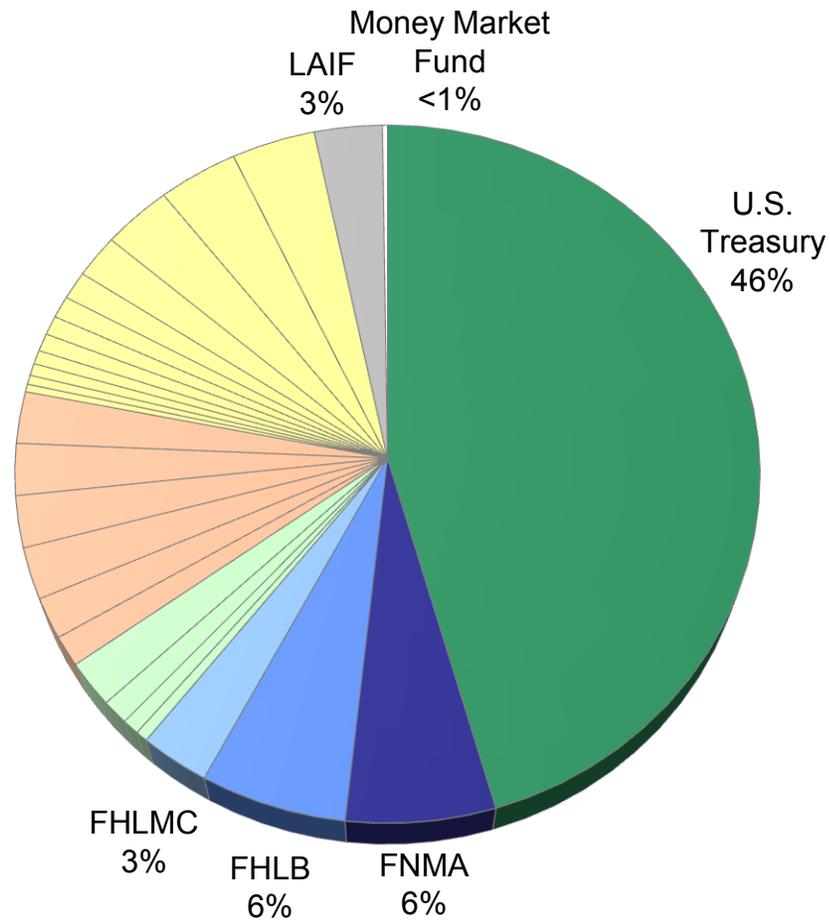
JP Morgan Chase	4%
Wells Fargo	4%
General Electric CC	3%
Bank of New York	2%
Berkshire Hathaway	1%
Toyota Motor CC	1%
Apple	1%
American Honda Finance	1%
John Deere CC	1%
Wal-Mart	1%
IBM Corp	<1%
Caterpillar	<1%

CD Issuers

Skandinaviska Enskilda NY	3%
Credit Suisse NY	2%
Svenska Handelsbanken NY	2%
Rabobank Nederland NV NY	2%
Bank of Nova Scotia Houston	2%
Standard Chartered Bank NY	2%

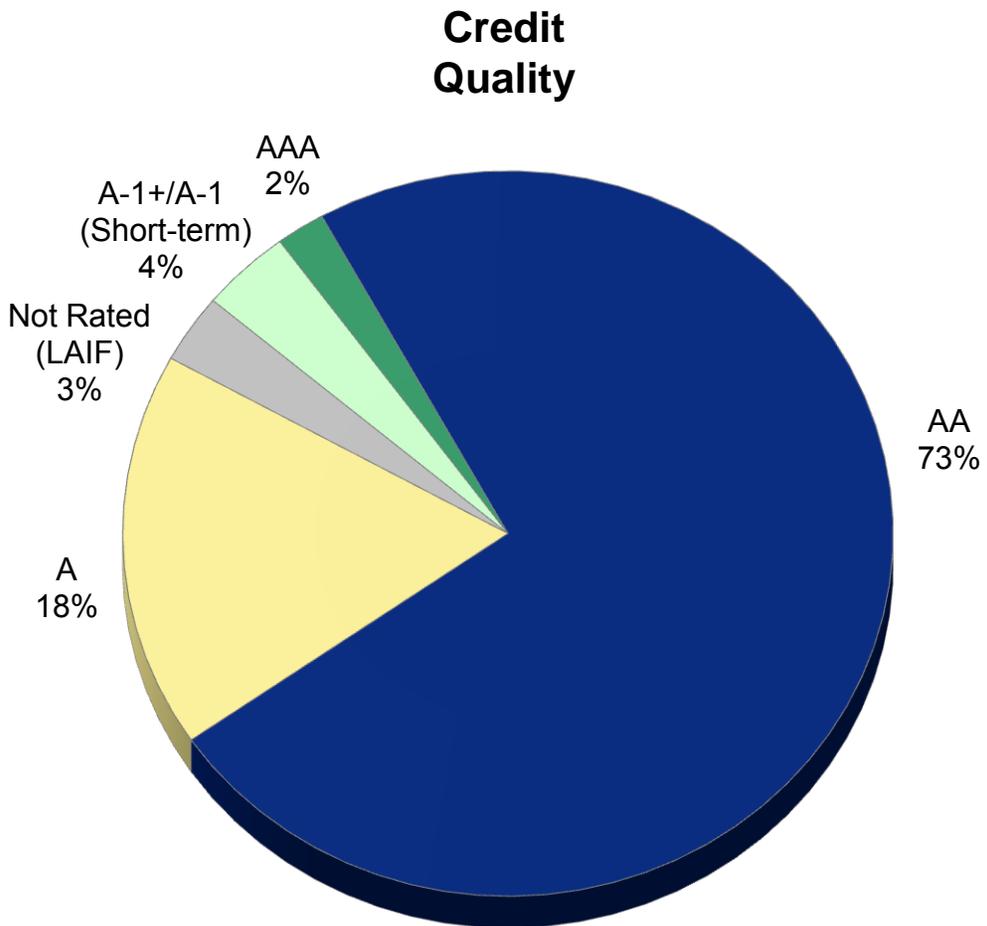
Municipal Issuers

State of California	2%
Metro Water District of So. CA	1%
California State Dept. of Water	1%
University of California	<1%



• As of December 31, 2013

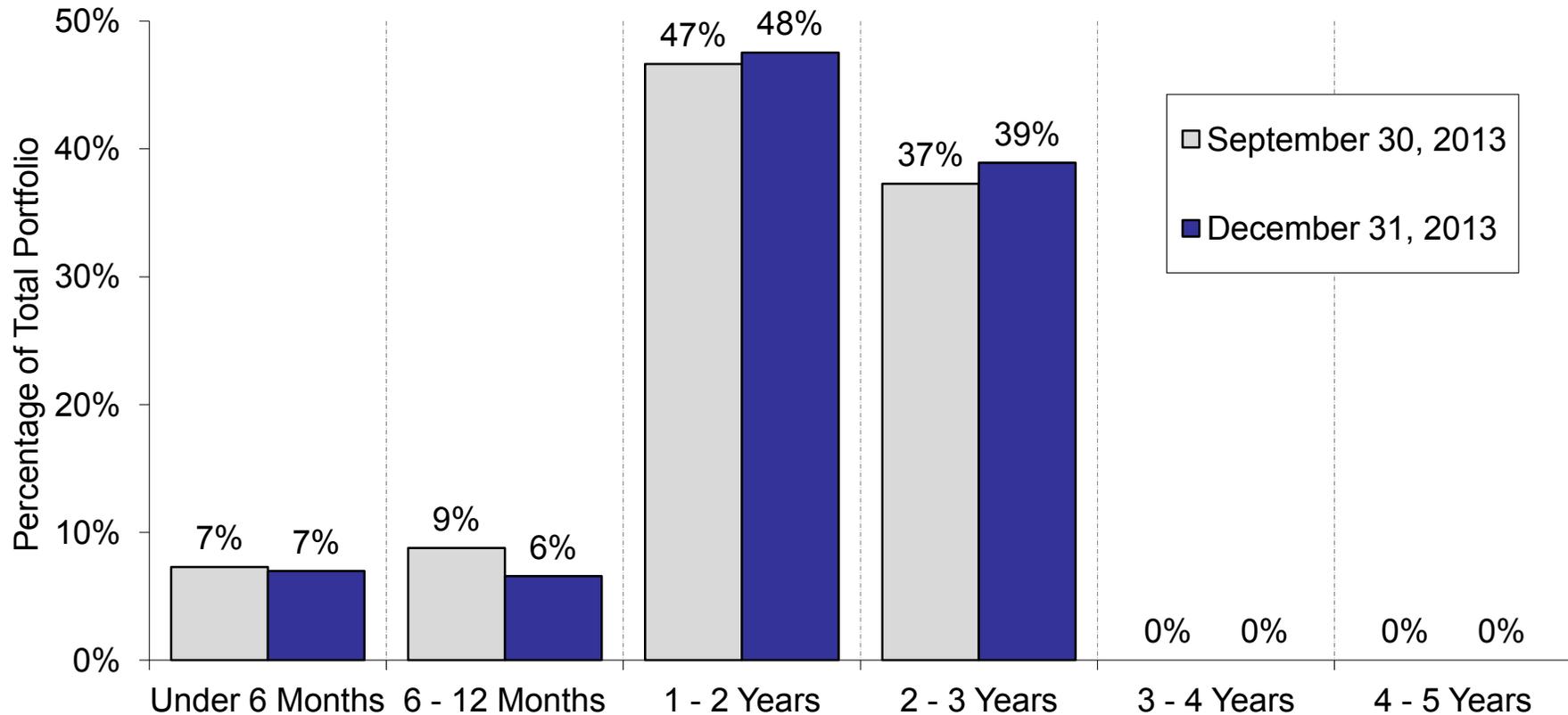
Portfolio Comprises High-Quality Securities



- As of December 31, 2013.
- Ratings by Standard & Poor's.
- Money market fund is rated Aaa by Moody's.

Maturity Distribution

- We maintained the maturity structure of the portfolio with more emphasis on securities in the 1- to 2-year maturity range to limit the portfolio's allocation to longer-maturity investments whose value will be negatively impacted by a rise in rates.



• Callable securities in the portfolio are included in the maturity distribution analysis to their stated maturity date, although they may be called prior to maturity.

First Quarter 2014 Investment Outlook and Strategy

- If rates rise as the Fed tapers its extraordinary monetary stimulus, negative returns on longer maturity securities may become unavoidable for short periods.
- Active duration management will be a critical aspect of our strategy in early 2014 to mitigate the effects of rising rates and to maximize performance. This will be balanced, however, by recognizing the enhanced earnings potential offered by the current steep yield curve.
- Federal Agency yields spreads have little value in most shorter maturities, so the search for value will need to encompass a wider net amongst the universe of high-quality investments.
- With corporate spreads now at the tightest levels in recent years, we do not expect the value of corporate notes to appreciate much. However, the yields of corporates should continue to provide superior income return in 2014.
- We will seek to maximize portfolio value through careful and prudent active management.

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

January 14, 2014
Council Chambers

6:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to California Government Code section 54956.9(d)(2): City of Brentwood v. Campbell, California Court of Appeal, First District, Case Number A138268

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**, Direction was given to the City Attorney.

Mayor Harper called the meeting to order at 7:01 P.M., and City Clerk Simonsen called the roll.

Present: Council Members Wilson, Rocha, Tiscareno, Agopian and Mayor Harper

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Rocha led the Council and audience in the Pledge of Allegiance.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Beverly Knight, Antioch resident, announced she had started a facebook page, *Empower Antioch Today* and encouraged everyone to like the page and participate.

Mayor Harper announced the Martin Luther King Scholarship program would be held from 1:00 P.M. – 3:00 P.M. on January 20, 2014, at Deer Valley High School.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Board and Commission openings.

- *Sales Tax Citizen's Oversight Committee: Four (4), four-year terms and three (3), two-year terms; deadline date is January 16, 2014*
- *Board of Administrative Appeals - One (1) Board Member partial term vacancy and One (1) Alternative Board Member, 2-year term; deadline January 30, 2014*
- *Parks and Recreation Commission: Four (4) vacancies; deadline date is January 30, 2014*
- *Contra Costa Mosquito & Vector Control District Board, One (1) Antioch Citizen Representative; deadline January 30, 2014*
- *Contra Costa County Library Commission, One (1) Antioch Citizen Representative; deadline January 30, 2014*

He noted all applications and information about the positions were available on the City's website and at the City Clerk's and Deputy City Clerk's offices.

PUBLIC COMMENTS

Bailey Neff, Brentwood resident, presented the Council with a letter that reiterated his concerns regarding the City's contracted waste hauler/garbage service and questioned when he would receive a response from staff regarding these concerns.

City Attorney Nerland reported the response letter was sent out on January 14, 2014.

Bailey Neff questioned when this item would be placed on the agenda.

Mayor Harper encouraged Mr. Neff to view the response, determine if it was adequate in addressing his concerns, and work with the City Manager regarding these issues.

Lee Balasaros, Secretary for the Drama Factor, presented written comments and reviewed her concerns related to her request for booking dates for the facility rental at the Nick Rodriguez Theater.

Mayor Harper stated City Clerk Simonsen would provide her contact information to City Manager Duran to respond to her concerns. He thanked the speaker for sharing her concerns.

Mark Jordan, Antioch resident, welcomed City Manager Duran to the City and presented the City Council with documents regarding implementation of a municipal minimum wage. He requested the City Council motion to direct staff to begin working on the proposed municipal ordinance.

City Attorney commented that it was not an agendized item so it was not an item Council could act on however, if there was support, Council could direct the item be agendized in the future.

Council consensus agreed to direct staff to place a discussion regarding this issue on a future agenda.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Tiscareno wished everyone a Happy New Year.

Councilmember Wilson reported on her attendance at the Mello Roos Oversight committee.

MAYOR'S COMMENTS

Mayor Harper reported on his attendance at the following meetings: Local Agency Formation Commission (LAFCO), Mayor Conference, Revitalizing Contra Costa County's Northern Waterfront forum and Delta Diablo Sanitation District. He wished everyone a Happy New Year. He encouraged the community to participate in the City of Antioch Strategic Planning Project Community Café meetings and provided the following meeting schedule:

- January 23, 2014 at 6:30 P.M. at the Prewett Water Park, Community Room
- January 25, 2014 at 10:00 A.M. at the Prewett Water Park, Community Room
- January 27, 2014 at 6:30 P.M. at the Nick Rodriguez Community Center
- January 29, 2014 at 6:30 P.M. at the Nick Rodriguez Community Center

PUBLIC COMMENT - Continued

Fred Hoskins, Antioch resident, encouraged the City Council to do away with all deficit spending and expressed concern regarding the City's financial liabilities. He suggested the City hire Code Enforcement Officers.

PRESENTATION

Donations for APD's K-9 Vests, presented by Chief Cantando

Chief Cantando introduced Lieutenant John Vanderklugt, Officer Matthew Harger and his K9 Donna, and Officer Ryan White and his K9 Chopper. He recognized Antioch Citizen Hailey Hartrick's fundraising efforts for the Antioch Police Department canine program.

Lieutenant Vanderklugt reported Hailey rallied the community and stated their intention is to purchase bullet resistant vests for each member of the Antioch Police Department's canine unit.

Hailey Hartrick discussed the importance of protecting the members of the Antioch Police Department canine program and presented the Antioch Police Department with a check in the amount of \$11,672 to pay for vests for the police canines.

Lieutenant VanderKlugt, on behalf of the City of Antioch and the Antioch Police Department, Chief Cantando, and the Canine Unit, as an expression of gratitude, presented Hailey with an Antioch Police Department Canine Unit t-shirt and portraits of the Canine Unit handlers and dogs.

Tom Hartrick stated he was very proud of his daughter.

The Council stated they were proud of Hailey and thanked her for taking the initiative and being an excellent example of leadership.

COUNCIL CONSENT CALENDAR

- A. MINUTES FOR NOVEMBER 12, 2013: KELLY'S CARD ROOM**
- B. APPROVAL OF COUNCIL MINUTES FOR NOVEMBER 26, 2013 AND DECEMBER 10, 2013**
- C. APPROVAL OF SPECIAL MEETING/CLOSED SESSION MINUTES FOR JANUARY 7, 2014**
- D. APPROVAL OF COUNCIL WARRANTS**

- E. APPROVAL OF TREASURER'S REPORT FOR NOVEMBER 2013
- F. ADOPTION OF A REVISED ORDINANCE TITLE 6, CHAPTER 1, OF THE ANTIOCH MUNICIPAL CODE REGARDING ANIMALS (*Introduced on 12/10/13*)
- G. APPROVAL OF EAST CONTRA COSTA COUNTY INTEGRATED REGIONAL WATER MANAGEMENT (IRWM) PLAN AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN THE PLAN
- H. RESOLUTION NO. 2014/01 APPROVING THE THIRD AMENDMENT TO THE STORMWATER UTILITY AGREEMENT BETWEEN CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AND THE CITY OF ANTIOCH FOR COMMERCIAL/INDUSTRIAL STORMWATER INSPECTION SERVICES
- I. APPROVE AMENDMENT NO. 4 TO THE AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH MARK THOMAS AND COMPANY, INC. FOR CONSTRUCTION SUPPORT SERVICES FOR THE WILBUR AVENUE OVERHEAD WIDENING PROJECT (P.W. 259-B)
- J. RESOLUTION NO. 2014/02 OF LOCAL SUPPORT AND AUTHORIZING THE FILING OF A GRANT APPLICATION TO METROPOLITAN TRANSPORTATION COMMISSION (MTC) REQUESTING AN ALLOCATION OF THE TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDS FOR NEW HANDICAP RAMPS AND PEDESTRIAN IMPROVEMENTS ALONG EAST TREGALLAS ROAD FROM LONE TREE WAY TO HILLCREST AVENUE (P.W. 409-3)
- K. EXTENDED ABSENCE BY AN ELECTED OFFICIAL

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council unanimously approved the Council Consent Calendar with the exception of Items F and K, which were removed for further discussion.

With Council consent, the Council held discussion of Items F and K until after Agenda Item #2.

COUNCIL REGULAR AGENDA

2. NORTHEAST ANTIOCH ANNEXATION AREA UPDATE

City Consultant Carniglia gave a brief overhead presentation of the Northeast Antioch Annexations Area Update recommending the City Council receive and file oral report.

Following discussion, Council agreed that with the importance of the annexation, it would be appropriate to hold a study/session workshop to discuss the area in detail. They recognized City Consultant Carniglia and the subcommittee for their hard work during the annexation process.

On motion by Councilmember Wilson, seconded by Councilmember Agopian, the Council unanimously directed staff to hold a study session and receive and file report.

Mayor Harper declared a recess at 7:58 P.M. The meeting reconvened at 8:08 P.M. with all Councilmember's present with the exception of Councilmember Agopian who was absent.

COUNCIL CONSENT CALENDAR

City Attorney Nerland reviewed the speaker rules for Consent Calendar items.

Mayor Harper announced that due to the high level of speaker cards submitted for Item F; all speakers would be allowed two (2) minutes. He reported that he had received and read numerous emails regarding the ordinance. City Clerk Simonsen announced additional materials were placed on dais for Council and copies were available for the public, in Council Chambers.

F. ADOPTION OF A REVISED ORDINANCE TITLE 6, CHAPTER 1, OF THE ANTIOCH MUNICIPAL CODE REGARDING ANIMALS (Introduced on 12/10/13)

Sherry Starks, spoke to the value of animal rescue and against amending the ordinance regarding animals. She presented the City Council with a book on chickens and roosters.

Doug Knowles, Oakley resident, Pennie McCarty, Antioch resident, Mary Lou Wood, Antioch resident, Bill Coaker, Brentwood resident, Julie Linford, Founder of Outcast Cat Help spoke against amending the ordinance, as proposed and suggested alternatives in dealing with the feral cat population.

Nancy Fernandez, Antioch resident, spoke in support of the ordinance and discussed the negative impacts of the feral cat population and at-large canines.

Donald Spaugy, Mount Diablo Beekeeping Association, presented Council with a book and reviewed written comment encouraging the City to permit backyard beekeeping in Antioch. He donated a beekeeping book to the City.

Karen Kops President of Homeless Animal Response Program (HARP), proposed the creation of an Animal Welfare Commission that would report directly to the City Council and tasked with researching, vetting solutions and recommending implementation.

Joanne Magdaleno discussed the importance of providing appropriate locations for beekeeping.

Elizabeth Dodge, Fix-Our-Ferals, spoke against amending the ordinance, as proposed and recommended the City include a requirement that every cat or dog must be spayed or neutered unless they are a registered breeder and suggested alternatives in dealing with the feral cat population.

Barbara Sobalvarro, Friends of Animal Services, spoke against amending the ordinance, as proposed and suggested elimination of the household limit for cats and offered suggestions on how to deal with the feral cat population.

Fred Hoskins, Antioch resident, spoke in support of the ordinance as proposed and discussed the negative impacts of the feral cat population. He suggested the Animal Control Department acquire some additional income by licensing cats at a reasonable rate.

Jesse Wilson, Antioch resident, spoke against the ordinance, as proposed and urged the City to support and work with rescue organizations. He urged the City to focus on puppy and kitten mills.

Lisa Kirk, Bethel Island resident, stated she encouraged feeders to be responsible for the feces and suggested alternatives in dealing with the feral cat population. She suggested the ordinance be amended that dogs and cats release from impoundment are required to be spayed or neutered.

Jacob Miner, Antioch resident, spoke in opposition to the ordinance as it relates to rabbits and expressed concern that it could prevent him the ability to participate in his 4-H projects.

Richard Stirrat, Antioch resident, President of Delta Animal Save Haven, spoke in opposition to the ordinance, as proposed and urged the Council to rescind the provisions banning the feeding of feral cats and suggested an exception on the limitation of pets per household for families involved with fostering animals for rescue groups.

Mayor Harper read written comment with petitions signed from senior citizens who indicated they were against a mass round-up and euthanization of the feral cats and suggested the City consider alternatives in dealing with the feral cat population.

Mayor Harper read written comment from Janine Hendrickson, Antioch resident, who spoke against the ordinance as it pertained to limits for chicken and rabbits. She suggested existing residents be grandfathered in.

Lieutenant Aguinaga clarified that the Antioch Animal Services was not planning on trapping and/or euthanizing any of the feral cat colonies. She encouraged rescue groups to trap, spay or neuter and release the animals. She commented that the ordinance as it pertained to bees and rabbits had not been changed. Speaking to concerns regarding puppy and kitten mills, she noted that the ordinance was an attempt to address those situations by requiring citizens with more than five, to obtain a permit.

In response to Mayor Harper, Lieutenant Aguinaga stated the City did not have trap and release or spay and neuter program for feral cats.

Animal Supervisor Helgemo added that only sick, injured or cats causing a health hazard would be impounded. She added that cats were not required to have license or proof of rabies.

Lieutenant Aguinaga stated rescue organizations and citizens are welcome to relocate feral cats to their own property where they may feed, care and bring them into adoption programs. She noted residents, rescue groups, and those fostering were allowed up to 30 days to have more than 5 cats or 3 dogs and after the 30 days, a multiple pet permit would be required. Animal Supervisor Helgemo noted the cost of the permit was \$108 per year.

With regards to public comment expressing concern the ordinance was unconstitutional, City Attorney Nerland stated she was not aware of anything in the ordinance that would be unconstitutional.

Chief Cantando reported that the City lacked the shelter staff to participate in the Animal Welfare Commission, however, rescue groups had been encouraged to move forward on their own and bring their issues to Council.

Animal Shelter Supervisor Helgemo added the rabbit ordinance had been in effect since 1980 and should not affect 4-H projects.

Following discussion, the City Council voiced their support for the ordinance with the exception of the feral cat issue and multiple pet permits. They requested staff bring back additional information regarding costs and coordination of programs to address the feral cat population.

On motion by Councilmember Rocha, seconded by Councilmember Wilson, the Council unanimously continued Item F with direction to staff to look at whether an ordinance that does not address the multiple pet permit and feral cat issues could be brought forward for Council consideration.

Mayor Harper declared a recess at 9:08 P.M. The meeting reconvened at 9:13 P.M. with all Councilmembers present with the exception of Councilmember Agopian who was absent.

K. RESOLUTION NO. 2014/03 EXTENDED ABSENCE BY AN ELECTED OFFICIAL

Karl Dietzel thanked Councilmember Rocha for bringing this issue forward and requested the City's elected officials provide monthly itemized expense reports. He stated he supports the City Clerk reimbursing his compensation and suggested he resign from the position.

In response to Councilmember Tiscareno, City Attorney Nerland clarified under State Code, an elected official's compensation was set during their term and could not change without adoption of an ordinance that would be applicable on the next term.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously approved Item K and directed the City Attorney to bring back an ordinance indicating it was mandatory for future terms of elected officials to return the salary, car allowance, and communication allowance (if received) to the City for the absent period for more than one month unrelated to his or her own medical condition.

PUBLIC COMMENTS

Jeff Belle, Antioch resident, discussed the importance of the flu vaccinations and encouraged everyone who had not received one, do so immediately.

STAFF COMMUNICATIONS - None

COUNCIL COMMUNICATIONS

Councilmember Wilson wished everyone a Happy New Year and reported on her attendance at a Girl Scout meeting and the reopening of the Multisensory room. She noted she had donated \$100 to the multisensory room and challenged fellow Councilmembers to do the same. She stated she met with various community groups who had expressed their excitement over Measure C passing, the new City Manager, and the annexation of northeast Antioch. She discussed the importance of economic development and voiced her support for the City hiring a dedicated Economic Development Director. She requested the City Manager look at other City's best practices as it relates to Economic Development.

Councilmember Rocha stated she was looking forward to the City of Antioch Strategic Planning Project Community Café meetings. She reported on her attendance at a Kwanzaa event and the Special Haven opening.

Councilmember Tiscareno reported on his attendance at the Relay for Life meeting and announced the event would be held on July 26, 2014, at Deer Valley High School. He noted City Manager Duran committed to putting together a team from the City. He reported on his attendance at the Leadership and Public Service program at Antioch High School.

Mayor Harper commented that Director of Human Resources/Economic Development Director Fitzer had developed a business friendly database of available properties in Antioch. He noted, before the City brings in a full time Economic Development Director, all employees should be brought back to a full-time work week. He requested City Manager Duran thank Deputy Director of Community Development/Recreation Graham and staff for doing an excellent job preparing for the Revitalization meeting at the Prewett Park Community Center. He reminded the Council and community that the Martin Luther King celebration would be held from 1:00 P.M. – 3:00 P.M. on January 20, 2014 at Deer Valley High School.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 9:36 P.M. to the next regular Council meeting on January 28, 2014.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 JANUARY 9-16, 2014
 FUND/CHECK#

100 General Fund

Non Departmental

349146 DELTA DENTAL	PAYROLL DEDUCTIONS	1,002.92
349150 DIVISION OF STATE ARCHITECT	SB 1186 REMITTANCE	158.10
349182 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	150.00
349186 PERISCOPE HOLDINGS INC	LICENSE RENEWAL	87.50
349232 BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	295.00
349292 THE NINETEENTH HOLE	DEPOSIT REFUND	2,000.00
921145 ZUMWALT ENGINEERING GROUP INC	ENGINEERING SERVICES	2,054.00

City Council

203247 NATURES BOUNTY	MEETING EXPENSE	14.00
349276 LEAGUE OF CALIF CITIES	MEMBER DUES	700.00

City Attorney

349210 XEROX CORPORATION	COPIER LEASE/USAGE	107.99
349257 FEDEX	SHIPPING	23.65
349315 SHRED IT INC	SHRED SERVICE	50.74

City Manager

349177 OFFICE MAX INC	OFFICE SUPPLIES	170.37
349210 XEROX CORPORATION	COPIER LEASE/USAGE	107.99
349227 BANK OF AMERICA	MEETING EXPENSE	269.84

City Clerk

349210 XEROX CORPORATION	COPIER LEASE/USAGE	107.99
349230 BAY AREA NEWS GROUP	LEGAL AD	335.20
349255 EIDEN, KITTY J	MINUTES CLERK	825.00

City Treasurer

349158 GARDA CL WEST INC	ARMORED CAR PICK UP	210.12
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Human Resources

349184 PARS	PROFESSIONAL SERVICES	2,163.46
349210 XEROX CORPORATION	COPIER LEASE/USAGE	379.20
349315 SHRED IT INC	SHRED SERVICE	30.66

Economic Development

349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	381.96
349210 XEROX CORPORATION	COPIER LEASE/USAGE	107.99
349291 MUNICIPAL RESOURCE GROUP LLC	CONSULTANT SERVICES	6,720.00
921112 BERNICK, MICHAEL	PROFESSIONAL SERVICES	3,300.00

Finance Administration

349177 OFFICE MAX INC	OFFICE SUPPLIES	30.59
349210 XEROX CORPORATION	COPIER LEASE/USAGE	300.04

Finance Accounting

349128 BAY AREA NEWS GROUP	LEGAL AD	590.80
349177 OFFICE MAX INC	OFFICE SUPPLIES	80.24
349186 PERISCOPE HOLDINGS INC	LICENSE RENEWAL	62.50
349294 OFFICE MAX INC	OFFICE SUPPLIES	300.23
349315 SHRED IT INC	SHRED SERVICE	50.73

Finance Operations

349177 OFFICE MAX INC	OFFICE SUPPLIES	99.39
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Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 JANUARY 9-16, 2014
 FUND/CHECK#

349204	UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	13.30
349210	XEROX CORPORATION	COPIER LEASE/USAGE	1,804.12
349294	OFFICE MAX INC	OFFICE SUPPLIES	16.89
349331	UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	13.30
921134	COMPUTERLAND	COMPUTER EQUIPMENT	657.55
Non Departmental			
203313	MIRACLE PLAY SYSTEMS INC	BUS LIC FEE REFUND	2.60
349207	WAGeworks	125 PLAN ADMIN FEES	150.00
349275	LEAGUE OF CALIF CITIES	MEMBER DUES	27,816.80
349290	MUNICIPAL POOLING AUTHORITY	UNMET LIABILITY DEDUCTIBLE	16,750.77
Public Works Maintenance Administration			
349210	XEROX CORPORATION	COPIER LEASE/USAGE	49.53
349334	VERIZON WIRELESS	DATA PLAN	38.01
Public Works General Maintenance Services			
349177	OFFICE MAX INC	OFFICE SUPPLIES	35.92
349210	XEROX CORPORATION	COPIER LEASE/USAGE	132.10
Public Works Street Maintenance			
349148	DELTA GRINDING CO INC	EQUIPMENT RENTAL	2,650.00
349177	OFFICE MAX INC	OFFICE SUPPLIES	199.90
349224	BANK OF AMERICA	DATA PLAN	112.76
349280	M & L SERPA TRUCKING INC	TRUCK RENTAL	3,485.00
349334	VERIZON WIRELESS	DATA PLAN	38.01
921117	GRAINGER INC	SUPPLIES	132.53
Public Works-Signal/Street Lights			
349122	AMERICAN GREENPOWER USA INC	LIGHTING MATERIALS	13,009.84
349183	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	5,085.66
349223	AT AND T MCI	PHONE	570.00
349301	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	265.91
349337	WESCO RECEIVABLES CORP	SUPPLIES	15,868.13
921120	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	11,881.38
921139	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	3,384.05
Public Works-Striping/Signing			
203297	STAPLES	SUPPLIES	39.41
349120	ACE HARDWARE, ANTIOCH	SUPPLIES	29.25
349131	BERNAL JR, ROWLAND	EXPENSE REIMBURSEMENT	150.00
349153	FASTENAL CO	CARRIAGE BOLTS	7.86
349177	OFFICE MAX INC	OFFICE SUPPLIES	89.51
349224	BANK OF AMERICA	DATA PLAN	112.76
349256	FASTENAL CO	SUPPLIES	157.68
349283	MANERI SIGN COMPANY	SIGNS	2,208.09
349324	STATEWIDE SAFETY AND SIGNS INC	EQUIPMENT RENTAL	845.22
349334	VERIZON WIRELESS	DATA PLAN	38.01
Public Works-Facilities Maintenance			
349169	MAYORGA, MARVIN A	SAFETY SHOES REIMBURSEMENT	215.93
349175	OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	100.00
349179	OMEGA INDUSTRIAL SUPPLY	CLEANING SUPPLIES	368.14

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349183	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	9,233.68
349194	ROGERS ROOFING	ROOF REPAIRS	1,450.00
349223	AT AND T MCI	PHONE	46.97
349224	BANK OF AMERICA	DATA PLAN	112.76
349250	DREAM RIDE ELEVATOR	ELEVATOR SERVICE	240.00
349334	VERIZON WIRELESS	DATA PLAN	38.01
921139	ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	350.29
Public Works-Parks Maint			
349182	PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	600.00
349183	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	664.12
349223	AT AND T MCI	PHONE	81.44
349285	MIRACLE PLAY SYSTEMS INC	PLAYGROUND REPAIR SERVICE	1,555.44
349300	PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	41,435.17
349301	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	126.19
349313	ROBERTSON INDUSTRIES INC	EQUIPMENT REPAIRS	2,607.03
921122	JOHN DEERE LANDSCAPES PACHECO	IRRIGATION CONTROLLER PARTS	1,536.97
Public Works-Median/General Land			
349162	HORIZON	VALVE	88.16
349171	MT DIABLO LANDSCAPE CENTERS INC	SUPPLIES	182.96
349176	ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
349183	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,502.53
349223	AT AND T MCI	PHONE	155.71
349301	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	57.99
349326	TARGET SPECIALTY PRODUCTS	CHEMICALS	747.05
921122	JOHN DEERE LANDSCAPES PACHECO	IRRIGATION CONTROLLER PARTS	328.55
Police Administration			
203108	BACIAA	ANNUAL MEMBER FEE	50.00
203111	UNITED STATES POSTAL SERVICE	POSTAGE	22.95
349125	ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	227.50
349135	COMCAST	CONNECTION SERVICES	27.40
349144	CRIME SCENE CLEANERS INC	CRIME SCENE CLEANUP	315.00
349145	CSI FORENSIC SUPPLY	SUPPLIES	181.52
349160	HILTON	LODGING-MCDONALD	212.93
349167	KIRBY POLYGRAPH & INVESTIGATIVE	POLYGRAPH EXAMS	3,000.00
349170	MCDONALD, PAMELA A	PER DIEM	122.00
349177	OFFICE MAX INC	OFFICE SUPPLIES	406.29
349181	ORMAN, LEONARD A	PER DIEM	355.00
349196	SAN DIEGO POLICE EQUIPMENT CO	AMMUNITION	5,553.69
349201	T MOBILE USA INC	PHONE RECORDS	550.00
349203	TULLY WIHR CO	DETENTION FORMS	320.99
349210	XEROX CORPORATION	COPIER LEASE/USAGE	1,735.85
349219	ARENA HOTEL	LODGING-MEADS	596.80
349221	ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	180.00
349225	BANK OF AMERICA	TRAINING	4,036.47
349234	CITY OF OAKLAND	TRAINING-SCOTT	15.00
349235	CITY OF OAKLAND	TRAINING-CLONINGER	15.00

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349238	CONTRA COSTA COUNTY	RANGE TRAINING FEES	195.00
349248	DOUBLETREE HOTEL	LODGING-KELLEY	286.45
349249	DOUBLETREE HOTEL	LODGING-AGUINAGA	286.45
349274	LC ACTION POLICE SUPPLY	SUPPLIES	283.06
349284	MEADS, ROBERT P	PER DIEM	224.00
349294	OFFICE MAX INC	OFFICE SUPPLIES	1,653.84
349305	PEN LINK	TUITION-MEADS	995.00
349310	REACH PROJECT INC	REACH PROJECT SERVICES	51,250.00
921119	HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	1,048.56
921121	IMAGE SALES INC	BADGES	47.21
921124	MOBILE MINI LLC	PORTABLE STORAGE CONTAINERS	106.98
921138	HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	585.00
921141	MOBILE MINI LLC	PORTABLE STORAGE CONTAINERS	351.82
Police Community Policing			
203109	STAPLES	FILM PROCESSING	11.88
349165	IBS OF TRI VALLEY	BATTERIES	143.76
349188	PERS	PAYROLL DEDUCTIONS	255.75
349225	BANK OF AMERICA	SUPPLIES	196.96
349264	HUNT AND SONS INC	FUEL	14.97
349286	MOORE K9 SERVICES	K9 TRAINING	500.00
Police Investigations			
349138	CONTRA COSTA COUNTY	SART EXAMS	9,000.00
349139	CONTRA COSTA COUNTY	LAB TESTING	17,127.50
349143	COURT SERVICES INC	PRISONER TRANSPORTATION	250.00
349200	STATE OF CALIFORNIA	FINGERPRINTING	328.00
349202	THOMSON WEST	ONLINE DATABASE	326.46
349210	XEROX CORPORATION	COPIER LEASE/USAGE	653.20
349243	COURT SERVICES INC	PRISONER TRANSPORTATION	1,100.00
Police Special Operations Unit			
349140	CONTRA COSTA NEWS REGISTERS	PUBLIC NOTICE	85.00
349225	BANK OF AMERICA	TRAINING	100.00
Police Communications			
349132	BLUE SHIELD LIFE	PAYROLL DEDUCTIONS	32.47
349146	DELTA DENTAL	PAYROLL DEDUCTIONS	156.20
349215	AMERICAN TOWER CORPORATION	TOWER RENTAL	219.17
349223	AT AND T MCI	PHONE	805.65
349225	BANK OF AMERICA	MEMBER DUES	327.00
921133	CDW GOVERNMENT INC	ONSITE WARRANTY	256.45
Office Of Emergency Management			
349223	AT AND T MCI	PHONE	316.70
Police Community Volunteers			
349225	BANK OF AMERICA	VIPS MEALS	90.92
921115	CRYSTAL CLEAR LOGOS INC	UNIFORMS	540.74
Police Facilities Maintenance			
349133	CAMALI CORP	MAINTENANCE SERVICE	345.00
349161	HONEYWELL INTERNATIONAL INC	WATER ISOLATION VALVE	16,720.51

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349183	PACIFIC GAS AND ELECTRIC CO	GAS	12,096.09
349205	UNITED SITE SERVICES OF CALIFORNIA	REPAIR SERVICES	391.20
349223	AT AND T MCI	PHONE	296.00
349250	DREAM RIDE ELEVATOR	ELEVATOR SERVICE	80.00
349263	HONEYWELL INTERNATIONAL INC	HVAC SERVICES	4,861.75
349281	M AND L OVERHEAD DOORS	GATE REPAIR	170.70
Community Development Administration			
349210	XEROX CORPORATION	COPIER LEASE/USAGE	357.02
Community Development Land Planning Services			
349190	RANEY PLANNING & MANAGEMENT INC	PROFESSIONAL SERVICES	988.38
Community Development Neighborhood Improvement			
203193	CACEO	ANNUAL DUES-GRAHAM	75.00
349267	INTERWEST CONSULTING GROUP INC	PROFESSIONAL SERVICES	7,590.00
349330	TURNAGE II, KEN	ABATEMENT SERVICES	866.77
PW Engineer Land Development			
349210	XEROX CORPORATION	COPIER LEASE/USAGE	186.56
349223	AT AND T MCI	PHONE	30.88
Community Development Building Inspection			
349251	EAGLE BUSINESS FORMS INC	BUILDING PERMIT FORMS	713.59
Capital Imp. Administration			
203048	DS WATERS OF AMERICA	WATER	19.13
349210	XEROX CORPORATION	COPIER LEASE/USAGE	31.84
Community Development Engineering Services			
349210	XEROX CORPORATION	COPIER LEASE/USAGE	238.68
212 CDBG Fund			
CDBG			
349267	INTERWEST CONSULTING GROUP INC	PROFESSIONAL SERVICES	9,240.00
921118	HOUSE, TERI	CONSULTING SERVICES	4,517.50
213 Gas Tax Fund			
Streets			
349183	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	22,938.66
349185	PARSONS BRINCKERHOFF INC	PROFESSIONAL SERVICES	149,092.70
349301	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	74.62
214 Animal Control Fund			
Animal Control			
349183	PACIFIC GAS AND ELECTRIC CO	GAS	636.64
349210	XEROX CORPORATION	COPIER LEASE/USAGE	258.70
216 Park-In-Lieu Fund			
Parks & Open Space			
349174	NEPTUNE BENSON	REPAIR SERVICES	10,639.70
349211	COLUMN CONCEPTS INC	NELSON RANCH REPAIRS	35,276.62
219 Recreation Fund			
Non Departmental			
349163	HUB INTERNATIONAL OF CA INSURANCE	LIABILITY INSURANCE	125.98
349259	FREEDOM HOUSE	DEPOSIT REFUND	500.00

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Senior Programs

349183	PACIFIC GAS AND ELECTRIC CO	GAS	954.65
349223	AT AND T MCI	PHONE	95.39
921135	CONSOLIDATED ELECTRICAL DIST INC	SUPPLIES	10.77

Recreation Classes/Prog

203272	BULGAC, ELENA	CLASS REFUND	66.00
203273	WILLIAMS, MOLLY	CLASS REFUND	85.00
349151	DUGAND, KARINA	CONTRACTOR PAYMENT	806.40
349233	CHEEMA, RAVI	CLASS REFUND	191.00
349254	EDUCATION TO GO	CONTRACTOR PAYMENT	201.75
349272	KOVALICK, LUANNE	CONTRACTOR PAYMENT	372.30
349288	MUIR, ROXANNE	CONTRACTOR PAYMENT	232.95
349294	OFFICE MAX INC	OFFICE SUPPLIES	73.67
349298	ORTIZ, CHERYL	CONTRACTOR PAYMENT	400.50

Recreation Sports Programs

349183	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,456.64
349231	BIG SKY LOGOS AND EMBROIDERY	UNIFORM SHIRTS	901.87
349294	OFFICE MAX INC	TONER	143.91

Recreation Concessions

349223	AT AND T MCI	PHONE	16.00
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Recreation-New Comm Cntr

203194	HILLYARD INDUSTRIES	SUPPLIES	72.10
203220	INK'EM	EMBROIDERY	58.59
349134	COLE SUPPLY CO INC	SUPPLIES	7.03
349137	COMCAST	CONNECTION SERVICES	1,591.76
349183	PACIFIC GAS AND ELECTRIC CO	GAS	1,431.98
349195	ROYAL WHOLESALE ELECTRIC	SUPPLIES	560.40
349210	XEROX CORPORATION	COPIER LEASE/USAGE	284.32
349220	ARLIE WALKER & SONS PAINTING	PAINTING SERVICE	2,910.00
349222	AT AND T MCI	PHONE	63.29
349223	AT AND T MCI	PHONE	18.61
349226	BANK OF AMERICA	SUPPLIES	272.72
349293	OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	200.00
349294	OFFICE MAX INC	OFFICE SUPPLIES	185.50
349309	QUALITY SOUND	PROJECTOR SERVICE	275.00

222 Measure C Fund

Streets

349154	FEDERAL ADVOCATES INC	ADVOCACY SERVICES	5,000.00
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226 Solid Waste Reduction Fund

Solid Waste

349134	COLE SUPPLY CO INC	SUPPLIES	2,714.13
349244	DELTA DIABLO SANITATION DISTRICT	OUTREACH CONTRIBUTION	2,000.00
349267	INTERWEST CONSULTING GROUP INC	PROFESSIONAL SERVICES	980.00
349268	KATHY KRAMER CONSULTING	CONSULTING SERVICES	1,000.00

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228 Abandoned Vehicles Fund

Abandoned Vehicles

349267 INTERWEST CONSULTING GROUP INC	PROFESSIONAL SERVICES	910.00
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229 Pollution Elimination Fund

Channel Maintenance Operation

349147 DELTA FENCE CO	FENCE REPAIR	1,325.00
349152 ECORP CONSULTING INC	PROFESSIONAL SERVICES	237.50
349177 OFFICE MAX INC	OFFICE SUPPLIES	27.73
349178 OGRADY, MARSHALL	SUPPLIES REIMBURSEMENT	104.82
349192 RMC WATER AND ENVIRONMENT	CONSULTING SERVICES	9,100.97
349239 CONTRA COSTA COUNTY	INSPECTION SERVICE	261.00

238 PEG Franchise Fee Fund

Non Departmental

349198 SMITH FAUSE MCDONALD INC	CHAMBERS AUDIO/VISUAL	1,993.50
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251 Lone Tree SLLMD Fund

Lonetree Maintenance Zone 1

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	192.00
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	659.26
349223 AT AND T MCI	PHONE	64.36

Lonetree Maintenance Zone 2

349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	641.29
349223 AT AND T MCI	PHONE	124.61

Lonetree Maintenance Zone 3

349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,076.00
349223 AT AND T MCI	PHONE	47.65

Lonetree Maintenance Zone 4

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	873.00
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	301.65

252 Downtown SLLMD Fund

Downtown Maintenance

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	361.33

253 Almondridge SLLMD Fund

Almondridge Maintenance

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	1,223.00
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	189.97

254 Hillcrest SLLMD Fund

Hillcrest Maintenance Zone 1

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	520.74
349223 AT AND T MCI	PHONE	32.18

Hillcrest Maintenance Zone 2

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	960.00
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	662.52
349223 AT AND T MCI	PHONE	111.39

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Hillcrest Maintenance Zone 4

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	547.66
349223 AT AND T MCI	PHONE	94.31

255 Park 1A Maintenance District Fund

Park 1A Maintenance District

349121 ACME SECURITY SYSTEMS	MONITORING SERVICES	162.00
349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	460.80
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	84.38
349300 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	160.00

256 Citywide 2A Maintenance District Fund

Citywide 2A Maintenance Zone 3

349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	68.21
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Citywide 2A Maintenance Zone 4

349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	250.44
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Citywide 2A Maintenance Zone 5

349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	363.21
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Citywide 2A Maintenance Zone 6

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	384.00
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	197.94

Citywide 2A Maintenance Zone 8

349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	265.21
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Citywide 2A Maintenance Zone 9

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	307.20
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	428.33
349223 AT AND T MCI	PHONE	64.36

Citywide 2A Maintenance Zone 10

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	793.00
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	119.18

257 SLLMD Administration Fund

SLLMD Administration

349131 BERNAL JR, ROWLAND	EXPENSE REIMBURSEMENT	150.00
349157 FURBER SAW INC	SUPPLIES	715.32
349177 OFFICE MAX INC	OFFICE SUPPLIES	129.18
349224 BANK OF AMERICA	DATA PLAN	225.52
349326 TARGET SPECIALTY PRODUCTS	CHEMICALS	4,482.33
349334 VERIZON WIRELESS	DATA PLAN	76.02

259 East Lone Tree SLLMD Fund

Zone 1-District 10

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	1,248.00
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	24.15
349301 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	96.47

311 Capital Improvement Fund

Measure WW

921126 ODIN SYSTEMS INC	SECURITY CAMERA PROJECT	7,940.00
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Public Buildings & Facilities

349258 FIELDTURF USA INC FIELD TURF PROJECT 97,292.35

319 Residential Dev Alloc Fund

Non Departmental

349253 ECONOMIC AND PLANNING SYSTEMS PROFESSIONAL SERVICES 3,445.85

376 Lone Diamond Fund

Assessment District

349129 BENCHMARK CONSULTANTS CONSULTING SERVICES 2,395.00

349192 RMC WATER AND ENVIRONMENT CONSULTING SERVICES 10,952.69

349224 BANK OF AMERICA STORAGE FEES 111.59

570 Equipment Maintenance Fund

Non Departmental

349164 HUNT AND SONS INC FUEL 11,475.09

349264 HUNT AND SONS INC FUEL 14,175.29

Equipment Maintenance

203298 HARLEY DAVIDSON SADDLEBAG LATCH 29.24

203299 MICHAEL STEAD WALNUT CREEK TAILGATE CLIPS 31.91

203300 WALNUT CREEK CHRYSLER JEEP DODGE WINDOW REGULATOR 89.51

349123 ANTIOCH AUTO PARTS AUTO PARTS STOCK 552.68

349127 BANK OF AMERICA RECRUITING POSTING 75.00

349177 OFFICE MAX INC OFFICE SUPPLIES 10.69

349183 PACIFIC GAS AND ELECTRIC CO ELECTRIC 428.19

349187 PETERSON HYDRAULIC SYSTEM REPAIR 1,714.08

349189 PURSUIT NORTH VEHICLE BUILD 2,417.61

349210 XEROX CORPORATION COPIER LEASE/USAGE 60.55

349216 ANTIOCH AUTO PARTS SUPPLIES 377.96

349218 ANTIOCH GLASS WINDSHIELD REPLACEMENT 207.33

349224 BANK OF AMERICA DATA PLAN 76.02

349252 EAST BAY TIRE CO TIRE REPAIR 38.00

349282 MAACO VEHICLE PAINT 450.00

349314 SCOTTOS AUTO BODY INC AUTO BODY SERVICES 4,376.32

349325 SUPERIOR AUTO PARTS LUG NUTS 36.46

349328 TRED SHED, THE TIRE REPAIR 2,033.86

349334 VERIZON WIRELESS DATA PLAN 38.01

349336 WALNUT CREEK FORD SEAT COVER 977.09

573 Information Services Fund

Non Departmental

349126 BANK OF AMERICA EE COMPUTER PURCHASE 630.14

Information Services

349206 VERIZON WIRELESS AIR CARD 73.12

349223 AT AND T MCI PHONE 59.26

Network Support & PCs

349136 COMCAST INTERNET SERVICE 309.10

349137 COMCAST CONNECTION SERVICES 1,026.55

349149 DIGITAL SERVICES WEBSITE MAINTENANCE 2,080.00

349223 AT AND T MCI PHONE 450.49

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349236 COMCAST	INTERNET SERVICE	123.94
Telephone System		
203075 AMERICAN MESSAGING	PAGER	39.42
349222 AT AND T MCI	PHONE	187.54
349223 AT AND T MCI	PHONE	0.62
GIS Support Services		
349177 OFFICE MAX INC	OFFICE SUPPLIES	28.69
349224 BANK OF AMERICA	SUPPLIES	351.00
921136 ESRI INC	ANNUAL SOFTWARE	13,231.89
Office Equipment Replacement		
921113 COMPUTERLAND	COMPUTER EQUIPMENT	198.22
921133 CDW GOVERNMENT INC	ONSITE WARRANTY	102.58
577 Post Retirement Medical-Police Fund		
Non Departmental		
349172 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
349197 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
349262 RETIREE	MEDICAL AFTER RETIREMENT	252.36
921109 RETIREE	MEDICAL AFTER RETIREMENT	252.36
921123 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921129 RETIREE	MEDICAL AFTER RETIREMENT	267.70
578 Post Retirement Medical-Misc Fund		
Non Departmental		
349261 RETIREE	MEDICAL AFTER RETIREMENT	118.65
349335 RETIREE	MEDICAL AFTER RETIREMENT	623.18
921127 RETIREE	MEDICAL AFTER RETIREMENT	590.38
579 Post Retirement Medical-Mgmt Fund		
Non Departmental		
349229 RETIREE	MEDICAL AFTER RETIREMENT	252.36
921125 RETIREE	MEDICAL AFTER RETIREMENT	587.40
921140 RETIREE	MEDICAL AFTER RETIREMENT	208.36
921143 RETIREE	MEDICAL AFTER RETIREMENT	354.38
611 Water Fund		
Non Departmental		
349153 FASTENAL CO	SUPPLIES	1,593.58
349177 OFFICE MAX INC	OFFICE SUPPLIES	3,004.58
349209 WILCO SUPPLY	LOCKS	628.30
349214 AMERICAN TEXTILE AND SUPPLY INC	SUPPLIES	805.40
349338 WINZER	CHEMICALS	1,758.80
921115 CRYSTAL CLEAR LOGOS INC	SUPPLIES	3,004.82
921117 GRAINGER INC	SUPPLIES	1,205.90
921137 HAMMONS SUPPLY COMPANY	SUPPLIES	456.15
Water Supervision		
349177 OFFICE MAX INC	OFFICE SUPPLIES	33.44
349224 BANK OF AMERICA	DATA PLAN	152.04
349295 ONLINE RESOURCES	ONLINE RESOURCE CLAIM	206.10
349334 VERIZON WIRELESS	DATA PLAN	76.02

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Water Production

349120 ACE HARDWARE, ANTIOCH	PIPE FITTINGS	54.34
349127 BANK OF AMERICA	RECRUITING POSTING	75.00
349130 BERENDSEN FLUID POWER	VALVE CONTROLS	889.23
349141 CONTRA COSTA WATER DISTRICT	RAW WATER	766,016.68
349155 FERGUSON ENTERPRISES INC	VALVE REPAIR KIT	204.02
349156 FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	58.59
349159 HACH CO	LAB SUPPLIES	4,410.41
349177 OFFICE MAX INC	OFFICE SUPPLIES	291.78
349183 PACIFIC GAS AND ELECTRIC CO	GAS	83,380.58
349191 REINHOLDT ENGINEERING CONSTR	TANK INSPECTION	275.00
349199 SPAULDING, ANN B	CONSULTING SERVICES	3,000.00
349208 WESCO RECEIVABLES CORP	TRANSMITTER	308.51
349210 XEROX CORPORATION	COPIER LEASE	128.94
349213 ACE HARDWARE, ANTIOCH	FASTENERS	8.81
349222 AT AND T MCI	PHONE	126.60
349223 AT AND T MCI	PHONE	756.00
349224 BANK OF AMERICA	DATA PLAN	47.83
349242 CONTRA COSTA WATER DISTRICT	RAW WATER	725,649.50
349269 KELLY MOORE PAINT CO	PAINT	166.55
349273 LAW OFFICE OF MATTHEW EMRICK	LEGAL SERVICES	2,491.50
349301 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	19.06
349334 VERIZON WIRELESS	DATA PLAN	38.01
921110 AIRGAS SPECIALTY PRODUCTS	AMMONIA	1,093.50
921114 CONSOLIDATED ELECTRICAL DIST INC	LAMP	38.00
921116 EUROFINS EATON ANALYTICAL INC	MONITORING	900.00
921117 GRAINGER INC	VALVES	571.69
921128 VINCENT ELECTRIC MOTOR CO	SAMPLE PUMPS	3,377.39

Water Distribution

349124 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	2,654.75
349126 BANK OF AMERICA	WIRELESS HEADSET	270.28
349131 BERNAL JR, ROWLAND	EXPENSE REIMBURSEMENT	200.00
349142 COUNTY ASPHALT	ASPHALT	689.25
349166 JACK DOHENY SUPPLIES INC	SPRAY NOZZLE	398.18
349173 NCBPA	MEMBER DUES	240.00
349177 OFFICE MAX INC	OFFICE SUPPLIES	323.92
349180 ORCHARD SUPPLY HARDWARE	SUPPLIES	80.28
349182 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	461.00
349193 ROBERTS AND BRUNE CO	PIPE & FITTINGS	95.73
349210 XEROX CORPORATION	COPIER LEASE/USAGE	154.10
349216 ANTIOCH AUTO PARTS	SOCKET	28.19
349217 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	2,157.39
349223 AT AND T MCI	PHONE	16.09
349224 BANK OF AMERICA	CERTIFICATION-LOWE	892.14
349266 INFOSEND INC	PRINT/MAIL SERVICES	2,562.42
349279 LONE TREE TRUCKING INC	SAND	1,440.63

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 JANUARY 9-16, 2014
 FUND/CHECK#

349287 MT DIABLO LANDSCAPE CENTERS INC	CONCRETE SUPPLIES	769.95
349302 PADILLA, EDWARD A	CERTIFICATION REIMBURSEMENT	293.00
349312 ROBERTS AND BRUNE CO	PIPE & FITTINGS	2,891.06
349334 VERIZON WIRELESS	DATA PLAN	266.07
Water Meter Reading		
349126 BANK OF AMERICA	WIRELESS HEADSET	270.28
349224 BANK OF AMERICA	DATA PLAN	76.02
349334 VERIZON WIRELESS	DATA PLAN	38.01
921111 BADGER METER INC	METER PARTS	168.92
Public Buildings & Facilities		
349270 KLEINFELDER INC	PROFESSIONAL SERVICES	852.50
349271 KOCH AND KOCH INC	PUMPING STATION UPGRADES	147,535.00
349303 PAKPOUR CONSULTING GROUP INC	PROFESSIONAL SERVICES	26,991.42
921130 CARBON ACTIVATED CORPORATION	REMOVE/INSTALL GAC FILTER	348,406.00
Warehouse & Central Stores		
349177 OFFICE MAX INC	OFFICE SUPPLIES	5.99
349204 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	13.30
349210 XEROX CORPORATION	COPIER LEASE/USAGE	140.46
349331 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	13.30
612 Water Line Expansion Fund		
Water Systems		
349270 KLEINFELDER INC	PROFESSIONAL SERVICES	5,010.00
621 Sewer Fund		
Sewer-Wastewater Supervision		
349177 OFFICE MAX INC	OFFICE SUPPLIES	18.02
349210 XEROX CORPORATION	COPIER LEASE/USAGE	154.10
349224 BANK OF AMERICA	DATA PLAN	301.76
349334 VERIZON WIRELESS	DATA PLAN	76.02
Sewer-Wastewater Collection		
349124 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	2,654.75
349126 BANK OF AMERICA	WIRELESS HEADSET	540.56
349127 BANK OF AMERICA	RECRUITING POSTING	470.00
349131 BERNAL JR, ROWLAND	EXPENSE REIMBURSEMENT	200.00
349142 COUNTY ASPHALT	ASPHALT	689.26
349166 JACK DOHENY SUPPLIES INC	NOZZLES	452.45
349177 OFFICE MAX INC	OFFICE SUPPLIES	125.39
349213 ACE HARDWARE, ANTIOCH	SUPPLIES	12.66
349217 ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	2,157.38
349223 AT AND T MCI	PHONE	63.11
349224 BANK OF AMERICA	SUPPLIES	819.12
349266 INFOSEND INC	PRINT/MAIL SERVICES	2,562.40
349279 LONE TREE TRUCKING INC	SAND	1,440.62
349324 STATEWIDE SAFETY AND SIGNS INC	EQUIPMENT RENTAL	573.40
349334 VERIZON WIRELESS	DATA PLAN	228.06
921139 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	1,056.46

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 JANUARY 9-16, 2014
 FUND/CHECK#

622 Sewer Facilities Expansion Fund

Wastewater Collection

349129 BENCHMARK CONSULTANTS	CONSULTING SERVICES	1,680.00
349311 RMC WATER AND ENVIRONMENT	CONSULTING SERVICES	10,447.25

631 Marina Fund

Marina Administration

349183 PACIFIC GAS AND ELECTRIC CO	GAS	3,460.58
349210 XEROX CORPORATION	COPIER LEASE	97.96
349223 AT AND T MCI	PHONE	79.85
349319 STATE BOARD OF EQUALIZATION	UNDERGRND STORAGE TANK FEE	254.42

Marina Maintenance

349176 ODYSSEY LANDSCAPE CO INC	LANDSCAPE SERVICES	938.00
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641 Prewett Water Park Fund

Non Departmental

349163 HUB INTERNATIONAL OF CA INSURANCE	LIABILITY INSURANCE	377.94
349299 OSIUHWU, SOPHIA	DEPOSIT REFUND	500.00
349316 SMITH, MARY	DEPOSIT REFUND	1,000.00

Recreation Aquatics

349231 BIG SKY LOGOS AND EMBROIDERY	UNIFORMS	645.02
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Recreation Water Park

203321 HOME DEPOT, THE	SUPPLIES	40.37
203322 GARDA CL WEST INC	ARMORED CAR PICK UP	95.40
349134 COLE SUPPLY CO INC	SUPPLIES	642.72
349168 KNORR SYSTEMS INC	CARBON DIOXIDE	262.38
349183 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	5,886.77
349210 XEROX CORPORATION	COPIER LEASE/USAGE	303.70
349223 AT AND T MCI	PHONE	46.98
349226 BANK OF AMERICA	EQUIPMENT	888.97
349231 BIG SKY LOGOS AND EMBROIDERY	UNIFORMS	2,718.37
349237 COMMERCIAL POOL SYSTEMS INC	CHEMICALS	3,789.02
349278 LINCOLN EQUIPMENT INC	SUPPLIES	354.25
349294 OFFICE MAX INC	OFFICE SUPPLIES	315.04
349332 UNIVAR USA INC	CHEMICALS	1,771.03
921117 GRAINGER INC	SUPPLIES	128.57

Recreation Community Cnter

921117 GRAINGER INC	SUPPLIES	171.18
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Rec Prewett Concessions

349134 COLE SUPPLY CO INC	SUPPLIES	237.09
349223 AT AND T MCI	PHONE	46.66
349231 BIG SKY LOGOS AND EMBROIDERY	UNIFORMS	412.30

721 Employee Benefits Fund

Non Departmental

349132 BLUE SHIELD LIFE	PAYROLL DEDUCTIONS	2,251.96
349146 DELTA DENTAL	PAYROLL DEDUCTIONS	26,344.55
349188 PERS	PAYROLL DEDUCTIONS	323,023.70
349212 24 HOUR FITNESS SPORT	PAYROLL DEDUCTIONS	29.99

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CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 JANUARY 9-16, 2014
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349240 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
349241 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
349245 DELTA PARK ATHLETIC CLUB	PAYROLL DEDUCTIONS	37.00
349246 DELTA VALLEY ATHLETIC CLUB	PAYROLL DEDUCTIONS	54.00
349247 DIAMOND HILLS SPORT CLUB	PAYROLL DEDUCTIONS	59.00
349265 IN SHAPE HEALTH CLUBS	PAYROLL DEDUCTIONS	844.00
349277 LINA	PAYROLL DEDUCTIONS	4,611.53
349289 MUNICIPAL POOLING AUTHORITY	PAYROLL DEDUCTIONS	2,362.66
349296 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	2,785.00
349297 OPERATING ENGINEERS TRUST FUND	PAYROLL DEDUCTIONS	3,611.90
349304 PARS	PAYROLL DEDUCTIONS	2,396.89
349306 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	72.02
349307 PERS	PAYROLL DEDUCTIONS	324,925.97
349308 PUBLIC EMPLOYEES UNION LOCAL 1	PAYROLL DEDUCTIONS	2,030.34
349317 SOLAR SWIM AND GYM	PAYROLL DEDUCTIONS	27.00
349318 STANDARD LIFE INSURANCE	PAYROLL DEDUCTIONS	1,001.10
349320 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	440.00
349321 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
349322 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
349323 STATE OF FLORIDA DISBURSE UNIT	PAYROLL DEDUCTIONS	150.00
349327 TEXAS CHILD SUPPORT DISBURSE UNIT	PAYROLL DEDUCTIONS	422.77
349329 RECIPIENT	PAYROLL DEDUCTIONS	112.15
349333 US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	242.14
349339 XTREME FITNESS	PAYROLL DEDUCTIONS	104.00
921131 ANTIOCH PD SWORN MGMT ASSOC	PAYROLL DEDUCTIONS	536.75
921132 APOA	PAYROLL DEDUCTIONS	11,610.67
921142 NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	43,600.72
921144 VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	1,484.13



STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE COUNCIL MEETING OF JANUARY 28, 2014

SUBMITTED BY: Donna Conley, City Treasurer 

DATE: January 22, 2014

SUBJECT: Treasurer's Report: DECEMBER 2013

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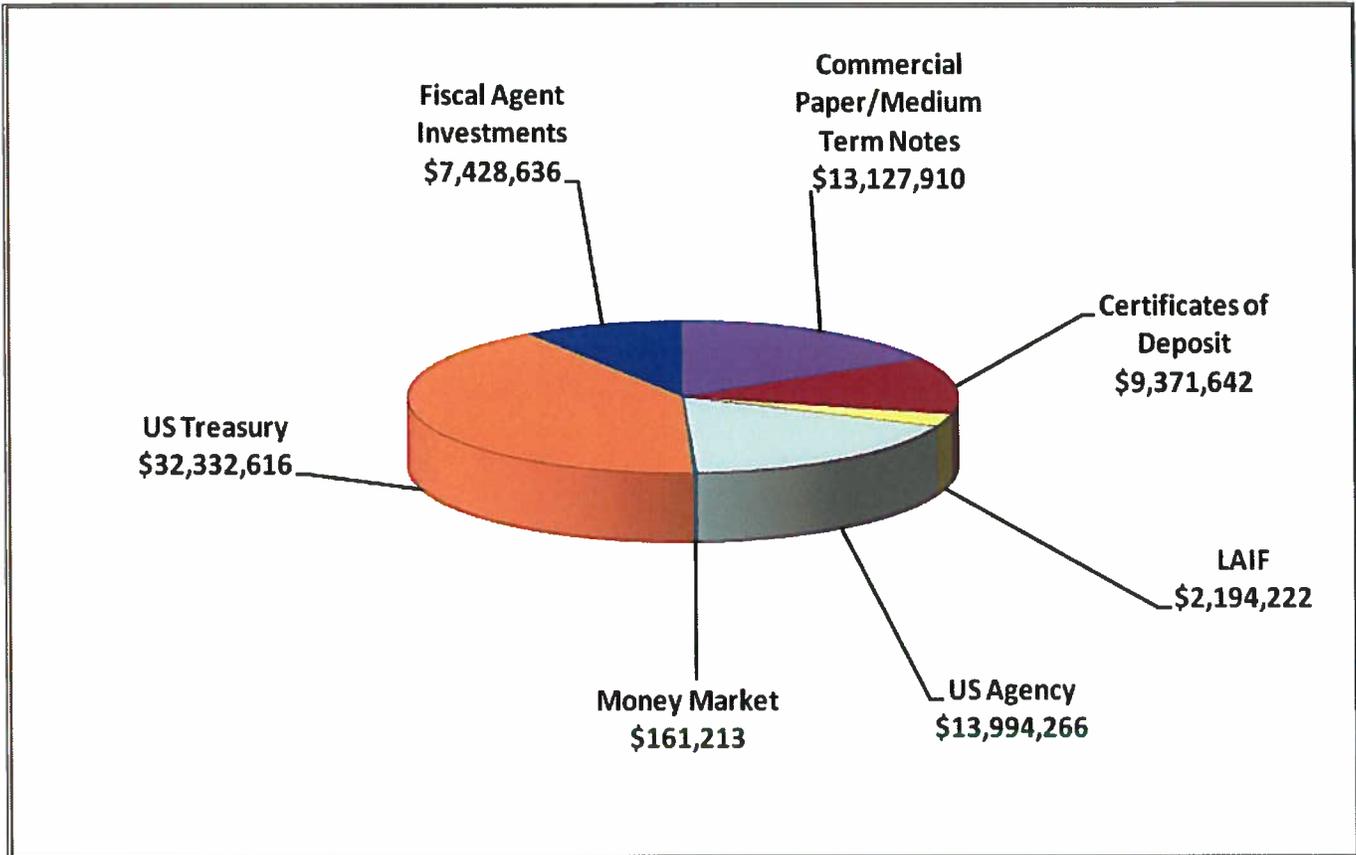
RECOMMENDATION: Review and file.

BACKGROUND: City of Antioch's portfolio as of December 2013 is in Compliance with The City's current Investment Policy. Based on the Portfolio as of December 2013 the City of Antioch is able to meet its expenditure requirements for the next six months.

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1-28-2014

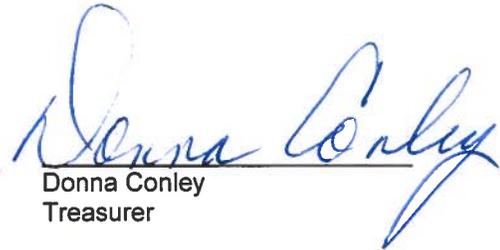
CITY OF ANTIOCH
SUMMARY REPORT ON THE CITY'S INVESTMENTS

DECEMBER 31, 2013



Total of City and Fiscal Agent Investments = \$78,610,505

All City investments are shown above and conform to the City Investment Policy. All investment transactions during this period are included in this report. As Treasurer of the City of Antioch and Finance Director of the City of Antioch, we hereby certify that sufficient investment liquidity and anticipated revenue are available to meet the next six (6) months' estimated expenditures.


Donna Conley
Treasurer


Dawn Merchant
Finance Director

**Summary of Fiscal Agent Balances by
Debt Issue**

	<u>Amount</u>
Antioch Public Financing Authority 2002 Lease Revenue Bonds	1,328,250
Antioch Public Financing Authority 1998 Reassessment Revenue Bonds	5,190,051
Antioch Development Agency 2009 Tax Allocation Bonds	146,054
Antioch Development Agency 1994 Tax Allocation Bonds	331,583
ABAG Lease Revenue Bonds	<u>432,699</u>
	<u><u>\$7,428,636</u></u>



For the Month Ending December 31, 2013

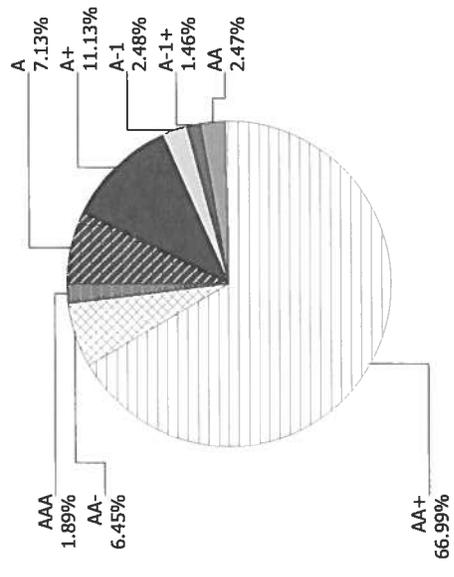
Managed Account Issuer Summary

CITY OF ANTIOCH, CA - 04380500

Issuer Summary

Credit Quality (S&P Ratings)

Issuer	Market Value of Holdings	Percent
AMERICAN HONDA FINANCE	587,390.90	0.86
APPLE INC	635,353.60	0.93
BANK OF NEW YORK	1,444,814.42	2.10
BANK OF NOVA SCOTIA	1,354,041.90	1.97
BERKSHIRE HATHAWAY INC	934,218.48	1.36
CA ST DEPT OF WATER REV BONDS	499,905.00	0.73
CATERPILLAR INC	252,014.25	0.37
CREDIT SUISSE GROUP	1,702,283.10	2.48
DEERE & COMPANY	453,309.30	0.66
FANNIE MAE	4,428,617.75	6.45
FEDERAL HOME LOAN BANKS	4,342,211.13	6.32
FREDDIE MAC	2,068,397.93	3.01
GENERAL ELECTRIC CO	2,220,173.76	3.23
IBM CORP	305,451.71	0.44
JP MORGAN CHASE & CO	2,683,978.20	3.91
MET WATER DISTRICT OF SOUTHERN CA	800,414.00	1.17
RABOBANK NEDERLAND	1,696,336.50	2.47
SKANDINAVISKA ENSKILDA BANKEN SA	1,705,100.00	2.48
STANDARD CHARTERED BANK	1,000,030.00	1.46
STATE OF CALIFORNIA	1,504,366.00	2.19
SVENSKA HANDELSBANKEN	1,701,417.80	2.48
TOYOTA MOTOR CORP	725,773.58	1.06
UNITED STATES TREASURY	32,306,869.28	47.04
UNIVERSITY OF CALIFORNIA	364,146.50	0.53
WAL-MART STORES INC	399,418.80	0.58
WELLS FARGO & COMPANY	2,553,696.45	3.72
Total	\$68,669,730.34	100.00%



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending December 31, 2013

CITY OF ANTIOCH, CA - 04380500

Security Type/Description Dated Date / Coupon / Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value	
U.S. Treasury Bond / Note												
US TREASURY NOTES DTD 02/15/2012 0.250% 02/15/2015	912828SE1	1,500,000.00	AA+	Aaa	02/22/12	02/27/12	1,492,207.03	0.43	1,416.44	1,497,041.03	1,501,054.50	
US TREASURY NOTES DTD 03/01/2010 2.375% 02/28/2015	912828MR8	1,500,000.00	AA+	Aaa	06/20/12	06/21/12	1,578,457.03	0.42	12,104.63	1,533,909.53	1,537,558.50	
US TREASURY NOTES DTD 03/01/2010 2.375% 02/28/2015	912828MR8	2,500,000.00	AA+	Aaa	04/30/12	05/01/12	2,639,453.13	0.39	20,174.38	2,557,325.65	2,562,597.50	
US TREASURY NOTES DTD 03/01/2010 2.375% 02/28/2015	912828SK7	170,000.00	AA+	Aaa	03/13/12	03/15/12	169,428.91	0.49	190.19	169,770.27	170,351.90	
US TREASURY NOTES DTD 03/15/2012 0.375% 03/15/2015	912828SK7	825,000.00	AA+	Aaa	06/27/12	06/28/12	824,355.47	0.40	923.00	824,714.02	826,707.75	
US TREASURY NOTES DTD 03/15/2012 0.375% 03/15/2015	912828NP1	325,000.00	AA+	Aaa	10/23/12	10/26/12	337,098.63	0.39	2,380.10	331,939.92	332,579.00	
US TREASURY NOTES DTD 08/02/2010 1.750% 07/31/2015	912828NP1	465,000.00	AA+	Aaa	08/22/12	08/23/12	483,418.36	0.39	3,405.37	474,942.44	475,843.80	
US TREASURY NOTES DTD 08/02/2010 1.750% 07/31/2015	912828NP1	3,625,000.00	AA+	Aaa	09/06/12	09/10/12	3,772,832.03	0.33	26,547.21	3,706,113.22	3,709,535.00	
US TREASURY NOTES DTD 11/30/2010 1.375% 11/30/2015	912828PJ3	885,000.00	AA+	Aaa	11/01/12	11/05/12	911,204.30	0.40	1,069.78	901,367.65	902,112.31	
US TREASURY NOTES DTD 11/30/2010 1.375% 11/30/2015	912828PJ3	2,550,000.00	AA+	Aaa	11/29/12	12/05/12	2,627,595.70	0.35	3,082.42	2,599,775.92	2,599,306.64	
US TREASURY NOTES DTD 05/02/2011 2.000% 04/30/2016	912828OF0	950,000.00	AA+	Aaa	03/27/13	03/28/13	997,277.34	0.38	3,254.14	985,667.20	982,804.45	
US TREASURY NOTES DTD 06/30/2009 3.250% 06/30/2016	912828KZ2	2,200,000.00	AA+	Aaa	05/10/13	05/15/13	2,394,218.75	0.41	197.51	2,355,303.63	2,347,125.00	
US TREASURY NOTES DTD 06/30/2009 3.250% 06/30/2016	912828KZ2	2,950,000.00	AA+	Aaa	05/22/13	05/24/13	3,204,783.20	0.44	264.85	3,155,378.29	3,147,281.25	
US TREASURY NOTES DTD 06/30/2009 3.250% 06/30/2016	912828KZ2	3,300,000.00	AA+	Aaa	05/24/13	05/31/13	3,574,570.31	0.53	296.27	3,522,760.63	3,520,687.50	



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending December 31, 2013

CITY OF ANTIOCH, CA - 04380500

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note										
US TREASURY NOTES DTD 08/31/2011 1.000% 08/31/2016	912828RF9	AA+	Aaa	08/29/13	08/30/13	1,106,015.63	0.82	3,737.57	1,105,336.49	1,110,312.50
US TREASURY NOTES DTD 11/30/2011 0.875% 11/30/2016	912828RU6	AA+	Aaa	11/27/13	12/03/13	3,136,726.56	0.58	2,392.31	3,136,020.06	3,119,961.33
US TREASURY NOTES DTD 11/30/2011 0.875% 11/30/2016	912828RU6	AA+	Aaa	10/31/13	11/01/13	3,476,683.59	0.62	2,653.85	3,475,250.17	3,461,050.35
Security Type Sub-Total						32,726,325.97	0.46	84,090.02	32,332,616.12	32,306,869.28
Municipal Bond / Note										
METRO WTR DIST AUTH, CA TXBL REV BONDS DTD 06/28/2012 0.616% 07/01/2014	59266THP9	AAA	Aa1	06/21/12	06/28/12	575,000.00	0.62	1,771.00	575,000.00	575,414.00
UNIV OF CAL TXBL REV BONDS DTD 10/02/2013 0.528% 05/15/2015	91412GSW6	AA	Aa1	09/26/13	10/02/13	230,000.00	0.53	300.23	230,000.00	229,675.70
METRO WTR DIST AUTH, CA TXBL REV BONDS DTD 06/28/2012 0.943% 07/01/2015	59266THO7	AAA	Aa1	06/21/12	06/28/12	225,000.00	0.94	1,060.88	225,000.00	225,000.00
CA ST DEPT OF WATER TXBL REV BONDS DTD 09/27/2012 0.650% 12/01/2015	13066KX87	AAA	Aa1	09/19/12	09/27/12	500,000.00	0.65	270.83	500,000.00	499,905.00
CA ST TXBL GO BONDS DTD 03/27/2013 1.050% 02/01/2016	13063BN73	A	A1	03/13/13	03/27/13	551,859.00	0.93	2,406.25	551,365.21	551,468.50
UNIV OF CAL TXBL REV BONDS DTD 10/02/2013 0.907% 05/15/2016	91412GSX4	AA	Aa1	09/26/13	10/02/13	135,000.00	0.91	302.71	135,000.00	134,470.80
CA ST TAXABLE GO BONDS DTD 11/05/2013 1.250% 11/01/2016	13063CFD7	A	A1	10/22/13	11/05/13	954,455.50	1.09	1,847.22	954,226.66	952,897.50
Security Type Sub-Total						3,171,314.50	0.85	7,959.12	3,170,591.87	3,168,831.50
Federal Agency Bond / Note										



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending December 31, 2013

CITY OF ANTIOCH, CA - 04380500

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Federal Agency Bond / Note										
FHLB NOTES DTD 11/08/2010 0.875% 12/12/2014	313371PC4	AA+	Aaa	01/19/12	01/19/12	2,977,700.50	0.55	1,362.33	2,959,105.12	2,969,514.25
FANNIE MAE GLOBAL NOTES DTD 04/19/2012 0.500% 05/27/2015	3135G0KM4	AA+	Aaa	04/17/12	04/19/12	1,027,023.30	0.59	486.39	1,028,645.79	1,032,729.50
FREDDIE MAC GLOBAL NOTES DTD 07/11/2012 0.500% 08/28/2015	3134G3ZA1	AA+	Aaa	07/30/12	07/31/12	1,827,129.78	0.46	3,117.71	1,826,151.98	1,828,688.33
FANNIE MAE GLOBAL NOTES DTD 11/16/2012 0.375% 12/21/2015	3135G0S80	AA+	Aaa	11/14/12	11/16/12	947,786.50	0.45	98.96	948,586.76	948,546.50
FHLB (CALLABLE) GLOBAL NOTES DTD 12/30/2013 0.375% 12/30/2015	3130A0GK0	AA+	Aaa	12/12/13	12/30/13	1,374,587.50	0.39	14.32	1,374,588.08	1,372,696.88
FANNIE MAE GLOBAL NOTES DTD 02/15/2013 0.500% 03/30/2016	3135G0V88	AA+	Aaa	02/14/13	02/15/13	799,088.00	0.54	1,011.11	799,342.32	799,140.00
FREDDIE MAC GLOBAL NOTES DTD 03/07/2013 0.500% 05/13/2016	3137EAD09	AA+	Aaa	03/06/13	03/07/13	239,985.60	0.50	160.00	239,989.14	239,709.60
FNMA NOTES DTD 08/19/2011 1.250% 09/28/2016	3135G0CM3	AA+	Aaa	10/01/13	10/03/13	664,674.35	0.75	2,115.10	663,889.88	664,352.09
FNMA NOTES DTD 08/19/2011 1.250% 09/28/2016	3135G0CM3	AA+	Aaa	10/01/13	10/03/13	984,555.92	0.74	3,132.29	983,375.49	983,849.66
Security Type Sub-Total		10,795,000.00				10,842,531.45	0.54	11,498.21	10,823,674.56	10,839,226.81
Corporate Note										
JP MORGAN CHASE & CO NOTES DTD 05/18/2009 4.650% 06/01/2014	46625HHN3	A	A3	12/19/11	12/22/11	1,062,853.30	2.43	3,913.75	1,019,234.51	1,027,685.10
GENERAL ELEC CAP CORP GLOBAL NOTES DTD 01/09/2012 2.150% 01/09/2015	36962GSM2	AA+	A1	05/23/12	05/29/12	874,419.85	1.72	8,885.47	868,740.48	880,842.48
IBM CORP GLOBAL NOTES DTD 02/06/2012 0.550% 02/06/2015	459200HB0	AA-	Aa3	02/01/12	02/06/12	303,508.55	0.72	675.66	304,450.88	305,451.71





Managed Account Detail of Securities Held

For the Month Ending December 31, 2013

CITY OF ANTIOCH, CA - 04380500

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note										
BANK OF NEW YORK MELLON (CALLABLE) NOTES	06406HCC1	A+	A1	02/13/12	02/21/12	374,658.75	1.23	1,637.50	374,869.19	377,880.38
DTD 02/21/2012 1.200% 02/20/2015										
CATERPILLAR FIN CORP NOTES	14912LSD9	A	A2	05/22/12	05/30/12	249,920.00	1.11	244.44	249,962.00	252,014.25
DTD 05/30/2012 1.100% 05/29/2015										
JOHN DEERE CAPITAL CORP GLOBAL NOTES	24422ERS0	A	A2	06/26/12	06/29/12	449,878.50	0.96	23.75	449,939.04	453,309.30
DTD 06/29/2012 0.950% 06/29/2015										
WELLS FARGO & COMPANY	94974BFE5	A+	A2	03/26/13	03/28/13	762,978.08	0.73	5,625.00	758,645.48	760,546.50
DTD 06/27/2012 1.500% 07/01/2015										
WELLS FARGO & COMPANY	94974BFE5	A+	A2	03/27/13	03/28/13	762,757.50	0.74	5,625.00	758,499.02	760,546.50
DTD 06/27/2012 1.500% 07/01/2015										
JPMORGAN CHASE & CO GLOBAL NOTES	46623EJR1	A	A3	10/15/12	10/18/12	1,649,323.50	1.11	3,831.67	1,649,592.62	1,656,293.10
DTD 10/18/2012 1.100% 10/15/2015										
BANK OF NEW YORK MELLON (CALLABLE) NOTES	06406HCD9	A+	A1	10/18/12	10/25/12	424,562.25	0.73	561.94	424,734.10	425,771.80
DTD 10/25/2012 0.700% 10/23/2015										
BANK OF NEW YORK MELLON (CALLABLE) NOTES	06406HCD9	A+	A1	12/17/12	12/20/12	638,067.20	0.81	846.22	638,763.78	641,162.24
DTD 10/25/2012 0.700% 10/23/2015										
WAL-MART STORES INC GLOBAL NOTES	931142DE0	AA	Aa2	04/04/13	04/11/13	399,716.00	0.62	533.33	399,783.90	399,418.80
DTD 04/11/2013 0.600% 04/11/2016										
APPLE INC GLOBAL NOTES	037833AH3	AA+	Aa1	04/30/13	05/03/13	638,841.60	0.51	464.00	639,095.41	635,353.60
DTD 05/03/2013 0.450% 05/03/2016										
TOYOTA MOTOR CREDIT CORP	89236TAL9	AA-	Aa3	05/14/13	05/17/13	724,702.75	0.81	708.89	724,763.82	725,773.58
DTD 05/17/2013 0.800% 05/17/2016										
GENERAL ELECCAP CORP (FLOATING)	36962G7A6	AA+	A1	07/09/13	07/12/13	1,330,000.00	0.93	2,642.97	1,330,000.00	1,339,331.28
DTD 07/12/2013 0.894% 07/12/2016										
WELLS FARGO & COMPANY	94974BFL9	A+	A2	07/22/13	07/29/13	1,024,016.00	1.28	5,409.72	1,024,152.70	1,032,603.45
DTD 07/29/2013 1.250% 07/20/2016										
BERKSHIRE HATHAWAY FIN GLOBAL NOTES	084664BX8	AA	Aa2	08/06/13	08/15/13	929,507.10	0.97	3,337.67	929,568.42	934,218.48
DTD 08/15/2013 0.950% 08/15/2016										





Managed Account Detail of Securities Held

For the Month Ending December 31, 2013

CITY OF ANTIOCH, CA - 04380500

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note											
AMERICAN HONDA FINANCE GLOBAL NOTES DTD 10/10/2013 1.125% 10/07/2016	02665WAB7	585,000.00	A+	A1	10/03/13	10/10/13	582,964.20	1.24	1,480.78	583,114.88	587,390.90
Security Type Sub-Total		13,105,000.00					13,182,675.13	1.10	46,447.76	13,127,910.23	13,195,593.45
Certificate of Deposit											
STANDARD CHARTERED BK NY LT CD (FLOAT)	85325BV50	1,000,000.00	A-1+	P-1	03/18/13	03/18/13	1,000,000.00	0.37	99.31	1,000,000.00	1,000,030.00
DTD 03/18/2013 0.325% 03/18/2014											
SVENSKA HANDELSBANKEN NY FLOATING LT CD	86958CVF8	1,700,000.00	AA-	Aa3	04/03/13	04/05/13	1,699,741.11	0.48	1,738.53	1,699,816.45	1,701,417.80
DTD 04/05/2013 0.423% 10/06/2014											
CREDIT SUISSE NEW YORK CERT DEPOS (FLOAT)	22549TDK1	1,700,000.00	A-1	P-1	07/11/13	07/15/13	1,700,000.00	0.68	2,370.59	1,700,000.00	1,702,283.10
DTD 07/15/2013 0.644% 01/15/2015											
BANK OF NOVA SCOTIA HOUS CERT DEPOS (FLT)	06417FPL8	1,350,000.00	A+	Aa2	03/04/13	03/06/13	1,350,000.00	0.59	490.87	1,350,000.00	1,354,041.90
DTD 03/06/2013 0.490% 03/06/2015											
SKANDINAVISKA ENSKILDA NY CERT DEPOS(FLT)	83051HJH0	1,700,000.00	A+	A1	04/11/13	04/16/13	1,700,000.00	0.66	2,298.57	1,700,000.00	1,705,100.00
DTD 04/16/2013 0.621% 04/16/2015											
RABOBANK NEDERLAND NV NY CD	21684BEP5	1,700,000.00	AA-	Aa2	04/25/13	04/29/13	1,700,000.00	0.61	1,813.33	1,700,000.00	1,696,336.50
DTD 04/29/2013 0.600% 04/29/2015											
Security Type Sub-Total		9,150,000.00					9,149,741.11	0.58	8,811.20	9,149,816.45	9,159,209.30
Managed Account Sub-Total		67,620,000.00					69,072,588.16	0.63	158,806.31	68,604,609.23	68,669,730.34
Securities Sub-Total		\$67,620,000.00					\$69,072,588.16	0.63%	\$158,806.31	\$68,604,609.23	\$68,669,730.34
Accrued Interest											\$158,806.31
Total Investments											\$68,828,536.65



PFM Asset Management LLC



Managed Account Security Transactions & Interest

For the Month Ending December 31, 2013

CITY OF ANTIOCH, CA - 04380500

Transaction Type	Trade	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
BUY											
	11/27/13	12/03/13	US TREASURY NOTES	912828RU6	3,110,000.00	(3,136,726.56)	(224.28)	(3,136,950.84)			
			DTD 11/30/2011 0.875% 11/30/2016								
	12/12/13	12/30/13	FHLB (CALLABLE) GLOBAL NOTES	3130A0GK0	1,375,000.00	(1,374,587.50)	0.00	(1,374,587.50)			
			DTD 12/30/2013 0.375% 12/30/2015								
Transaction Type Sub-Total											
					4,485,000.00	(4,511,314.06)	(224.28)	(4,511,538.34)			
INTEREST											
	12/01/13	12/01/13	JP MORGAN CHASE & CO NOTES	46625HHN3	1,010,000.00	0.00	23,482.50	23,482.50			
			DTD 05/18/2009 4.650% 06/01/2014								
	12/01/13	12/01/13	CA ST DEPT OF WATER TXBL REV BONDS	13066KX87	500,000.00	0.00	1,625.00	1,625.00			
			DTD 09/27/2012 0.650% 12/01/2015								
	12/02/13	12/02/13	MONEY MARKET FUND	MONEY0002	0.00	0.00	0.58	0.58			
			BANK OF NOVA SCOTIA HOUS CERT	06417FPL8	1,350,000.00	0.00	1,720.88	1,720.88			
			DEPOS (FLT)								
	12/12/13	12/12/13	FHLB NOTES	313371PC4	3,000,000.00	0.00	13,125.00	13,125.00			
			DTD 11/08/2010 0.875% 12/12/2014								
	12/15/13	12/15/13	US TREASURY NOTES	912828RV4	1,200,000.00	0.00	1,500.00	1,500.00			
			DTD 12/15/2011 0.250% 12/15/2014								
	12/18/13	12/18/13	STANDARD CHARTERED BK NY LT CD (FLOAT)	85325BV50	1,000,000.00	0.00	272.92	272.92			
			DTD 03/18/2013 0.325% 03/18/2014								
	12/21/13	12/21/13	FANNIE MAE GLOBAL NOTES	3135G0S80	950,000.00	0.00	1,781.25	1,781.25			
			DTD 11/16/2012 0.375% 12/21/2015								
	12/29/13	12/29/13	JOHN DEERE CAPITAL CORP GLOBAL NOTES	24422ERS0	450,000.00	0.00	2,137.50	2,137.50			
			DTD 06/29/2012 0.950% 06/29/2015								
	12/31/13	12/31/13	US TREASURY NOTES	912828KZ2	2,200,000.00	0.00	35,750.00	35,750.00			
			DTD 06/30/2009 3.250% 06/30/2016								
	12/31/13	12/31/13	US TREASURY NOTES	912828KZ2	3,300,000.00	0.00	53,625.00	53,625.00			
			DTD 06/30/2009 3.250% 06/30/2016								
	12/31/13	12/31/13	US TREASURY NOTES	912828KZ2	2,950,000.00	0.00	47,937.50	47,937.50			
			DTD 06/30/2009 3.250% 06/30/2016								





Managed Account Security Transactions & Interest

For the Month Ending December 31, 2013

CITY OF ANTIOCH, CA - 04380500

Transaction Type	Trade	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
Transaction Type Sub-Total											
					17,910,000.00	0.00	182,958.13	182,958.13			
SELL											
11/27/13	12/03/13		FREDDIE MAC GLOBAL NOTES DTD 08/05/2011 0.750% 09/22/2014	3134G2WG3	2,200,000.00	2,210,428.00	3,254.17	2,213,682.17	(1,100.00)	7,383.22	SPEC LOT
11/27/13	12/03/13		FREDDIE MAC GLOBAL NOTES DTD 08/05/2011 0.750% 09/22/2014	3134G2WG3	910,000.00	914,313.40	1,346.04	915,659.44	2,493.40	3,819.17	SPEC LOT
12/23/13	12/30/13		FHLB NOTES DTD 11/08/2010 0.875% 12/12/2014	313371PC4	50,000.00	50,319.50	21.88	50,341.38	(150.00)	164.72	SPEC LOT
12/23/13	12/30/13		US TREASURY NOTES DTD 12/15/2011 0.250% 12/15/2014	912828RV4	1,200,000.00	1,201,031.25	123.63	1,201,154.88	5,718.75	2,565.69	SPEC LOT
Transaction Type Sub-Total											
					4,360,000.00	4,376,092.15	4,745.72	4,380,837.87	6,962.15	13,932.80	
Managed Account Sub-Total											
						(135,221.91)	187,479.57	52,257.66	6,962.15	13,932.80	
Total Security Transactions											
						(\$135,221.91)	\$187,479.57	\$52,257.66	\$6,962.15	\$13,932.80	



STAFF REPORT TO THE ANTIOCH CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF JANUARY 28, 2014

Prepared by: Dawn Merchant, Finance Director

Date: January 9, 2014

Subject: Implementation of Sales Tax Ordinance (Measure C)

RECOMMENDATION

Adopt a resolution authorizing limited individuals to examine confidential sales or transaction and use tax records for the stated purposes.

BACKGROUND

The City adopted a Sales Tax Ordinance on June 12, 2013 that was subsequently approved by voters on November 5, 2013. A number of implementation steps were taken by the City Council on December 10, 2013, among them the adoption of Resolution 2013/72 approving an agreement with the State of California for the administration and operation of the new half cent tax.

The next step as part of the administration is to authorize release of the sales tax data for Measure C to the City. Sales tax information is highly confidential because private companies may not want their competitors to know specific sales information. Accordingly, the State Board of Equalization requires the City Council to adopt a resolution indicating who is authorized to examine such records and for what purpose.

The resolution allows the Finance Director, or authorized designee, to examine all sales and transactions and use tax records. The resolution further allows the City's sales tax consultant, MuniServices, LLC to examine the records as well. Information examined will be used for the following governmental purposes: tracking, forecasting and budget related functions and detections of misallocations and deficiencies.

Although information about the amount of sales and use tax collected under Measure C and how it is spent will be provided to the City Council, Oversight Committee and the public, how much is generated by specific businesses will not be a public record pursuant to State law.

FINANCIAL IMPACT

There is no financial impact as this is only to confirm authorization of examination of sales tax records.

OPTIONS

The City Council must adopt a resolution authorizing the examination of records related to Measure C in order for the City to receive confidential data on the sales tax measure. No other options are available.

ATTACHMENT

Resolution of the City Council of the City of Antioch Authorizing the Examination of Sales or Transactions and Use Tax Records

RESOLUTION NO. 2014/

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AUTHORIZING THE EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS

WHEREAS, pursuant to Resolution 2013/72, the City of Antioch (“City”) entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of the Transactions and Use Tax Ordinances and the local sales and use taxes; and

WHEREAS, City deems it necessary for authorized representatives of City to examine confidential sales and transactions and use tax records of the Board pertaining to sales and transactions and use taxes collected by the Board for City; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board records and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from sales or transactions and use tax records of the Board; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code requires that any person designated by City shall have an existing contract to examine City’s sales and transactions and use tax records.

NOW, THEREFORE IT IS RESOLVED AND ORDERED AS FOLLOWS:

Section 1. That the Finance Director, or other officer or employee of City designated in writing by the Finance Director to the State Board of Equalization (hereafter referred to as Board) is hereby appointed to represent City with authority to examine all of the sales and transactions and use tax records of the Board pertaining to sales and transactions and use taxes collected for City by the Board of Equalization pursuant to the contract between City and the Board. The information obtained by examination of Board records shall be used for purposes related to the collection of City’s sales and transactions and use taxes by the Board pursuant to the contract.

Section 2. That the Finance Director, or other officer or employee of City designated in writing by the Finance Director to the Board, is also hereby appointed to represent City with the authority to examine those sales and transactions and use tax records of the Board for purposes related to the following governmental functions of City:

- a) tracking and economic development
- b) forecasting and budget related functions
- c) detection of misallocations and deficiencies

The information obtained by examination of Board records shall be used only for those governmental functions of City listed above.

Section 3. That MuniServices, LLC is hereby designated and authorized to examine all of the sales and transactions and use tax records of the Board pertaining to all sales and use taxes collected for City and any transaction and use taxes collected for City under the following Transactions and Use Tax Ordinances and any future Transactions and Use Tax Ordinances that may be enacted in the City:

City of Antioch Measure C Effective on April 1, 2014.

The person or entity designated by this section meets all of the following conditions:

- a) has an existing contract with City to examine sales and transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those sales and transactions and use tax records only to an officer or employee authorized under Section 1 (or Section 2) of this resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in, or derived from those sales and transactions and use tax records after that contract has expired.

BE IT FURTHER RESOLVED that the information obtained by examination of Board records shall be used only for purposes related to the collection of City's sales and transactions and use taxes by the Board pursuant to the contracts between City and the Board of Equalization and for purposes relating to the governmental functions of City listed in Section 2 of this resolution.

Section 4. That this resolution supersedes all prior sales and transactions and use tax resolutions of City adopted pursuant to subdivision (b) of Revenue and Taxation Code Section 7056.

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 28th day of January 2014, by the following vote:

AYES:

ABSENT:

NOES:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

**STAFF REPORT TO THE ANTIOCH CITY COUNCIL
FOR CONSIDERATION AT THE COUNCIL MEETING OF JANUARY 28, 2014**

BY: Dawn Merchant, Finance Director

DATE: January 14, 2014

SUBJECT: City of Antioch - Comprehensive Annual Financial Report for the Fiscal Year
Ended June 30, 2013

Recommendation

Receive and file the following:

1. Comprehensive Annual Financial Report For The Fiscal Year Ended June 30, 2013.

Background

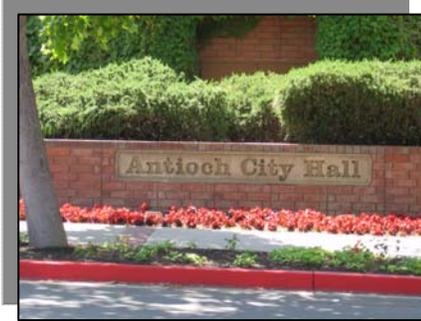
As required by State law, the City must publish a complete set of financial statements at the close of each fiscal year audited by a firm of licensed certified public accountants. This year's comprehensive annual financial report (CAFR) was audited by Badawi & Associates, Certified Public Accountants.

As stated in the Independent Auditor's Report, the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Antioch, as of June 30, 2013, and the respective changes in financial position and cash flows, where applicable, in conformity with generally accepted accounting principles.

Report to Management

Along with auditing the City's books, the auditors evaluate the financial system's internal accounting controls and structure as required by generally accepted auditing standards. The auditors identified one finding with respect to the fund accounting used for the City's medical after retirement accounts. The City has historically maintained three separate Internal Service Fund types to account for the activities of these accounts as the City maintains three separate medical after retirement plans. The City participates in the CalPERS trust for other post employment benefits (OPEB), however, the City has not been making contributions directly to the trust since 2009. As a budget measure with the recession, the City has not been able to fully fund the actuarial required contributions under the plans and therefore has been paying benefits to retirees when due ("pay as you go") and thus recognizing a liability on the financial statements for the underfunding of the actuarial required contribution. These pay as you go payments are considered "contributions outside of the trust" for accounting purposes. Due to the prolonged nature of this funding approach, the funds no longer qualify as Internal Service Funds and must be reclassified for reporting purposes as another fund type. All assets, liabilities, revenues and expenditures are still being recorded correctly and accurately as recognized by the unqualified audit opinion received. The funds will be reclassified as Special Revenue Fund types in the next financial reporting period. The finding and City's response can be found on page 175 of the CAFR.

Attachment: Comprehensive Annual Financial Report For The Fiscal Year Ended June 30, 2013



City of Antioch, California

Comprehensive Annual Financial Report

For the Fiscal Year Ended June 30, 2013

CITY OF ANTIOCH, CALIFORNIA

**Comprehensive Annual Financial Report
For the Fiscal Year Ended
June 30, 2013**

**Prepared By
Department of Finance**

City of Antioch Comprehensive Annual Financial Report

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**City of Antioch
Comprehensive Annual Financial Report**

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Office of the City Manager
P.O. Box 5007, Antioch, CA 94531-5007

Phone 925.779-7011
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December 10, 2013

To the Honorable Mayor, Members of the City Council, and Citizens of the City of Antioch:

State law requires that every general-purpose local government publish within six months of the close of each fiscal year a complete set of audited financial statements. This report is published to fulfill that requirement for the fiscal year ended June 30, 2013.

Management assumes full responsibility for the completeness and reliability of the information contained in this report, based upon a comprehensive framework of internal control that it has established for this purpose. Because the cost of internal control should not exceed anticipated benefits, the objective is to provide reasonable, rather than absolute, assurance that the financial statements are free of any material misstatements.

Badawi & Associates, Certified Public Accountants, have issued an unqualified ("clean") opinion on the City of Antioch's financial statements for the year ended June 30, 2013. The independent auditor's report is presented as the first component of the financial section of this report.

Management's discussion and analysis (MD&A) immediately follows the independent auditor's report and provides a narrative introduction, overview, and analysis of the basic financial statements. MD&A complements this letter of transmittal and should be read in conjunction with it.

Profile of the Government

The City of Antioch, incorporated in 1872, is located in the western part of the state and is the third largest city in Contra Costa County. California State Highway 4, connecting San Francisco-Oakland with Stockton and Central Valley points, bisects the City. Connecting with this freeway east of Antioch is State Highway 160, which runs north to Sacramento across the Nejedly Bridge and offers access to Solano County and the Sacramento area. The City of Antioch currently occupies a land area of approximately 29 square miles and serves a population of about 105,117 residents. The City of Antioch receives property taxes levied on real and personal properties located within its boundaries. It also is empowered by state statute to extend its corporate limits by annexation, which it has done from time-to-time.

The City of Antioch has operated under the Council-Manager form of government since 1872. Policy-making and legislative authority are vested in a City Council consisting of the Mayor and four other Council members. The four Council members are elected to four-year overlapping terms. The Mayor, who sits on the Council, is elected directly by the people and serves a term of four years. The City Clerk and City Treasurer are also elected for terms of four years. The City Council is responsible for, among other duties, passing ordinances, adopting the budget, appointing committees, and hiring both the City Manager and City Attorney. Antioch's City Manager is responsible for carrying out the policies and ordinances of the City Council and all management functions of the City, including the budget, delivery of services, hiring of all Department Directors and implementation of capital projects.

The City of Antioch provides a wide range of municipal services, including police protection; recreational activities; community and economic development; street improvements and maintenance services; parks maintenance; water; sewer; general administrative and support services. The City does not provide fire services.

The annual budget serves as the foundation for the City of Antioch's financial planning and control. All departments of the City of Antioch are required to submit requests for appropriations to the City Manager by April 1. The City Manager uses these requests as the starting point for developing a proposed budget. The City Manager then presents the proposed budget to the City Council for review prior to June 30. The City Council is required to hold public hearings on the proposed budget and to adopt a final budget by no later than June 30, the close of the City of Antioch's fiscal year. At mid-period of the budget cycle, the City Council reviews the budget and makes adjustments as needed to the appropriations.

The appropriated budget is prepared by fund, function (e.g., public safety), and department (e.g., police). Department managers may make transfers of appropriations within a department. The level of budgetary control, that is, the level at which expenditures cannot legally exceed the appropriated amount, is established at the individual fund level. Expenditures above the appropriated amount require special approval of the City Council.

Local economy: Overall, the local economy remains relatively sluggish after multiple years of rapid growth and expansion in the retail and employment sectors. Vacancies in many of the strip malls and the City's downtown business core persist. A positive sign, however, is the absorption of a large amount of vacant space in both of the City's former Mervyn's sites, by Fallas Discount Store in the Somersville Towne Center and by Hobby Lobby in the Orchards at Slatten Ranch. Also at the Orchards at Slatten Ranch, sporting goods department store Sports Authority relocated from its Brentwood location across Lone Tree Way to assume a larger space that was being vacated by Sport Chalet, which is projected to result in a slight sales tax revenue increase for the City due to the consolidation of the sporting goods market along the Lone Tree corridor.

Continuing through 2015, more than \$1 billion from various sources will continue to be spent on the current Highway 4 widening while the approved eBART project at the Hillcrest Station area in Antioch is expected to be completed and operational by 2017. The Water Emergency Transportation Authority has committed funding to further study the feasibility of a Ferry Terminal station location in Downtown Antioch in a project envisioned to connect commuters to San Francisco, with a potential stop in Martinez and/or Hercules.

The Contra Costa County region, which includes the City of Antioch, has a civilian unemployment rate of 7.3 percent while the City's current unemployment rate is 8.2 percent. Antioch's population grew about 5.9 percent between 2003 and 2013 while the overall Contra Costa County growth rate during this corresponding time period was just shy of 8 percent.

Current period financial information: The City continues to be challenged by the economic uncertainties felt nationwide and throughout the world. As of June 2013 the City of Antioch had experienced multiple years of declines in property tax revenue, though a small increase in property tax revenue is projected for the upcoming fiscal year. Nevertheless, the City continues to face the task of bringing significantly reduced revenues in line with General Fund Budget expenditures to address the budgetary difficulties brought on by the struggling economy. Some of the ways in which the City has addressed this issue include: utilization of one-time revenues; successful pursuit of grant monies; concessions from employee bargaining units; workforce reductions; furloughs; mandatory reductions in departmental supplies, services and training budgets; and use of reserve funds. The City's steadfast goal is to reduce expenditures and align those costs with the existing revenue stream, which will allow the City to provide a basic level of services and continue to maintain General Fund reserves that comply with City Council policy.

Long-term financial planning: Job development and expansion of the City's retail sales tax base are important factors for Antioch's economic health. With a relatively flat increase in property taxes and a moderate increase in sales taxes projected for the upcoming fiscal year, the City has continued its efforts to attract companies with high-paying jobs. Employment within the City is estimated to consist of approximately 21,850 jobs.

The City Council recognizes the importance of maintaining a serviceable network of local and regional roads. Like most cities in the state, Antioch is dependent on a combination of local, state and federal revenue to support that work. An analysis of the current condition of all roads in Antioch, along with a recommendation regarding the level at which the roads can be maintained in the long term, is an annual

undertaking that maintains our eligibility for continued federal road-repair funding; in addition to federal funding, other funding sources are continually being reviewed and pursued when appropriate.

In addition to the City's roads, water processing and distribution facilities, sidewalks, parks, medians, trails, open space, sanitary sewers, storm water sewers, street lights, traffic signals, fiber optic cabling, marina, the Prewett Water Park and other public buildings provide the framework and infrastructure that contribute to Antioch's quality of life. The better-maintained and adequately sized they are, the greater the opportunity for commerce, health, recreation and mobility within the community. Budgets include contributions toward the maintenance of these facilities and staff continues to look for new opportunities for funding of maintenance and replacement of infrastructure.

The most fundamental expectation of any community is public safety for its people and their property. An adequately-staffed, well-trained and -equipped police department is one of the keys to meeting that expectation. Historically, the Police Department has accounted for the most significant expenditure of General Fund revenues.

Strategies for increasing revenues and reducing expenditures in the General Fund are under continuous development and review. The City will aggressively focus on these strategies in the upcoming fiscal year as the state and nation continue to face turbulent financial times that ultimately trickles down to all local public agencies.

Awards and Acknowledgements

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Antioch for its comprehensive annual financial report (CAFR) for the fiscal year ended June 30, 2012; this was the twenty-third consecutive year that our government has received this prestigious award. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized CAFR report. This report must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe that our current CAFR continues to meet the Certificate of Achievement Program's requirements and we are submitting it to the GFOA to determine its eligibility for another certificate.

The preparation of this report would not have been possible without the efficient and dedicated services of the entire staff of the finance department, particularly Dawn Merchant and Jo Castro. I would like to express our appreciation to all members of the department who assisted and contributed to the preparation of this report. Credit also must be given to the Mayor and the City Council for their unfailing support for maintaining the highest standards of professionalism in the financial management of the City of Antioch.

Respectfully submitted,



James M. Jakel
City Manager



Dawn Merchant
Finance Director

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**CITY OF ANTIOCH
COMPREHENSIVE ANNUAL FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

**ELECTED OFFICIALS AND
ADMINISTRATIVE PERSONNEL**

JUNE 30, 2013

ELECTED OFFICIALS

**Wade Harper, Mayor
Mary Helen Rocha, Mayor Pro-Tem
Gary Agopian, Council Member
Monica E. Wilson, Council Member
Tony G. Tiscareno, Council Member
Donna Conley, City Treasurer
Arne Simonsen, City Clerk**

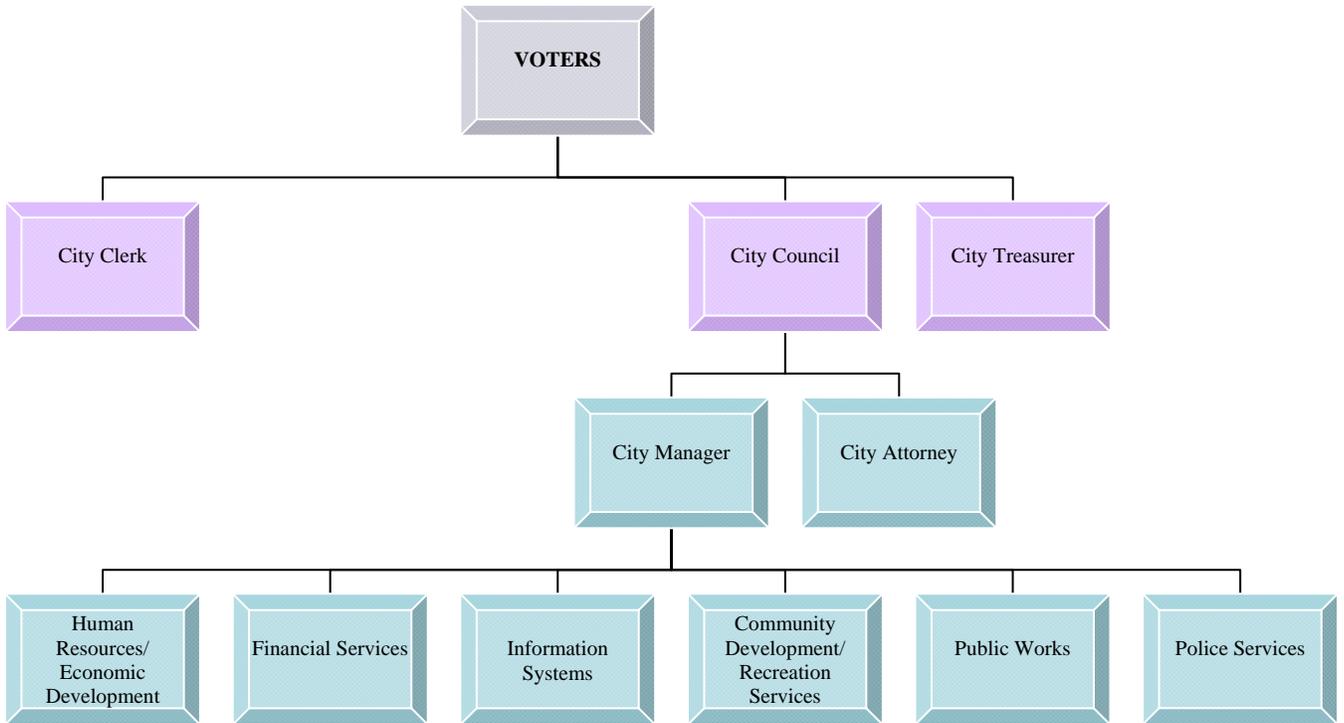
ADMINISTRATIVE PERSONNEL

City Manager
City Attorney
Public Works Director
Chief of Police
Community Development Director
Finance Director
Human Resources Director
Information Services Director

James M. Jakel
Lynn Tracy Nerland
Ron Bernal
Allan Cantando
Tina Wehrmeister
Dawn Merchant
Michelle Fitzer
Alan Barton

City of Antioch
Third & "H" Streets, P.O. Box 5007
Antioch, California 94531-5007
www.ci.antioch.ca.us

City of Antioch-Organization of City Government





Location Map



Area Map



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
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Reporting**

Presented to

**City of Antioch
California**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2012

Executive Director/CEO



INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and Members of the City Council
of the City of Antioch
Antioch, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Antioch, California (City) as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of June 30, 2013, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information for major governmental funds, and funded status of pension and other post-employment benefit plans on pages 4-12, pages 78-84 and 85 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The introductory section, combining and individual nonmajor fund financial statements, budget comparison information for non-major governmental funds and statistical section, are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual nonmajor fund financial statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual nonmajor fund financial statements are fairly stated in all material respects in relation to the basic financial statements as a whole.

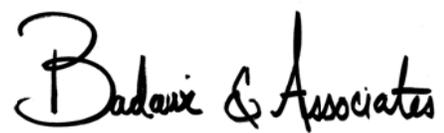
The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

To the Honorable Mayor and Members of the City Council
of the City of Antioch

Page 3

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 10, 2013, on our consideration of City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering City's internal control over financial reporting and compliance.

A handwritten signature in black ink that reads "Badawi & Associates". The signature is written in a cursive, flowing style.

Badawi and Associates
Certified Public Accountants
Oakland, California
December 10, 2013

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CITY OF ANTIOCH
Management's Discussion and Analysis
For the Fiscal Year Ended June 30, 2013

As management of the City of Antioch, we offer readers of the City of Antioch's financial statements this narrative overview and analysis of the financial activities of the City of Antioch for the fiscal year ended June 30, 2013. We encourage readers to consider the information presented here in conjunction with additional information that we have furnished in our letter of transmittal, which can be found on pages i-iii of this report.

Financial Highlights

- The assets of the City of Antioch exceeded its liabilities at the close of the most recent fiscal year by \$572,509,708 (net position). Of this amount, \$54,673,336 (unrestricted) may be used to meet the government's ongoing obligations to citizens and creditors.
- The government's total net position decreased by \$856,489. This was due mainly to the net effect of a reduction in governmental net position for the transfer of capital assets to the Successor Agency Private Purpose Trust Fund, and an increase in Water Fund charges for services.
- As of the close of the current fiscal year, the City of Antioch's governmental funds reported ending fund balances of \$39,886,665, a decrease of \$1,942,415 in comparison with the prior year.
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$9,139,965, or 24.73% of total General Fund expenditures, and 25.13% of total General Fund revenues.
- The City of Antioch's total long-term obligations for governmental activities decreased by \$581,879 and total long-term obligations for business-type activities decreased by \$1,058,359

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the City of Antioch's basic financial statements. The City of Antioch's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements. The government-wide financial statements are designed to provide readers with a broad overview of the City of Antioch's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all of the City of Antioch's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the City of Antioch is improving or deteriorating.

The statement of activities presents information showing how the government's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

Both of the government-wide financial statements distinguish functions of the City of Antioch that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City of Antioch include general government, public works, public safety, parks and recreation and community development. The business-type activities of the City of Antioch include water and sewer utilities; a marina and a water park facility.

The government-wide financial statements include not only the City of Antioch itself (known as the primary government), but also a legally separate public financing authority. Financial information for these component units is blended with the financial information presented for the primary government itself. The government-wide financial statements can be found on pages 17-19 of this report.

CITY OF ANTIOCH
Management's Discussion and Analysis, Continued
For the Fiscal Year Ended June 30, 2013

Fund financial statements. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City of Antioch, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City of Antioch can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental funds. Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental funds financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental funds balance sheet and the governmental funds statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

The City of Antioch maintains fifty-five individual funds. Information is presented separately in the governmental funds balance sheet and in the governmental funds statement of revenues, expenditures, and changes in fund balances for the general fund, and three special revenue funds (Housing and Community Development, Gas Tax and Housing Successor Fund) all of which are considered to be major funds. Data from the other governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these non-major governmental funds is provided in the form of combining statements elsewhere in this report.

The governmental fund financial statements can be found on pages **21-30** of this report.

The City of Antioch adopts an annual appropriated budget for all its funds. A budgetary comparison schedule has been provided for the general fund and major special revenue funds to demonstrate compliance with this budget.

Proprietary funds. The City of Antioch maintains two different types of proprietary funds. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City of Antioch uses enterprise funds to account for its Water, Sewer, Marina and Prewett Water Park funds. Internal service funds are an accounting device used to accumulate and allocate costs internally among the City of Antioch's various functions. The City of Antioch uses internal service funds to account for its vehicle repair and replacement, office equipment replacement, post employment medical benefits and loss control functions. Because all of these services predominantly benefit governmental rather than business-type functions, they have been included within governmental activities in the government-wide financial statements.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for the Water, Sewer, Marina and Prewett Water Park funds. The Water, Sewer, Marina and Prewett Water Park funds are considered to be major funds of the City of Antioch. All internal service funds are combined into a single, aggregated presentation in the proprietary fund financial statements. Individual fund data for the internal service funds is provided in the form of combining statements elsewhere in this report.

The proprietary fund financial statements can be found on pages **31-34** of this report.

Fiduciary funds. Fiduciary funds are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are not reflected in the government-wide financial statements because the resources of those funds are not available to support the City of Antioch's own programs. The accounting used for fiduciary funds is much like that used for proprietary funds.

The fiduciary fund financial statements can be found on page **36-37** of this report.

CITY OF ANTIOCH
Management's Discussion and Analysis, Continued
For the Fiscal Year Ended June 30, 2013

Notes to the basic financial statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages **39-75** of this report.

Government-wide Financial Analysis

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the City of Antioch, assets exceeded liabilities by \$572,509,708 at the close of the most recent fiscal year.

By far the largest portion of the City of Antioch's net position (83%) reflects its investment in capital assets (e.g., infrastructure (including water and sewer pipes), land, structures and improvements and equipment), less any related debt used to acquire those assets that are still outstanding. The City of Antioch uses these capital assets to provide services to citizens; consequently, these assets are *not* available for future spending. Although the City of Antioch's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources since the capital assets themselves cannot be used to liquidate these liabilities.

	Governmental Activities		Business-type Activities		TOTAL	
	2013	2012	2013	2012	2013	2012
Current and other assets	\$ 74,667,588	\$ 76,154,944	\$ 46,855,112	\$ 42,943,324	\$ 121,522,700	\$ 119,098,268
Capital assets	333,344,639	334,177,789	151,949,207	153,919,289	485,293,846	488,097,078
Total assets	408,012,227	410,332,733	198,804,319	196,862,613	606,816,546	607,195,346
Current and other liabilities	12,037,518	9,207,692	2,306,748	3,018,647	14,344,266	12,226,339
Long-term obligations	11,053,242	11,635,121	8,909,330	9,967,689	19,962,572	21,602,810
Total liabilities	23,090,760	20,842,813	11,216,078	12,986,336	34,306,838	33,829,149
Net position:						
Net investment in						
capital assets	325,150,806	325,596,498	148,026,819	149,127,290	473,177,625	474,723,788
Restricted	43,227,193	42,789,769	1,431,554	1,554,285	44,658,747	44,344,054
Unrestricted	16,543,468	21,103,653	38,129,868	33,194,702	54,673,336	54,298,355
Total net position	\$ 384,921,467	\$ 389,489,920	\$ 187,588,241	\$ 183,876,277	\$ 572,509,708	\$ 573,366,197

An additional portion of the City of Antioch's net position (7.8%) represents resources that are subject to external restrictions on how they may be used. The remaining balance of *unrestricted net position* (\$54,673,336) may be used to meet the government's ongoing obligations to citizens and creditors.

The government's total net position decreased by \$856,489. Of this, \$4,568,453 represents a decrease in governmental activities due mainly to the transfer of capital assets to the Successor Agency Private Purpose Trust Fund. Assets previously conveyed to the City by the former redevelopment agency prior to the abolishment of redevelopment were ordered to be returned to the Successor Agency by the State of California Department of Finance causing a decrease in net position. A major factor to the increase in business type activities of \$3,711,964 net position was an increase in water service charges. At the end of the current fiscal year, the City of Antioch is able to report positive balances in all three categories of net position, both for the government as a whole, as well as for its business-type activities.

Current and other assets increased by \$2,424,432 primarily due to increases in accounts receivable balances.

Current and other liabilities increased by \$2,117,927 due mainly to increased accounts payable and net OPEB obligations.

Long-term obligations decreased \$1,640,238 due to scheduled debt service payments.

Governmental and Business-Type Activities. Governmental activities decreased the City of Antioch's net position by \$856,489. There was an increase of \$3,711,964 in net position reported in connection with the City of Antioch's business-type activities.

CITY OF ANTIOCH
Management's Discussion and Analysis, Continued
For the Fiscal Year Ended June 30, 2013

CHANGE IN NET POSITION

	Governmental Activities		Business-type Activities		TOTAL	
	2013	2012	2013	2012	2013	2012
Revenue:						
Program revenues:						
Charges for services	\$ 8,564,855	\$ 7,876,259	\$ 31,151,718	\$ 29,440,175	\$ 39,716,573	\$ 37,316,434
Operating grants and contributions	8,741,647	9,801,496	-	-	8,741,647	9,801,496
Capital grants and contributions	2,307,744	1,895,647	1,745,028	1,331,886	4,052,772	3,227,533
General revenues:						
Property tax	6,751,834	10,638,137	-	-	6,751,834	10,638,137
Sales tax	11,074,164	10,475,632	-	-	11,074,164	10,475,632
Motor vehicle in lieu	4,976,783	5,024,855	-	-	4,976,783	5,024,855
Contribution from Successor Agency Trust	-	638,023	-	-	-	638,023
Other	10,016,885	8,952,617	1,135,878	1,405,962	11,152,763	10,358,579
Total revenues	<u>52,433,912</u>	<u>55,302,666</u>	<u>34,032,624</u>	<u>32,178,023</u>	<u>86,466,536</u>	<u>87,480,689</u>
Expenses:						
General government	5,937,077	6,735,782	-	-	5,937,077	6,735,782
Public works	17,438,226	13,670,642	-	-	17,438,226	13,670,642
Public safety	27,302,666	25,637,518	-	-	27,302,666	25,637,518
Parks and recreation	3,964,152	4,133,612	-	-	3,964,152	4,133,612
Community development	2,121,493	3,203,590	-	-	2,121,493	3,203,590
Interest on long-term debt	421,562	1,864,886	-	-	421,562	1,864,886
Water	-	-	23,123,137	25,244,162	23,123,137	25,244,162
Sewer	-	-	4,007,260	3,112,128	4,007,260	3,112,128
Marina	-	-	1,129,213	1,049,990	1,129,213	1,049,990
Prewett Water Park	-	-	1,878,239	1,762,448	1,878,239	1,762,448
Total expenses	<u>57,185,176</u>	<u>55,246,030</u>	<u>30,137,849</u>	<u>31,168,728</u>	<u>87,323,025</u>	<u>86,414,758</u>
Increase in net position-before transfer	(4,751,264)	56,636	3,894,775	1,009,295	(856,489)	1,065,931
Extraordinary items						
Redevelopment Dissolution	-	7,718,921	-	-	-	7,718,921
Transfers	182,811	473,306	(182,811)	(473,306)	-	-
Increase in net position	<u>(4,568,453)</u>	<u>8,248,863</u>	<u>3,711,964</u>	<u>535,989</u>	<u>(856,489)</u>	<u>8,784,852</u>
Net position - July 1, as restated	389,489,920	358,384,672	183,876,277	183,340,288	573,366,197	541,724,960
Net position - June 30	<u>\$ 384,921,467</u>	<u>\$ 366,633,535</u>	<u>\$ 187,588,241</u>	<u>\$ 183,876,277</u>	<u>\$ 572,509,708</u>	<u>\$ 550,509,812</u>

Governmental activities. General Fund property tax revenues decreased due to abolishment of the redevelopment agency in 2012 with the passage of AB 1X 26 by the California state legislature. Tax increment revenues generated by the former Antioch Development Agency are now placed in the Successor Agency Private Purpose Trust Fund to pay enforceable obligation of the former redevelopment agency.

Capital grants and contributions increased due to more reimbursement received than prior year from the East Bay Regional Park District for Measure WW Grant projects.

Beginning net position of governmental activities has been restated from \$366,633,535 to \$389,489,920 due to two factors:

- The implementation of GASB 60, *Accounting and Financial Reporting for Service Concession Arrangements*. Net position was restated in the amount of \$604,303 as a result of removing accumulated depreciation on assets associated with this arrangement.
- The transfer of deferred bond charges and associated long term obligation for the Antioch Public Financing Authority (Authority) 2002 Lease Revenue Bonds to the Successor Agency Private Purpose Trust Fund. Although issued by the Authority, a blended component unit of the City, the State of California Department of Finance has recognized the bonds as an enforceable obligation of the former redevelopment agency, therefore the liability has been moved as of the prior period to correspond with the abolishment of redevelopment.

Business-type activities. Business-type activities increased the City of Antioch's net position by \$3,711,964 accounting for growth in the government's net assets. The increase was mainly attributable to increase in charges for services and capital grants and contributions.

CITY OF ANTIOCH
Management's Discussion and Analysis, Continued
For the Fiscal Year Ended June 30, 2013

Financial Analysis of the Government's Funds

As noted earlier, the City of Antioch uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. The focus of the City of Antioch's *governmental funds* is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the City of Antioch's financing requirements. In particular, *unassigned fund balance* may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the City of Antioch's governmental funds reported combined ending fund balances of \$39,886,665, a decrease of \$1,942,415 in comparison with the prior year. About 22.9% of this total amount, \$9,139,965, constitutes *unassigned fund balance*, which is available for spending at the government's discretion. The remainder of fund balance is segregated into the following components: 1) *nonspendable* to indicate that it is not available for new spending because of its form (\$454,768) 2) *restricted* to indicate restrictions on use imposed by external parties, including enabling legislation (\$22,446,551) 3) *committed* to indicate restrictions on use as approved by the City Council (\$4,048,113), or 4) *assigned* for a variety of other purposes (\$3,797,308).

The following table presents the amount of revenues from various sources as well as increases or decreases from the prior year.

Revenues Classified by Source
Governmental Funds

Revenue by Source	FY 2012/2013		FY 2011/2012		Increase (Decrease)	
	Amount	Percent of Total	Amount	Percent of Total	Amount	Percent Change
Taxes	\$ 30,791,904	54.8%	\$ 34,424,230	58.0%	\$ (3,632,326)	(10.6)%
Licenses and permits	1,654,916	2.9%	1,096,177	1.8%	558,739	51.0 %
Fines and penalties	142,322	0.3%	153,610	0.3%	(11,288)	(7.3)%
Investment income and rentals	1,436,829	2.6%	1,065,320	1.8%	371,509	34.9 %
Revenue from other agencies	9,951,615	17.7%	8,469,597	14.3%	1,482,018	17.5 %
Current service charges	8,112,273	14.4%	8,322,639	14.0%	(210,366)	(2.5)%
Special assessment revenue	2,850,356	5.1%	2,879,111	4.8%	(28,755)	(1.0)%
Contribution from Successor Agency Trust	-	0.0%	638,023	1.1%	(638,023)	(100.0)%
Other	1,237,889	2.2%	2,315,017	3.9%	(1,077,128)	(46.5)%
Total	\$ 56,178,104	100.0%	\$ 59,363,724	100.0%	\$ (3,185,620)	-5.4%

The following provides an explanation of revenues by source that changed significantly over the prior year.

- Taxes decreased significantly due to the abolishment of the Antioch Development Agency. Former tax increment funds are now placed in the Successor Agency Trust Private Purpose Trust Fund to pay enforceable obligations of the former redevelopment agency.
- Licenses and permits increased significantly due to increased building permit revenue over prior year.
- Contribution from Successor Agency Trust decreased significantly due to the transfer of the liability for the 2002 Lease Revenue Bonds issued by the Antioch Public Financing Authority to the Successor Agency Private Purpose Trust Fund. Debt service is pledged by the former Antioch Development Agency and thus far the state has allowed this as an enforceable obligation of the former redevelopment agency to be paid from Redevelopment Property Tax Trust Fund monies, therefore the liability has been transferred in the prior fiscal year.
- Other revenues decreased significantly over the prior year due to some one time monies received in the prior year.

CITY OF ANTIOCH
Management's Discussion and Analysis, Continued
For the Fiscal Year Ended June 30, 2013

The following table presents the amount of expenditures by function as well as increases or decreases from the prior year.

Expenditures by Function
Governmental Funds

Expenditures by Function	FY 2012/13		FY 2011/12		Increase (Decrease)	
	Amount	Percent of Total	Amount	Percent of Total	Amount	Percent Change
Current						
General government	\$ 5,331,459	9.2%	\$ 5,701,499	10.4%	\$ (370,040)	(6.49%)
Public works	7,702,466	13.3%	6,651,410	12.1%	1,051,056	15.8%
Public safety	26,959,096	46.4%	26,065,314	47.6%	893,782	3.4%
Parks and recreation	3,209,206	5.5%	3,640,806	6.6%	(431,600)	(11.85%)
Community development	3,193,961	5.5%	3,967,829	7.2%	(773,868)	(19.50%)
Capital outlay	10,753,397	18.5%	4,614,331	8.4%	6,139,066	133.0%
Debt service	929,256	1.6%	4,132,504	7.5%	(3,203,248)	(77.51%)
Total	<u>\$ 58,078,841</u>	<u>100.0%</u>	<u>\$ 54,773,693</u>	<u>100.0%</u>	<u>\$ 3,305,148</u>	<u>6.0%</u>

The following provides an explanation of the expenditures by function that changed significantly over the prior year.

- General government expenditures decreased primarily due to the reclassification of functions related to the City's water system to the Water Fund. The cost were previously allocated through a cost allocation plan but are now allocated directly.
- Public works expenditures increased mainly due to an increase in contractual services for street maintenance.
- Parks and recreation expenditures decreased mainly due to cancellation of the after school recreation program.
- Community development expenditures decreased mainly due to decreased housing and community development projects.
- Capital outlay expenditures increased due to several large construction projects and/or reimbursements: developer reimbursement for the Nelson Ranch park project, Markley Creek Culvert Crossing project, and the Turf Fields project.
- Debt service expenditures decreased significantly due to the abolishment of redevelopment during 2012. Former redevelopment agency debt has been placed in the Successor Agency Trust Private Purpose Trust Fund, therefore the debt service payments associated with the former redevelopment agency debt no longer appear in the governmental fund financial statements.

The General Fund is the chief operating fund of the City of Antioch. At the end of the current fiscal year, unassigned fund balance of the General Fund was \$9,139,965, while total fund balance was \$10,109,884. As a measure of the General Fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 23.4% of total General Fund expenditures, while total fund balance represents 25.93%.

The fund balance of the City of Antioch's General Fund increased by \$1,620,783 during the current fiscal year due to higher taxes and charges for services than prior year and expenditure savings for the current fiscal year. Expenditures savings were mainly realized in Public Works for street maintenance projects that were unable to be completed by year end and have been re-appropriated into fiscal year 2014.

The fund balance of the Housing and Community Development Fund increased by \$112,483 in the current year due to loan repayments received which must be held and used to fund future loans.

CITY OF ANTIOCH
Management's Discussion and Analysis, Continued
For the Fiscal Year Ended June 30, 2013

The fund balance of the Housing Successor Fund decreased by \$163,047 during the current fiscal year. This is due to a full year of activity being reported for this fund versus prior year. This fund was established February 1, 2012 in the prior fiscal year with the abolishment of redevelopment. The Housing Successor Fund took over the activities of the former Low and Moderate Income Housing Redevelopment Agency Fund as of that date.

The fund balance of the Gas Tax Fund decreased by \$359,911 during the current fiscal year. This decrease is primarily attributable to a decrease in Highway Users Tax allocations received and an increase in capital outlay expenditures.

Proprietary funds. The City of Antioch's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail.

Unrestricted net position of the Water Fund at the end of the year amounted to \$23,798,636 and those of the Sewer Fund amounted to \$15,305,909. Unrestricted net position of the Marina Fund at the end of the year amounted to \$1,017,562 and unrestricted net position of the Prewett Water Park Fund amounted to \$318.

- Water Fund total net position increased \$3,157,552 during the current fiscal year, which is mainly due to increased charges for services and decreased expenditures for tools and supplies over the prior year.
- Sewer Fund total net position increased \$805,359 during the current fiscal year, which is mainly due to the increased charges for services and capital contributions from connection fees.
- Marina Fund total net position increased \$569,517 during the current fiscal year, which is mainly due to grant reimbursement received for the Marina Launch Ramp project.

Other factors concerning the finances of these four funds have already been addressed in the discussion of the City of Antioch's business-type activities.

General Fund Budgetary Highlights

Differences between the final amended budget and the actual results resulted in \$321,284 higher revenues than projected and \$627,359 variance from appropriations and can be briefly summarized as follows:

- \$187,788 more in tax revenue than projected due mainly to higher than anticipated sales tax, cable franchise fees, and business license tax as well other property taxes.
- \$165,375 more in licenses and permits due to higher building permit and street and curb permit revenue than projected.
- \$419,911 savings in Public Works expenditures mainly attributable to uncompleted parks, facilities and paving projects at year end. \$229,549 has been re-appropriated into fiscal year 2014 to complete the projects.

Capital Asset and Debt Administration

Capital assets. The City of Antioch's investment in capital assets for its governmental and business-type activities as of June 30, 2013, amounts to \$485,293,846 (net of accumulated depreciation). This investment in capital assets includes land, infrastructure (including water and sewer pipes), structures and improvements, and equipment. The total net decrease in the City of Antioch's investment in capital assets for the current fiscal year was \$2,198,929.

Major capital asset events during the current fiscal year included the following:

- A variety of street and other construction projects such as the expansion of Wilbur Avenue Bridge; construction of turf fields at a community park; water park renovations; installation of security cameras to various parks; and a developer reimbursement for construction of Nelson Ranch Park. These made

CITY OF ANTIOCH
Management's Discussion and Analysis, Continued
For the Fiscal Year Ended June 30, 2013

construction in progress for governmental activities as of the end of the current fiscal year reach \$11,800,587.

- Various building and system additions and improvements were completed in the Water, Sewer, Marina and Prewett Water Park funds at a cost of \$7,097,664. Work continued on water and sewer system improvement projects causing construction in progress for business type activities to be \$354,266 as of the end of the current fiscal year.
- Removal of \$604,303 in accumulated depreciation associated with golf course capital assets. The City implemented GASB 60, *Accounting and Financial Reporting for Service Concession Arrangements*. In accordance with this statement, the assets of the golf course should not be depreciated until the agreement terminates.

For government-wide financial statement presentation, all depreciable capital assets were depreciated from acquisition date to the end of the current fiscal year. Fund financial statements record capital asset purchases as expenditures.

Capital assets for the governmental and business-type activities are presented below to illustrate changes from the prior year.

	Governmental Activities		Business-type Activities		Total		Increase/ Decrease
	2013	2012	2013	2012	2013	2012	
Land	\$ 11,269,646	\$ 13,575,982	\$ 3,558,467	\$ 3,558,467	\$ 14,828,113	\$ 17,134,449	\$ (2,306,336)
Construction in Progress	11,800,587	3,111,274	354,266	4,874,233	12,154,853	7,985,507	4,169,346
Infrastructure Structures and Improvements	250,207,407	256,418,540	98,537,512	99,865,346	348,744,919	356,283,886	(7,538,967)
Equipment	55,880,252	56,881,667	48,613,479	45,029,238	104,493,731	101,910,905	2,582,826
Total	4,186,747	3,586,023	885,483	592,005	5,072,230	4,178,028	894,202
	<u>\$ 333,344,639</u>	<u>\$ 333,573,486</u>	<u>\$ 151,949,207</u>	<u>\$ 153,919,289</u>	<u>\$ 485,293,846</u>	<u>\$ 487,492,775</u>	<u>\$ (2,198,929)</u>

Construction Commitments. Among the significant construction commitments were \$935,000 towards Wilbur Avenue Bridge, \$740,000 towards the Nelson Ranch project, \$321,000 towards Lone Tree Way Intersection Improvements, and approximately \$191,000 towards Markley Creek Culvert Crossing.

Additional information on the City of Antioch's capital assets can be found in **Note 7 on page 53**.

Long-term debt. At the end of the current fiscal year, the City of Antioch had total debt outstanding of \$12,194,295. Of this amount, \$5,850,000 represents bonds secured solely by specified revenue sources (i.e., revenue bonds), \$3,152,387 represents loans payable and \$3,191,908 represents leases payable.

The City of Antioch's total long-term obligations for governmental activities decreased by \$581,879, and total long-term obligations for business-type activities decreased by \$1,058,360 during the current fiscal year.

State statutes limit the amount of general obligation debt a governmental entity may issue to 15% of its total assessed valuation. The current debt limitation for the City of Antioch is \$1,095,932,003. The City of Antioch has no outstanding general obligation debt.

Additional information on the City of Antioch's long-term debt can be found in **Note 8 on pages 55-58** of this report.

Economic Factors and Next Year's Budget

- The unemployment rate for the City of Antioch is currently 8.3%. This is higher than the state's average unemployment rate of 8.5% and the national average rate of 7.6%

CITY OF ANTIOCH
Management's Discussion and Analysis, Continued
For the Fiscal Year Ended June 30, 2013

- The City has been slow to recover from the recession. Although in the next year we are finally beginning to see growth in our property taxes and sales taxes have almost reached pre-recession levels, the City is still almost \$11,000,000 short of pre-recession revenue levels. We have implemented a number of cost saving measures since 2008 and continue to limit budget spending to provide the most needed services to the community while maintaining adequate reserves in the General Fund.
- Assessed values in the City have increased approximately 7.34% for the 2013-14 tax year.

All of these factors were considered in preparing the City of Antioch's budget for the 2013-2014 fiscal year.

During the current fiscal year, General Fund fund balance increased by \$1,620,783. The City of Antioch has appropriated \$276,667 of General Fund assigned fund balance for spending in the 2013-2014 fiscal year budget.

Requests for Information

This financial report is designed to provide a general overview of the City of Antioch's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report, financial statements for the Antioch Public Financing Authority, or requests for additional financial information should be addressed to the Office of the Finance Director, City of Antioch, P. O. Box 5007, Antioch, CA 94531-5007.

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BASIC FINANCIAL STATEMENTS

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GOVERNMENT-WIDE FINANCIAL STATEMENTS

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City of Antioch
Statement of Net Position
June 30, 2013

	Primary Government		
	Governmental	Business-Type	Total
	Activities	Activities	
ASSETS			
Cash and investments	\$ 34,758,770	\$ 42,227,293	\$ 76,986,063
Receivables (net):			
Accounts	8,457,519	4,870,070	13,327,589
Taxes	2,603,636	-	2,603,636
Interest	164,641	6	164,647
Materials, parts and supplies	159,710	297,495	457,205
Internal balances	1,992,557	(1,992,557)	-
Prepaid items	558,819	21,251	580,070
Restricted cash and investments, held by fiscal agents	433,573	1,431,554	1,865,127
Loans receivable, net	20,410,314	-	20,410,314
Due from Successor Agency Trust	3,537,849	-	3,537,849
Deferred bond issuance costs	141,574	-	141,574
Net OPEB asset	1,448,626	-	1,448,626
Capital assets:			
Nondepreciable	23,070,234	3,912,733	26,982,967
Depreciable, net	310,274,405	148,036,474	458,310,879
Total assets	408,012,227	198,804,319	606,816,546
LIABILITIES			
Accounts payable	4,708,817	1,724,329	6,433,146
Accrued payroll	999,176	271,133	1,270,309
Interest payable	126,448	143,992	270,440
Deposits	2,909,754	140,875	3,050,629
Unearned revenue	66,211	26,419	92,630
Long-term obligations:			
Due within one year	1,355,734	1,221,289	2,577,023
Due beyond one year	9,697,508	7,688,041	17,385,549
Net pension obligation	502,644	-	502,644
Net OPEB obligation	2,724,468	-	2,724,468
Total liabilities	23,090,760	11,216,078	34,306,838
NET POSITION			
Net investment in capital assets	325,150,806	148,026,819	473,177,625
Restricted for:			
Debt service	725,167	1,431,554	2,156,721
Housing	25,031,465	-	25,031,465
Public safety	240,767	-	240,767
Roads	14,915,183	-	14,915,183
Landscape maintenance and tidelands protection	1,464,254	-	1,464,254
Community services	850,357	-	850,357
Total restricted	43,227,193	1,431,554	44,658,747
Unrestricted	16,543,468	38,129,868	54,673,336
Total net position	\$ 384,921,467	\$ 187,588,241	\$ 572,509,708

See accompanying notes to the basic financial statements.

City of Antioch
Statement of Activities
For the Fiscal Year Ended June 30, 2013

Functions / Programs	Expenses	Indirect Costs	Program Revenues		
			Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions
Primary government:					
General government	\$ 5,937,077	\$ 625,869	\$ 1,016,359	\$ 136,695	\$ -
Public works	17,438,226	279,519	2,883,219	7,117,010	2,307,744
Public safety	27,302,666	10,257	1,293,047	366,379	-
Parks and recreation	3,964,152	-	700,322	70,834	-
Community development	2,121,493	-	1,756,263	1,050,729	-
Interest on long-term liabilities	421,562	-	-	-	-
Total governmental activities	57,185,176	915,645	7,649,210	8,741,647	2,307,744
Business-type activities:					
Water	22,497,268	(625,869)	25,128,575	-	1,328,016
Sewer	3,727,741	(279,519)	4,523,206	-	524,677
Marina	1,118,956	(10,257)	645,846	-	746,501
Prewett Water Park	1,878,239	-	854,091	-	-
Total business-type activities	29,222,204	(915,645)	31,151,718	-	2,599,194
Total primary government	\$ 86,407,380	\$ -	\$ 38,800,928	\$ 8,741,647	\$ 4,906,938

General Revenues:

- Taxes:
 - Property taxes
 - Transient lodging tax
 - Franchise
 - Business license taxes based on gross receipts
 - Property transfer taxes
 - Sales and use tax
- Motor vehicle in lieu
- Park in lieu
- Investment income not restricted to specific programs
- Other
- Transfers

Total general revenues and transfers

Change in net position

Net position - beginning of year, as restated

Net position - end of year

Net (Expense) Revenue
and Changes in Net Assets

Governmental Activities	Business-Type Activities	Total
\$ (4,158,154)	\$ -	\$ (4,158,154)
(4,850,734)	-	(4,850,734)
(25,632,983)	-	(25,632,983)
(3,192,996)	-	(3,192,996)
685,499	-	685,499
(421,562)	-	(421,562)
<u>(37,570,930)</u>	<u>-</u>	<u>(37,570,930)</u>
-	3,333,454	3,333,454
-	1,040,623	1,040,623
-	263,134	263,134
-	(1,024,148)	(1,024,148)
-	3,613,063	3,613,063
<u>(37,570,930)</u>	<u>3,613,063</u>	<u>(33,957,867)</u>
6,751,834	-	6,751,834
116,191	-	116,191
4,041,529	-	4,041,529
1,164,839	-	1,164,839
313,380	-	313,380
11,074,164	-	11,074,164
4,976,783	-	4,976,783
443,161	-	443,161
176,677	203,619	380,296
3,761,108	78,093	3,839,201
182,811	(182,811)	-
<u>33,002,477</u>	<u>98,901</u>	<u>33,101,378</u>
(4,568,453)	3,711,964	(856,489)
<u>389,489,920</u>	<u>183,876,277</u>	<u>573,366,197</u>
<u>\$ 384,921,467</u>	<u>\$ 187,588,241</u>	<u>\$ 572,509,708</u>

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MAJOR GOVERNMENTAL FUNDS

General Fund - The General Fund is used to account for all of the general revenues of the City not specifically levied or collected for other City funds and the related expenditures. The General Fund accounts for all financial resources of the City which are not accounted for in another fund. For the City, the General Fund includes such activities as general government, public works, public safety, parks and recreation and community development.

Housing and Community Development Fund - This fund accounts for grant funds received from the Federal government for the purpose of developing viable urban communities.

Gas Tax Fund - This fund accounts for revenues and related expenditures received from the State under the Streets and Highway Code Sections 2105, 2106, 2107, and 2107.5. The allocations must be spent for street maintenance or construction and a limited amount for engineering.

Housing Successor Fund - This fund was established to account for the administration of housing assets transferred by the former Antioch Development Agency to the City as Housing Successor.

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GOVERNMENTAL FUND FINANCIAL STATEMENTS

City of Antioch
Balance Sheet
Governmental Funds
June 30, 2013

	Special Revenue Funds			
	General Fund	Housing and Community Development	Gas Tax	Housing Successor Fund
ASSETS				
Cash and investments	\$ 9,301,053	\$ 1	\$ 6,003,244	\$ 820,922
Receivables (net):				
Accounts	464,443	335,008	3,592,672	-
Taxes	2,051,570	-	202,373	-
Interest	164,639	-	-	-
Due from other funds	2,412,437	-	-	-
Prepaid items	89,992	-	-	51,151
Restricted cash and investments	-	-	-	-
Loans receivable	1,122,165	6,326,173	-	14,693,341
Due from Successor Agency Trust	-	-	-	3,537,849
Total assets	\$ 15,606,299	\$ 6,661,182	\$ 9,798,289	\$ 19,103,263
LIABILITIES				
Accounts payable	\$ 1,246,802	\$ 83,879	\$ 1,678,253	\$ 3,637
Accrued payroll	852,908	-	6,935	-
Deposits	2,274,540	-	-	-
Due to other funds	-	36,264	-	-
Unavailable revenue	1,122,165	6,326,173	-	14,693,341
Total liabilities	5,496,415	6,446,316	1,685,188	14,696,978
FUND BALANCES				
Nonspendable	91,612	-	-	51,151
Restricted	-	214,866	8,113,101	4,355,134
Committed	601,640	-	-	-
Assigned	276,667	-	-	-
Unassigned	9,139,965	-	-	-
Total fund balances	10,109,884	214,866	8,113,101	4,406,285
Total liabilities and fund balances	\$ 15,606,299	\$ 6,661,182	\$ 9,798,289	\$ 19,103,263

See accompanying notes to the basic financial statements.

Non-major Governmental		
Funds		Total
\$ 16,678,897		\$ 32,804,117
4,052,043		8,444,166
349,693		2,603,636
2		164,641
-		2,412,437
312,005		453,148
433,573		433,573
-		22,141,679
-		3,537,849
<u>\$ 21,826,213</u>		<u>\$ 72,995,246</u>

\$ 1,620,585		\$ 4,633,156
85,501		945,344
635,214		2,909,754
2,376,173		2,412,437
66,211		22,207,890
<u>4,783,684</u>		<u>33,108,581</u>

312,005		454,768
9,763,410		22,446,511
3,446,473		4,048,113
3,520,641		3,797,308
-		9,139,965
<u>17,042,529</u>		<u>39,886,665</u>
<u>\$ 21,826,213</u>		<u>\$ 72,995,246</u>

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City of Antioch
Reconciliation of the Governmental Funds Balance Sheet to the
Government-Wide Statement of Net Assets - Governmental Activities
June 30, 2013

Fund Balances - Total Governmental Funds	\$ 39,886,665
<hr/>	
Amounts reported for governmental activities in the Statement of Net Position were different because:	
Capital assets used in governmental activities are not current financial resources. Therefore they were not reported in the Governmental Funds Balance Sheet. Capital assets, net of Internal Service Funds assets \$2,413,455.	<u>330,931,184</u>
Loans receivables are not available to pay for current-period expenditures and therefore are reported as deferred revenue in the fund financial statements, net of allowance.	<u>20,410,314</u>
Bond issuance costs are an expenditure in the governmental funds but are capitalized and amortized over the life of the bonds in the government-wide financial statements.	<u>141,574</u>
Internal service funds are used by management to charge the costs of vehicle repair and maintenance, stores, office equipment and replacement, and post employment medical benefits to individual funds. The assets and liabilities are included in governmental activities in the statement of net position.	<u>5,126,986</u>
Certain liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the governmental fund financial statements:	
Long-term debt:	
Due in one year, net of internal service funds liability of \$10,708	(1,345,026)
Due in more than one year, net of internal service funds liability of \$96,370	(9,601,138)
Net pension obligation	(502,644)
Accrued interest payable	<u>(126,448)</u>
Total long-term liabilities	<u>(11,575,256)</u>
Net Position of Governmental Activities	\$ 384,921,467

See accompanying notes to the basic financial statements.

City of Antioch
Statement of Revenues, Expenditures and Changes in Fund Balances
Governmental Funds
For the Fiscal Year Ended June 30, 2013

	General Fund	Special Revenue Funds		
		Housing and Community Development	Gas Tax	Housing Successor Fund
REVENUES:				
Taxes	\$ 26,906,812	\$ -	\$ 2,353,182	\$ -
Licenses & permits	1,654,916	-	-	-
Fines and penalties	38,400	-	-	-
Investment income and rentals	506,259	600	39,940	2,032
Revenue from other agencies	1,750,049	825,652	3,651,365	-
Current service charges	6,457,045	-	-	-
Special assessment revenue	-	-	-	-
Other	1,048,165	458	-	59,638
Total revenues	38,361,646	826,710	6,044,487	61,670
EXPENDITURES:				
Current:				
General government	5,328,117	-	-	-
Public works	5,702,997	-	532,940	-
Public safety	26,072,270	-	-	-
Parks and recreation	-	-	-	-
Community development	1,880,201	714,227	-	224,717
Capital outlay	-	-	4,325,721	-
Debt service:				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Total expenditures	38,983,585	714,227	4,858,661	224,717
REVENUES OVER (UNDER) EXPENDITURES	(621,939)	112,483	1,185,826	(163,047)
OTHER FINANCING SOURCES (USES):				
Transfers in	3,837,855	-	-	-
Transfers (out)	(1,595,133)	-	(1,545,737)	-
Total other financing sources (uses)	2,242,722	-	(1,545,737)	-
Net change in fund balances	1,620,783	112,483	(359,911)	(163,047)
FUND BALANCES:				
Beginning of year	8,489,101	102,383	8,473,012	4,569,332
End of year	\$ 10,109,884	\$ 214,866	\$ 8,113,101	\$ 4,406,285

See accompanying notes to the basic financial statements.

Non-major Governmental		
Funds	Total	
\$ 1,531,910	\$ 30,791,904	
-	1,654,916	
103,922	142,322	
887,998	1,436,829	
3,724,549	9,951,615	
1,655,228	8,112,273	
2,850,356	2,850,356	
129,628	1,237,889	
<u>10,883,591</u>	<u>56,178,104</u>	
3,342	5,331,459	
1,566,616	7,802,553	
886,826	26,959,096	
3,209,206	3,209,206	
274,729	3,093,874	
6,427,676	10,753,397	
508,592	508,592	
420,664	420,664	
<u>13,297,651</u>	<u>58,078,841</u>	
<u>(2,414,060)</u>	<u>(1,900,737)</u>	
2,517,641	6,355,496	
<u>(3,256,304)</u>	<u>(6,397,174)</u>	
<u>(738,663)</u>	<u>(41,678)</u>	
(3,152,723)	(1,942,415)	
<u>20,195,252</u>	<u>41,829,080</u>	
<u>\$ 17,042,529</u>	<u>\$ 39,886,665</u>	

City of Antioch

Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Government-Wide Statement of Activities - Governmental Activities For the Fiscal Year Ended June 30, 2013

Net Change in Fund Balances - Total Governmental Funds	\$ (1,942,415)
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Amounts reported for governmental activities in the Statement of Activities are different because:

Governmental funds report acquisition of capital assets as part of capital outlay as expenditures. However, in the Government-Wide Statement of Activities, the cost of those assets were allocated over their estimated useful lives as depreciation expense.

Capital outlay	10,753,397
Depreciation, net of internal service funds depreciation of \$498,907	(9,558,612)

In the Statement of Activities, capital assets donated by the City are reported as capital outlay, whereas in the governmental funds, capital assets donated do not decrease financial resources. Thus, the change in net assets differs from the change in fund balances by the value of the asset donated. (23,335)

In the Statement of Activities, only the gain (loss) on the sale or disposal of capital assets in reported, whereas in the governmental funds, the proceeds from the sale increase financial resources. Thus, the change in net assets differs from the change in fund balances by the net cost of the asset sold. (2,755,143)

Interest on deferred loans in the Statement of Activities do not provide current financial resources and are not reported as revenues in the funds. 372,116

Repayment of loans is reported as a revenue in governmental funds, and thus, has the effect of increasing fund balance because current financial resources have been received. For the City as a whole, however, the loan payments reduce the receivables in the Statement of Net Assets and do not result as a revenue in the Statement of Activities. The City's loan receivable was reduced because loan payments were received. (372,918)

Governmental funds report expenditures pertaining to the establishment of certain deferred revenue related to long-term loans made. These deferred credits are not reported on the Statement of Net Position and, therefore, the corresponding expense is not reported on the Statement of Activities. 353,277

Bonds issuance cost are expensed on the fund statements. However, in the government-wide statement of activities, the bonds issuance cost are allocated over the life of the bonds. This amount represent the current year amortization of the bond issuance cost. (7,866)

Repayment of debt principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the Statement of Net Position.

Lease revenue bonds	160,000
Capital lease obligations	348,592

Some expenses reported in the Statement of Activities do not require the use of current financial resources and therefore are not reported as expenditures in governmental funds. In addition, interest on long-term debt is not recognized under the modified accrual basis of accounting until due, rather than as it accrues.

Decrease in long-term claims liability	53,778
Decrease in long-term compensated absences	56,055
Amortization of debt discount	(4,337)
Increase in net pension obligation	(147,880)
Decrease in accrued interest payable	3,439

Internal service funds are used by management to charge the costs of certain activities to individual funds. The net expense of certain activities of the internal service funds is reported with governmental activities. (1,856,601)

Change in Net Position of Governmental Activities	\$ (4,568,453)
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See accompanying notes to the basic financial statements.

PROPRIETARY FUND FINANCIAL STATEMENTS

Water Fund - This fund accounts for the operation of the City's water utility, a self-supporting activity which provides services on a user charge basis to residences and businesses.

Sewer Fund - This fund accounts for the maintenance of the City's sewer lines and related facilities. It is a self-supporting activity which provides services on a user charge basis to residences and businesses.

Marina Fund - This fund accounts for the operation of the City's Marina, which includes renting berths and fueling boats.

Prewett Water Park - This fund accounts for the operation of the Prewett Water Park, an aquatic recreational park.

Internal Service Funds - These funds account for the maintenance and replacement of vehicles and equipment; the operational maintenance, and replacement of office equipment used by City departments; charges for workers' compensation expenses; charges for post retirement medical benefits and charges for loss control, on a cost-reimbursement basis.

City of Antioch
Statement of Net Position
Proprietary Funds
June 30, 2013

	Business-type Activities - Enterprise Funds					Governmental
	Water	Sewer	Marina	Non-major	Total	Internal
				Prewett		Water Park
						Funds
ASSETS						
Current assets:						
Cash and investments	\$ 26,565,311	\$ 14,955,139	\$ 560,024	\$ 146,819	\$ 42,227,293	\$ 1,954,653
Accounts receivables, net	3,562,407	601,871	649,506	56,286	4,870,070	13,353
Interest receivables	6	-	-	-	6	-
Due from other funds	-	-	-	-	-	74,804
Materials, parts and supplies	294,936	-	2,559	-	297,495	159,710
Prepaid items	17,898	3,353	-	-	21,251	105,671
Restricted cash and investments	1,431,554	-	-	-	1,431,554	-
Total current assets	31,872,112	15,560,363	1,212,089	203,105	48,847,669	2,308,191
Noncurrent assets:						
Net OPEB asset	-	-	-	-	-	1,448,626
Capital assets:						
Nondepreciable:						
Land	1,002,231	14,553	469,953	2,071,730	3,558,467	-
Construction in progress	157,323	31,409	165,534	-	354,266	-
Depreciable:						
Water and sewer pipes	62,760,549	61,496,343	-	-	124,256,892	-
Structures and improvements	53,965,585	10,461,821	14,182,671	14,854,236	93,464,313	-
Vehicles and equipment	3,511,625	255,543	137,082	400,139	4,304,389	11,268,243
Less accumulated depreciation	(41,730,678)	(15,489,546)	(7,033,633)	(9,735,263)	(73,989,120)	(8,854,788)
Total capital assets	79,666,635	56,770,123	7,921,607	7,590,842	151,949,207	2,413,455
Total assets	111,538,747	72,330,486	9,133,696	7,793,947	200,796,876	6,170,272
LIABILITIES						
Current liabilities:						
Accounts payable	1,507,965	132,250	20,596	63,518	1,724,329	75,661
Accrued payroll	149,889	50,734	5,235	65,275	271,133	53,832
Interest payable	13,956	-	130,036	-	143,992	-
Deposits	70,049	-	37,887	32,939	140,875	-
Due to other funds	-	-	-	-	-	74,804
Unearned revenue	-	-	-	26,419	26,419	-
Compensated absences - due within one year	39,369	7,147	77	1,464	48,057	10,708
Long Term Payable-DDSD due within one year	252,026	-	-	-	252,026	-
Water revenue bonds - due within one year	770,000	-	-	-	770,000	-
Marina loans payable - due within one year	-	-	151,206	-	151,206	-
Total current liabilities	2,803,254	190,131	345,037	189,615	3,528,037	215,005
Noncurrent liabilities:						
Long Term Payable-DDSD	4,284,350	-	-	-	4,284,350	-
Compensated absences - due in more than one year	324,318	64,323	696	13,172	402,509	96,370
Net OPEB obligation	-	-	-	-	-	2,724,468
Water revenue bonds - due in more than one year	-	-	-	-	-	-
Marina loans - due in more than one year	-	-	3,001,182	-	3,001,182	-
Total noncurrent liabilities	4,608,668	64,323	3,001,878	13,172	7,688,041	2,820,838
Total liabilities	7,411,922	254,454	3,346,915	202,787	11,216,078	3,035,843
NET POSITION						
Net investment in capital assets	78,896,635	56,770,123	4,769,219	7,590,842	148,026,819	2,413,455
Restricted for debt service	1,431,554	-	-	-	1,431,554	-
Unrestricted	23,798,636	15,305,909	1,017,562	318	40,122,425	720,974
Total net position	\$ 104,126,825	\$ 72,076,032	\$ 5,786,781	\$ 7,591,160	189,580,798	\$ 3,134,429

Some amounts reported for business-type activities in the statement of net assets are different because certain internal service fund assets and liabilities are included with business-type activities.

(1,992,557)
Net position of business-type activities \$ 187,588,241

See accompanying notes to the basic financial statements

City of Antioch
Statement of Revenues, Expenses and Changes in Net Position
Proprietary Funds
For the Fiscal Year Ended June 30, 2013

	Business-type Activities - Enterprise Funds					Governmental
						Activities
	Water	Sewer	Marina	Non-major Prewett Water Park	Total	Internal Service Funds
OPERATING REVENUES:						
Charges for services	\$ 25,128,575	\$ 4,523,206	\$ 645,846	\$ 854,091	\$ 31,151,718	\$ 5,060,492
Revenue from other agencies	107,665	-	746,501	-	854,166	-
Other revenue	5,225	30,233	36,660	5,975	78,093	136,678
Total operating revenues	25,241,465	4,553,439	1,429,007	860,066	32,083,977	5,197,170
OPERATING EXPENSES:						
Wages and benefits	4,121,350	1,362,823	213,046	711,839	6,409,058	4,302,180
Utilities	1,642,933	-	34,954	130,090	1,807,977	-
Contractual services	10,092,213	1,110,413	122,614	125,881	11,451,121	1,928,949
Tools and supplies	4,553,292	220,103	146,606	243,974	5,163,975	508,566
Depreciation	2,279,122	1,245,889	454,974	567,794	4,547,779	498,907
Repairs and maintenance	218,374	22,405	2,040	77,317	320,136	392,996
Total operating expenses	22,907,284	3,961,633	974,234	1,856,895	29,700,046	7,631,598
OPERATING INCOME (LOSS)	2,334,181	591,806	454,773	(996,829)	2,383,931	(2,434,428)
NONOPERATING REVENUES (EXPENSES):						
Gain (loss) from disposal of capital assets	-	-	-	-	-	74,937
Investment income	127,775	74,323	833	688	203,619	7,658
Investment (expense)	(47,995)	-	(142,400)	-	(190,395)	-
Total nonoperating revenues (expenses)	79,780	74,323	(141,567)	688	13,224	82,595
INCOME (LOSS) BEFORE CAPITAL CONTRIBUTIONS AND TRANSFERS						
CONTRIBUTIONS AND TRANSFERS	2,413,961	666,129	313,206	(996,141)	2,397,155	(2,351,833)
Capital contribution - connection fees	1,220,351	524,677	-	-	1,745,028	-
Capital contribution - City	-	23,335	-	-	23,335	-
Transfers in	-	26,130	284,122	432,525	742,777	247,824
Transfers (out)	(476,760)	(434,912)	(27,811)	(9,440)	(948,923)	-
CHANGE IN NET POSITION	3,157,552	805,359	569,517	(573,056)	3,959,372	(2,104,009)
NET POSITION:						
Beginning of year	100,969,273	71,270,673	5,217,264	8,164,216		5,238,438
End of year	<u>\$ 104,126,825</u>	<u>\$ 72,076,032</u>	<u>\$ 5,786,781</u>	<u>\$ 7,591,160</u>		<u>\$ 3,134,429</u>

Some amounts reported for business-type activities in the statement of activities are different because the net revenue (expense) of certain internal service funds is reported with business-type activities.

	(247,408)
Change in net assets of business-type activities	<u>\$ 3,711,964</u>

See accompanying notes to the basic financial statements.

City of Antioch
Statement of Cash Flows
Proprietary Funds
For the Fiscal Year Ended June 30, 2013

	Business-type Activities - Enterprise Funds					Governmental
	Water	Sewer	Marina	Non-major	Total	Internal
				Prewett		Water Park
						Funds
CASH FLOWS FROM OPERATING ACTIVITIES:						
Cash receipt from customers	\$ 25,323,304	\$ 4,543,379	\$ 832,043	\$ 838,716	\$ 31,537,442	\$ -
Cash receipt from other funds	-	-	-	-	-	7,243,378
Cash paid to suppliers for goods and services	(17,370,239)	(1,269,638)	(489,674)	(585,303)	(19,714,854)	(2,868,592)
Cash paid to employees for services	(4,064,539)	(1,305,174)	(219,020)	(717,733)	(6,306,466)	(4,248,290)
Net cash provided by (used in) operating activities	3,888,526	1,968,567	123,349	(464,320)	5,516,122	126,496
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:						
Transfers in	-	26,130	284,122	432,525	742,777	247,824
Transfers (out)	(476,760)	(434,912)	(27,811)	(9,440)	(948,923)	-
Net cash provided by (used in) noncapital financing activities	(476,760)	(408,782)	256,311	423,085	(206,146)	247,824
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:						
Capital asset additions	(1,613,252)	(266,890)	(674,220)	-	(2,554,362)	(1,249,450)
Capital contributions	1,220,351	524,677	-	-	1,745,028	-
Proceeds from disposal of capital assets	-	-	-	-	-	98,790
(Loss) on disposal of capital assets	-	-	-	-	-	(23,853)
Principal paid on bonds	(745,000)	-	(144,693)	-	(889,693)	-
Interest paid on bonds	(21,598)	-	(148,369)	-	(169,967)	-
Net cash provided by (used in) capital and related financing activities	(1,159,499)	257,787	(967,282)	-	(1,868,994)	(1,174,513)
CASH FLOWS FROM INVESTING ACTIVITIES:						
Interest received	127,776	74,323	833	688	203,620	7,658
Net cash provided by (used in) investing activities	127,776	74,323	833	688	203,620	7,658
Net change in cash and cash equivalents	2,380,043	1,891,895	(586,789)	(40,547)	3,644,602	(792,535)
CASH AND CASH EQUIVALENTS:						
Beginning of year	25,616,822	13,063,244	1,146,813	187,366	40,014,245	2,747,188
End of year	\$ 27,996,865	\$ 14,955,139	\$ 560,024	\$ 146,819	\$ 43,658,847	\$ 1,954,653
RECONCILIATION OF CASH AND CASH EQUIVALENTS:						
Cash and investments	\$ 26,565,311	\$ 14,955,139	\$ 560,024	\$ 146,819	\$ 42,227,293	\$ 1,954,653
Restricted cash and investments	1,431,554	-	-	-	1,431,554	-
End of year	\$ 27,996,865	\$ 14,955,139	\$ 560,024	\$ 146,819	\$ 43,658,847	\$ 1,954,653
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES:						
Operating income (loss)	\$ 2,334,181	\$ 591,806	\$ 454,773	\$ (996,829)	\$ 2,383,931	\$ (2,434,428)
Adjustments to reconcile operating income (loss) to cash flows from operating activities:						
Depreciation	2,279,122	1,245,889	454,974	567,794	4,547,779	498,907
Decrease (increase) in:						
Accounts receivable	103,630	(10,060)	(593,785)	(12,224)	(512,439)	115,440
Materials, parts, and supplies	(29,575)	-	7,471	-	(22,104)	(36,917)
Other post employment benefit obligation	-	-	-	-	-	1,670,276
Prepaid items	7	(3,353)	-	3,941	595	33,837
Increase (decrease) in:						
Accounts payable	(833,859)	86,636	(190,931)	(11,982)	(950,136)	(35,001)
Accrued payroll	27,621	20,440	(2,323)	(6,424)	39,314	21,681
Deposits	(21,791)	-	(3,179)	(1,805)	(26,775)	-
Deferred revenue	-	-	-	(7,321)	(7,321)	-
Accrued compensated absences	29,190	37,209	(3,651)	530	63,278	32,209
Net cash provided by (used in) operating activities	3,888,526	1,968,567	123,349	(464,320)	5,516,122	126,496
SUPPLEMENTAL DISCLOSURE OF NONCASH CAPITAL AND RELATED FINANCING ACTIVITIES:						
Contributions (donations) of capital assets to/from the general government	\$ -	\$ 23,335	\$ -	\$ -	\$ 23,335	\$ -
(Loss) on disposal of capital assets	-	-	-	-	-	(23,853)
Total noncash capital and related financing activities	\$ -	\$ 23,335	\$ -	\$ -	\$ 23,335	\$ (23,853)

See accompanying notes to the basic financial statements.

FIDUCIARY FUND FINANCIAL STATEMENTS

City of Antioch
Statement of Fiduciary Fund Assets and Liabilities
Fiduciary Funds
June 30, 2013

	Successor Agency Private Purpose Trust Fund	Agency Funds
ASSETS		
Cash and investments	\$ 3,022,557	\$ 1,986,866
Loans receivable	29,501	-
Assessment receivable	-	337,492
Interest receivable	5	58,563
Prepaid Items	2,949	2,159
Restricted cash and investments	1,145,854	8,642,624
Deferred bond issuance costs	488,026	-
Capital assets:		
Nondepreciable	2,372,607	-
Depreciable, net	227,689	-
Total assets	\$ 7,289,188	\$ 11,027,704
LIABILITIES		
Accounts payable	52	\$ 422,806
Accrued payroll	332	-
Interest payable	749,064	-
Due to City of Antioch	3,537,849	-
Due to others	-	10,604,898
Long-term obligations:		
Due within one year	1,889,336	-
Due beyond one year	28,827,326	-
Total liabilities	\$ 35,003,959	\$ 11,027,704
NET POSITION		
Held in trust for enforceable obligations of the former Antioch Development Agency	\$ (27,714,771)	

City of Antioch
Statement of Changes in Fiduciary Net Position
Fiduciary Funds
For the Fiscal Year Ended June 30, 2013

	Successor Agency Private Purpose Trust Fund
ADDITIONS	
Contributions:	
Redevelopment Property Tax Trust Fund	\$ 4,138,809
Capital contributions	2,618,864
Investment earnings:	
Investment income and rentals	(2,129)
Total additions	\$ 6,755,544
DEDUCTIONS	
Administrative expenses	\$ 146,888
Depreciation expense	18,568
Remittance to County	1,466,550
Enforceable obligations	1,859,340
Total deductions	\$ 3,491,346
Change in net position	3,264,198
NET POSITION:	
Beginning of year, as restated	(30,978,969)
End of year	\$ (27,714,771)

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CITY OF ANTIOCH

Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

NOTE 1 - THE FINANCIAL REPORTING ENTITY

(a) Reporting Entity

The City of Antioch, California (the "City"), operates under the Council-Manager form of government and provides the following services: police, highways and streets, sanitation, health services, culture-recreation, public improvements, planning and zoning, general administration services, and water.

The governmental reporting entity consists of the City (Primary Government) and its component units. Component units are legally separate organizations for which the City is financially accountable or other organizations whose nature and significant relationship with the City are such that exclusion would cause the City's financial statements to be misleading or incomplete. Financial accountability is defined as the appointment of a voting majority of the component unit's board, and (1) either the City's ability to impose its will on the organization or (ii) there is potential for the organization to provide a financial benefit to or impose a financial burden on the City.

The basic financial statements include a blended component unit. The blended component unit, although a legally separate entity is, in substance, part of the City's operations and so data from this unit is combined with data of the primary government.

For financial reporting purposes, the City's basic financial statements include all financial activities that are controlled by or are dependent upon actions taken by the City's Council. The financial statements of the individual component unit may be obtained by writing to the City of Antioch, Finance Department, P.O. Box 5007, Antioch, CA 94531-5007.

(b) Blended Component Unit

Antioch Public Financing Authority

The Antioch Public Financing Authority (APFA) was formed for the purpose of financing the Water Treatment Plant Expansion, the Police Facilities Projects and other infrastructure improvements. The APFA and the City have a financial and operational relationship, which requires that the APFA's financial statements be blended into the City's financial statements. The APFA's Board consists exclusively of all five members of the City Council.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of Presentation

Government-wide Financial Statements

The statement of net position and statement of activities display information about the primary government (the City) and its component units. These statements include the financial activities of the overall government, except for fiduciary activities. Eliminations have been made to minimize the double counting of internal activities. These statements distinguish between the *governmental* and *business-type activities* of the City. Governmental activities, which normally are supported by taxes and intergovernmental revenues and other non exchange transactions, are reported separately from business-type activities, which rely to a significant extent on fees charged to external parties.

The statement of activities presents a comparison between direct expenses and program revenues for each segment of the business-type activities of the City and for each function of the City's governmental activities. Direct expenses are those that are specifically associated with a program or function; and, therefore, are clearly identifiable to a particular function. Program revenues include 1) fees, fines and charges paid by the recipients of goods or services offered by the programs and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented instead as general revenues.

CITY OF ANTIOCH

Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

Fund Financial Statements

The fund financial statements provide information about the City's funds, including fiduciary funds and blended component units. Separate statements for each fund category - *governmental, proprietary and fiduciary* - are presented. The emphasis of fund financial statements is on major governmental and enterprise funds, each displayed in a separate column. All remaining governmental and enterprise funds are separately aggregated and reported as non major funds.

Proprietary funds distinguish operating revenues and expenses and non operating items. Operating revenues and expenses generally result from providing services in connection with the fund's principal ongoing operations. The principal operating revenues of the City's enterprise and internal service funds are charges for customer services including: water and sewer charges, marina and water park fees, equipment maintenance and usage fees, and support charges. Operating expenses for enterprise funds and internal service funds include the cost of services, administrative expenses and depreciation on capital assets. All other revenues and expenses not meeting this definition are reported as non operating revenues and expenses.

The City reports the following major governmental funds:

- The *General Fund* is used to account for all of the general revenues of the City not specifically levied or collected for other City funds and the related expenditures. The General Fund accounts for all financial resources of the City which are not accounted for in another fund. For the City, the General Fund includes such activities as general government, public works, public safety, parks and recreation and community development.
- The *Housing and Community Development Fund* accounts for grant funds received from the Federal government for the purpose of developing viable urban communities.
- The *Gas Tax Fund* accounts for funds received from the State under the State Street and Highways Code. Gas tax funds are limited to research, planning, construction, improvement, maintenance and operation of public streets and streetlights.
- The *Housing Successor Fund* was established by the City with when it elected to become the Housing Successor to the Antioch Development Agency with the abolishment of redevelopment under AB 1X 26. This fund accounts for the administration of housing activities of the former Low and Moderate Income Housing Fund of the redevelopment agency.

The City reports the following major enterprise funds:

- The *Water Fund* accounts for the operation of the City's water utility, a self-supporting activity, which provides services on a user charge basis to residences and businesses.
- The *Sewer Fund* accounts for the maintenance of the City's sewer lines and related facilities. It is a self-supporting activity, which provides services on a user charge basis to residences and businesses.
- The *Marina Fund* accounts for the operation of the City's Marina Complex, which includes renting berths and fueling boats to the public.

The City reports the following additional fund types:

- *Internal Service Funds* account for the maintenance and replacement of vehicles and equipment; the operation, maintenance, and replacement of office equipment used by City departments; charges for workers' compensation expenses; charges for post retirement medical benefits and charges for loss control, on a cost-reimbursement basis.

CITY OF ANTIOCH

Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

- *Agency Funds* account for assets held by the City in the capacity of agent for individuals (refundable cash bonds and employee benefits), other governmental agencies (Fire Protection District and ECWMA) and special assessment debt without city commitment.
- *Private Purpose Trust Funds* account for the assets and liabilities held by the City as Successor Agency to the Antioch Development Agency.

(b) Measurement Focus, Basis of Accounting

The government-wide, proprietary and fiduciary fund financial statements are reported using the economic resources measurement focus. Agency funds have no measurement focus. The government-wide and proprietary fund financial statements are reported using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Non exchange transactions, in which the City gives (or receives) value without directly receiving (or giving) equal value in exchange, include property and sales tax, grants, entitlements and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenues from sales tax are recognized when the underlying transactions take place. Revenues from grants, entitlements and donations are recognized in the fiscal year in which all eligibility requirements have been satisfied.

Governmental funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. Property and sales taxes, interest, certain state and federal grants and charges for services are accrued when their receipt occurs within sixty days after the end of the accounting period so as to be both measurable and available. Expenditures are generally recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to claims and judgments are recorded only when payment is due. General capital assets acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and capital leases are reported as other financing sources.

Under the terms of grant agreements, the City funds certain programs by a combination of specific cost-reimbursement grants, categorical block grants and general revenues. Thus, when program expenses are incurred, there are both restricted and unrestricted net assets available to finance the program. It is the City's policy to first apply cost-reimbursement grant resources to such programs, followed by categorical block grants, and then by general revenues. With respect to the gas tax fund, it is the City's policy to first apply revenues other than the gas tax itself to expenditures incurred within that program. Private-sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in both the government-wide and enterprise fund financial statements to the extent that those standards do not conflict with or contradict guidance of the Governmental Accounting Standards Board (GASB). Governments also have the option of following subsequent private-sector guidance for their business-type activities and enterprise funds, subject to the same limitation. The City has elected not to follow subsequent private-sector guidance.

(c) Internal Investment Pool

The City maintains an internal investment pool that is available for use by all funds. Investments in non-participating interest earning contracts (including guaranteed investment contracts) are reported at cost, and all other investments at fair value. Fair value is determined annually and is based on current market prices. The method of allocating interest earned on pooled deposits and investments among funds is based on average cash balances.

For purposes of the accompanying statement of cash flows for the enterprise and internal service funds, cash equivalents are defined as investments with original maturities of 90 days or less, which are readily convertible to known amounts of cash. The City considers all pooled cash and investments (consisting of cash and investments and restricted cash and investments) held by the City as cash and cash equivalents because the pool is used essentially as a demand deposit account from the standpoint of the funds. The City also considers all non-pooled cash and investments (consisting of cash with fiscal agent

CITY OF ANTIOCH

Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

and restricted cash and investments held by fiscal agent) as cash and cash equivalents because investments meet the criteria for cash equivalents defined above.

(d) Receivables

During the course of normal operations, the City carried various receivable balances for taxes, interest, services, loan, utilities and special assessments. Accounts receivables are shown net of an allowance for doubtful accounts of \$24,277 in the General Fund and \$253,904 in the Water Enterprise Fund.

(e) Materials, Parts and Supplies

Material, parts and supplies are valued at average cost. Material, parts and supplies recorded in the internal service funds consist of expendable supplies for consumption. The cost is recorded as an expense at the time individual inventory items are consumed. Material, parts and supplies recorded in the Marina Enterprise Fund consists primarily of merchandise held for resale to the public.

(f) Loans Receivable

For the purposes of the governmental funds financial statements, expenditures related to long-term loans arising from loan subsidy programs are charged to operations upon funding and the loans are recorded with an offset to a deferred revenue account. The balance of the long-term loans receivable includes loans that may be forgiven if certain terms and conditions of the loans are met. For purposes of the government-wide financial statements, long-term loans are not offset by deferred revenue accounts and are net of an allowance.

(g) Bond Issuance Costs, Original Issue Discounts and Premiums and Refunding of Debt

In the government-wide financial statements and the proprietary fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund statement of net assets. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and are amortized on a straight-line basis over the term of the related debt.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. Issuance costs, whether or not withheld from the actual debt proceeds received are reported as debt service expenditures.

Gains or losses occurring from advance refundings, completed subsequent to June 30, 1993, are deferred and amortized into expense for both business-type activities and proprietary funds. For governmental activities, they are deferred and amortized into expense if they occurred subsequent to June 30, 2001.

(h) Capital Assets

Capital assets (including infrastructure) are recorded at historical cost or at estimated historical cost if actual historical cost is not available. Contributed capital assets are valued at their estimated fair market value on the date contributed. Capital assets include public domain (infrastructure) general capital assets consisting of certain improvements including roads, bridges, water/sewer, lighting systems, drainage systems, and flood control. The City defines capital assets as assets with an estimated useful life in excess of one year and an initial, individual cost of \$5,000 or more. Capital assets used in operations are depreciated or amortized (assets under capital leases) using the straight-line method over the lesser of the capital lease period or their estimated useful lives in the government-wide statements and proprietary funds.

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**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

The estimated useful lives are as follows:

Infrastructure	20 to 50 years
Water and Sewer Pipes	75 years
Structures and Improvements	10-30 years
Equipment	5-20 years
Vehicles	5-15 years

Maintenance and repairs are charged to operations when incurred. Betterments and major improvements, which significantly increase values, change capacities or extend useful lives, are capitalized. Upon sale or retirement of capital assets, the cost and related accumulated depreciation are removed from the respective accounts and any resulting gain or loss is included in the results of operations.

(i) Property Taxes and Special Assessments Revenue

Revenue is recognized in the fiscal year for which the tax and assessment are levied. The County of Contra Costa levies, bills and collects property taxes and special assessments for the City; under the County's "Teeter Plan", the County remits the entire amount levied and handles all delinquencies, retaining interest and penalties.

Taxes are levied for each fiscal year on taxable real and personal property situated in the County. The levy is based on the assessed values as of the preceding January 1st, which is also the lien date. Property taxes on the secured roll are due in two installments: November 1st and February 1st and become delinquent after December 10th and April 10th, respectively. Supplemental property taxes are levied based on changes in assessed values between the date of real property sales or construction completion and the preceding assessment date. The additional supplemental property taxes are prorated from the first day of the month following the date of such occurrence. Property taxes on the unsecured roll are due on the lien date (January 1), and become delinquent if unpaid by August 31st.

Special assessment districts are established in various parts of the City to provide improvements to properties located in those districts. Properties are assessed for the cost of improvements; these assessments are payable over the term of the debt issued to finance the improvements.

(k) Accumulated Compensated Absences

The City accrues the cost for compensated absences (vacation, sick leave and comp time) when they are earned. City employees have a vested interest in accrued vacation time and all vacation hours will eventually either be used or paid by the City. Generally, employees earn and use their current vacation hours with a small portion being accrued or unused each year. As this occurs, the City incurs an obligation to pay for these unused hours. Sick leave benefits are only vested for employees with more than 10 years of service, up to a maximum of 40% of 800 hours.

(l) Interfund Transactions

Interfund transactions are reflected as either loans, services provided, reimbursements or transfers. Loans are reported as receivables and payables as appropriate, are subject to elimination upon consolidation and are referred to as either "due to/from other funds" (i.e., the current portion of interfund loans) or "advances to/from other funds" (i.e., the noncurrent portion of interfund loans). Any residual balances outstanding between the governmental activities and the business-type activities are reported in the government-wide financial statements as "internal balances". Advances between funds, as reported in the fund financial statements, are offset by a fund balance reserve account in applicable governmental funds to indicate that they are not available for appropriation and are not available financial resources.

Services provided, deemed to be at market or near market rates, are treated as revenues and expenditures/expenses. Reimbursements are when one fund incurs a cost, charges the appropriate benefiting fund and reduces its related cost as a reimbursement. All other interfund transactions are

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

treated as transfers. Transfers within governmental or proprietary funds are netted as part of the reconciliation to the government-wide presentation.

(m) Estimates

The preparation of basic financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

(n) New Pronouncements

In fiscal year 2013, the City adopted the following Governmental Accounting Standards Board Statements:

- GASB Statement No. 60, *Accounting and Financial Reporting for Service Concession Arrangements*– This statement addresses how to account for and report service concession arrangements (SCAs), a type of public-private or public-public partnership that state and local governments are increasingly entering into.
- GASB Statement No. 61, *The Financial Reporting Entity: Omnibus—an amendment of GASB Statements No. 14 and No. 34*– This statement amended GASB No. 14 and No. 34 to better meet user needs and to address reporting entity issues that have arisen since the issuance of those Statements.
- GASB Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements*– This statement incorporate into the GASB’s authoritative literature certain accounting and financial reporting guidance that is included in FASB and AICPA pronouncements issued on or before November 30, 1989, which does not conflict with or contradict GASB pronouncements.
- GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*– This statement provides financial reporting guidance for deferred outflows of resources and deferred inflows of resources

NOTE 3 – STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

(a) Expenditures in Excess of Budget

Expenditures in the funds below exceeded appropriations by the amounts indicated, largely because budgets were not revised for higher than anticipated expenditures. Sufficient resources were available to finance these expenditures, primarily in the form of higher revenues and transfers than expected or from available fund balance.

	<u>Appropriated Final Budget</u>	<u>Actual Expenditures</u>	<u>Excess</u>
<i>Nonmajor Special Revenue Funds:</i>			
Delta Fair Property	\$ 436	\$ 437	\$ (1)
Asset Forfeiture	55,471	56,622	(1,151)
Street Impact	650	867	(217)
PEG Franchise Fee	54,778	127,847	(73,069)

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

NOTE 4 - CASH AND INVESTMENTS

(a) Cash and Investment Balances

The City has the following cash and investments at June 30, 2013:

Cash and investments:	
Petty cash	\$ 4,970
Deposits in banks	5,324,255
Certificate of Deposit	7,444,424
U.S. Government securities	29,658,162
U.S. Government agencies	19,018,867
Medium-term corporate notes	11,964,934
Money market	389,530
California Local Agency Investment Fund	8,190,344
Total cash and investments	81,995,486
Restricted cash and investments:	
California Asset Management Program	8,774
Guaranteed investment contracts	4,540,899
Money market	5,899,182
Repurchase agreements	422,750
Total restricted cash and investments	11,653,605
Total	\$ 93,649,091

Cash and investments are presented on the Statement of Net Position as follows at June 30, 2013:

	Government-Wide Statement of Net Assets	Fiduciary Funds Statement of Assets and Liabilities	Total
Cash and investments	\$ 76,986,063	\$ 5,009,423	\$ 81,995,486
Restricted cash and investments	1,865,127	9,788,478	11,653,605
Total	\$ 78,851,190	\$ 14,797,901	\$ 93,649,091

The City's dependence on property tax receipts, which are received semi-annually, requires it to maintain significant cash reserves to finance operations during the remainder of the year. The City pools cash from all sources and all funds, except amounts required to be held with fiscal agents, so that it can be safely invested at maximum yield and liquidity. Investment income is allocated among funds on the basis of average month-end cash balances.

Restricted cash and investments at June 30, 2013 was \$11,653,605, which was held by trustees or fiscal agents. These funds may only be used for specific capital outlay or for the payment of certain bonds or tax allocation bonds, and have been invested only as permitted by State statutes or applicable City ordinance, resolution or bond indentures.

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Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

(b) Cash Deposits

The carrying amount of the City's cash deposits was \$5,329,225 at June 30, 2013. The bank balance at June 30, 2013, was \$6,191,991, which was fully insured and/or was collateralized with securities held by the pledging financial institutions in the City's name as described in the following paragraph.

The California Government Code requires California banks and savings and loan associations to secure the City's cash deposits by pledging securities as collateral. This Code states that collateral pledged in this manner shall have the effect of perfecting a security interest in such collateral superior to those of a general creditor. Thus, collateral for cash deposits is considered to be held in the City's name. The fair value of pledged government securities must equal at least 110% of the City's cash deposits. California law also allows institutions to secure City deposits by pledging first trust deed mortgage notes having a value of 150% of the City's total cash deposits. The City has waived collateral requirements for cash deposits, which are fully insured up to \$250,000 by the Federal Deposit Insurance Corporation or Savings Association Insurance Fund.

(c) Investments

The City's investment policy, bond indentures, and Section 53601 of the California Government Code allow the City to invest in the following types of investments:

- Securities of the U.S. Government or its agencies
- Certificates of Deposit
- Bankers' Acceptances
- Commercial Paper
- Investment Grade Medium Term Corporate Notes
- Repurchase Agreements
- Local Agency Investment Fund Deposits
- Insured Savings Accounts or Money Market Accounts
- Guaranteed Investment Contracts
- Mutual funds as permitted by the Code

The City did not enter into reverse repurchase agreements during the year ended June 30, 2013.

At June 30, 2013, the City's investment position in the State of California Local Agency Investment Fund (LAIF) was \$8,190,344. This amount reflects the City's market value share in the pool. A factor of 100.0273207% was used to determine the market value. The total amount invested by all public agencies in LAIF at that day was \$58,803,312,428. Of that amount, 98.04% is invested in non derivative financial products and 1.96%, as compared to 3.47% in previous year, in structured notes and asset-backed securities. The Local Investment Advisory Board (Board) has oversight responsibility for LAIF. The Board consists of five members as designated by State Statute. The value of the pool shares in LAIF, which may be withdrawn, is determined on an amortized cost basis, which is different than the fair value of the City's position in the pool. Information is not available on whether the mutual funds in which the City has invested used, held or wrote derivative products during the fiscal year ended June 30, 2013.

As of June 30, 2013, the City's investment in the California Asset Management Program (CAMP) pool was \$8,774. A board of five trustees who are officials or employees of public agencies has oversight responsibility for CAMP. The value of the pool shares in CAMP, which may be withdrawn, is determined on an amortized cost basis, which is different than the fair value of the City's position in the pool.

(d) Interest Rate Risk

As a means of limiting its exposure to fair value losses arising from interest rates, the City's investment policy limits investments to a maximum maturity of five years. At June 30, 2013, the City had the following investment maturities:

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**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

Investment Type	Fair Value	Investment Maturities (In Years)		
		Less than 1	1 to 2	2 to 3
U.S. Government securities	\$ 29,659,162	\$ 9,638,847	\$ 3,552,140	\$ 16,468,175
U.S. Government agencies	19,018,867	11,819,878	-	7,198,989
Medium-term corporate notes	11,964,934	5,994,927	1,517,090	4,452,917
Certificate of Deposit	7,444,424	7,444,424	-	-
Total	\$ 68,087,387	\$ 34,898,076	\$ 5,069,230	\$ 28,120,081

(e) Credit Risk

State law limits investments in commercial paper and corporate bonds to the top two ratings issued by nationally recognized statistical rating organizations (NRSROs). It is the City's policy to limit its investments in these investment types to the top rating issued by NRSROs, including raters Standard & Poor's and Moody's Investor's Service. At June 30, 2013, the City's credit risks, expressed on a percentage basis, were as follows:

Credit Quality Distribution for Securities with Credit Exposure as a Percentage of Total Investments

Investment Type	S&P's Credit Rating	% of Investments
U.S. Government securities	AA+	43.56%
U.S. Government agencies	AAA	1.91%
U.S. Government agencies	AA+	25.21%
U.S. Government agencies	A	0.81%
Medium-term corporate notes	AAA	0.00%
Medium-term corporate notes	AA+	4.17%
Medium-term corporate notes	AA-	2.24%
Medium-term corporate notes	AA	1.84%
Medium-term corporate notes	A+	4.34%
Medium-term corporate notes	A	4.98%
Certificate of Deposit	A-+1	10.93%
Total		100.00%

(f) Custodial Credit Risk

For an investment, custodial credit risk is the risk that, in the event of the failure of the counterparty, the City will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. None of the City's investments were subject to custodial credit risk.

NOTE 5 - INTERFUND RECEIVABLES, PAYABLES AND TRANSFERS

(a) Current Balances

Current balances are expected to be repaid in the normal course of business during the following fiscal year. The City's current balances represent loans to cover temporary shortages of cash in individual funds.

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**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

The composition of interfund balances as of June 30, 2013, is as follows:

Due to Other Funds	Due From Other Funds	
	General Fund	Internal Service Funds
Housing and Community Development	\$ 36,264	\$ -
Nonmajor Governmental Funds	2,376,173	-
Internal Service Funds	-	74,804
	<u>\$ 2,412,437</u>	<u>\$ 74,804</u>

(b) Due from Successor Agency Trust Fund

At June 30, 2013, the Housing Fund has a receivable due from the Successor Agency Private Purpose Trust Fund in the amount of \$3,537,849. Prior to the dissolution of redevelopment, Health and Safety Code required Project Areas to annually set aside 20% of tax increment revenues for low and moderate income housing development. Project Area #1 was formed prior to the year this requirement was established and the Agency began repaying the unfunded set-aside in fiscal year 1997. With the dissolution of redevelopment pursuant to AB 1X 26 as amended by AB1484, this asset has been transferred to the Housing Fund and related liability of the former Project Area #1 to the Successor Agency Trust. The liability is included on the Successor Agency's Enforceable Obligations Schedule and repayment will resume once the Recognized Obligation Payment Schedule for the 2014-15 fiscal year is approved by the State of California Department of Finance.

(c) Transfers to/from Other Funds

Transfers are indicative of funding for capital projects, lease payments or debt service, subsidies of various City operations and re-allocations of special revenues. The following schedule summarizes transfers between funds. The most significant transfers which occurred were \$1,010,000 from the Gas Tax Special Revenue Fund and \$1,226,000 from the Street Impact Special Revenue Fund to the General Fund to pay for street maintenance.

Transfers In							
	Major Fund		Major Fund				Total
	General Fund	Nonmajor Governmental Funds	Sewer Enterprise	Marina Enterprise	Prewett Water Park Enterprise	Internal Service	
General Fund		\$ 976,486	\$ -	\$ 284,122	\$ 334,525	\$ -	\$ 1,595,133
Gas Tax Fund	1,010,000	535,737	-	-	-	-	1,545,737
Nonmajor:							
Governmental	2,345,855	812,449	-	-	98,000	-	3,256,304
Water Enterprise	241,000	111,848	-	-	-	123,912	476,760
Sewer Enterprise	241,000	70,000	-	-	-	123,912	434,912
Marina Enterprise	-	1,681	26,130	-	-	-	27,811
Prewett Water Park	-	9,440	-	-	-	-	9,440
Total	<u>\$ 3,837,855</u>	<u>\$ 2,517,641</u>		<u>\$ 284,122</u>	<u>\$ 432,525</u>	<u>\$ 247,824</u>	<u>\$ 7,346,097</u>

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

NOTE 6 - LOANS RECEIVABLE

The composition of the City's governmental activities loans receivable including interest as of June 30, 2013, is as follows:

Rental and Housing Rehabilitation Loans	\$ 3,126,688
Multi-unit Rental Rehabilitation Loans:	
West Rivertown Apartments/Eden Housing Project	6,423,080
Terrace Glen Project	1,981,381
Pinecrest Apartment Project	1,192,198
Rivertown Senior Housing	242,750
Riverstone Apartment	2,312,994
Hillcrest Terrace Project	1,320,217
Heart and Hands	223,868
Tabora Gardens	2,423,223
NSP Loans	49,135
Lone Tree Golf Course	1,122,165
Other loans	1,723,980
Allowance	(1,731,365)
Total governmental activities (net)	\$ 20,410,314

(a) Rental and Housing Rehabilitation Loans

The City administers rental and home improvement revolving loan funds using federal Community Development Block Grant (CDBG) funds and prior to 2013, redevelopment funds. The program provides below market rate loans, secured by deeds of trust, to eligible participants for rental and housing rehabilitation. Although payments for most loans are amortized over an established payment schedule, some loans allow for deferred payment of accrued interest and principal until the homeowner's property is sold or transferred, primarily for seniors and very low-income families. Repayments received from the outstanding loans are used to make additional rental and housing rehabilitation loans. Principal and interest outstanding balances at June 30, 2013, are \$3,126,688.

(b) Multi-Unit Rental Rehabilitation Loans

The City administers the following multi-unit rental improvement revolving loan funds using federal CDBG funds and prior to 2012, Antioch Development Agency Housing Set Aside monies.

West Rivertown Apartments/Eden Housing Project

The City and Agency have entered into three loan agreements with Eden Housing for the development of the West Rivertown Apartments. The agreements are as follows:

This project is the construction of a 57-unit, affordable housing townhouse development in the City's downtown with financing assistance from the Agency and several other agencies. In May 2000, the Agency entered into a disposition, development and loan agreement with Eden Rivertown Limited Partnership (the Developer). Under the terms of the loan agreement, the Developer must repay up to \$3,601,686 (maximum loan amount) to the Agency, which includes the purchase of the land from the

CITY OF ANTIOCH

Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

Agency. The loan bears an interest rate of 3% per annum. The Developer is required to make annual payments of principal and interest to the Agency in the amount of 100% of residual receipts, less the portion of the residual receipts that is owed to Contra Costa County. Payments are to begin the July 1st after project completion and will end on the 55th anniversary date of the Agency promissory note dated February 11, 2002. Principal and interest outstanding at June 30, 2013 is \$4,763,209.

In 1994, the City loaned Community Housing Opportunities (CHOC) \$203,755 for the acquisition of property. CHOC determined that their planned development of this property was no longer feasible, and in November 2005, the City, the Agency, and CHOC agreed to the transfer of ownership of the property and loan to Eden Housing for the development of 40 units of affordable housing to expand the West Rivertown Project in the City's downtown. In order to complete the project, the Agency agreed to loan Eden Housing an additional \$1,458,400. The loan for \$203,755 is non-interest bearing and all principal and interest payments are deferred and will be forgiven at the expiration of the term. The loan for \$1,458,400 bears an interest rate of 3% per annum and will end on the 55th anniversary date of the issuance of certificates of occupancy by the City. Principal and interest outstanding on this loan at June 30, 2013 is \$1,456,116.

Terrace Glen Project

This project consists of a 32-unit, multifamily rental housing development. In August 1998, the City and former redevelopment agency made a commitment for \$850,000 in Community Development Block Grant (CDBG) funds, and \$547,625 in housing set-aside funds, respectively, towards this project. Commencing November 6, 1996, the loan accrues simple interest at 3% per annum. The 55-year term loan is secured by a deed of trust. Commencing on October 1, 1999, and on October 1 of each year thereafter, the developer will pay the City's/Agency's pro-rata percentage of the lender's share of residual receipts to the extent there are residual receipts. Payments will be first credited against accrued interest and then against principal. Any outstanding principal and interest is due and payable in full in March 2054. Principal and interest outstanding at June 30, 2013 is \$1,981,381.

Pinecrest Apartment Project

This project consists of a 24-residential unit development. In September 2000, the City and the former redevelopment agency made a commitment for \$570,000 in CDBG funds and \$300,000 in housing set-aside funds, respectively, towards this project. Commencing on the first date of disbursement, the loan accrues simple interest at 3% per annum. The 55-year term loan is secured by a deed of trust. Commencing on May 1, 2002, and on May 1 of each year thereafter, the developer will pay the City a pro-rata percentage of the lender's share of residual receipts to the extent there are residual receipts. Payments will be first credited against accrued interest and then against principal. Any outstanding principal and interest is due and payable in full in May 2055. Principal and interest outstanding at June 30, 2013 is \$1,192,198.

Rivertown Senior Housing

This project consists of a fifty-unit, affordable senior housing project. In September 1992, the former redevelopment agency made a commitment for \$442,750 in housing set-aside funds toward this project. In September 2001, the loan was amended to reduce the principal amount by \$200,000 to reflect funds not borrowed for the project. The loan is noninterest bearing and secured by a deed of trust with affordable housing requirements for 40 years. The balance of the loan is due and payable on October 1, 2033. Principal outstanding at June 30, 2013 is \$242,750.

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Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

Riverstone Apartments

This project consists of acquisition and rehabilitation of 136 apartment rental units for low and very low income households. On July 1, 2007, the former redevelopment agency made a commitment for \$2,025,000 in housing set-aside funds toward this project. Commencing on the first date of disbursement, the loan accrues simple interest at 3% per annum. The 55-year loan term is secured by a deed of trust. Commencing on May 1st following the fifteenth anniversary of the first disbursement of the loan, and on May 1st of each year thereafter for the term of the loan, the developer will make repayments equal to the lesser of (i) the amount necessary to fully amortize the repayment of principal and interest on the loan for the remaining term or (ii) residual receipts. Payments will be first credited against accrued interest and then principal. Principal and interest outstanding at June 30, 2013 is \$2,312,994.

Hillcrest Terrace Project

This project consists of a 65-unit affordable senior housing project. In October 1998, the former redevelopment agency made a commitment for \$731,175 in housing set-aside funds towards this project. Commencing on the first date of disbursement, the loan accrues simple interest at 3% per annum. The 55-year term loan is secured by a deed of trust. Commencing on the June 1 after project completion, and on June 1 of each year thereafter, the developer will pay the Agency one-half of the residual receipts to the extent there is residual receipts. Payments will be first credited against accrued interest and then against principal. Any outstanding principal and interest is due and payable in full in June 2055. In September 2001, the Agency made a commitment of an additional \$200,000 due and payable October 1, 2038. Principal and interest outstanding for these loans at June 30, 2013 is \$1,320,217.

Heart and Hands

The City entered into an agreement with Habitat for Humanity East Bay (developer) to implement a Neighborhood Stabilization Program (NSP) under which the developer will acquire and rehabilitate approved vacant, single-family houses that are foreclosed and in need of renovation, located in qualifying neighborhoods in the City, and then sell the renovated houses to eligible low and moderate income purchasers. CDBG NSP funds made available to the developer for this program are in the form of loans. A loan agreement is entered into for each property purchased by the developer. The loans bear no interest, and are fully satisfied upon receipt of the net sales proceeds from the home. As of June 30, 2013, there was one loan outstanding for a property totaling \$223,868.

Tabora Gardens

This project consists of acquisition and development of 85 units of senior, multifamily housing affordable to low income households. On June 6, 2011, the former redevelopment agency made a commitment for \$300,000 in housing set-aside funds toward this project. Commencing on the first date of disbursement, the loan accrues simple interest at 3% per annum. The 58-year loan term is secured by a deed of trust. The loan is fully deferred and payment in full, including interest, is due upon expiration of the term. Principal and interest outstanding at June 30, 2013 is \$2,423,223.

NSP Loans

The City provides loans of CDBG Neighborhood Stabilization Program funds to low and moderate income eligible persons that purchase homes through the NSP program implemented by Heart and Hands of Compassion. The loans are to assist in the purchase of the properties. The loans expire 30 years from the date of the notes, and payments of principal and interest are deferred until the end of the term. The unpaid principal balance, plus any shared appreciation, is due and payable upon expiration of the term, transfer of the property, or default. As of June 30, 2013, there are four loans outstanding totaling \$49,135.

(c) Lone Tree Golf Course

During fiscal year 2004-05, the City loaned the Lone Tree Golf Course monies to complete various improvements at the golf course. Annual interest only repayments began August 23, 2005. The loan agreement was amended in December 2007. The new term is for a term of 25 years from December 11,

CITY OF ANTIOCH

Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

2007 with interest being calculated based on the City's earnings on idle funds. The City has agreed to defer payment of the loan until the finances of the Golf Course stabilize. Principal outstanding at June 30, 2013, is \$900,000. During fiscal year 2005-06, the City loaned an additional \$296,220 to the Golf Course for parking lot improvements. The loan is non-interest bearing and deferred under the same terms of the previous loan. Principal outstanding on this loan is \$222,165 at June 30, 2013.

(d) Other Loans

The Agency administers a first time homebuyer loan program for qualified applicants. Principal is due at the end of 30 years or upon default, refinancing, sale or transfer of the property. The Agency is also entitled to a pro-rata share of appreciation on the property when the principal is paid. As of June 30, 2013 there is \$1,723,980 of loans outstanding.

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

NOTE 7 - CAPITAL ASSETS

Capital asset activity for the year ended June 30, 2013 was as follows:

	Balance July 1, 2012	Additions	Reductions	Balance June 30, 2013
Governmental activities				
<i>Capital assets, not being depreciated</i>				
Land	\$ 13,575,982	\$ -	\$ 2,306,335	\$ 11,269,647
Construction in progress	3,111,274	9,142,738	453,425	11,800,587
Total capital assets, not being depreciated	<u>16,687,256</u>	<u>9,142,738</u>	<u>2,759,760</u>	<u>23,070,234</u>
<i>Capital assets, being depreciated</i>				
Infrastructure	390,626,051	1,890,592	211,263	392,305,380
Structures and improvements	77,295,219	150,155	557,040	76,888,334
Equipment	13,671,608	1,273,303	249,323	14,695,588
Total capital assets, being depreciated	<u>481,592,878</u>	<u>3,314,050</u>	<u>1,017,626</u>	<u>483,889,302</u>
<i>Less accumulated depreciation for:</i>				
Infrastructure	(134,207,511)	(7,899,177)	8,714	(142,097,974)
Structures and improvements	(19,809,249)	(1,509,616)	310,783	(21,008,082)
Equipment	(10,085,585)	(648,726)	225,470	(10,508,841)
Total accumulated depreciation	<u>(164,102,345)</u>	<u>(10,057,519)</u>	<u>544,967</u>	<u>(173,614,897)</u>
Total capital assets, being depreciated, net	<u>317,490,533</u>	<u>(6,743,469)</u>	<u>472,659</u>	<u>310,274,405</u>
Governmental activities capital assets, net	<u>\$ 334,177,789</u>	<u>\$ 2,399,269</u>	<u>\$ 3,232,419</u>	<u>\$ 333,344,639</u>
Business-type activities				
<i>Capital assets, not being depreciated</i>				
Land	\$ 3,558,467	\$ -	\$ -	\$ 3,558,467
Construction in progress	4,874,233	76,645	4,596,612	354,266
Total capital assets, not being depreciated	<u>8,432,700</u>	<u>76,645</u>	<u>4,596,612</u>	<u>3,912,733</u>
<i>Capital assets, being depreciated</i>				
Water and sewer pipes	123,927,969	328,925	-	124,256,894
Structures and improvements	87,095,590	6,368,722	-	93,464,312
Equipment	3,904,374	400,017	-	4,304,391
Total capital assets, being depreciated	<u>214,927,933</u>	<u>7,097,664</u>	<u>-</u>	<u>222,025,597</u>
<i>Less accumulated depreciation for:</i>				
Water and sewer pipes	(24,062,623)	(1,656,759)	-	(25,719,382)
Structures and improvements	(42,066,352)	(2,784,481)	-	(44,850,833)
Equipment	(3,312,369)	(106,539)	-	(3,418,908)
Total accumulated depreciation	<u>(69,441,344)</u>	<u>(4,547,779)</u>	<u>-</u>	<u>(73,989,123)</u>
Total capital assets, being depreciated, net	<u>145,486,589</u>	<u>2,549,885</u>	<u>-</u>	<u>148,036,474</u>
Business-type activities capital assets, net	<u>\$ 153,919,289</u>	<u>\$ 2,626,530</u>	<u>\$ 4,596,612</u>	<u>\$ 151,949,207</u>

CITY OF ANTIOCH

Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013

Construction in Progress

Construction in progress for governmental activities primarily represents work being performed on Wilbur Avenue Bridge, Nelson Park, turf fields, various parks security cameras, and water park renovations.

Construction in progress for business type activities primarily represents work performed on water main replacement, water treatment plant improvements, sewer main replacement and the marina launch ramp project.

Depreciation

Depreciation expense was charged to governmental functions as follows:

General government	\$ 747,978
Public works	7,935,631
Public safety	368,754
Parks and recreation	505,249
Community development	1,000
Depreciation of capital assets held by the City's Internal Service Fund is charged to the various functions based on their usage of the assets	498,907
Total depreciation expense - governmental functions	<u>\$ 10,057,519</u>

Depreciation expense was charged to governmental functions as follows:

Water	\$ 2,279,122
Sewer	1,245,889
Marina	454,974
Prewett Water Park	567,794
Total depreciation expense - business-type functions	<u>\$ 4,547,779</u>

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

NOTE 8 - LONG-TERM OBLIGATIONS

(a) Long-Term Debt Composition

Long-term debt at June 30, 2013, consisted of the following:

Type of Indebtedness (Purpose)	Final Maturity	Annual Principal Installment	Interest Rates	Original Issue Amount	Outstanding at June 30, 2013
<u>Governmental Activities:</u>					
Lease Revenue Bonds:					
2001 Issue - ABAG Golf Course	7/1/31	\$85,000-400,000	3.00-5.25%	\$ 6,300,000	\$ 5,080,000
Total lease revenue bonds				6,300,000	5,080,000
Capital Lease:					
Honeywell Energy Retrofit	7/21/20	\$25,091-45,735	4.79%	4,050,000	3,191,908
Total governmental activities				10,350,000	8,271,908
<u>Business-type Activities:</u>					
Water Bonds:					
2003 Issue-APFA Revenue Refunding	7/1/13	\$140,000-770,000	1.25-3.625%	6,405,000	770,000
Total water bonds				6,405,000	770,000
Loans Payable:					
State of California Antioch Marina Loan	8/1/43	\$7,655-122,321	4.7-7.9%	6,500,000	3,152,387
Long Term Payable:					
Delta Diablo Sanitation District	12/31/30	\$248,176-251,638	0.077%	5,040,423	4,536,376
Total business-type activities				17,945,423	8,458,763
Total primary government				\$ 28,295,423	\$ 16,730,671

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

(b) Long-Term Obligation Activity

Changes in long-term obligations for the year ended June 30, 2013 are as follows:

	Balance July 1, 2012	Increases	Decreases	Balance June 30, 2013	Amount Due Within One Year
Governmental Activities					
Lease Revenue Bonds	\$ 5,240,000	\$ -	\$ (160,000)	\$ 5,080,000	\$ 165,000
Unamortized Discount	(82,412)	-	4,337	(78,075)	-
Capital Lease Payable	3,540,500	-	(348,592)	3,191,908	371,319
Claims Liability (Note 13)	664,085	481,110	(534,888)	610,307	594,505
Compensated Absences	2,272,948	246,933	(270,779)	2,249,102	224,910
Total Governmental Activities	\$ 11,635,121	\$ 728,043	\$ (1,309,922)	\$ 11,053,242	\$ 1,355,734
Business-type Activities					
Water bonds	\$ 1,515,000	\$ -	\$ (745,000)	\$ 770,000	\$ 770,000
Deferred Amount on Refunding	(21,865)	-	21,865	-	-
Unamortized Premiums	1,783	-	(1,783)	-	-
Loans Payable	3,297,081	-	(144,694)	3,152,387	151,206
Long Term Payable	4,788,402	-	(252,026)	4,536,376	252,026
Compensated Absences	387,288	67,130	(3,852)	450,566	48,057
Total Business-type Activities	\$ 9,967,689	\$ 67,130	\$ (1,125,490)	\$ 8,909,329	\$ 1,221,289

Internal service funds predominantly serve the governmental funds. Accordingly, long-term liabilities for them are included as part of the above totals for governmental activities. For the governmental activities, claims and judgments are generally liquidated by the General Fund, and a majority of compensated absences are generally liquidated by the general fund.

(c) Debt Service Requirements

As of June 30, 2013, annual debt service requirements of governmental activities to maturity are as follows:

Year ending June 30:	Lease Revenue Bonds	
	Principal	Interest
2014	\$ 165,000	\$ 249,183
2015	175,000	241,445
2016	185,000	233,073
2017	190,000	223,738
2018	200,000	213,500
2019-2023	1,175,000	900,375
2024-2028	1,500,000	567,500
2029-2032	1,490,000	153,500
Total	\$ 5,080,000	\$ 2,782,314

Principal and interest payments on the lease revenue bonds are payable from any revenue lawfully available to the City for the purpose of payment of Base Rental Payments. The City has a service concession arrangement with Antioch Public Golf Course, Inc. (Corporation) and as part of that arrangement the Corporation reimburses the City for the annual debt service as the bonds were issued to

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

finance improvements at the golf course. The total principal and interest remaining to be paid on the bonds is \$7,862,314. For the current year, principal and interest paid were \$416,335.

As of June 30, 2013 annual debt service requirements of business-type activities to maturity are as follows:

<u>Year ending June 30:</u>	<u>Water Bonds</u>		<u>Marina Loans</u>	
	<u>Principal</u>	<u>Interest</u>	<u>Principal</u>	<u>Interest</u>
2014	\$ 770,000	\$ 13,956	\$ 151,207	\$ 141,857
2015	-	-	158,010	135,053
2016	-	-	165,108	127,943
2017	-	-	141,340	120,513
2018	-	-	147,694	114,153
2019-2023	-	-	461,663	494,536
2024-2028	-	-	517,843	389,101
2029-2033	-	-	645,326	261,618
2034-2038	-	-	693,070	105,195
2039-2040	-	-	71,126	3,857
Total	<u>\$ 770,000</u>	<u>\$ 13,956</u>	<u>\$ 3,152,387</u>	<u>\$ 1,893,826</u>

Pursuant to the agreement, the annual principal and interest payments on the water bonds is solely from the net water revenues received and receivable. The total principal and interest remaining to be paid on the bonds is \$783,956. For the current year, principal and interest paid were \$783,950 and water net revenues were \$5,601,538. The water bonds required 14% of net revenues.

(d) Capital Lease

In October 2009, the City entered into a lease-purchase agreement in the amount of \$4,050,000 with Bank of America to finance the acquisition and retrofitting of interior building lighting in City facilities, street lights and park and site lighting fixtures throughout the City. The lease has an imputed interest rate of 4.79% and requires monthly payments beginning in August 2010 until July 2020, when the lease will terminate and the City will obtain title to the property. The project was completed in December 2010. As of June 30, 2013, the net book value of the assets completed has been recorded as Improvements other than Buildings in the amount of \$4,209,035.

The future minimum lease obligations and the net present value of these minimum lease payments as of June 30, 2013 were as follows:

<u>Year Ending June 30:</u>	<u>Governmental Activities</u>
2014	\$ 516,139
2015	521,729
2016	527,374
2017	533,076
2018	538,834
2019-2021	1,141,093
Total minimum lease payments	<u>3,778,245</u>
Less: amount representing interest	<u>(586,337)</u>
Present value of minimum lease payments	<u>\$ 3,191,908</u>

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

(e) Long Term Payable

The City entered into a Joint Powers Agreement with Delta Diablo Sanitation District (DDSD) in November 2003 for DDSD to develop a recycled water program within City limits. As part of this agreement, DDSD would design, construct, own, operate and regulate all recycled water facilities to provide recycled water within the City of Antioch. The City would be responsible for 50% of the project cost, up to \$5,000,000 in principal with associated interest, of a loan DDSD obtained from the State Water Resources Control Board to complete the project. The project was completed in July 2011 and the City began paying a proportionate share of the project costs in December 2011. The total due at June 30, 2013 is \$4,536,376 representing the total share of principal and interest outstanding on the loan DDSD obtained. Repayment requirements are as follows:

Year ending June 30:	Long Term Payable	
	Principal	Interest
2014	248,559	3,468
2015	248,750	3,276
2016	248,941	3,085
2017	249,133	2,893
2018	249,325	2,701
2019-2023	1,249,507	10,623
2024-2028	1,254,325	5,805
2029-2032	754,822	1,163
Total	<u>\$ 4,503,362</u>	<u>\$ 33,014</u>

(f) Special Assessment Debt without City Commitment

The City is the collecting and paying agent for other special assessment debt, but has no direct or contingent liability or moral obligation for the payment of this debt. Therefore, this debt is not included in the City's financial statements. Cash held by the City on behalf of this district is recorded in the Agency Funds of the City. This district's outstanding debt balance at June 30, 2013 is as follows:

Lone Diamond Reassessment Revenue Bonds	<u>\$13,915,000</u>
Total	<u>\$13,915,000</u>

(g) Legal Debt Limit

As of June 30, 2013, the City's debt limit and legal debt margin (15% of valuation subject to taxation) was \$1,095,932,003.

NOTE 9 - NET POSITION/FUND BALANCES

(a) Net Position

The government-wide and proprietary fund financial statements utilize a net position presentation. Net position is categorized as net investment in capital assets, restricted and unrestricted.

Net Investment in Capital Assets - This category groups all capital assets, including infrastructure, into one component of net assets. Accumulated depreciation and the outstanding balances of debt that are attributable to the acquisition, construction or improvement of these assets reduce the balance in this category.

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**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

Restricted - This category presents external restrictions imposed by creditors, grantors, contributors or laws or regulations of other governments and restrictions imposed by law through constitutional provisions or enabling legislation. The following amounts of net position are restricted by enabling legislation: \$111,070 pursuant to State Assembly Bill 1900 which restricts the use of funds for protection of tidelands areas; \$606,123 pursuant to the DIVCA Act of 2006 which restricts the use for Public, Educational and Governmental Programming (PEG).

Unrestricted - This category represents the portion of net position of the City, not restricted for any project or other purpose.

(b) Restatement of Beginning Net Position

The City restated beginning net position for governmental activities due to the following:

- \$22,252,082 representing the removal of the deferred bond charges and associated long-term obligation for the Antioch Public Financing Authority (Authority) 2002 Lease Revenue Bonds. The former Antioch Development Agency has a reimbursement agreement with the Authority for repayment of the bonds. Although these were issued by the Authority, the State of California Department of Finance has recognized the bonds as an enforceable obligation of the Successor Agency. The liability for the bonds has been transferred to the Successor Agency Private Purpose Trust Fund in the prior period to correspond with the abolishment of redevelopment.
- \$604,303 representing the removal of accumulated depreciation related to golf course capital assets. The City implemented the new accounting principle, GASB 60, *Accounting and Financial Reporting for Service Concession Arrangements*, related to its agreement with a non-profit corporation to operate the Lone Tree Golf Course (see note 14 for more information).

	Original	Long-Term Obligations/Deferred Bond Charges	Accumulated Depreciation	Restated
Net Position (Governmental Activities)	\$366,633,535	\$22,252,082	\$604,303	\$389,489,920

(c) Fund Balances

Fund balances, presented in the governmental fund financial statements, represent the difference between assets and liabilities reported in a governmental fund. In fiscal year 2011, the City implemented the provisions of GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. GASB 54 establishes criteria for classifying fund balances into specifically defined classifications and clarifies definitions for governmental funds. Fund balances are classified into categories based upon the type of restrictions imposed on the use of funds.

As of June 30, 2013 components of fund balance are described below:

- *Nonspendable* – portion of net resources that cannot be spent because of its form (i.e., long term loans, prepaids).
- *Restricted* – portion of net resources that are limited in use by grantors, laws or enabling legislation.

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Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

- *Committed* – portion of net resources that are limited to the use as established by formal action of the City Council. Committed fund balance can only be modified or rescinded by formal action of the City Council through resolution.
- *Assigned* – portion of net resources held for the use as established by the City Manager or his designee. The City Council has granted this authority to the City Manager through resolution.
- *Unassigned* – portion of net resources that represents amounts in excess of the other fund balance components. Only the General Fund can have a positive unassigned fund balance.

The City spends restricted fund balances first when expenditures are incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available. Committed and assigned fund balances are considered to have been spent first before unassigned fund balances have been spent when expenditures are incurred for the purposes for which amounts in any of those unrestricted fund balance classifications could be used.

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

	Major Funds				Non-major Governmental Funds	Total
	General Fund	Housing and Community Development	Gas Tax	Housing Successor Fund		
Nonspendable:						
Petty cash and prepaids	\$ 91,612	\$ -	\$ -	\$ 51,151	\$ 312,005	\$ 454,768
Total nonspendable	<u>91,612</u>	<u>-</u>	<u>-</u>	<u>51,151</u>	<u>312,005</u>	<u>454,768</u>
Restricted for:						
Housing & Development	-	214,866	-	4,355,134	-	4,570,000
Debt service	-	-	-	-	433,720	433,720
Streets	-	-	8,113,101	-	3,995,011	12,108,112
Parks	-	-	-	-	17,790	17,790
PEG Programming	-	-	-	-	606,123	606,123
Storm Channels	-	-	-	-	2,805,712	2,805,712
Landscape Maintenance	-	-	-	-	1,352,236	1,352,236
Tidelands Areas	-	-	-	-	111,070	111,070
Law Enforcement	-	-	-	-	82,728	82,728
Traffic Safety	-	-	-	-	18,982	18,982
Parks & Recreation	-	-	-	-	188,448	188,448
Animal Shelter	-	-	-	-	11,591	11,591
Abandoned Vehicle	-	-	-	-	139,999	139,999
Total restricted	<u>-</u>	<u>214,866</u>	<u>8,113,101</u>	<u>4,355,134</u>	<u>9,763,410</u>	<u>22,446,511</u>
Committed to:						
Compensated absences	101,640	-	-	-	-	101,640
Litigation/Insurance	500,000	-	-	-	-	500,000
Parks	-	-	-	-	2,166,711	2,166,711
Arts & Cultural Activities	-	-	-	-	22,303	22,303
Recreation Programs	-	-	-	-	278	278
Field Maintenance	-	-	-	-	48,791	48,791
Memorial Field Maintenance	-	-	-	-	21,040	21,040
Road Repair	-	-	-	-	10,651	10,651
Waste Reduction	-	-	-	-	367,639	367,639
Youth Activities	-	-	-	-	101,164	101,164
Traffic Signals	-	-	-	-	707,896	707,896
Total committed	<u>601,640</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>3,446,473</u>	<u>4,048,113</u>
Assigned to:						
Contractual Services	276,667	-	-	-	-	276,667
Parks & Recreation	-	-	-	-	26,405	26,405
Capital Projects	-	-	-	-	389,206	389,206
Community Benefit Programs	-	-	-	-	33,655	33,655
AD 26	-	-	-	-	377,186	377,186
AD 27	-	-	-	-	2,694,189	2,694,189
Total assigned	<u>276,667</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>3,520,641</u>	<u>3,797,308</u>
Unassigned	9,139,965	-	-	-	-	9,139,965
Total fund balances	<u>\$ 10,109,884</u>	<u>\$ 214,866</u>	<u>\$ 8,113,101</u>	<u>\$ 4,406,285</u>	<u>\$ 17,042,529</u>	<u>\$ 39,886,665</u>

The City has established a fund balance policy for the General Fund requiring that the minimum unassigned fund balance be at least 8% of General Fund operating revenues, with a goal of reaching a minimum of 10% of operating revenues (including transfers). As of June 30, 2013, unassigned fund balance was 21.66% of total operating revenues.

CITY OF ANTIOCH

Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

NOTE 10 - PENSION PLAN

(a) Plan Description

All permanent employees are eligible to participate in the Public Employees' Retirement Fund (the Fund) of California Public Employees' Retirement System (CALPERS). The Fund is an agent multiple-employer defined benefit plan that acts as a common investment and administrative agent for various local and state governmental agencies within the State of California. The fund provides retirement, disability, and death benefits based on the employees' years of service, age and final compensation. Employees vest after five years of service and may receive retirement benefits at the age of 50 for public safety personnel or age 55 for miscellaneous employees. These benefit provisions and all other requirements are established by State statute and City ordinance. Copies of the Fund's annual financial report may be obtained from CALPERS' executive office: 400 P Street, Sacramento, CA 95814. A separate report for the City's plan within the Fund is not available.

(b) Funding Policy

Public safety employees and all other employees have an obligation to contribute 9% and 8%, respectively, of their salary to the Fund. The City contributes the entire 9% for sworn police safety employees, the entire 8% for non-sworn police safety employees, and 7% of the 8% of all other employees on their behalf and for their account. Beginning in fiscal year 2011, members of all bargaining groups began contributing a portion of the employer contributions with the amount increasing each year until 9%/8% is reached. The City is required to contribute at an actuarially determined rate. The required employer contribution rates for fiscal year 2012/13 were 20.968% for miscellaneous employees and 31.002% for safety employees of annual covered payroll. The contribution requirements of the plan members are established by State statute, and the employer contribution rate is established and may be amended by CALPERS.

(c) Annual Pension Cost

For fiscal year 2012/13, the City's annual pension cost of \$5,691,159 was equal to the required contributions. The required contribution was determined as part of the June 30, 2010, actuarial valuation using the entry age normal actuarial cost method. This is a projected benefit cost method, which takes into account those benefits that are expected to be earned in the future as well as those already accrued. The actuarial assumptions included (a) 7.75% investment rate of return (net of administrative expenses); (b) projected salary increases that range from 3.55% to 14.45% (13.15% for safety plan) depending on age, service, and type of employment; (c) inflation of 3.0%; (d) payroll growth of 3.25%; and (e) individual salary growth based on a merit scale varying by duration of employment coupled with an assumed annual inflation component of 3.0% and an annual production growth of 0.25%. The actuarial value of the Fund's assets was determined using a technique that smoothes the effect of short-term volatility of the market value of investments over a three-year period. Unfunded actuarial accrued liability (UAAL) (or excess assets) is being amortized as a level percentage of projected payroll costs on a closed basis. The remaining amortization period as of June 30, 2010, was 28 years and 19 years for the miscellaneous and safety, respectively.

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

(d) Three-Year Trend Information

The following table shows the City's required contributions and the percentage contributed, for the current year and each of the preceding two years.

Miscellaneous Plan				Safety Plan			
Fiscal Year Ended	Annual Pension Cost (APC)	Percentage of APC Contributed	Net Pension Obligation	Fiscal Year Ended	Annual Pension Cost (APC)	Percentage of APC Contributed	Net Pension Obligation
6/30/2011	\$ 1,704,292	100.0%	-	6/30/2011	\$ 2,873,814	100.0%	-
6/30/2012	2,039,099	100.0%	-	6/30/2012	3,171,925	100.0%	-
6/30/2013	2,352,076	100.0%	-	6/30/2013	3,340,083	100.0%	-

(e) Status and Funding Progress

Miscellaneous Employees: As of June 30, 2011, the most recent actuarial valuation date, the plan was 72% funded. The actuarial accrued liability for benefits was \$129,429,446, and the actuarial value of assets was \$105,248,476, resulting in an unfunded accrued liability of \$24,180,970.

**Miscellaneous Employees Retirement System
Funded Status of Plan**

Valuation Date*	Entry Age Normal Accrued Liability	Actuarial Value of Assets	Unfunded Liability	Funded Status		Annual Covered Payroll	Unfunded Liability As A % of Payroll
6/30/2011	\$ 129,429,446	\$ 105,248,476	\$ 24,180,970	AVA 81.3%	MVA 72.0%	\$ 11,380,100	212.5%

Public Safety Employees: As of June 30, 2011, the most recent actuarial valuation date, the plan was 71.9% funded. The actuarial accrued liability for benefits was \$108,171,871, and the actuarial value of assets was \$87,064,110, resulting in an unfunded accrued liability of \$21,107,761.

**Public Safety Employees Retirement System
Funded Status of Plan**

Valuation Date*	Entry Age Normal Accrued Liability	Actuarial Value of Assets	Unfunded Liability	Funded Status		Annual Covered Payroll	Unfunded Liability As A % of Payroll
6/30/2011	\$ 108,171,871	\$ 87,064,110	\$ 21,107,761	AVA 80.5%	MVA 71.9%	\$ 10,548,579	200.1%

*most current information

The required schedule of funding progress immediately following the notes to the financial statements presents additional, multi-year, trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability for benefits.

CITY OF ANTIOCH

Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

NOTE 11 – SUPPLEMENTARY RETIREMENT PLAN

(a) Plan Description

Employees are eligible to receive benefits under this plan if he or she meets the requirements under one of the three tiers of the plan. The fund is an agent multiple-employer defined benefit plan established under Section 401 (a) and tax-exempt under Section 501 (a) of the Internal Revenue Code of 1986 and meets the requirements of a pension trust under California Government Code Sections 53215-53224. The trust is maintained by Public Agency Retirement Services (PARS) and provides for retirement, survivor continuance, pre-retirement disability and pre-retirement death benefits based upon the tier the member qualifies within. Employee vesting is determined within each tier:

- Tier I – Designated eligible employee by Plan Administrator that has terminated from employment and applied for benefits under plan vest immediately.
- Tier II – Vest after five years of employment.
- Tier III – Employee vested if a full time Sworn Police Officer on or after September 1, 2007 and has terminated employment and concurrently retires under a disability or industrial disability retirement under CALPERS.

These benefit provisions and all other requirements are established by State Statute and City ordinance. Copies of the Fund's annual financial report may be obtained from PARS office: P.O. Box 12919, Newport Beach, CA 92658-2919. A separate report for the City's plan within the fund is not available.

(a) Funding Policy

There is no requirement imposed by PARS to contribute any amount beyond the pay as you go contributions. For the fiscal year 2013, the City made a total of \$82,963 in pay as you go contributions.

(b) Annual Pension Cost

The amount necessary to fund future benefits is based on projections from the June 30, 2011 Actuarial Study completed by Bartel and Associates, LLC using the entry age normal actuarial cost method. This is a projected benefit cost method, which takes into account those benefits that are expected to be earned in the future as well as those already accrued. The actuarial assumptions include (a) 4.0% investment rate of return; (b) projected salary increases at 3.25% in the aggregate; (c) inflation of 3.0% and (d) individual salary growth based on merit increases per the CalPERS 1997-2007 Experience Study. The remaining amortization period as of June 30, 2011 was eighteen years for the plan.

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

The following table shows the components of the City's annual pension cost for the year, the amount actually contributed to the plan, and changes in the City's net pension obligation to the Supplementary Retirement Plan:

Annual Required Contributions	\$ 248,000
Interest on net pension obligation	14,191
Adjustment to annual required contributions	<u>(33,348)</u>
Annual Pension Cost	228,843
Contributions Made	<u>(80,963)</u>
Increase in net pension obligation	147,880
Net pension obligation - beginning of year	<u>354,764</u>
Net pension obligation - end of year	<u><u>\$ 502,644</u></u>

(c) Trend Information

The following information shows the City's required contributions and the percentage contributed for the current year and prior two fiscal years.

<u>Fiscal Year Ended</u>	<u>Annual Pension Cost (APC)</u>	<u>Percentage of APC Contributed</u>	<u>Net Pension Obligation</u>
6/30/2011	\$ 179,805	41.8%	\$ 206,083
6/30/2012	224,696	33.8%	354,764
6/30/2013	228,843	35.4%	502,644

(d) Status and Funding Progress

As of June 30, 2011, the most recent actuarial valuation date, the plan was 2.2% funded. The actuarial accrued liability for benefits was \$1,731,000, and the actuarial value of assets was \$38,000, resulting in an unfunded accrued liability of \$1,693,000.

<u>Valuation Date*</u>	<u>Entry Age Normal Accrued Liability</u>	<u>Actuarial Value of Assets</u>	<u>Unfunded Liability</u>	<u>Funded Status</u>	<u>AVA</u>	<u>MVA</u>	<u>Annual Covered Payroll</u>	<u>Unfunded Liability As A % of Payroll</u>
6/30/2011	\$ 1,731,000	\$ 38,000	\$ 1,693,000	2.2%	0.0%	\$ 7,897,000	21.4%	

*most current information

The required schedule of funding progress immediately following the notes to the financial statements presents additional, multi-year, trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability for benefits.

CITY OF ANTIOCH

Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

NOTE 12 - POST EMPLOYMENT MEDICAL BENEFITS

(a) Medical After Retirement Plan Trust

Plan Description. City of Antioch provides postretirement medical benefits to all eligible employees and their surviving spouses under the provisions of three formal City-sponsored plans (Miscellaneous Group, Management Group and Police Group). The effective date varies based upon the employee's classification and related memorandum of understanding (MOU). For all employees who retire from service (either regular retirement or disability retirement), the City shall pay a portion of their medical premiums based on their respective MOU currently in effect. The City's contributions are advanced-funded on an actuarially determined basis and recorded in the CalPERS Trust (CERBT). The Fund is a Section 115 Trust set up for the purpose of receiving employer contributions that will prefund health and other post employment benefit costs for retirees and their beneficiaries. As of June 30, 2013, there were 191 active participants and there were 173 retired participants eligible to receive post employment health care benefits. While the City currently maintains three Internal Service Funds to account for the payment of retiree medical benefits and reimbursements for these costs from the trust for each plan group, the CERBT accounts for the separate plans in one trust account. The City makes contributions to the CERBT based on a percentage of active employee payroll.

Funding Policy. There is no requirement imposed by CalPERS, to contribute any amount beyond the pay-as-you-go contributions. The cost of monthly insurance premiums may be shared between the retiree and the City. The cost sharing varies depending on: date of hire; the dependent status; and plan selected. A minimum employer monthly contribution requirement is established and may be amended by the CalPERS Board of Administration and applicable laws. Within the parameters of the law, individual contracting agencies, such as the City, are allowed to establish and amend the level of contributions made by the employer towards the monthly cost of the plans. Changes to the employer contribution amount towards retiree benefits are recorded in a resolution adopted by the City Council. The City has elected a five year amortization period for the Other Post Employment Benefits ("OPEB") plan assets deposited into the CERBT, permitted under GASB Statement 45 paragraph 13F, amortization periods allow for a maximum of 30 years with no minimum years.

The City has established a policy to make contributions, for the purpose of funding its calculated obligations over a period of time, enough to pay current benefits due, with the intent to make the full ARC contributions (9.7% of payroll for fiscal year 2012) as fiscal conditions improve, to the CERBT each year. The amount necessary to fund future benefits is based on projections from the January 1, 2011 Actuarial Study completed by Bickmore Risk Services in accordance with GASB Statement 45, *Accounting and Financial Reporting for Postemployment Benefits Other than Pensions*.

For fiscal year 2013, the City made a total of \$1,196,106 in contributions.

Annual OPEB Cost and Net OPEB Obligation. The City's annual OPEB cost (expense) is calculated based on the Annual Required Contribution of the employer (ARC), an amount actuarially determined in accordance with the parameters of GASB Statement 45. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal cost each year and amortize any unfunded actuarial liabilities (or funding excess) over a period not to exceed thirty years. The following table shows the components of the City of Antioch annual OPEB costs for the year segregated to show amounts by each City sponsored plan(although combined in the trust), the amount actually contributed to the plan, and changes in the City's net OPEB obligation to the City Retiree Health Plan: (In Thousands)

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

	<u>Miscellaneous</u>	<u>Management</u>	<u>Police</u>	<u>Total</u>
Annual Required Contributions	\$ 685	\$ 421	\$ 2,020	\$ 3,126
Interest on net OPEB obligation	(43)	(39)	50	(32)
Adjustment to annual required contributions	<u>45</u>	<u>40</u>	<u>(53)</u>	<u>32</u>
Annual OPEB Cost	687	422	2,017	3,126
Contributions Made	<u>303</u>	<u>546</u>	<u>347</u>	<u>1,196</u>
Increase in net OPEB obligation	(384)	124	(1,670)	(1,930)
Net OPEB Obligation - beginning of year	<u>903</u>	<u>806</u>	<u>(1,054)</u>	<u>655</u>
Net OPEB Obligation - end of year	<u>\$ 519</u>	<u>\$ 930</u>	<u>\$ (2,724)</u>	<u>\$ (1,275)</u>

The following shows the calculation of the Annual Required Contributions for FY 2013 (in thousands):

	<u>Miscellaneous</u>	<u>Management</u>	<u>Police</u>	<u>Total</u>
Normal Cost at Year End	\$ 337	\$ 95	\$ 1,000	\$ 1,432
Amortization of UAAL	317	307	927	1,551
Interest	31	19	93	143
Annual Required Contribution (ARC)	<u>\$ 685</u>	<u>\$ 421</u>	<u>\$ 2,020</u>	<u>\$ 3,126</u>

The City's annual OPEB cost, the percentage of annual OPEB cost contributed to the plan (shown by City sponsored plan), and the net OPEB asset (obligation) for FY2013 and the two previous years were as follows:

<u>Miscellaneous</u>			
<u>Fiscal Year Ended</u>	<u>Annual OPEB Cost</u>	<u>% of Annual OPEB Contributed</u>	<u>OPEB Asset</u>
6/30/2011	\$ 357	66%	\$ 1,005
6/30/2012	381	73%	903
6/30/2013	687	44%	519

<u>Management</u>			
<u>Fiscal Year Ended</u>	<u>Annual OPEB Cost</u>	<u>% of Annual OPEB Contributed</u>	<u>OPEB Asset</u>
6/30/2011	\$ 343	88%	\$ 622
6/30/2012	359	151%	806
6/30/2013	422	129%	930

<u>Police</u>			
<u>Fiscal Year Ended</u>	<u>Annual OPEB Cost</u>	<u>% of Annual OPEB Contributed</u>	<u>OPEB Asset (Obligation)</u>
6/30/2011	\$ 1,101	17%	\$ (141)
6/30/2012	1,211	25%	(1,054)
6/30/2013	2,017	17%	(2,724)

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

Funded Status and Funding Progress. As of July 1, 2011, the most recent actuarial valuation date, the plan was 19.4% funded. The actuarial accrued liability for benefits was \$38,433 (in thousands), and the actuarial value of assets was \$7,455 (in thousands), resulting in an unfunded accrued liability of \$30,978 (in thousands).

**California Employers' Retiree Benefit Trust*
Funded Status of Plan**

Valuation Date:	Actuarial Accrued Liability (AAL)	Actuarial Value of Assets	Unfunded Actuarial Accrued Liability (UAAL)	Funded Status		Annual Covered Payroll	Unfunded Liability As A % of Payroll
				AVA	MVA		
7/1/11	\$38,433*	\$7,455*	\$30,978*	19.4%	19.4%	\$18,787*	164.9%

*The three City sponsored plans are maintained in one CERBT account; amounts in 000's

The required schedule of funding progress immediately following the notes to the financial statements presents additional, multi-year, trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability for benefits.

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future.

Actuarial Methods and Assumptions. Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and the plan members) and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and plan members to that point. The actuarial methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

In the July 1, 2011 actuarial valuation, the entry age normal cost method was used. The actuarial assumptions used include (a) a 4.80% investment rate of return; (b) projected salary increases at 3.25% per year; (c) inflation of 3.25% and (d) healthcare cost trend rates ranging between 5.50% and 9.00% between 2012 and 2018, with annual increases of 4.50% from 2019 and thereafter for City contributions linked to a specific medical plan and 0% between 2012 and 2014, with annual increases of 4.50% from 2015 and thereafter for City contributions that are capped. The Unfunded Actuarial Accrued Liability (UAAL) is being amortized as a level percentage of projected payroll over 30 years on a closed basis. The remaining amortization period as of June 30, 2013 was 25 years for the plan.

(b) Medical After Retirement Plan Account

Employees hired after September 1, 2007 are not eligible for post employment medical benefits as defined in the previous plan. The City has created a medical after retirement program in which the City will contribute 1.5% of the employee's base monthly salary into an account established for the employee to be used for future medical benefits. This plan is being administered by Operating Engineers Local 3. The City will match an additional amount of up to 1.0% of the employee contribution, for a total City contribution not to exceed 2.5%. Employees have the right to their individual plan upon separation of employment. As of June 30, 2013, there were 33 participants in the plan. During the year, the City contributed \$24,618 towards employee accounts.

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

NOTE 13 - RISK MANAGEMENT

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disaster. The City currently reports its risk management activities in its General Fund and Loss Control Internal Service Fund.

The City participates in the Municipal Pooling Authority (MPA), a joint powers agency (risk-sharing pool) established to provide an independently managed self-insurance program for members. The purpose of MPA is to spread the adverse effect of losses among the member agencies and to purchase excess insurance as a group, thereby reducing its expense.

The City's deductibles and maximum coverage follow:

<u>Coverage</u>	<u>Deductible</u>	<u>MPA</u>	<u>Excess Liability</u>
General liability	\$50,000	\$50,001-\$1,000,000	\$1,000,001-\$29,000,000
Workers compensation	\$0	\$0-\$500,000	\$500,001-\$50,000,000
Property damage	\$5,000 5%, min.	\$0	\$500 million at risk

The City contributes its pro rata share of anticipated losses to a pool administered by MPA. Should actual losses among participants be greater than the anticipated losses, the City will be assessed retrospectively its pro rata share of that deficiency. Conversely, if the actual losses are less than anticipated, the City will be refunded its pro rata share of the excess. The City paid premiums of \$2,368,207 during the year ended June 30, 2013. MPA has obtained excess coverage in the amount of \$28,000,000 for total coverage of \$29,000,000 through participation in the California Joint Powers Risk Management Association. MPA has also purchased excess property damage coverage through various commercial carriers. Settled claims have not exceeded this excess liability coverage in any of the past three fiscal years.

Claims expenditures and liabilities are reported when it is probable that a loss has occurred and the amount of that loss can be reasonably estimated and includes incremental claim expenses. Allocated and unallocated claims adjustment expenditures are included in the liability balance. These losses include an estimate of claims that have been incurred but not reported. The claim liability balances at June 30, 2013 are discounted at 2.5%. This liability is the City's best estimate based on available information. Changes in the reported liability resulted from the following:

	<u>Beginning of Fiscal Year Liability</u>	<u>Deductibles and Charges in Estimates</u>	<u>Payments</u>	<u>End of Fiscal Year Liability</u>
2010-2011	\$ 646,530	\$ 289,536	\$ 526,788	\$ 409,278
2011-2012	409,278	847,254	592,447	664,085
2012-2013	664,085	481,110	534,888	610,307

CITY OF ANTIOCH

Notes to the Basic Financial Statements For the Fiscal Year Ended June 30, 2013

NOTE 14 – SERVICE CONCESSION ARRANGEMENT FOR GOLF COURSE

In 1982, the City entered into an agreement with Antioch Public Golf Course, Inc., (Corporation) under which the Corporation will operate, manage and collect user fees from the Lone Tree Golf Course through 2017. The Corporation's sole purpose is to efficiently operate the golf course so that excess revenues may be returned to the course for improvements to the course and its related facilities and encourage the public to play golf in the City. The Corporation is not required to share any percentage of its revenues with the City. Since the inception of the agreement, the City has financed improvements to the existing facility with the issuance of ABAG Lease Revenue Bonds. The Corporation reimburses the City for the cost of annual debt service on the bonds and a corresponding revenue amount is recognized for these repayments. The City reports the golf course and improvements as capital assets with a carrying value of \$8,524,362. As the assets are required to be returned to the City at the end of the agreement in their original condition, the assets are not being depreciated. With the implementation of GASB 60 at June 30, 2013, *Accounting and Financial Reporting for Service Concession Arrangements*, the City has reported a prior period adjustment of \$604,303 representing accumulated depreciation recognized on the assets through the prior fiscal year.

NOTE 15 – JOINTLY GOVERNED ORGANIZATIONS

(a) Antioch Area Public Facilities Financing Agency

The City and Antioch Unified School District (School District) are members of the Antioch Area Public Facilities Financing Agency (AAPFFA), a community facilities district comprising part of the City and the School District. The AAPFFA was formed to finance construction and acquisition of school facilities for the School District and public facilities for the City. The AAPFFA is controlled by a governing board consisting of seven members: two members of the City Council, two members of the District Board and three members from the general public. The board controls the operation and finances of the AAPFFA independent of influence by the City, and the AAPFFA is therefore excluded from the City's reporting entity.

The AAPFFA has issued Special Tax Bonds to finance various school district and City projects. These bonds are to be repaid out of a special tax levied on property owners of the community facilities district comprising the AAPFFA. During the fiscal year ended June 30, 2013 the AAPFFA contributed \$43,920 of bond proceeds to the City to finance construction of the City's Prewett Community Park. This contribution has been recorded as revenue from other agencies in the City's Capital Projects Funds. The City acts as fiscal agent for the AAPFFA. The City's Finance Department maintains accounting records and processes receipts and disbursements. The AAPFFA's financial statements are available by contacting the City of Antioch, Finance Department, P.O. Box 5007, Antioch, CA 94531-5007, 925-779-7055.

(b) Contra Costa County Home Mortgage Finance Authority

The City and Contra Costa County are members of the Contra Costa Home Mortgage Financing Authority (Home Mortgage). The Home Mortgage issued 1984 Home Mortgage Revenue Bonds for the purpose of facilitating the financing of low-income home mortgages in the City and County. The City made no contributions to the Home Mortgage during the fiscal year ended June 30, 2013. The Home Mortgage is governed by a board consisting of representatives of the County and City. The board controls the operations and finances of the Authority, independent of influence by the City. Therefore, the Home Mortgage is excluded from the City's reporting entity. The Home Mortgage's financial statements are available by contacting the Contra Costa County Community Development Department, 651 Pine Street, Martinez, CA 94553-1229, 925-646-4208.

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

NOTE 16 - COMMITMENTS AND CONTINGENCIES

(a) Grants

The City participates in Federal and State grant programs. These programs have been audited by the City's independent auditors in accordance with the provisions of the Federal Single Audit Act Amendments of 1996, and applicable Federal and State requirements. No cost disallowances were proposed as a result of these audits; however, these programs are still subject to further examination by the grantors and the amount, if any, of expenditures which may be disallowed by the granting agencies cannot be determined at this time. The City expects such amounts, if any, to be immaterial.

(b) Pending Litigation

The City is a defendant in a number of lawsuits, which have arisen in the normal course of business. While substantial damages are alleged in some of these actions, their outcome cannot be predicted with certainty. In the opinion of the City Attorney, these actions when finally adjudicated will not have a material adverse effect on the financial position of the City.

(c) Slatten Ranch

Slatten Ranch Regional Retail Shopping Center Agreements - When the Slatten Ranch regional retail shopping center was contemplated, the City and developers recognized the significant street and traffic improvements would be necessary to make the project possible. Slatten Ranch developers and retailers were encouraged to locate in Antioch due to the City's announced intention to participate in the infrastructure costs. The City agreed to pay the shopping center developers \$2,000,000 in ten annual installment payments of \$200,000 each (no interest). The first payment was made on June 18, 2005, and the final payment is due on June 18, 2014. The second reimbursement agreement required the City to pay Slatten Ranch Regional Retail Shopping Center a cash \$500,000 down payment toward the cost of the shopping center developers' extension of Lone Tree Way (\$741,964) upon the Target Store opening for business (October 6, 2003), followed by two annual payments thereafter of the remaining construction cost, plus 8% interest.

(d) Construction Commitments

Among the significant construction commitments were \$935,000 towards Wilbur Avenue Bridge, \$740,000 towards the Nelson Ranch project, \$321,000 towards Lone Tree Way Intersection Improvements, and approximately \$191,000 towards Markley Creek Culvert Crossing.

(e) Redevelopment Dissolution

The State of California Department of Finance completed its review of the Due Diligence Review of Other Funds and Accounts of the former Antioch Development Agency required under the Dissolution Act. In May 2013, the City was ordered to return \$790,958 in funds to the Successor Agency for disallowed transfers from the former Antioch Development Agency to the City which occurred after January 1, 2011, but prior to the redevelopment dissolution date of February 1, 2012. The City and Successor Agency are continuing to challenge the determination made, and as such, the City has not returned the funds to the Successor Agency as of June 30, 2013.

NOTE 17 – SUCCESSOR AGENCY TRUST FOR ASSETS OF THE FORMER REDEVELOPMENT AGENCY

- (a)** On December 29, 2011, the California Supreme Court upheld Assembly Bill 1X 26 (“the Bill”) that provides for the dissolution of all redevelopment agencies in the State of California. This action impacted the reporting entity of the City that previously had reported a redevelopment agency within the reporting entity of the City as a blended component unit.

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

The Bill provides that upon dissolution of a redevelopment agency, either the City or another unit of local government will agree to serve as the “successor agency” to hold the assets until they are distributed to other units of state and local government. On January 24, 2012, the City Council elected to become the Successor Agency for the former redevelopment agency in accordance with the Bill as part of City resolution number 2012/07.

After enactment of the law, which occurred on June 28, 2011, redevelopment agencies in the State of California cannot enter into new projects, obligations or commitments. Subject to the control a newly established oversight board, remaining assets can only be used to pay enforceable obligations in existence at the date of dissolution (including the completion of any unfinished projects that were subject to legally enforceable contractual commitments).

Successor agencies will only be allocated revenue in the amount that is necessary to pay the estimated annual installment payments on enforceable obligations of the former redevelopment agency until all enforceable obligations of the prior redevelopment agency have been paid in full and all assets have been liquidated.

The Bill directs the State Controller of the State of California to review the propriety of any transfers of assets between the redevelopment agencies and other public bodies that occurred after January 1, 2011. If the public body that received such transfers is not contractually committed to a third party for the expenditure or encumbrance of those assets, the State Controller is required to order the available assets to be transferred to the public body designated as the successor agency by the Bill. The State Controller conducted the review of the former Antioch Development Agency in late August 2013. The City is still awaiting a final report from this review.

Management believes, in consultation with legal counsel, that the obligations of the former redevelopment agency due to the City are valid enforceable obligations payable by the successor agency trust under the requirements of the Bill. The City’s position on this issue is not a position of settled law and there is considerable legal uncertainty regarding this issue. It is reasonably possible that a legal determination may be made at a later date by an appropriate judicial authority that would resolve this issue unfavorably to the City.

In accordance with the timeline set forth in the Bill (as modified by the California Supreme Court on December 29, 2011) all redevelopment agencies in the State of California were dissolved and ceased to operate as a legal entity as of February 1, 2012.

The assets and activities of the dissolved redevelopment agency are reported in a fiduciary fund (private-purpose trust fund) in the financial statements of the City as the activities are under control of an Oversight Board which is comprised of seven members, five of which represent taxing entities, one member is a former redevelopment agency employee and one member is appointed by the Mayor. The State of California Department of Finance has final approval of all actions of the Successor Agency. The City provides administrative services to the Successor Agency to wind down the affairs of the former Antioch Development Agency.

(b) Loans Receivable

The composition of the Successor Agency’s loans receivable as of June 30, 2013 is as follows:

Vineyard Business Park	<u><u>\$29,501</u></u>
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CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

(1) Vineyard Business Park

In November 2000, the former Antioch Development Agency entered into an 18-month lease agreement for the Vineyard Business Park. The Agency was obligated to lease 33,000 square feet of space until new tenants were assigned, or the end of the agreement, whichever occurred first. The lessor was then obligated to repay rents collected from the Agency at 10% per year for 10 years following the end of the agreement. Repayment of the \$99,753 obligation began in March 2004. The balance outstanding at June 30, 2013 is \$29,501.

(c) Capital Assets

In March 2011, the former Antioch Development Agency entered into a property conveyance agreement with the City for 25 parcels. In the current fiscal year, the State of California Department of Finance ordered the return of 21 of the parcels, deeming them not to be for governmental purpose, thus disallowing the transfer of the assets. The parcels have been transferred back from the City and are now being held by the Successor Agency until ultimate disposition is determined and approved by the Department of Finance through a long range property management plan as required under the Dissolution Act.

Capital asset activity for the year ended June 30, 2013 was as follows:

	July 1, 2012	Transfers from City	June 30, 2013
<i>Nondepreciable</i>			
Land	\$ -	\$ 2,372,607	\$ 2,372,607
<i>Depreciable</i>			
Buildings	-	542,609	542,609
Improvements other than buildings	-	14,431	14,431
Total depreciable assets, gross	-	557,040	557,040
<i>Less accumulated depreciation for:</i>			
Buildings	-	319,971	319,971
Improvements other than buildings	-	9,380	9,380
Total accumulated depreciation	-	329,351	329,351
Total depreciable assets, net	-	227,689	227,689
Capital assets, net	\$ -	\$ 2,600,296	\$ 2,600,296

(d) Long-Term Obligations

The Successor Agency is responsible for three outstanding bonds of the former redevelopment agency and one bond of the Antioch Public Financing Authority. Although issued by the Antioch Public Finance Authority, repayment for the 2002 Lease Revenue Bonds is pledged for repayment by the former Antioch Development Agency therefore the associated liability has been transferred to the Successor Agency Trust. A description of the bonds, including a schedule of changes in long term obligations and debt service requirements to maturity follows.

CITY OF ANTIOCH

**Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013**

(1) Long-Term Debt Composition

Type of Indebtedness (Purpose)	Final Maturity	Annual Principal Installment	Interest Rates	Original Issue Amount	Outstanding at June 30, 2013
Tax Allocation Bonds:					
1994 - ADA Project 2	1/14/14	\$30,000-585,000	6.70-7.125%	\$ 1,475,000	\$ 240,000
2000 - ADA Project 1 Refunding	9/1/17	\$200,000-1,380,000	4.2-5.0%	14,450,000	6,240,000
2009 - ADA Project 1	9/1/27	\$95,343-142,289	2.60%	2,080,841	1,794,313
Total tax allocation bonds				<u>18,005,841</u>	<u>8,274,313</u>
Lease Revenue Bonds:					
2002 Issue - APFA Municipal Facilities, Series A&B	1/1/32	\$495,000-9,740,000	4.375-5.63%	24,610,000	22,400,000
Total lease revenue bonds				<u>24,610,000</u>	<u>22,400,000</u>
Total long-term obligations				<u>\$ 42,615,841</u>	<u>\$ 30,674,313</u>

(2) Long-Term Obligation Activity

Changes in long-term obligations for the year ended June 30, 2013 are as follows:

	Balance July 1, 2012	Increases	Decreases	Balance June 30, 2013	Amount Due Within One Year
1994 Tax Allocation Bonds	\$ 460,000	\$ -	\$ (220,000)	\$ 240,000	\$ 240,000
2000 Tax Allocation Bonds	7,310,000	-	(1,070,000)	6,240,000	1,130,000
2009 Tax Allocation Bonds	1,891,132	-	(96,819)	1,794,313	99,336
2002 Lease Revenue Bonds	22,765,000	-	(365,000)	22,400,000	420,000
Deferred Amount on Refunding	(164,732)	-	41,182	(123,550)	-
Unamortized Premiums	176,274	-	(10,375)	165,899	-
Total obligations held by the Successor Agency Trust	<u>\$ 32,437,674</u>	<u>\$ -</u>	<u>\$ (1,721,012)</u>	<u>\$ 30,716,662</u>	<u>\$ 1,889,336</u>

(3) Debt Service Requirements

As of June 30, 2013, annual debt service requirements of governmental activities to maturity are as follows:

Year ending June 30:	Tax Allocation Bonds		Lease Revenue Bonds	
	Principal	Interest	Principal	Interest
2014	\$ 1,469,336	\$ 342,050	\$ 420,000	\$ 1,245,419
2015	1,286,919	266,329	475,000	1,222,319
2016	1,344,569	204,536	535,000	1,196,194
2017	1,412,288	138,931	600,000	1,166,769
2018	1,490,077	68,980	670,000	1,133,019
2019-2023	594,834	127,376	4,550,000	5,014,000
2024-2028	676,290	44,861	4,915,000	3,494,688
Total	<u>\$ 8,274,313</u>	<u>\$ 1,193,063</u>	<u>\$ 22,400,000</u>	<u>\$ 16,724,106</u>

Interest payments and bond retirements are serviced by revenues generated by the tax increment from the former redevelopment agency. Contra Costa County remits funds from the Redevelopment Property

CITY OF ANTIOCH

Notes to the Basic Financial Statements
For the Fiscal Year Ended June 30, 2013

Tax Retirement Trust Fund to the Successor Agency to pay enforceable obligations of the former agency every six months.

(e) Restatement of Beginning Net Position

The Successor Agency restated beginning net position for governmental activities in the amount of (\$22,252,082) representing the transfer of the long term obligation for the 2002 Lease Revenue Bonds from the City to the Successor Agency. The bonds were issued by the Antioch Public Financing Authority (Authority), a blended component unit of the City; however, the former Antioch Development Agency has a reimbursement agreement with the Authority for repayment of the bonds. As the California State Department of Finance has recognized the bonds as an enforceable obligation to be paid by the Successor Agency, the associated liability and deferred bond costs have been moved to the Successor Agency Private Purpose Trust Fund to be recognized in the prior reporting period when redevelopment was formally abolished.

	Original	Long-Term Obligations	Restated
Net Position	(\$8,726,887)	(\$22,252,082)	(\$30,978,969)

NOTE 18 – SUBSEQUENT EVENT

Management has evaluated subsequent events through December 10, 2013, the date the financial statements were available to be issued. No events requiring recognition or disclosure in the financial statements were identified.

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REQUIRED SUPPLEMENTAL INFORMATION

City of Antioch
Required Supplementary Information
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2013

Schedule of Revenues and Transfers In - General Fund

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
FUNCTION/ACTIVITY:				
TAXES				
Property secured	\$ 6,067,832	\$ 6,010,135	\$ 6,013,147	\$ 3,012
Property in lieu of VLF	4,874,376	4,923,556	4,923,556	-
Property unsecured	281,085	281,085	257,508	(23,577)
Property other	67,195	365,455	459,369	93,914
Sales and use tax	10,855,259	11,047,048	11,074,165	27,117
Motor vehicle in-lieu	-	53,227	53,227	-
Transient lodging tax	70,000	70,000	81,307	11,307
Franchises - other	7,500	7,553	7,553	-
Franchises - gas	185,000	154,476	154,476	-
Franchises - electric	350,000	361,964	361,964	-
Franchises - cable tv	1,070,000	1,128,695	1,153,601	24,906
Franchises - garbage	896,700	896,700	888,720	(7,980)
Business license tax (Gross Receipts)	1,134,000	1,089,130	1,164,839	75,709
Property transfer tax	330,000	330,000	313,380	(16,620)
Total taxes	26,188,947	26,719,024	26,906,812	187,788
LICENSES AND PERMITS				
Bicycle licenses	40	-	-	-
Building permits	610,000	1,024,939	1,148,612	123,673
Street & curb permits	140,000	325,295	345,629	20,334
Wide vehicle/overload	4,000	4,000	7,984	3,984
Technology fee	12,000	20,750	22,840	2,090
Energy Inspection Fee	8,000	20,935	23,025	2,090
Pool Safety Fee	300	380	540	160
Accessibility Fee (Non-Resident)	2,000	2,075	2,137	62
Green Bldg Verification & Compliance	40,000	91,167	104,149	12,982
Total licenses and permits	816,340	1,489,541	1,654,916	165,375
FINES AND PENALTIES				
Vehicle code fines	65,000	24,605	31,396	6,791
Non-traffic fines	35,000	10,000	7,004	(2,996)
Total fines and penalties	100,000	34,605	38,400	3,795
INVESTMENT INCOME AND RENTALS				
Investment income	50,000	50,000	19,576	(30,424)
Rent and concessions	412,440	480,000	486,683	6,683
Total investment income and rentals	462,440	530,000	506,259	(23,741)
REVENUE FROM OTHER AGENCIES				
Homeowners property tax relief	70,000	70,000	74,278	4,278
P.O.S.T. reimbursements	12,000	32,069	33,126	1,057
Grant reimbursements	-	113,635	90,625	(23,010)
Economic benefit payments	1,000,000	1,500,000	1,500,000	-
EBART contributions/reimbursement	75,000	55,600	52,020	(3,580)
Total revenue from other agencies	1,157,000	1,771,304	1,750,049	(21,255)

(Continued)

City of Antioch
Required Supplementary Information, Continued
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2013

Schedule of Revenues and Transfers In - General Fund

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
FUNCTION/ACTIVITY, Continued:				
CURRENT SERVICE CHARGES				
Administrative services	92,300	88,300	87,716	(584)
Special police services	746,087	761,292	767,908	6,616
False alarm fees	49,000	58,000	75,350	17,350
Plan checking fees	370,000	356,000	327,210	(28,790)
Planning fees	24,600	63,000	56,304	(6,696)
Inspection fees	35,000	35,000	42,132	7,132
Special public works services	15,400	40,992	41,188	196
Other service charges	16,500	15,786	16,340	554
Assessment fees	58,500	81,669	122,848	41,179
CDBG Code Enforcement	-	-	27,362	27,362
Charges for services	4,844,569	4,738,108	4,666,693	(71,415)
Billings to Department	299,123	230,487	225,994	(4,493)
Total current service charges	6,551,079	6,468,634	6,457,045	(11,589)
OTHER REVENUES				
Miscellaneous revenue	107,520	970,747	1,048,165	77,418
OTHER FINANCING SOURCES				
Transfers in:				
Gas Tax Fund	1,010,000	1,010,000	1,010,000	-
Pollution Elimination	265,902	265,902	257,657	(8,245)
Street Impact	1,140,000	1,226,000	1,226,000	-
Street Light and Landscape Maintenance Districts	565,579	565,579	563,600	(1,979)
Supplementary Law Enforcement Grant	160,658	160,658	131,267	(29,391)
Local Law Enforcement Block Grant	60,658	64,028.00	47,136.00	(16,892)
Traffic Safety	60,000	120,195	120,195	-
Water Fund	253,000	241,000	241,000	-
Sewer Fund	253,000	241,000	241,000	-
Total transfers in	3,768,797	3,894,362	3,837,855	(56,507)
Total other financing sources	3,768,797	3,894,362	3,837,855	(56,507)
Total general fund revenues and other financing sources	\$ 39,152,123	\$ 41,878,217	\$ 42,199,501	\$ 321,284

(Concluded)

City of Antioch
Required Supplementary Information, Continued
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2013

Schedule of Expenditures and Transfers Out - General Fund

FUNCTION/ACTIVITY:	Budget		Actual	Variance With
	Original	Final		Final Budget Positive (Negative)
City Council	\$ 156,197	\$ 159,334	\$ 155,924	\$ 3,410
City Attorney	439,308	477,627	461,109	16,518
City Manager	428,520	432,542	429,509	3,033
City Clerk	222,489	158,917	156,281	2,636
City Treasurer	211,923	181,476	176,265	5,211
Personnel Services	418,765	506,287	501,961	4,326
Economic Development	661,851	782,121	786,147	(4,026)
Finance/Purchasing	1,340,953	1,323,987	1,304,890	19,097
Warehouse & Central Stores	12,145	12,040	12,017	23
Emergency Services	11,377	9,452	8,024	1,428
Non-Departmental	1,236,995	1,271,984	1,335,990	(64,006)
Total general government	5,140,523	5,315,767	5,328,117	(12,350)
PUBLIC WORKS				
Maintenance Administration	309,391	311,289	309,667	1,622
General Maintenance Services	46,210	42,878	41,971	907
Street Maintenance	1,695,451	1,619,216	1,541,664	77,552
Engineering and Land Development	847,104	851,188	778,583	72,605
Signal & Street Lighting	574,569	758,460	763,925	(5,465)
Striping & Signing	588,234	617,307	598,333	18,974
Facilities Maintenance	467,154	501,608	429,290	72,318
Park Maintenance	788,378	784,268	680,036	104,232
Median and General Landscape	372,348	366,330	348,764	17,566
Capital Improv/Engineering Administration	111,225	27,679	16,875	10,804
Engineering Services	114,946	120,476	78,575	41,901
Work Alternative	131,805	122,209	115,314	6,895
Total public works	6,046,815	6,122,908	5,702,997	419,911
PUBLIC SAFETY				
Administration	3,429,757	3,538,333	3,587,682	(49,349)
Police Reserve	6,019	7,674	7,686	(12)
Prisoner Custody	629,454	543,720	538,161	5,559
Community Policing Division	15,114,633	14,675,496	14,584,042	91,454
Traffic Division	852,006	917,226	914,585	2,641
Investigation	2,802,816	2,537,080	2,589,509	(52,429)
Special Operations Unit	1,113,486	1,011,330	1,016,244	(4,914)
Communications	2,523,140	2,360,869	2,328,309	32,560
Community Volunteer	80,349	77,204	74,052	3,152
Facility Maintenance	511,380	495,844	432,000	63,844
Total public safety	27,063,040	26,164,776	26,072,270	92,506

(Continued)

City of Antioch
Required Supplementary Information, Continued
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2013

Schedule of Expenditures and Transfers Out - General Fund

	Budget		Actual	Variance With
	Original	Final		Final Budget Positive (Negative)
COMMUNITY DEVELOPMENT				
Office of the Director	600,452	603,036	597,482	5,554
Land Planning Services	465,771	461,071	422,339	38,732
Neighborhood Improvement	229,903	264,611	263,631	980
Building Inspections	612,277	603,991	596,749	7,242
Total community development	1,908,403	1,932,709	1,880,201	52,508
Total current expenditures	40,158,781	39,536,160	38,983,585	552,575
OTHER FINANCING USES:				
Transfers out:				
Animal Control	529,633	454,063	417,195	36,868
Antioch WaterPark	205,000	268,000	334,525	(66,525)
Antioch Marina	-	284,122	284,122	-
Recreation	391,720	438,321	368,880	69,441
Downtown Street Light & Landscape District	77,000	77,000	57,000	20,000
Citywide 2A Maintenance District	107,000	107,000	92,000	15,000
Honeywell Capital Lease	41,411	41,411	41,411	-
Total transfers out	1,351,764	1,669,917	1,595,133	74,784
Total general fund expenditures and transfers out	\$ 41,510,545	\$ 41,206,077	\$ 40,578,718	\$ 627,359

(Concluded)

City of Antioch
Required Supplementary Information, Continued
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2013

Special Revenue Fund - Housing and Community Development

	Budget		Actual	Variance With
	Original	Final		Final Budget
				Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 270	\$ 500	\$ 600	\$ 100
Revenue from other agencies	828,966	975,900	825,652	(150,248)
Other	100,000	100,000	458	(99,542)
Total revenues	929,236	1,076,400	826,710	(249,690)
EXPENDITURES:				
Current:				
Community development	924,226	1,034,017	714,227	319,790
Total expenditures	924,226	1,034,017	714,227	319,790
REVENUES OVER (UNDER) EXPENDITURES	5,010	42,383	112,483	70,100
Net change in fund balances	\$ 5,010	\$ 42,383	112,483	\$ 70,100
FUND BALANCES:				
Beginning of year			102,383	
End of year			\$ 214,866	

City of Antioch
Required Supplementary Information, Continued
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2013

Special Revenue Fund - Gas Tax

	Budget		Actual	Variance With
	Original	Final		Final Budget Positive (Negative)
REVENUES:				
Taxes	\$ 2,660,809	\$ 2,376,116	\$ 2,353,182	\$ (22,934)
Investment income and rentals	20,000	32,000	39,940	7,940
Revenues from other agencies	5,400,000	5,479,303	3,651,365	(1,827,938)
Total revenues	8,080,809	7,887,419	6,044,487	(1,842,932)
EXPENDITURES:				
Current:				
Public works	595,997	1,143,245	532,940	610,305
Capital outlay	7,825,000	7,051,641	4,325,721	2,725,920
Total expenditures	8,420,997	8,194,886	4,858,661	3,336,225
REVENUES OVER (UNDER) EXPENDITURES	(340,188)	(307,467)	1,185,826	1,493,293
OTHER FINANCING (USES):				
Transfers (out)	(1,495,737)	(1,545,737)	(1,545,737)	-
Total other financing (uses)	(1,495,737)	(1,545,737)	(1,545,737)	-
Net change in fund balances	\$ (1,835,925)	\$ (1,853,204)	(359,911)	\$ 1,493,293
FUND BALANCES:				
Beginning of year			8,473,012	
End of year			\$ 8,113,101	

City of Antioch
Required Supplementary Information, Continued
Budgetary Comparison Schedule
For the Fiscal Year Ended June 30, 2013

Special Revenue Fund - Housing Successor

	Budget		Actual	Variance With
	Original	Final		Final Budget
				Positive
				(Negative)
REVENUES:				
Investment income and rentals	\$ 8,000	\$ 1,000	\$ 2,032	\$ 1,032
Other	5,000	59,639	59,638	(1)
Total revenues	13,000	60,639	61,670	1,031
EXPENDITURES:				
Current:				
Community development	168,161	231,644	224,717	6,927
Total expenditures	168,161	231,644	224,717	6,927
REVENUES OVER (UNDER) EXPENDITURES	(155,161)	(171,005)	(163,047)	7,958
Net change in fund balances	\$ (155,161)	\$ (171,005)	(163,047)	\$ 7,958
FUND BALANCES:				
Beginning of year			4,569,332	
End of year			\$ 4,406,285	

City of Antioch
Notes to Required Supplementary Information
For the Fiscal Year Ended June 30, 2013

REQUIRED SUPPLEMENTARY INFORMATION UNFUNDED LIABILITY

Miscellaneous Employees Retirement System
Funded Status of Plan

Valuation Date	Entry Age Normal Accrued Liability	Actuarial Value of Assets	Unfunded Liability	Funded Status		Annual Covered Payroll	Unfunded Liability as a % of Payroll
				AVA	MVA		
				6/30/2009	\$ 120,714,384		
6/30/2010	124,265,203	101,190,100	23,075,103	81.4%	63.6%	13,473,039	171.3%
6/30/2011	129,429,446	105,248,476	24,180,970	81.3%	72.0%	11,380,100	212.5%

Public Safety Employees Retirement System
Funded Status of Plan

Valuation Date	Entry Age Normal Accrued Liability	Actuarial Value of Assets	Unfunded Liability	Funded Status		Annual Covered Payroll	Unfunded Liability as a % of Payroll
				AVA	MVA		
				6/30/2009	\$ 93,154,520		
6/30/2010	99,099,170	80,923,199	18,175,971	81.7%	64.5%	11,014,417	165.0%
6/30/2011	108,171,871	87,064,110	21,107,761	80.5%	71.9%	10,548,579	200.1%

Supplementary Retirement Plan
Funded Status of Plan

Valuation Date	Entry Age Normal Accrued Liability	Actuarial Value of Assets	Unfunded Liability	Funded Status		Annual Covered Payroll	Unfunded Liability as a % of Payroll
				AVA	MVA		
				6/30/2009	\$ 1,026,000		
6/30/2011	1,731,000	38,000	1,693,000	2.2%	0.0%	7,897,000	21.4%

California Employers' Retiree Benefit Trust
Funded Status of Plan

Valuation Date	Actuarial Accrued Liability (AAL)	Actuarial Value of Assets	Unfunded Actuarial Accrued Liability (UAAL)	Funded Status		Annual Covered Payroll	Unfunded Liability as a % of Payroll
				AVA	MVA		
				1/1/2009	\$ 25,836,000		
1/1/2011	25,338,471	7,375,365	17,963,106	29.1%	29.1%	18,786,946	95.6%
7/1/2011	38,433,174	7,454,949	30,978,225	19.4%	19.4%	18,786,946	164.9%

City of Antioch
Notes to Required Supplementary Information
For the Fiscal Year Ended June 30, 2013

BUDGETARY BASIS OF ACCOUNTING

The City follows these procedures in establishing the budgetary data reflected in the required supplementary information:

1. The City Manager submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them.
2. Public hearings are conducted to obtain taxpayer comments.
3. The budget is legally enacted through passage of a minute order.
4. The City Manager is authorized to transfer budgeted amounts between departments within any fund; however, any revisions that increase the total expenditures of any fund must be approved by the City Council. Expenditures may not legally exceed budgeted appropriations at the fund level without City Council approval.
5. The City adopts a one year budget for its General Fund, Special Revenue Funds and Capital Projects Funds. Debt Service Funds budgetary control is achieved through bond indenture provisions.
6. Budgets are adopted on a basis consistent with accounting principles generally accepted in the United States of America. Amounts presented include amendments approved by the City Council.
7. Encumbrance accounting is employed as an extension of formal budgetary integration in the City's governmental funds. Encumbrances outstanding at year end are reported as assignments of fund balances, since they do not yet constitute expenditures or liabilities. Encumbrances are reappropriated in the following year. Unexpended appropriations lapse at year end.

SUPPLEMENTAL INFORMATION

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City of Antioch
Combining Balance Sheet
Non-Major Governmental Funds
June 30, 2013

	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Total
ASSETS				
Cash and investments	\$ 13,319,112	\$ -	\$ 3,359,785	\$ 16,678,897
Accounts, net	1,140,519	769,131	2,142,393	4,052,043
Tax	349,693	-	-	349,693
Interest	-	2	-	2
Prepaid items	20,558	291,447	-	312,005
Restricted cash and investments	-	433,573	-	433,573
Total assets	\$ 14,829,882	\$ 1,494,153	\$ 5,502,178	\$ 21,826,213
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 952,413	\$ -	\$ 668,172	\$ 1,620,585
Accrued payroll	79,509	-	5,992	85,501
Deposits	523,813	-	111,401	635,214
Due to other funds	384,810	768,986	1,222,377	2,376,173
Unavailable revenue	66,211	-	-	66,211
Total liabilities	2,006,756	768,986	2,007,942	4,783,684
Fund Balances:				
Nonspendable:				
Petty cash and prepaid items	20,558	291,447	-	312,005
Restricted for:				
Debt service	-	433,720	-	433,720
Streets	3,995,011	-	-	3,995,011
Parks	17,790	-	-	17,790
PEG Programming	606,123	-	-	606,123
Storm Channels	2,805,712	-	-	2,805,712
Landscape Maintenance	1,352,236	-	-	1,352,236
Tidelands Areas Protection	111,070	-	-	111,070
Law Enforcement	82,728	-	-	82,728
Traffic Safety	18,982	-	-	18,982
Parks & Recreation	188,448	-	-	188,448
Animal Shelter Maintenance /Operation	11,591	-	-	11,591
Abandoned Vehicle	139,999	-	-	139,999
Committed to:				
Parks	2,166,711	-	-	2,166,711
Arts & Cultural Activities	22,303	-	-	22,303
Recreation Programs	278	-	-	278
Field Maintenance	48,791	-	-	48,791
Memorial Field Maintenance	21,040	-	-	21,040
Road Repair	10,651	-	-	10,651
Waste Reduction	367,639	-	-	367,639
Youth Activities/Building Maintenance	101,164	-	-	101,164
Traffic Signals	707,896	-	-	707,896
Assigned to:				
Parks & Recreation	26,405	-	-	26,405
Capital Projects	-	-	389,206	389,206
Community Benefit Programs	-	-	33,655	33,655
AD 26	-	-	377,186	377,186
AD 27	-	-	2,694,189	2,694,189
Total fund balances	12,823,126	725,167	3,494,236	17,042,529
Total liabilities and fund balances	\$ 14,829,882	\$ 1,494,153	\$ 5,502,178	\$ 21,826,213

City of Antioch
Combining Statement of Revenues, Expenditures and Changes in Fund Balances
Non-Major Governmental Funds
For the Fiscal Year Ended June 30, 2013

	Special Revenue Funds	Debt Service Funds	Capital Project Funds	Total
REVENUES:				
Taxes	\$ 1,531,910	\$ -	\$ -	\$ 1,531,910
Fines and penalties	103,922	-	-	103,922
Investment income and rentals	446,045	423,574	18,379	887,998
Revenue from other agencies	1,372,984	-	2,351,565	3,724,549
Current service charges	1,530,484	-	124,744	1,655,228
Special assessment revenue	2,850,356	-	-	2,850,356
Contribution from Successor Agency Trust	-	-	-	-
Other	114,400	-	15,228	129,628
Total revenues	7,950,101	423,574	2,509,916	10,883,591
EXPENDITURES:				
Current:				
General government	-	3,342	-	3,342
Public works	1,053,701	-	512,915	1,566,616
Public safety	886,826	-	-	886,826
Parks and recreation	3,209,206	-	-	3,209,206
Community development	157,817	-	116,912	274,729
Capital outlay	2,957,348	-	3,470,328	6,427,676
Debt service:				
Principal retirement	-	508,592	-	508,592
Interest and fiscal charges	-	420,664	-	420,664
Total expenditures	8,264,898	932,598	4,100,155	13,297,651
REVENUES OVER (UNDER) EXPENDITURES	(314,797)	(509,024)	(1,590,239)	(2,414,060)
OTHER FINANCING SOURCES (USES):				
Transfers in	1,537,036	510,605	470,000	2,517,641
Transfers (out)	(3,256,304)	-	-	(3,256,304)
Total other financing sources (uses)	(1,719,268)	510,605	470,000	(738,663)
Net change in fund balances	(2,034,065)	1,581	(1,120,239)	(3,152,723)
FUND BALANCES:				
Beginning of year	14,857,191	723,586	4,614,475	20,195,252
End of year	\$ 12,823,126	\$ 725,167	\$ 3,494,236	\$ 17,042,529

NON-MAJOR SPECIAL REVENUE FUNDS

These funds account for the proceeds derived from special revenue sources, which are legally restricted to expenditures for specified purposes.

Delta Fair Property Fund

This fund accounts for revenues resulting from the sale or lease of surplus right-of-way property acquired from the State. In accordance with agreements with the State, expenditures must be for park and recreational facilities.

Recreation Programs

This fund accounts for revenue received to cover the costs of recreation programs provided by the City's Leisure Services Divisions.

Animal Control Fund

This fund accounts for revenues and expenditures of the City's animal services program. A portion of the revenues required to operate this function comes from animal licenses and shelter, adoption, handling, and impound fees. The remainder comes from a subsidy transfer from the General Fund.

Civic Arts Fund

This fund accounts for money specifically set aside for art programs and projects. Revenues come from a percentage of the City's Transient Occupancy Tax. Expenditures are for a variety of programs in the fund and performing arts, as well as projects such as Art in Public Places.

Park in Lieu Fund

This fund accounts for revenues from park dedication fees required of all new construction. Monies are accumulated in accounts allocated to certain parks on the basis of the area in which the construction is taking place. These funds are then appropriated and spent for park development.

Senior Bus Fund

This fund accounts for the City's Senior Bus Program, which provides door-to-door transportation to frail, elderly, and disabled individuals. Revenue sources are grant funds through the Metropolitan Transportation Commission and fees paid by riders and the Antioch Committee on Aging.

Abandoned Vehicles Fund

This fund accounts for revenue from AB 4114, which charges a \$1.00 fee on the registration of all vehicles located in the City. The funds are received from the County and are used to remove abandoned vehicles from City streets.

Traffic Signal Fee Fund

This fund accounts for fees from developers for all new traffic signal construction.

Asset Forfeitures Fund

This fund was established to account for the proceeds from sales of assets seized in connection with drug enforcement. These proceeds are to be used for law enforcement purposes.

Measure J Growth Management Program Fund

This fund accounts for Measure J Funds, which are used to construct roads.

NON-MAJOR SPECIAL REVENUE FUNDS, Continued

Child Care Fund

This fund accounts for lease revenue received and City expenditures relating to the child care center leased from the City by the YWCA.

Tidelands Assembly Bill 1900

In 1990, the California State Legislature passed legislation that created tidelands entitlement areas. Funds are generated by payments from the lessees of the City's tidelands areas. This revenue is limited to improving accessibility and/or protection of the City's waterfront areas.

Maintenance Districts

Established to account for revenue and related expenditures of lighting and landscape activities.

Solid Waste Reduction AB 939

Under AB 939, a special fee is levied by the State against each ton of solid waste, which is disposed at landfill sites. A portion of this fee goes back to the cities on a quarterly basis for use in achieving AB 939 goals.

Pollution Elimination

This fund was established to account for activities related to the National Pollution Discharge Elimination Program. The purpose of this program is to monitor and reduce storm water pollution.

Supplemental Law Enforcement

This fund accounts for supplemental public safety funding allocated in AB 3229. Funds must be used for front-line police services and must supplement and not supplant existing funding for law enforcement services.

Street Impact Fund

This fund accounts for franchise taxes received.

Traffic Safety Fund

This fund accounts for fines and forfeitures received under Section 1463 of the Penal Code. Funds shall be used exclusively for official traffic control devices, the maintenance thereof, equipment and supplies for traffic law enforcement and traffic accident prevention.

PEG Franchise Fee Fund

This fund accounts for a 1% fee collected from video franchises to support local Public, Educational and Governmental Programming (PEG).

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City of Antioch
Combining Balance Sheet
Non-Major Special Revenue Funds
June 30, 2013

	Delta Fair Property	Recreation Programs	Animal Control	Civic Arts	Park in Lieu	Senior Bus	Abandoned Vehicles
ASSETS							
Cash and investments	\$ 17,790	\$ 485,318	\$ 61,368	\$ 13,884	\$ 2,442,062	\$ 214,853	\$ 141,238
Receivables:							
Accounts, net	-	16,950	11,166	-	-	-	-
Taxes	-	-	-	8,419	-	-	-
Prepaid items	-	211	-	-	-	-	-
Total assets	\$ 17,790	\$ 502,479	\$ 72,534	\$ 22,303	\$ 2,442,062	\$ 214,853	\$ 141,238
LIABILITIES AND FUND BALANCES							
Liabilities:							
Accounts payable	\$ -	\$ 93,531	\$ 31,220	\$ -	\$ 274,380	\$ -	\$ 1,239
Accrued payroll	-	30,384	19,851	-	971	-	-
Deposits	-	242,033	9,872	-	-	-	-
Due to other funds	-	-	-	-	-	-	-
Unavailable revenue	-	66,211	-	-	-	-	-
Total liabilities	-	432,159	60,943	-	275,351	-	1,239
Fund balances:							
Nonspendable:							
Petty cash and prepaid items	-	211	-	-	-	-	-
Restricted for:							
Streets	-	-	-	-	-	-	-
Parks	17,790	-	-	-	-	-	-
PEG Programming	-	-	-	-	-	-	-
Storm Channels	-	-	-	-	-	-	-
Landscape Maintenance	-	-	-	-	-	-	-
Tidelands Areas Protection	-	-	-	-	-	-	-
Law Enforcement	-	-	-	-	-	-	-
Traffic Safety	-	-	-	-	-	-	-
Parks & Recreation	-	-	-	-	-	188,448	-
Animal Shelter Maintenance /Operation	-	-	11,591	-	-	-	-
Abandoned Vehicle	-	-	-	-	-	-	139,999
Committed to:							
Parks	-	-	-	-	2,166,711	-	-
Arts & Cultural Activities	-	-	-	22,303	-	-	-
Recreation Programs	-	278	-	-	-	-	-
Field Maintenance	-	48,791	-	-	-	-	-
Memorial Field Maintenance	-	21,040	-	-	-	-	-
Road Repair	-	-	-	-	-	-	-
Waste Reduction	-	-	-	-	-	-	-
Youth Activities/Building Maintenance	-	-	-	-	-	-	-
Traffic Signals	-	-	-	-	-	-	-
Assigned to:							
Parks & Recreation	-	-	-	-	-	26,405	-
Total fund balances	17,790	70,320	11,591	22,303	2,166,711	214,853	139,999
Total liabilities and fund balances	\$ 17,790	\$ 502,479	\$ 72,534	\$ 22,303	\$ 2,442,062	\$ 214,853	\$ 141,238

City of Antioch
Combining Balance Sheet
Non-Major Special Revenue Funds
June 30, 2013

	Supplemental					Total
	Law Enforcement	LLEBG Byrne Grant	Street Impact	Traffic Safety	PEG Fanchise Fee	
ASSETS						
Cash and investments	\$ -	\$ -	\$ -	\$ 587	\$ 638,651	\$ 13,319,112
Receivables:						
Accounts, net	65,631	47,136	-	18,395	-	1,140,519
Taxes	-	-	282,707	-	58,567	349,693
Prepaid items	-	-	-	-	-	20,558
Total assets	\$ 65,631	\$ 47,136	\$ 282,707	\$ 18,982	\$ 697,218	\$ 14,829,882
LIABILITIES AND FUND BALANCES						
Liabilities:						
Accounts payable	\$ -	\$ -	\$ -	\$ -	\$ 90,919	\$ 952,413
Accrued payroll	-	-	-	-	176	79,509
Deposits	-	-	-	-	-	523,813
Due to other funds	65,618	47,136	272,056	-	-	384,810
Unavailable revenue	-	-	-	-	-	66,211
Total liabilities	65,618	47,136	272,056	-	91,095	2,006,756
Fund balances:						
Nonspendable:						
Petty cash and prepaid items	-	-	-	-	-	20,558
Restricted for:						
Streets	-	-	-	-	-	3,995,011
Parks	-	-	-	-	-	17,790
PEG Programming	-	-	-	-	606,123	606,123
Storm Channels	-	-	-	-	-	2,805,712
Landscape Maintenance	-	-	-	-	-	1,352,236
Tidelands Areas Protection	-	-	-	-	-	111,070
Law Enforcement	13	-	-	-	-	82,728
Traffic Safety	-	-	-	18,982	-	18,982
Parks & Recreation	-	-	-	-	-	188,448
Animal Shelter Maintenance /Operation	-	-	-	-	-	11,591
Abandoned Vehicle	-	-	-	-	-	139,999
Committed to:						
Parks	-	-	-	-	-	2,166,711
Arts & Cultural Activities	-	-	-	-	-	22,303
Recreation Programs	-	-	-	-	-	278
Field Maintenance	-	-	-	-	-	48,791
Memorial Field Maintenance	-	-	-	-	-	21,040
Road Repair	-	-	10,651	-	-	10,651
Waste Reduction	-	-	-	-	-	367,639
Youth Activities/Building Maintenance	-	-	-	-	-	101,164
Traffic Signals	-	-	-	-	-	707,896
Assigned to:						
Parks & Recreation	-	-	-	-	-	26,405
Total fund balances	13	-	10,651	18,982	606,123	12,823,126
Total liabilities and fund balances	\$ 65,631	\$ 47,136	\$ 282,707	\$ 18,982	\$ 697,218	\$ 14,829,882

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City of Antioch
Combining Statement of Revenues, Expenditures and Changes in Fund Balances
Non-Major Special Revenue Funds
For the Fiscal Year Ended June 30, 2013

	Delta Fair Property	Recreation Programs	Animal Control	Civic Arts	Park in Lieu
REVENUES:					
Taxes	\$ -	\$ -	\$ -	\$ 34,884	\$ -
Fines and penalties	-	-	-	-	-
Investment income and rentals	17,560	254,075	-	32	11,684
Revenue from other agencies	-	-	63,000	-	-
Current service charges	-	696,794	298,325	-	443,161
Special assessment revenue	-	-	-	-	-
Other	-	45,304	21,171	19	525
Total revenues	17,560	996,173	382,496	34,935	455,370
EXPENDITURES:					
Current:					
Public works	437	-	-	-	403,326
Public safety	-	-	817,112	-	-
Parks and recreation	-	1,406,399	-	27,690	-
Community development	-	-	-	-	-
Capital outlay	-	-	-	-	2,066,738
Total expenditures	437	1,406,399	817,112	27,690	2,470,064
REVENUES OVER (UNDER) EXPENDITURES	17,123	(410,226)	(434,616)	7,245	(2,014,694)
OTHER FINANCING SOURCES (USES):					
Transfers in	-	411,580	417,195	-	-
Transfers (out)	(63,000)	(9,933)	(555)	-	-
Total other financing sources (uses)	(63,000)	401,647	416,640	-	-
Net change in fund balances	(45,877)	(8,579)	(17,976)	7,245	(2,014,694)
FUND BALANCES:					
Beginning of year	63,667	78,899	29,567	15,058	4,181,405
End of year	\$ 17,790	\$ 70,320	\$ 11,591	\$ 22,303	\$ 2,166,711

Senior Bus	Abandoned Vehicles	Traffic Signal Fee	Asset Forfeitures	Measure J Growth Management Program	Child Care	Tidelands Assembly Bill - 1900
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-	-	-	-	-	-	-
1,253	643	7,120	1,917	14,111	71,796	7,487
45,834	36,545	-	-	979,883	-	-
3,528	-	88,676	-	-	-	-
-	-	-	-	-	-	-
72	-	-	34,262	-	-	-
50,687	37,188	95,796	36,179	993,994	71,796	7,487
-	-	26,429	-	137,503	-	474
-	9,610	-	56,622	-	-	-
68,172	-	-	-	-	1,847	-
-	-	-	-	-	-	-
-	-	524,334	-	150,832	-	-
68,172	9,610	550,763	56,622	288,335	1,847	474
(17,485)	27,578	(454,967)	(20,443)	705,659	69,949	7,013
-	-	44,400	-	-	-	-
(7,700)	-	-	-	(244,400)	(70,000)	-
(7,700)	-	44,400	-	(244,400)	(70,000)	-
(25,185)	27,578	(410,567)	(20,443)	461,259	(51)	7,013
240,038	112,421	1,118,463	121,198	3,533,752	101,215	104,057
\$ 214,853	\$ 139,999	\$ 707,896	\$ 100,755	\$ 3,995,011	\$ 101,164	\$ 111,070

City of Antioch
Combining Statement of Revenues, Expenditures and Changes in Fund Balances
Non-Major Special Revenue Funds
For the Fiscal Year Ended June 30, 2013

	Lighting & Landscape District	Park 1A Maintenance District	Solid Waste Reduction AB 939	Pollution Elimination	Supplemental Law Enforcement
REVENUES:					
Taxes	\$ -	\$ 21,811	\$ 160,000	\$ -	\$ -
Fines and penalties	-	-	-	-	-
Investment income and rentals	7,156	28,778	2,170	13,638	33
Revenue from other agencies	-	228	39,637	26,100	131,251
Current service charges	-	-	-	-	-
Special assessment revenue	2,000,030	-	-	850,326	-
Other	1,368	508	10,045	1,126	-
Total revenues	2,008,554	51,325	211,852	891,190	131,284
EXPENDITURES:					
Current:					
Public works	-	-	-	484,665	-
Public safety	-	-	-	-	17
Parks and recreation	1,632,284	44,954	-	-	-
Community development	-	-	157,817	-	-
Capital outlay	-	-	-	115,457	-
Total expenditures	1,632,284	44,954	157,817	600,122	17
REVENUES OVER (UNDER) EXPENDITURES	376,270	6,371	54,035	291,068	131,267
OTHER FINANCING SOURCES (USES):					
Transfers in	628,861	-	-	35,000	-
Transfers (out)	(1,064,545)	(13,916)	-	(257,657)	(131,267)
Total other financing sources (uses)	(435,684)	(13,916)	-	(222,657)	(131,267)
Net change in fund balances	(59,414)	(7,545)	54,035	68,411	-
FUND BALANCES:					
Beginning of year	1,406,863	13,280	313,604	2,738,660	13
End of year	\$ 1,347,449	\$ 5,735	\$ 367,639	\$ 2,807,071	\$ 13

LLEBG Byrne Grant	Street Impact	Traffic Safety	PEG Fanchise Fee	Total
\$ -	\$ 1,084,208	\$ -	\$ 231,007	\$ 1,531,910
-	-	103,922	-	103,922
-	3,375	355	2,862	446,045
50,506	-	-	-	1,372,984
-	-	-	-	1,530,484
-	-	-	-	2,850,356
-	-	-	-	114,400
50,506	1,087,583	104,277	233,869	7,950,101
-	867	-	-	1,053,701
3,370	-	95	-	886,826
-	-	-	27,860	3,209,206
-	-	-	-	157,817
-	-	-	99,987	2,957,348
3,370	867	95	127,847	8,264,898
47,136	1,086,716	104,182	106,022	(314,797)
-	-	-	-	1,537,036
(47,136)	(1,226,000)	(120,195)	-	(3,256,304)
(47,136)	(1,226,000)	(120,195)	-	(1,719,268)
-	(139,284)	(16,013)	106,022	(2,034,065)
-	149,935	34,995	500,101	14,857,191
\$ -	\$ 10,651	\$ 18,982	\$ 606,123	\$ 12,823,126

City of Antioch
Budgetary Comparison Schedule
Delta Fair Property Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 10,100	\$ 17,500	\$ 17,560	\$ 60
Total revenues	10,100	17,500	17,560	60
EXPENDITURES:				
Current:				
Public works	7,436	436	437	(1)
Total expenditures	7,436	436	437	(1)
REVENUES OVER (UNDER) EXPENDITURES	2,664	17,064	17,123	59
OTHER FINANCING SOURCES (USES):				
Transfers out	(63,000)	(63,000)	(63,000)	-
Total other financing sources (uses)	(63,000)	(63,000)	(63,000)	-
Net change in fund balances	\$ (60,336)	\$ (45,936)	(45,877)	\$ 59
FUND BALANCES:				
Beginning of year			63,667	
End of year			\$ 17,790	

City of Antioch
Budgetary Comparison Schedule
Recreation Programs Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 280,100	\$ 293,800	\$ 254,075	\$ (39,725)
Current service charges	759,650	745,286	696,794	(48,492)
Other	38,500	36,574	45,304	8,730
Total revenues	<u>1,078,250</u>	<u>1,075,660</u>	<u>996,173</u>	<u>(79,487)</u>
EXPENDITURES:				
Current:				
Parks and recreation	1,492,773	1,548,138	1,406,399	141,739
Capital outlay	10,000	10,000	-	10,000
Total expenditures	<u>1,502,773</u>	<u>1,558,138</u>	<u>1,406,399</u>	<u>151,739</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>(424,523)</u>	<u>(482,478)</u>	<u>(410,226)</u>	<u>72,252</u>
OTHER FINANCING SOURCES (USES):				
Transfers in	434,420	481,021	411,580	(69,441)
Transfers (out)	(9,933)	(9,933)	(9,933)	-
Total other financing sources (uses)	<u>424,487</u>	<u>471,088</u>	<u>401,647</u>	<u>(69,441)</u>
Net change in fund balances	<u>\$ (36)</u>	<u>\$ (11,390)</u>	<u>(8,579)</u>	<u>\$ 2,811</u>
FUND BALANCES:				
Beginning of year			<u>78,899</u>	
End of year			<u>\$ 70,320</u>	

City of Antioch
Budgetary Comparison Schedule
Animal Control Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Revenue from other agencies	\$ 40,000	\$ 63,000	\$ 63,000	\$ -
Current service charges	239,100	275,852	298,325	22,473
Other	11,000	20,730	21,171	441
Total revenues	<u>290,100</u>	<u>359,582</u>	<u>382,496</u>	<u>22,914</u>
EXPENDITURES:				
Current:				
Public safety	819,178	841,516	817,112	24,404
Total expenditures	<u>819,178</u>	<u>841,516</u>	<u>817,112</u>	<u>24,404</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>(529,078)</u>	<u>(481,934)</u>	<u>(434,616)</u>	<u>47,318</u>
OTHER FINANCING SOURCES (USES):				
Transfers in	529,633	454,063	417,195	(36,868)
Transfers (out)	(555)	(555)	(555)	-
Total other financing sources (uses)	<u>529,078</u>	<u>453,508</u>	<u>416,640</u>	<u>(36,868)</u>
Net change in fund balances	<u>\$ -</u>	<u>\$ (28,426)</u>	<u>(17,976)</u>	<u>\$ 10,450</u>
FUND BALANCES:				
Beginning of year			29,567	
End of year			<u>\$ 11,591</u>	

City of Antioch
Budgetary Comparison Schedule
Civic Arts Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Taxes	\$ 30,000	\$ 30,000	\$ 34,884	\$ 4,884
Investment income and rentals	25	25	32	7
Investment income and rentals	25	25	19	(6)
Total revenues	30,050	30,050	34,935	4,885
EXPENDITURES:				
Current:				
Parks and recreation	29,712	29,702	27,690	2,012
REVENUES OVER (UNDER) EXPENDITURES	338	348	7,245	6,897
Net change in fund balances	\$ 338	\$ 348	7,245	\$ 6,897
FUND BALANCES:				
Beginning of year			15,058	
End of year			\$ 22,303	

City of Antioch
Budgetary Comparison Schedule
Park in Lieu Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 21,000	\$ 15,000	\$ 11,684	\$ (3,316)
Current service charges	40,000	398,371	443,161	44,790
Other	-	177,500	525	(176,975)
Total revenues	61,000	590,871	455,370	(135,501)
EXPENDITURES:				
Current:				
Public works	10,870	554,567	403,326	151,241
Capital outlay	-	3,037,500	2,066,738	970,762
Total expenditures	10,870	3,592,067	2,470,064	1,122,003
REVENUES OVER (UNDER) EXPENDITURES	50,130	(3,001,196)	(2,014,694)	986,502
Net change in fund balances	\$ 50,130	\$ (3,001,196)	(2,014,694)	\$ 986,502
FUND BALANCES:				
Beginning of year			4,181,405	
End of year			\$ 2,166,711	

City of Antioch
Budgetary Comparison Schedule
Senior Bus Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 850	\$ 1,000	\$ 1,253	\$ 253
Revenue from other agencies	45,833	45,834	45,834	-
Current service charges	8,335	4,204	3,528	(676)
Other	-	-	72	72
Total revenues	55,018	51,038	50,687	(351)
EXPENDITURES:				
Current:				
Parks and recreation	49,222	71,395	68,172	3,223
Total expenditures	49,222	71,395	68,172	3,223
REVENUES OVER (UNDER) EXPENDITURES	5,796	(20,357)	(17,485)	2,872
OTHER FINANCING (USES):				
Transfers (out)	(7,700)	(7,700)	(7,700)	-
Total other financing (uses)	(7,700)	(7,700)	(7,700)	-
Net change in fund balances	\$ (1,904)	\$ (28,057)	(25,185)	\$ 2,872
FUND BALANCES:				
Beginning of year			240,038	
End of year			\$ 214,853	

City of Antioch
Budgetary Comparison Schedule
Abandoned Vehicle Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 500	\$ 500	\$ 643	\$ 143
Revenue from other agencies	47,000	47,000	36,545	(10,455)
Total revenues	<u>47,500</u>	<u>47,500</u>	<u>37,188</u>	<u>(10,312)</u>
EXPENDITURES:				
Current:				
Public safety	53,828	17,428	9,610	7,818
REVENUES OVER (UNDER) EXPENDITURES	<u>(6,328)</u>	<u>30,072</u>	<u>27,578</u>	<u>(2,494)</u>
Net change in fund balances	<u>\$ (6,328)</u>	<u>\$ 30,072</u>	<u>27,578</u>	<u>\$ (2,494)</u>
FUND BALANCES:				
Beginning of year			112,421	
End of year			<u>\$ 139,999</u>	

City of Antioch
Budgetary Comparison Schedule
Traffic Signal Fee Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 2,500	\$ 7,000	\$ 7,120	\$ 120
Current service charges	50,000	78,232	88,676	10,444
Total revenues	52,500	85,232	95,796	10,564
EXPENDITURES:				
Current:				
Public works	9,004	2,513	26,429	(23,916)
Capital outlay	464,000	600,000	524,334	75,666
Total expenditures	473,004	602,513	550,763	51,750
REVENUES OVER (UNDER) EXPENDITURES	(420,504)	(517,281)	(454,967)	62,314
OTHER FINANCING SOURCES:				
Transfers in	-	44,400	44,400	-
Total other financing sources	-	44,400	44,400	-
Net change in fund balances	\$ (420,504)	\$ (472,881)	(410,567)	\$ 62,314
FUND BALANCES:				
Beginning of year			1,118,463	
End of year			\$ 707,896	

City of Antioch
Budgetary Comparison Schedule
Asset Forfeitures Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 850	\$ 1,850	\$ 1,917	\$ 67
Other	40,000	53,373	34,262	(19,111)
Total revenues	40,850	55,223	36,179	(19,044)
EXPENDITURES:				
Current:				
Public safety	40,572	55,471	56,622	(1,151)
Total expenditures	40,572	55,471	56,622	(1,151)
REVENUES OVER (UNDER) EXPENDITURES	278	(248)	(20,443)	(20,195)
Net change in fund balances	\$ 278	\$ (248)	(20,443)	\$ (20,195)
FUND BALANCES:				
Beginning of year			121,198	
End of year			\$ 100,755	

City of Antioch
Budgetary Comparison Schedule
Measure J Growth Management Program Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 10,000	\$ 10,000	\$ 14,111	\$ 4,111
Revenue from other agencies	1,008,986	979,883	979,883	-
Total revenues	1,018,986	989,883	993,994	4,111
EXPENDITURES:				
Current:				
Public works	95,830	133,604	137,503	(3,899)
Capital outlay	1,000,000	1,435,274	150,832	1,284,442
Total expenditures	1,095,830	1,568,878	288,335	1,280,543
REVENUES OVER (UNDER) EXPENDITURES	(76,844)	(578,995)	705,659	1,284,654
OTHER FINANCING (USES):				
Transfers (out)	(200,000)	(244,400)	(244,400)	-
Total other financing (uses)	(200,000)	(244,400)	(244,400)	-
Net change in fund balances	\$ (276,844)	\$ (823,395)	\$ 461,259	\$ 1,284,654
FUND BALANCES:				
Beginning of year			3,533,752	
End of year			<u>\$ 3,995,011</u>	

City of Antioch
Budgetary Comparison Schedule
Child Care Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 71,600	\$ 72,014	\$ 71,796	\$ (218)
Total revenues	71,600	72,014	71,796	(218)
EXPENDITURES:				
Current:				
Parks and recreation	2,293	6,576	1,847	4,729
REVENUES OVER (UNDER) EXPENDITURES	69,307	65,438	69,949	4,511
OTHER FINANCING (USES):				
Transfers (out)	(70,000)	(70,000)	(70,000)	-
Total other financing (uses)	(70,000)	(70,000)	(70,000)	-
Net change in fund balances	\$ (693)	\$ (4,562)	(51)	\$ 4,511
FUND BALANCES:				
Beginning of year			101,215	
End of year			\$ 101,164	

City of Antioch
Budgetary Comparison Schedule
Tidelands Assembly Bill-1900 Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 7,487	\$ 7,444	\$ 7,487	\$ 43
Total revenues	7,487	7,444	7,487	43
EXPENDITURES:				
Current:				
Public works	591	591	474	117
REVENUES OVER (UNDER) EXPENDITURES	6,896	6,853	7,013	160
Net change in fund balances	\$ 6,896	\$ 6,853	7,013	\$ 160
FUND BALANCES:				
Beginning of year			104,057	
End of year			\$ 111,070	

City of Antioch
Budgetary Comparison Schedule
Lighting & Landscape District Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 4,465	\$ 3,875	\$ 7,156	\$ 3,281
Special assessment revenue	1,988,179	1,997,155	2,000,030	2,875
Other	-	26	1,368	1,342
Total revenues	<u>1,992,644</u>	<u>2,001,056</u>	<u>2,008,554</u>	<u>7,498</u>
EXPENDITURES:				
Current:				
Parks and recreation	<u>1,808,116</u>	<u>1,830,993</u>	<u>1,632,284</u>	<u>198,709</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>184,528</u>	<u>170,063</u>	<u>376,270</u>	<u>206,207</u>
OTHER FINANCING SOURCES (USES):				
Transfers in	689,604	703,632	628,861	(74,771)
Transfers (out)	<u>(1,091,520)</u>	<u>(1,105,142)</u>	<u>(1,064,545)</u>	<u>40,597</u>
Total other financing sources (uses)	<u>(401,916)</u>	<u>(401,510)</u>	<u>(435,684)</u>	<u>(34,174)</u>
Net change in fund balances	<u>\$ (217,388)</u>	<u>\$ (231,447)</u>	<u>(59,414)</u>	<u>\$ 172,033</u>
FUND BALANCES:				
Beginning of year			<u>1,406,863</u>	
End of year			<u>\$ 1,347,449</u>	

City of Antioch
Budgetary Comparison Schedule
Park 1A Maintenance District Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Taxes	\$ 21,250	\$ 21,572	\$ 21,811	\$ 239
Investment income and rentals	40,100	28,150	28,778	628
Revenue from other agencies	115	113	228	115
Total revenues	61,465	49,835	51,325	1,490
EXPENDITURES:				
Current:				
Parks and recreation	50,022	48,045	44,954	3,091
REVENUES OVER (UNDER) EXPENDITURES	11,443	1,790	6,371	4,581
OTHER FINANCING (USES):				
Transfers (out)	(14,663)	(15,069)	(13,916)	(1,153)
Total other financing (uses)	(14,663)	(15,069)	(13,916)	(1,153)
Net change in fund balances	\$ (3,220)	\$ (13,279)	(7,545)	\$ 3,428
FUND BALANCES:				
Beginning of year			13,280	
End of year			\$ 5,735	

City of Antioch
Budgetary Comparison Schedule
Solid Waste Reduction AB 939 Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Taxes	\$ 160,000	\$ 160,000	\$ 160,000	\$ -
Investment income and rentals	1,200	2,000	2,170	170
Revenue from other agencies	56,000	65,637	39,637	(26,000)
Other	5,000	8,790	10,045	1,255
Total revenues	<u>222,200</u>	<u>236,427</u>	<u>211,852</u>	<u>(24,575)</u>
EXPENDITURES:				
Current:				
Community development	280,513	287,608	157,817	129,791
Total expenditures	<u>280,513</u>	<u>287,608</u>	<u>157,817</u>	<u>129,791</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>(58,313)</u>	<u>(51,181)</u>	<u>54,035</u>	<u>105,216</u>
Net change in fund balances	<u>\$ (58,313)</u>	<u>\$ (51,181)</u>	<u>54,035</u>	<u>\$ 105,216</u>
FUND BALANCES:				
Beginning of year			<u>313,604</u>	
End of year			<u>\$ 367,639</u>	

City of Antioch
Budgetary Comparison Schedule
Pollution Elimination Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 13,000	\$ 13,000	\$ 13,638	\$ 638
Revenue from other agencies	-	-	26,100	26,100
Special assessment revenue	825,000	850,326	850,326	-
Other	-	143	1,126	983
Total revenues	<u>838,000</u>	<u>863,469</u>	<u>891,190</u>	<u>27,721</u>
EXPENDITURES:				
Current:				
Public works	411,893	430,303	484,665	(54,362)
Community development	165,009	132,198	-	132,198
Capital outlay	400,000	437,500	115,457	322,043
Total expenditures	<u>976,902</u>	<u>1,000,001</u>	<u>600,122</u>	<u>399,879</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>(138,902)</u>	<u>(136,532)</u>	<u>291,068</u>	<u>427,600</u>
OTHER FINANCING SOURCES (USES):				
Transfers in	35,000	35,000	35,000	-
Transfers (out)	(265,902)	(265,902)	(257,657)	8,245
Total other financing sources (uses)	<u>(230,902)</u>	<u>(230,902)</u>	<u>(222,657)</u>	<u>8,245</u>
Net change in fund balances	<u>\$ (369,804)</u>	<u>\$ (367,434)</u>	68,411	<u>\$ 435,845</u>
FUND BALANCES:				
Beginning of year			<u>2,738,660</u>	
End of year			<u>\$ 2,807,071</u>	

City of Antioch
Budgetary Comparison Schedule
Supplemental Law Enforcement Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ -	\$ 32	\$ 33	\$ 1
Revenue from other agencies	160,658	160,658	131,251	(29,407)
Total revenues	160,658	160,690	131,284	(29,406)
EXPENDITURES:				
Current:				
Public Safety	-	17	17	-
REVENUES OVER (UNDER) EXPENDITURES	160,658	160,673	131,267	(29,406)
OTHER FINANCING (USES):				
Transfers (out)	(160,658)	(160,687)	(131,267)	29,420
Total other financing (uses)	(160,658)	(160,687)	(131,267)	29,420
Net change in fund balances	\$ -	\$ 3	-	\$ 14
FUND BALANCES:				
Beginning of year			13	
End of year			\$ 13	

City of Antioch
Budgetary Comparison Schedule
Local Law Enforcement Byrne Grant fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Revenue from other agencies	\$ 67,398	\$ 67,398	\$ 50,506	\$ (16,892)
Total revenues	67,398	67,398	50,506	(16,892)
EXPENDITURES:				
Current:				
Public Safety	-	3,370	3,370	-
REVENUES OVER (UNDER) EXPENDITURES	67,398	64,028	47,136	(16,892)
OTHER FINANCING (USES):				
Transfers (out)	(160,658)	(160,687)	(47,136)	113,551
Total other financing (uses)	(160,658)	(160,687)	(47,136)	113,551
Net change in fund balances	\$ (93,260)	\$ (93,289)	-	\$ 96,659
FUND BALANCES:				
Beginning of year			-	
End of year			\$ -	

City of Antioch
Budgetary Comparison Schedule
Street Impact Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Taxes	\$ 1,050,000	\$ 1,075,000	\$ 1,084,208	\$ 9,208
Investment income and rentals	2,000	2,500	3,375	875
Total revenues	<u>1,052,000</u>	<u>1,077,500</u>	<u>1,087,583</u>	<u>10,083</u>
EXPENDITURES:				
Current:				
Public works	500	650	867	(217)
REVENUES OVER (UNDER) EXPENDITURES	<u>1,051,500</u>	<u>1,076,850</u>	<u>1,086,716</u>	<u>9,866</u>
OTHER FINANCING (USES):				
Transfers (out)	(1,140,000)	(1,226,000)	(1,226,000)	-
Total other financing (uses)	<u>(1,140,000)</u>	<u>(1,226,000)</u>	<u>(1,226,000)</u>	<u>-</u>
Net change in fund balances	<u>\$ (88,500)</u>	<u>\$ (149,150)</u>	<u>(139,284)</u>	<u>\$ 9,866</u>
FUND BALANCES:				
Beginning of year			149,935	
End of year			<u>\$ 10,651</u>	

City of Antioch
Budgetary Comparison Schedule
Traffic Safety Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Fines and penalties	\$ 60,000	\$ 85,000	\$ 103,922	\$ 18,922
Investment income and rentals	200	300	355	55
Total revenues	60,200	85,300	104,277	18,977
EXPENDITURES:				
Current:				
Public Safety	50	100	95	5
REVENUES OVER (UNDER) EXPENDITURES	60,150	85,200	104,182	18,982
OTHER FINANCING (USES):				
Transfers (out)	(60,000)	(120,195)	(120,195)	-
Total other financing (uses)	(60,000)	(120,195)	(120,195)	-
Net change in fund balances	\$ 150	\$ (34,995)	(16,013)	\$ 18,982
FUND BALANCES:				
Beginning of year			34,995	
End of year			\$ 18,982	

City of Antioch
Budgetary Comparison Schedule
PEG Franchise Fee Special Revenue Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Taxes	\$ 220,000	\$ 229,000	\$ 231,007	\$ 2,007
Investment income and rentals	3,000	3,000	2,862	(138)
Total revenues	223,000	232,000	233,869	1,869
EXPENDITURES:				
Current:				
Parks and Recreation	101,704	34,778	27,860	6,918
Capital outlay	305,000	20,000	99,987	(79,987)
Total expenditures	406,704	54,778	127,847	(73,069)
REVENUES OVER (UNDER) EXPENDITURES	(183,704)	177,222	106,022	(71,200)
Net change in fund balances	\$ (183,704)	\$ 177,222	106,022	\$ (71,200)
FUND BALANCES:				
Beginning of year			500,101	
End of year			\$ 606,123	

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NON-MAJOR DEBT SERVICE FUNDS

Debt Service Funds are used to account for the payment of principal and interest on the general debt service of the City and related entities.

Golf Course Clubhouse/Irrigation

In 1985 and 1994, the City of Antioch participated in the Association of Bay Area Governments' pooled Certificates of Participation to fund improvements to the clubhouse at the City's golf course and irrigation system, respectively. The fund accumulates monies for the payment of principal and interest from a portion of the fees collected and transmitted by the Antioch Public Golf Corporation.

City of Antioch
Combining Balance Sheet
Non-Major Debt Service Funds
June 30, 2013

	Golf Course Clubhouse/ Irrigation	Honeywell Capital Lease	Total
ASSETS			
Accounts receivable, net	\$ 769,131	\$ -	\$ 769,131
Interest	2	-	2
Prepaid items	291,447	-	291,447
Restricted cash and investments	433,573	-	433,573
Total assets	\$ 1,494,153	\$ -	\$ 1,494,153
LIABILITIES AND FUND BALANCES			
Liabilities:			
Due to other funds	\$ 768,986	\$ -	\$ 768,986
Total liabilities	768,986	-	768,986
Fund balances:			
Nonspendable:			
Petty cash and prepaid items	291,447	-	291,447
Restricted for:			
Debt service	433,720	-	433,720
Total fund balances	725,167	-	725,167
Total liabilities and fund balances	\$ 1,494,153	\$ -	\$ 1,494,153

City of Antioch

Combining Statement of Revenues, Expenditures and Changes in Fund Balances Non-Major Debt Service Funds For the Fiscal Year Ended June 30, 2013

	Glof Course Clubhouse/ Irrigation	Honeywell Capital Lease	Total
REVENUES:			
Investment income and rentals	\$ 423,574	\$ -	\$ 423,574
Contribution from Successor Agency Trust Fund	-	-	-
Total revenues	423,574	-	423,574
EXPENDITURES:			
Current:			
General government	3,342	-	3,342
Debt service:			
Principal retirements	160,000	348,592	508,592
Interest and fiscal charges	258,651	162,013	420,664
Total expenditures	421,993	510,605	932,598
REVENUES OVER (UNDER) EXPENDITURES	1,581	(510,605)	(509,024)
OTHER FINANCING SOURCES:			
Transfer in	-	510,605	510,605
Total other financing sources	-	510,605	510,605
Net change in fund balances	1,581	-	1,581
FUND BALANCES:			
Beginning of year	723,586	-	723,586
End of year	<u>\$ 725,167</u>	<u>\$ -</u>	<u>\$ 725,167</u>

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NON-MAJOR CAPITAL PROJECTS FUNDS

Capital Projects Funds are utilized to account for resources used for the acquisition and construction of capital facilities by the City, with the exception of those assets financed by proprietary funds.

Capital Improvement Fund

This fund records all revenues, expenditures, assets and liabilities associated with City capital projects. It accounts for resources used to construct or acquire capital assets and make capital improvements.

Prewett Community Park

This fund accounts for the construction of the Prewett Community Center. The City is reimbursed for expenses by the Antioch Area Public Facilities Financing Agency through mello roos bond proceeds.

Special Assessment Districts

These funds were established to account for construction and acquisition of land and public improvements in various assessment districts. Financing is provided by assessment bond proceeds.

Hillcrest Bridge District

This fund accounts for developer fees collected to fund bridge construction in the Hillcrest Area.

Residential Development Allocation

This fund accounts for contributions by developers for various projects as determined by the City Council.

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City of Antioch
Combining Balance Sheet
Non-Major Capital Project Funds
June 30, 2013

	Capital Improvement	Prewett Community Park	Special Assessment Districts	
			Hillcrest District #26	Lone Diamond
ASSETS				
Cash and investments	\$ 2,937	\$ 101,977	\$ 377,186	\$ 2,742,658
Accounts receivable, net	2,116,061	26,332	-	-
Total assets	\$ 2,118,998	\$ 128,309	\$ 377,186	\$ 2,742,658
LIABILITIES AND FUND BALANCE				
Liabilities:				
Accounts payable	\$ 598,343	\$ -	\$ -	\$ 45,665
Accrued payroll	3,188	-	-	2,804
Deposits	200	111,201	-	-
Due to other funds	1,222,377	-	-	-
Total liabilities	1,824,108	111,201	-	48,469
Fund Balances:				
Assigned for:				
Capital Projects	294,890	17,108	-	-
Community Benefit Programs	-	-	-	-
AD 26	-	-	377,186	-
AD 27	-	-	-	2,694,189
Total fund balances	294,890	17,108	377,186	2,694,189
Total liabilities and fund balances	\$ 2,118,998	\$ 128,309	\$ 377,186	\$ 2,742,658

Hillcrest Bridge District	Residential Development Allocation	Total
\$ 77,208	\$ 57,819	\$ 3,359,785
-	-	2,142,393
<u>\$ 77,208</u>	<u>\$ 57,819</u>	<u>\$ 5,502,178</u>

\$ -	\$ 24,164	\$ 668,172
-	-	5,992
-	-	111,401
-	-	1,222,377
-	24,164	2,007,942

77,208	-	389,206
-	33,655	33,655
-	-	377,186
-	-	2,694,189
<u>77,208</u>	<u>33,655</u>	<u>3,494,236</u>
<u>\$ 77,208</u>	<u>\$ 57,819</u>	<u>\$ 5,502,178</u>

City of Antioch
Combining Statement of Revenues, Expenditures and Changes in Fund Balances
Non-Major Capital Project Funds
For the Fiscal Year Ended June 30, 2013

	Capital Improvement	Prewett Community Park	Special Assessment Districts	
			Hillcrest District #26	Lone Diamond
REVENUES:				
Investment income and rentals	\$ 347	\$ 1,437	\$ 1,874	\$ 14,000
Revenue from other agencies	2,307,645	43,920	-	-
Current service charges	19,479	-	2,286	65,114
Other	15,228	-	-	-
Total revenues	2,342,699	45,357	4,160	79,114
EXPENDITURES:				
Current:				
Public works	382,818	44,167	1,426	84,346
Community development	-	-	-	-
Capital outlay	3,314,959	-	-	155,369
Total expenditures	3,697,777	44,167	1,426	239,715
REVENUES OVER (UNDER) EXPENDITURES	(1,355,078)	1,190	2,734	(160,601)
OTHER FINANCING SOURCES:				
Transfers in	470,000	-	-	-
Total other financing sources	470,000	-	-	-
Net change in fund balances	(885,078)	1,190	2,734	(160,601)
FUND BALANCES:				
Beginning of year	1,179,968	15,918	374,452	2,854,790
End of year	\$ 294,890	\$ 17,108	\$ 377,186	\$ 2,694,189



Hillcrest Bridge District	Residential Development Allocation	Total
\$ 336	\$ 385	\$ 18,379
-	-	2,351,565
37,865	-	124,744
-	-	15,228
38,201	385	2,509,916
158	-	512,915
-	116,912	116,912
-	-	3,470,328
158	116,912	4,100,155
38,043	(116,527)	(1,590,239)
-	-	470,000
-	-	470,000
38,043	(116,527)	(1,120,239)
39,165	150,182	4,614,475
\$ 77,208	\$ 33,655	\$ 3,494,236

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City of Antioch
Budgetary Comparison Schedule
Capital Improvement Capital Projects Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 2,800	\$ 1,000	\$ 347	\$ (653)
Revenue from other agencies	2,206,000	2,864,300	2,307,645	(556,655)
Current service charges	5,000	16,507	19,479	2,972
Other	10,000	20,000	15,228	(4,772)
Total revenues	<u>2,223,800</u>	<u>2,901,807</u>	<u>2,342,699</u>	<u>(559,108)</u>
EXPENDITURES:				
Current:				
Public works	30,094	341,366	382,818	(41,452)
Capital outlay	2,626,000	4,097,821	3,314,959	782,862
Total expenditures	<u>2,656,094</u>	<u>4,439,187</u>	<u>3,697,777</u>	<u>741,410</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>(432,294)</u>	<u>(1,537,380)</u>	<u>(1,355,078)</u>	<u>182,302</u>
OTHER FINANCING SOURCES:				
Transfers in	420,000	470,000	470,000	-
Total other financing sources	<u>420,000</u>	<u>470,000</u>	<u>470,000</u>	<u>-</u>
Net change in fund balances	<u>\$ (12,294)</u>	<u>\$ (1,067,380)</u>	<u>(885,078)</u>	<u>\$ 182,302</u>
FUND BALANCES:				
Beginning of year			<u>1,179,968</u>	
End of year			<u>\$ 294,890</u>	

City of Antioch
Budgetary Comparison Schedule
Prewett Community Park Capital Projects Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ -	\$ 1,300	\$ 1,437	\$ 137
Revenue from other agencies	-	146,554	43,920	(102,634)
Total revenues	-	147,854	45,357	(102,497)
EXPENDITURES:				
Public works	-	146,554	44,167	102,387
Total expenditures	-	146,554	44,167	102,387
REVENUES OVER (UNDER) EXPENDITURES	-	1,300	1,190	(110)
Net change in fund balances	\$ -	\$ 1,300	1,190	\$ (110)
FUND BALANCES:				
Beginning of year			15,918	
End of year			\$ 17,108	

City of Antioch
Budgetary Comparison Schedule
Hillcrest District #26 Capital Projects Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 1,200	\$ 1,800	\$ 1,874	\$ 74
Current service charges	-	2,286	2,286	-
Total revenues	<u>1,200</u>	<u>4,086</u>	<u>4,160</u>	<u>74</u>
EXPENDITURES:				
Public works	7,389	1,290	1,426	(136)
Total expenditures	<u>7,389</u>	<u>1,290</u>	<u>1,426</u>	<u>(136)</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>(6,189)</u>	<u>2,796</u>	<u>2,734</u>	<u>(62)</u>
Net change in fund balances	<u><u>\$ (6,189)</u></u>	<u><u>\$ 2,796</u></u>	<u>2,734</u>	<u><u>\$ (62)</u></u>
FUND BALANCES:				
Beginning of year			<u>374,452</u>	
End of year			<u><u>\$ 377,186</u></u>	

City of Antioch
Budgetary Comparison Schedule
Lone Diamond Capital Projects Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 6,000	\$ 12,000	\$ 14,000	\$ 2,000
Current service charges	10,000	56,729	65,114	8,385
Total revenues	16,000	68,729	79,114	10,385
EXPENDITURES:				
Public works	130,646	84,706	84,346	360
Capital outlay	1,200,000	1,570,000	155,369	1,414,631
Total expenditures	1,330,646	1,654,706	239,715	1,414,991
REVENUES OVER (UNDER) EXPENDITURES	(1,314,646)	(1,585,977)	(160,601)	1,425,376
Net change in fund balances	\$ (1,314,646)	\$ (1,585,977)	(160,601)	\$ 1,425,376
FUND BALANCES:				
Beginning of year			2,854,790	
End of year			\$ 2,694,189	

City of Antioch
Budgetary Comparison Schedule
Hillcrest Bridge District Capital Projects Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 250	\$ 250	\$ 336	\$ 86
Current service charges	-	32,771	37,865	5,094
Total revenues	<u>250</u>	<u>33,021</u>	<u>38,201</u>	<u>5,180</u>
EXPENDITURES:				
Public works	<u>274</u>	<u>274</u>	<u>158</u>	<u>116</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>(24)</u>	<u>32,747</u>	<u>38,043</u>	<u>5,296</u>
Net change in fund balances	<u>\$ (24)</u>	<u>\$ 32,747</u>	<u>38,043</u>	<u>\$ 5,296</u>
FUND BALANCES:				
Beginning of year			<u>39,165</u>	
End of year			<u>\$ 77,208</u>	

City of Antioch
Budgetary Comparison Schedule
Residential Development Allocation Capital Projects Fund
For the Fiscal Year Ended June 30, 2013

	Original Budget	Final Budget	Actual Amount	Variance with Final Budget Positive (Negative)
REVENUES:				
Investment income and rentals	\$ 100	\$ 325	\$ 385	\$ 60
Total revenues	100	325	385	60
EXPENDITURES:				
Community development	122,435	139,837	116,912	22,925
Total expenditures	122,435	139,837	116,912	22,925
REVENUES OVER (UNDER) EXPENDITURES	(122,335)	(139,512)	(116,527)	22,985
Net change in fund balances	\$ (122,335)	\$ (139,512)	(116,527)	\$ 22,985
FUND BALANCES:				
Beginning of year			150,182	
End of year			\$ 33,655	

INTERNAL SERVICE FUNDS

Internal Service Funds are used to finance and account for special activities and services performed by a designated City department for other departments on a cost reimbursement basis.

Vehicle Repair and Replacement

This fund accounts for the maintenance and replacement of vehicles and equipment used by all City departments. The source of revenue for this fund is rental fees charged to the various departments.

Office Equipment Replacement

This fund accounts for the costs incurred for the operation, maintenance, and replacement of office equipment used by City departments. The source of revenue for this fund is rental fees charged to the various user departments.

Post Retirement Medical

These funds are used to pay post retirement medical benefits for retirees under the following categories: Miscellaneous, Police, and Management employees.

Loss Control Fund

These funds are used to pay workers' compensation insurance premiums and the salary of the administrative analyst.

City of Antioch
Combining Statement of Net Position
Internal Services Funds
June 30, 2013

	Vehicle Repair & Replacement	Office Equipment Replacement	Post Retirement Medical		
			Miscellaneous	Police	Management
ASSETS					
Current assets:					
Cash and investments	\$ 691,210	\$ 1,258,478	\$ -	\$ 4,965	\$ -
Accounts receivable, net	-	13,353	-	-	-
Due from other funds	-	74,804	-	-	-
Materials, parts and supplies	159,710	-	-	-	-
Prepaid items	-	26,969	17,443	26,221	35,038
Total current assets	850,920	1,373,604	17,443	31,186	35,038
Noncurrent assets:					
Net OPEB asset	-	-	519,505	-	929,121
Capital assets:					
Vehicles and equipment	8,515,461	2,752,782	-	-	-
Less accumulated depreciation	(6,619,792)	(2,234,996)	-	-	-
Net capital assets	1,895,669	517,786	-	-	-
Total assets	2,746,589	1,891,390	536,948	31,186	964,159
LIABILITIES					
Current liabilities:					
Accounts payable	51,047	19,799	-	-	-
Accrued payroll	29,861	23,971	-	-	-
Due to other funds	-	-	41,108	-	23,489
Current portion of compensated absences	3,694	7,014	-	-	-
Total current liabilities	84,602	50,784	41,108	-	23,489
Long-term liabilities:					
Compensated absences	33,243	63,127	-	-	-
Net OPEB obligation	-	-	-	2,724,468	-
Total long-term liabilities	33,243	63,127	-	2,724,468	-
Total liabilities	117,845	113,911	41,108	2,724,468	23,489
NET POSITION					
Net investment in capital assets	1,895,669	517,786	-	-	-
Unrestricted	733,075	1,259,693	495,840	(2,693,282)	940,670
Total net position	\$ 2,628,744	\$ 1,777,479	\$ 495,840	\$ (2,693,282)	\$ 940,670

<u>Loss</u>	
<u>Control</u>	<u>Total</u>
\$ -	\$ 1,954,653
-	13,353
-	74,804
-	159,710
-	105,671
-	<u>2,308,191</u>
-	1,448,626
-	11,268,243
-	<u>(8,854,788)</u>
-	<u>2,413,455</u>
-	<u>6,170,272</u>
4,815	75,661
-	53,832
10,207	74,804
-	10,708
<u>15,022</u>	<u>215,005</u>
-	96,370
-	<u>2,724,468</u>
-	<u>2,820,838</u>
<u>15,022</u>	<u>3,035,843</u>
-	2,413,455
<u>(15,022)</u>	<u>720,974</u>
<u>\$ (15,022)</u>	<u>\$ 3,134,429</u>

City of Antioch
Combining Statement of Revenues, Expenses and Changes in Net Position
Internal Services Funds
For the Fiscal Year Ended June 30, 2013

	Vehicle Repair & Replacement	Office Equipment Replacement	Post Retirement Medical		
			Miscellaneous	Police	Management
OPERATING REVENUES:					
Charges for services	\$ 1,878,827	\$ 1,339,534	\$ 303,911	\$ 382,088	\$ 490,856
Other revenue	13,561	-	-	-	123,117
Total operating revenues	1,892,388	1,339,534	303,911	382,088	613,973
OPERATING EXPENSES:					
Wages and benefits	372,020	706,498	679,167	2,010,157	534,338
Contractual services	180,208	568,146	7,734	7,352	11,270
Tools and supplies	481,760	22,189	-	-	-
Depreciation	442,153	56,754	-	-	-
Repairs and maintenance	340,390	52,606	-	-	-
Total operating expenses	1,816,531	1,406,193	686,901	2,017,509	545,608
OPERATING INCOME (LOSS)	75,857	(66,659)	(382,990)	(1,635,421)	68,365
NONOPERATING REVENUES:					
Gain on sale of property	74,937	-	-	-	-
Investment income	2,861	5,125	-	32	(6)
Total nonoperating revenues	77,798	5,125	-	32	(6)
INCOME (LOSS) BEFORE CAPITAL CONTRIBUTIONS AND TRANSFERS					
	153,655	(61,534)	(382,990)	(1,635,389)	68,359
Transfers in	-	247,824	-	-	-
Net income (loss)	153,655	186,290	(382,990)	(1,635,389)	68,359
NET POSITION:					
Beginning of year	2,475,089	1,591,189	878,830	(1,057,893)	872,311
End of year	\$ 2,628,744	\$ 1,777,479	\$ 495,840	\$ (2,693,282)	\$ 940,670

Loss	
Control	Total
\$ 665,276	\$ 5,060,492
-	136,678
665,276	5,197,170
-	4,302,180
1,154,239	1,928,949
4,617	508,566
-	498,907
-	392,996
1,158,856	7,631,598
(493,580)	(2,434,428)
-	74,937
(354)	7,658
(354)	82,595
(493,934)	(2,351,833)
-	247,824
(493,934)	(2,104,009)
478,912	5,238,438
\$ (15,022)	\$ 3,134,429

City of Antioch
Combining Statement of Cash Flows
Internal Services Funds
For the Fiscal Year Ended June 30, 2013

	Vehicle Repair & Replacement	Office Equipment Replacement	Post Retirement Medical		
			Miscellaneous	Police	Management
CASH FLOWS FROM OPERATING ACTIVITIES:					
Cash receipt from other funds	\$ 2,007,217	\$ 1,340,145	\$ 687,520	\$ 2,052,364	\$ 490,856
Cash payment to suppliers for goods and services	(1,042,711)	(658,760)	(1,727)	(9,192)	(2,140)
Cash payment to employees for services	(325,163)	(699,465)	(679,167)	(2,010,157)	(534,338)
Net cash provided by (used in) operating activities	639,343	(18,080)	6,626	33,015	(45,622)
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:					
Due to other funds	-	-	(6,626)	(28,082)	23,489
Due from other funds	-	(74,804)	-	-	-
Transfers in	-	247,824	-	-	-
Net cash provided by (used in) noncapital financing activities	-	173,020	(6,626)	(28,082)	23,489
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:					
Capital asset additions	(1,244,248)	(5,202)	-	-	-
Proceeds from sale of capital assets	74,937	-	-	-	-
Net cash provided by (used in) capital and related financing activities	(1,169,311)	(5,202)	-	-	-
CASH FLOWS FROM INVESTING ACTIVITIES:					
Interest received (paid)	2,861	5,125	-	32	(6)
Net cash provided by (used in) investing activities	2,861	5,125	-	32	(6)
Net change in cash and cash equivalents	(527,107)	154,863	-	4,965	(22,139)
Cash and cash equivalents, beginning of year	1,218,317	1,103,615	-	-	22,139
Cash and cash equivalents, end of year	\$ 691,210	\$ 1,258,478	\$ -	\$ 4,965	\$ -
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES:					
Operating income (loss)	\$ 75,857	\$ (66,659)	\$ (382,990)	\$ (1,635,421)	\$ 68,365
Adjustments to reconcile operating income (loss) to cash flows from operating activities:					
Depreciation	442,153	56,754	-	-	-
Decrease (increase) in:					
Accounts receivable	114,829	611	-	-	-
Materials, parts, and supplies	(36,917)	-	-	-	-
OPEB asset	-	-	383,609	-	(123,117)
OPEB obligation	-	-	-	1,670,276	-
Prepaid items	-	19,409	6,007	(1,679)	10,100
Increase (decrease) in:					
Accounts payable	(3,436)	(35,228)	-	(161)	(970)
Accrued payroll	20,171	1,510	-	-	-
Accrued compensated absences	26,686	5,523	-	-	-
Net cash provided by (used in) operating activities	\$ 639,343	\$ (18,080)	\$ 6,626	\$ 33,015	\$ (45,622)

Loss Control	Total
\$ 665,276	\$ 7,243,378
(1,154,062)	(2,868,592)
-	(4,248,290)
(488,786)	126,496
-	(11,219)
75,816	1,012
-	247,824
86,023	247,824
-	(1,249,450)
-	74,937
-	(1,174,513)
(354)	7,658
(354)	7,658
(403,117)	(792,535)
403,117	2,747,188
\$ -	\$ 1,954,653
\$ (493,580)	\$ (2,434,428)
-	498,907
-	115,440
-	(36,917)
-	260,492
-	1,670,276
-	33,837
4,794	(35,001)
-	21,681
-	32,209
\$ (488,786)	\$ 126,496

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AGENCY FUNDS

Agency Funds account for assets held by a governmental unit in the capacity of agent for individuals, governmental entities, and nonpublic organizations.

Employee Benefits

This fund serves as a clearing account for certain employee benefits. Funds come from payroll expenditures and are disbursed to the different employee benefit providers.

Storm Drain Districts D55 and D56

The City collects storm drain fees from developers and builders. This fund accounts for all the fees collected and sent to the County on quarterly basis. The City receives an administrative fee equal to 0.5% of the total fees collected.

Refundable Cash Bond

The Engineering Department requires developers to post a bond for certain projects. This fund serves as a holding account for the bonds issued and deposited in a noninterest bearing checking account.

Assessment District Without City Commitment

These funds account for all money collected to pay for debt service of the various assessment districts for which the City acts as paying agent but has no legal commitment or obligation.

Fire Protection

The City has entered into an agreement with the Contra Costa Consolidated Fire District whereby the City collects fire protection facility fees from developers based on the number of units built. Fees are to provide fire protection facilities only.

East County Water Management Association

The Governing Board of the East County Water Management Association has authorized the City to account for the financial operations of the association. The City's Finance Director uses this fund to record collections and disbursements of funds as authorized by the Association.

City of Antioch
Combining Statement of Changes in Assets and Liabilities
Agency Funds
For the Fiscal Year Ended June 30, 2013

	Balance June 30, 2012	Additions	Deductions	Balance June 30, 2013
Employee Benefits				
Assets:				
Cash and investments	\$ 113,035	\$ 423,206	\$ (59,762)	\$ 476,479
Accounts receivable	-	99	(99)	-
Total assets	\$ 113,035	\$ 423,305	\$ (59,861)	\$ 476,479
Liabilities:				
Accounts payable	\$ 59,762	\$ 420,564	\$ (59,762)	\$ 420,564
Due to others	53,273	2,741	(99)	55,915
Total Liabilities	\$ 113,035	\$ 423,305	\$ (59,861)	\$ 476,479
Storm Drain Districts D55 & D56				
Assets:				
Cash and investments	\$ -	\$ 2,242	\$ -	\$ 2,242
Liabilities:				
Accounts payable	\$ -	\$ 2,242	-	\$ 2,242
Refundable Cash Bond				
Assets:				
Cash and investments	\$ 646,129	\$ 686,861	\$ (666,495)	\$ 666,495
Liabilities:				
Due to others	\$ 646,129	\$ 686,861	\$ (666,495)	\$ 666,495
Assessment Districts Without City Commitment				
Assets:				
Cash and investments	\$ 100,587	\$ 682,882	\$ (85,190)	\$ 698,279
Assessment receivable	-	337,492	-	337,492
Interest receivable	57,959	58,563	(57,959)	58,563
Prepaid items	1,958	2,159	(1,958)	2,159
Restricted cash and investments	9,963,651	15,248,048	(16,569,075)	8,642,624
Total assets	\$ 10,124,155	\$ 16,329,144	\$ (16,714,182)	\$ 9,739,117
Liabilities:				
Due to others	\$ 10,124,155	\$ 16,329,144	\$ (16,714,182)	\$ 9,739,117

City of Antioch
Combining Statement of Changes in Assets and Liabilities
Agency Funds, Continued
For the Fiscal Year ended June 30, 2013

	Balance June 30, 2012	Additions	Deductions	Balance June 30, 2013
Fire Protection				
Assets:				
Cash and investments	\$ 72,209	\$ 141,298	\$ (72,388)	\$ 141,119
	<u>\$ 72,209</u>	<u>\$ 141,298</u>	<u>\$ (72,388)</u>	<u>\$ 141,119</u>
Liabilities:				
Due to others	\$ 72,209	\$ 141,298	\$ (72,388)	\$ 141,119
Total liabilities	<u>\$ 72,209</u>	<u>\$ 141,298</u>	<u>\$ (72,388)</u>	<u>\$ 141,119</u>
ECWMA				
Assets:				
Cash and investments	\$ 3,232	\$ 82	\$ (1,062)	\$ 2,252
	<u>\$ 3,232</u>	<u>\$ 82</u>	<u>\$ (1,062)</u>	<u>\$ 2,252</u>
Liabilities:				
Due to others	\$ 3,232	\$ 82	\$ (1,062)	\$ 2,252
	<u>\$ 3,232</u>	<u>\$ 82</u>	<u>\$ (1,062)</u>	<u>\$ 2,252</u>
Total - All Agency Funds				
Assets:				
Cash and investments	\$ 935,192	\$ 1,936,571	\$ (884,897)	\$ 1,986,866
Accounts receivable	-	99	(99)	-
Assessment receivable	-	337,492	-	337,492
Interest receivable	57,959	58,563	(57,959)	58,563
Prepaid items	1,958	2,159	(1,958)	2,159
Restricted cash and investments	9,963,651	15,248,048	(16,569,075)	8,642,624
Total assets	<u>\$ 10,958,760</u>	<u>\$ 17,582,932</u>	<u>\$ (17,513,988)</u>	<u>\$ 11,027,704</u>
Liabilities:				
Accounts payable	\$ 59,762	\$ 422,806	\$ (59,762)	\$ 422,806
Due to others	10,898,998	17,160,126	(17,454,226)	10,604,898
Total liabilities	<u>\$ 10,958,760</u>	<u>\$ 17,582,932</u>	<u>\$ (17,513,988)</u>	<u>\$ 11,027,704</u>

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STATISTICAL SECTION

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Sources: Unless otherwise noted, the information in these schedules is derived from the comprehensive annual financial report for the relevant year.

CITY OF ANTIOCH
Net Position by Component
Last Ten Fiscal Years
(accrual basis of accounting)
(amounts expressed in thousands)

	Fiscal Year									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Governmental activities										
Net investment in capital assets	\$260,336	\$257,475	\$257,715	\$266,225	\$280,385	\$279,610	\$292,426	\$295,764	\$302,099	\$325,151
Restricted	39,252	34,636	37,170	39,373	44,710	46,710	44,812	48,611	43,431	43,227
Unrestricted	18,500	38,648	43,967	40,466	27,922	22,500	19,453	14,010	21,104	16,543
Total governmental activities net position	<u>\$318,088</u>	<u>\$330,759</u>	<u>\$338,852</u>	<u>\$346,064</u>	<u>\$353,017</u>	<u>\$348,820</u>	<u>\$356,691</u>	<u>\$358,385</u>	<u>\$366,634</u>	<u>\$384,921</u>
Business-type activities										
Net investment in capital assets	\$108,023	\$119,887	\$125,699	\$144,521	\$149,526	\$150,985	\$149,207	\$150,008	\$149,127	\$148,026
Restricted	3,293	3,629	3,644	2,414	2,655	2,456	1,673	1,476	1,554	1,432
Unrestricted	34,568	32,526	32,791	22,087	21,210	21,979	25,411	31,856	33,195	38,130
Total business-type activities net position	<u>\$145,884</u>	<u>\$156,042</u>	<u>\$162,134</u>	<u>\$169,022</u>	<u>\$173,391</u>	<u>\$175,420</u>	<u>\$176,291</u>	<u>\$183,340</u>	<u>\$183,876</u>	<u>\$187,588</u>
Primary government										
Net investment in capital assets	\$368,359	\$377,362	\$383,414	\$410,746	\$429,911	\$430,595	\$441,633	\$445,772	\$451,226	\$473,177
Restricted	42,545	38,265	40,814	41,788	47,365	49,166	46,485	50,087	44,985	44,659
Unrestricted	53,068	71,174	76,758	62,553	49,132	44,479	44,864	45,866	54,299	54,673
Total primary government net position	<u>\$463,972</u>	<u>\$486,801</u>	<u>\$500,986</u>	<u>\$515,087</u>	<u>\$526,408</u>	<u>\$524,240</u>	<u>\$532,982</u>	<u>\$541,725</u>	<u>\$550,510</u>	<u>\$572,509</u>

Source: City of Antioch Annual Financial Report

CITY OF ANTIOCH
Changes in Net Position
Last Ten Fiscal Years
(accrual basis of accounting)
(amounts expressed in thousands)

	Fiscal Year									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Expenses										
Governmental activities:										
General government	\$6,032	\$7,510	\$6,560	\$9,038	\$8,926	\$9,338	\$7,379	\$6,640	\$6,736	\$5,937
Public works	19,232	15,349	14,254	15,109	15,764	19,452	13,305	16,147	13,671	17,438
Public safety	19,619	20,941	22,721	24,716	28,875	30,296	28,228	26,376	25,637	27,303
Parks and recreation	3,051	3,629	3,942	4,489	4,401	4,497	4,397	4,203	4,134	3,964
Community development	8,628	7,969	6,846	8,323	8,905	8,683	8,052	7,013	3,204	2,121
Interest on long-term liabilities	2,479	2,438	2,381	2,298	2,251	2,195	2,206	2,316	1,865	422
Total governmental activities	<u>59,041</u>	<u>57,836</u>	<u>56,704</u>	<u>63,973</u>	<u>69,122</u>	<u>74,461</u>	<u>63,567</u>	<u>62,695</u>	<u>55,247</u>	<u>57,185</u>
Business-type activities										
Water	17,698	18,043	17,827	20,415	23,087	22,900	20,371	18,948	25,244	23,123
Sewer	3,331	3,331	2,900	2,509	2,820	2,973	3,464	3,118	3,112	4,007
Marina	1,045	1,092	1,133	1,180	1,208	1,175	1,012	1,005	1,050	1,129
Prewett Water Park	1,575	1,708	1,845	1,922	2,089	2,299	2,084	1,740	1,762	1,878
Total business-type activities	<u>23,649</u>	<u>24,174</u>	<u>23,705</u>	<u>26,026</u>	<u>29,204</u>	<u>29,347</u>	<u>26,931</u>	<u>24,811</u>	<u>31,168</u>	<u>30,137</u>
Total primary government expenses	<u>82,690</u>	<u>82,010</u>	<u>80,409</u>	<u>89,999</u>	<u>98,326</u>	<u>103,808</u>	<u>90,498</u>	<u>87,506</u>	<u>86,415</u>	<u>87,322</u>
Program Revenues										
Governmental activities:										
Charges for services:										
General government	386	55	50	2,548	1,645	2,850	2,536	1,360	1,474	1,642
Public works	747	1,559	1,180	993	3,012	1,572	2,895	3,369	2,429	1,745
Public safety	1,467	1,126	1,336	1,408	1,346	1,621	1,678	1,270	1,254	1,303
Community development	2,861	4,099	3,625	3,814	4,208	2,755	1,262	1,147	2,018	3,174
Other activities	2,034	2,269	2,541	2,779	687	637	646	560	701	700
Operating grants and contributions	8,646	5,706	5,609	7,303	7,772	6,136	5,971	9,846	9,802	8,742
Capital grants and contributions	5,119	19,409	4,088	2,974	7,856	8,789	17,425	8,568	1,896	2,308
Total governmental activities program revenues	<u>21,260</u>	<u>34,223</u>	<u>18,429</u>	<u>21,819</u>	<u>26,526</u>	<u>24,360</u>	<u>32,413</u>	<u>26,120</u>	<u>19,574</u>	<u>19,614</u>
Business-type activities:										
Fines, forfeitures and charges for services										
Water	20,508	19,018	19,364	20,906	20,842	20,180	19,293	21,687	23,395	25,129
Sewer	2,529	3,646	3,902	3,744	3,738	3,816	4,050	4,320	4,453	4,523
Marina	724	163	763	749	807	811	711	658	681	645
Prewett Water Park	668	703	825	812	835	955	927	1,040	910	854
Capital grants and contributions:										
Water	3,485	4,443	2,535	1,532	2,449	1,214	918	1,159	939	1,328
Sewer	3,537	6,105	2,394	2,276	2,714	1,397	714	1,004	393	524
Marina	0	0	0	0	0	0	0	0	0	747
Total business-type activities program revenues	<u>31,451</u>	<u>34,078</u>	<u>29,783</u>	<u>30,019</u>	<u>31,385</u>	<u>28,373</u>	<u>26,613</u>	<u>29,868</u>	<u>30,771</u>	<u>33,750</u>
Total primary government program revenues	<u>52,711</u>	<u>68,301</u>	<u>48,212</u>	<u>51,838</u>	<u>57,911</u>	<u>52,733</u>	<u>59,026</u>	<u>55,988</u>	<u>50,345</u>	<u>53,364</u>
Net (expense)/revenue										
Governmental activities	-37,781	-23,613	-38,275	-42,154	-42,596	-50,101	-31,154	-36,575	-35,673	-37,571
Business-type activities	7,802	9,904	6,078	3,993	2,181	-974	-318	5,057	-397	3,613
Total primary government net expense	<u>-29,979</u>	<u>-13,709</u>	<u>-32,197</u>	<u>-38,161</u>	<u>-40,415</u>	<u>-51,075</u>	<u>-31,472</u>	<u>-31,518</u>	<u>-36,070</u>	<u>-33,958</u>

CITY OF ANTIOCH
Changes in Net Position
Last Ten Fiscal Years
(accrual basis of accounting)
(amounts expressed in thousands) - Continued

	Fiscal Year									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
General Revenues and Other Changes In Net Position										
Governmental activities:										
Taxes:										
Property taxes	12,759	14,074	15,912	18,284	18,576	17,927	15,381	14,425	10,638	6,752
Transient lodging tax	281	308	327	372	360	242	113	80	120	116
Franchise	2,024	2,055	2,410	2,889	3,595	3,466	4,172	3,901	4,166	4,042
Business license fees based on gross receipts	1,074	1,075	1,194	1,150	1,243	1,024	1,084	1,010	1,048	1,165
Property transfer taxes	697	989	875	508	333	432	344	255	283	313
Sales and use tax	9,372	10,945	11,071	11,843	11,725	9,909	9,476	9,340	10,476	11,074
Motor vehicle in lieu	4,510	5,969	9,039	8,031	8,356	7,538	5,928	5,823	5,025	4,977
Park in lieu	145	682	586	283	148	388	49	45	215	443
Investment income not restricted	597	1,802	1,522	3,237	3,508	2,042	595	454	355	177
Other	4,519	1,224	3,187	2,344	2,391	3,900	1,881	2,867	2,765	3,761
Contribution from Successor Agency Trust	0	0	0	0	0	0	0	0	638	0
Extraordinary items - Redevelopment Dissolution	0	0	0	0	0	0	0	0	7,719	0
Transfers	902	1,208	1,089	426	-687	-965	3	69	473	183
Total governmental activities	<u>36,880</u>	<u>40,331</u>	<u>47,212</u>	<u>49,367</u>	<u>49,548</u>	<u>45,903</u>	<u>39,026</u>	<u>38,269</u>	<u>43,921</u>	<u>33,003</u>
Business-type activities:										
Investment income not restricted	269	1,404	815	1,590	1,305	825	360	349	315	204
Other	0	59	288	305	193	1,214	831	1711	1091	78
Transfers	-902	-1,208	-1,089	-426	687	965	-3	-69	-473	-183
Total business type activities	<u>-633</u>	<u>255</u>	<u>14</u>	<u>1,469</u>	<u>2,185</u>	<u>3,004</u>	<u>1,188</u>	<u>1,991</u>	<u>933</u>	<u>99</u>
Total primary government	<u>36,247</u>	<u>40,586</u>	<u>47,226</u>	<u>50,836</u>	<u>51,733</u>	<u>48,907</u>	<u>40,214</u>	<u>40,260</u>	<u>44,854</u>	<u>33,102</u>
Change in Net Position										
Governmental activities	-901	16,718	8,937	7,213	6,952	-4,198	7,872	1,694	8,248	-4,568
Business-type activities	7,169	10,159	6,092	5,462	4,366	2,030	870	7,048	536	3,712
Total primary government	<u>\$6,268</u>	<u>\$26,877</u>	<u>\$15,029</u>	<u>\$12,675</u>	<u>\$11,318</u>	<u>-\$2,168</u>	<u>\$8,742</u>	<u>\$8,742</u>	<u>\$8,784</u>	<u>-\$856</u>

Source: City of Antioch Financial Report

CITY OF ANTIOCH
Fund Balances of Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)
(amounts expressed in thousands)

	Fiscal Year									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
General Fund										
Reserved	\$121	\$167	\$48	\$239	\$872	\$894	\$259	\$ -	\$ -	\$ -
Unreserved	5,552	6,074	8,686	11,694	8,534	4,392	5,488	-	-	-
Nonspendable	-	-	-	-	-	-	-	34	60	91
Committed	-	-	-	-	-	-	-	102	94	602
Assigned	-	-	-	-	-	-	-	92	298	277
Unassigned	-	-	-	-	-	-	-	6,557	8,037	9,140
Total general fund	\$5,673	\$6,241	\$8,734	\$11,933	\$9,406	\$5,286	\$5,747	\$6,785	\$8,489	\$10,110
All other governmental funds										
Reserved	\$20,030	\$18,597	\$20,473	\$23,095	\$22,507	\$15,430	\$13,428	\$ -	\$ -	\$ -
Unreserved, reported in:										
Special revenue funds	16,887	17,049	16,206	13,409	14,912	18,253	20,496	-	-	-
Capital projects funds	585	11,351	12,175	6,611	2,912	3,767	2,034	-	-	-
Nonspendable	-	-	-	-	-	-	-	3,562	35	363
Restricted	-	-	-	-	-	-	-	21,494	23,294	22,447
Committed	-	-	-	-	-	-	-	5,566	6,017	3,446
Assigned	-	-	-	-	-	-	-	4,675	4,636	3,521
Unassigned	-	-	-	-	-	-	-	-2,412	-	-
Total all other governmental funds	\$37,502	\$46,997	\$48,854	\$43,115	\$40,331	\$37,450	\$35,958	\$32,885	\$33,982	\$29,777

Note: Fiscal years 2002 through 2010 are pre-implementation of GASB 54. Fiscal year 2011 represents new fund balance classifications post implementation of GASB 54.

Source: City of Antioch Annual Financial Report

CITY OF ANTIOCH
Changes in Fund Balances of Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)
(amounts expressed in thousands)

	Fiscal Year									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Revenues										
Taxes	\$33,061	\$37,293	\$42,675	\$44,917	\$45,979	\$42,165	\$37,744	\$37,384	\$34,424	\$30,792
Licenses and permits	1,450	1,763	1,684	1,463	1,400	735	857	798	1,096	1,655
Fines and penalties	358	392	376	301	214	362	306	189	154	142
Investment income and rentals	809	1,547	1,991	3,480	3,794	2,491	1,380	1,064	1,065	1,437
Revenue from other agencies	7,643	4,063	4,457	5,722	7,756	10,667	20,602	14,699	8,470	9,952
Current service charges	4,476	5,737	5,361	13,229	11,614	11,106	9,418	8,391	8,323	8,112
Special assessment revenue	1,917	2,379	2,699	2,845	2,802	2,731	2,793	2,775	2,879	2,850
Contribution from Successor Agency Trust	0	0	0	0	0	0	0	0	638	0
Other	3,500	13,076	3,768	1,634	1,575	3,852	1,161	2,253	2,315	1,238
Total Revenues	53,214	66,250	63,011	73,591	75,134	74,109	74,261	67,553	59,364	56,178
Expenditures										
Current:										
General government	5,531	5,993	7,434	8,738	8,331	8,976	6,971	6,073	5,702	5,331
Public works	7,405	8,748	7,586	9,233	9,269	12,888	7,159	8,587	6,652	7,803
Public safety	19,484	20,209	22,413	26,159	29,629	31,202	29,340	26,928	26,065	26,959
Parks and recreation	2,752	3,251	3,560	4,365	4,076	4,023	3,776	3,594	3,641	3,209
Community development	8,980	8,939	8,902	10,557	11,390	11,308	9,685	8,856	3,968	3,094
Capital outlay	13,432	6,853	6,140	13,739	13,840	8,176	20,331	13,183	4,614	10,753
Debt service:										
Principal retirement	674	957	1,377	1,249	1,170	1,255	1,345	1,764	2,115	509
Interest	2,430	2,391	2,337	2,271	2,219	2,167	2,133	2,290	1,999	412
Fiscal charges	13	15	15	15	16	14	14	19	18	9
Bond issuance costs	0	0	0	0	0	0	29	0	0	0
Total Expenditures	60,701	57,356	59,764	76,326	79,940	80,009	80,783	71,294	54,774	58,079
Excess (deficiency) of revenues over (under) expenditures	-7,487	8,894	3,247	-2,735	-4,806	-5,900	-6,522	-3,741	4,590	-1,901
Other financing sources (uses)										
Transfers in	17,066	10,653	10,573	12,208	13,212	13,130	12,380	11,264	9,438	6,355
Transfer out	-15,435	-9,483	-9,471	-12,011	-13,717	-14,231	-11,147	-11,430	-9,285	-6,397
Capital lease	0	0	0	0	0	0	2,177	1,873	0	0
Proceeds of bonds	0	0	0	0	0	0	2,081	0	0	0
Extraordinary item	0	0	0	0	0	0	0	0	-1,942	0
Total other financing sources (uses)	1,631	1,170	1,102	197	-505	-1,101	5,491	1,707	-1,789	-42
Net change in fund balances	-\$5,856	\$10,064	\$4,349	-\$2,538	-\$5,311	-\$7,001	-\$1,031	-\$2,034	\$2,801	-\$1,943
Debt service as a percentage of non-capital expenditures	6.57%	6.63%	6.93%	5.62%	5.13%	4.76%	5.75%	6.98%	8.20%	1.95%

Source: City of Antioch Annual Financial Report

CITY OF ANTIOCH
Governmental Activities Tax Revenues By Source
Last Ten Fiscal Years - General Fund
(modified accrual basis of accounting)
(amounts expressed in thousands)

Fiscal Year	Property Tax	Sales Tax	Motor Vehicle In Lieu Tax (VLF)	Gax Tax	Transient Lodging Tax	Franchise Taxes	Business License Tax	Property Transfer Tax	Total
2004	7,190	9,862	4,510	1,854	197	2,024	1,074	697	27,408
2005	14,074	10,945	5,969	1,878	308	2,055	1,075	989	37,293
2006	15,912	11,071	9,039	1,848	327	2,410	1,194	875	42,676
2007	18,284	11,843	8,031	1,840	372	2,888	1,151	508	44,917
2008	18,577	11,725	8,355	1,790	170	3,596	1,243	333	45,789
2009	17,927	9,909	7,537	1,627	242	3,466	1,024	432	42,164
2010	15,381	9,476	5,928	1,660	113	3,757	1,084	344	37,743
2011	14,425	9,340	5,823	2,550	80	3,900	1,010	255	37,383
2012	10,638	10,476	5,025	2,876	120	3,958	1,048	283	34,424
2013	6,752	11,074	4,977	2,353	116	4,042	1,165	313	30,792

Source: City of Antioch Annual Financial Report

CITY OF ANTIOCH
Assessed Value and Estimated Actual Value of Taxable Property
Last Ten Fiscal Years
(in thousands of dollars)

Fiscal Year	Total Secured Tax Roll	Unsecured Tax Roll	Less Homeowners' Exemptions	Less Other Tax Exempt Property	Total Taxable Assessed Value	Less Redevelopment Assessed Valuation	Value of Taxable Property
2004	6,944,785	160,438	-141,982	-174,688	6,788,553	-526,264	6,262,289
2005	7,650,995	169,357	-140,839	-187,641	7,491,872	-537,174	6,954,698
2006	8,609,319	179,497	-137,104	-191,490	8,460,222	-601,289	7,858,933
2007	9,883,012	183,270	-131,886	-197,614	9,736,782	-654,506	9,082,276
2008	10,949,191	178,902	-128,392	-533,214	10,466,487	-704,753	9,761,734
2009	10,108,077	224,814	-126,214	-674,711	9,531,966	-754,155	8,777,811
2010	8,011,789	235,898	-123,979	-687,894	7,435,814	-765,856	6,669,958
2011	7,662,034	220,183	-121,652	-691,413	7,069,152	-724,248	6,344,904
2012	7,155,541	205,339	-116,601	-683,407	6,560,872	-723,955	5,836,917
2013	7,109,642	196,571	-111,761	-696,290	6,498,162	-641,397	5,856,765

NOTE: In 1978 the voters of the State of California passed Proposition 13 which limited property taxes to a total maximum rate of 1% based upon the assessed value of the property being taxed. Each year, the assessed value of property may be increased by an "inflation factor" (limited to a maximum increase of 2%). With few exceptions, property is only reassessed at the time that it is sold to a new owner. At that point, the new assessed value is reassessed at the purchase price of the property sold.

California cities do not set their own direct tax rate. The State Constitution establishes the rate at 1% and allocates a portion of that amount, by annual calculation, to all the taxing entities within a tax rate area. The City of Antioch includes 39 tax rate areas.

Source: Contra Costa County Certificate of Assessed Valuations

City of Antioch
Principal Property Taxpayers
FY 2012-13 Compared To FY 2003-04
(amounts expressed in thousands, except for Rank and Percentages)

2012-2013 Local Secured Assessed Valuation - \$7,109,642,037

Taxpayer	2013			2004		
	Total Secured Assessed Value (A)	Rank	Percentage of Total Secured Assessed Value	Total Secured Assessed Value	Rank	Percentage of Total Secured Assessed Value
Kaiser Foundation Hospitals/Health Plan	434,259,761	1	6.108%	36,653,367	3	0.551%
Sutter East Bay Hospital	120,034,455	2	1.688%	53,893,047	2	0.810%
Sequoia Equities - Cross Pointe	33,191,572	3	0.467%	0.00		0.000%
Runaway Bay LLC	30,065,307	4	0.423%	0.00		0.000%
Macerich Partnership	27,845,933	5	0.392%	22,019,685	8	0.331%
Camden Village LLC	25,180,100	6	0.354%	0.00		0.000%
LBUBS 2004-C8 Wilbur Ave LTD	21,000,000	7	0.295%	0.00		0.000%
Costco Wholesale Corporation	20,463,000	8	0.288%	0.00		0.000%
Georgia-Pacific Gypsum LLC	19,798,145	9	0.278%	0.00		0.000%
Lakeshore Antioch	18,583,982	10	0.261%	0.00		0.000%
GWF Power Systems Limited Partnership	0.00		0.000%	58,480,753	1	0.879%
California Tropics Hospital	0.00		0.000%	35,333,000	4	0.531%
Fairfield Antioch LLC	0.00		0.000%	34,032,885	5	0.511%
Slatten Ranch LP	0.00		0.000%	24,944,600	6	0.375%
LB/L Duc III Antioch 330	0.00		0.000%	23,756,199	7	0.357%
Millbrae Square Co., LLC	0.00		0.000%	20,743,517	9	0.312%
Gaylord Container Corporation	0.00		0.000%	20,665,931	10	0.311%
	<u>\$750,422,255</u>		<u>10.555%</u>	<u>\$330,522,984</u>		<u>4.968%</u>

The amounts shown above include assessed value data for both the City and the Antioch Development Agency

(A) Amounts listed for top ten taxpayers only.

Source: County Assessor's Office via ParcelQuest

**CITY OF ANTIOCH
PROPERTY TAX RATES
LAST TEN FISCAL YEARS**

Fiscal Year	Basic County Wide Levy	BART	East Bay Regional Park	Community College 2002 Bonds	Community College 2006 Bonds	Total
2004	1.0000	-	0.0057	0.0038	-	1.0095
2005	1.0000	-	0.0057	0.0042	-	1.0099
2006	1.0000	0.0048	0.0057	0.0047	-	1.0152
2007	1.0000	0.0076	0.0080	0.0038	0.0070	1.0264
2008	1.0000	0.0076	0.0080	0.0038	0.0070	1.0264
2009	1.0000	0.0090	0.01	0.0040	0.0026	1.0256
2010	1.0000	0.0057	0.0108	0.0046	0.0080	1.0219
2011	1.0000	0.0031	0.0084	0.0049	0.0084	1.0248
2012	1.0000	0.0041	0.0071	0.0049	0.0095	1.0256
2013	1.0000	0.0043	0.0051	0.0047	0.0040	1.0181

Source: Contra Cost County Assessors Office

City of Antioch
Property Tax Levies and Collections (1)
Last Ten Fiscal Years
(in thousands of dollars)

Fiscal Year	City Property Tax Levied and Collected	Development Agency Property Tax Levied and Collected	Total Tax Levied and Collected	Percentage of Levy Collected (3)	Value of City Property Subject To Local Tax Rate	Value of Development Agency Property Subject to Local Tax Rate	Total Value of Property Subject To Local Tax Rate
2004	18,625	5,539	24,164	100%	6,262,289	526,264	6,788,553
2005	19,088	5,750	24,838	100%	6,954,698	537,174	7,491,872
2006	18,435	6,583	25,018	100%	7,556,091	601,280	8,157,371
2007	21,028	7,015	28,043	100%	9,082,277	654,506	9,736,783
2008	20,865	7,375	28,240	100%	9,761,734	704,753	10,466,487
2009	19,704	7,952	27,656	100%	8,777,811	754,155	9,531,966
2010	16,940	7,759	24,699	100%	6,669,959	765,856	7,435,815
2011	16,574	7,348	23,922	100%	6,344,904	724,248	7,069,152
2012	14,187	3,877 (2)	18,064	100%	5,836,917	723,955	6,560,872
2013	15,919	0 (2)	15,919	100%	5,856,765	641,397	6,498,162

(1) Figures include data for property within the city, redevelopment project areas and for assessments.

(2) Figure represent taxes levied and collected for development agency through January 31, 2012 prior to dissolution of redevelopment with the passage of Abx 1 26, therefore no redevelopment levies after dissolution are provided to the City.

(3) Taxes collected are the same as the amounts levied because Contra Costa County follows California's alternate method of apportionment (the Teeter Plan). Under the Teeter Plan, all amounts levied are apportioned to the County and other taxing agencies regardless of whether they are collected in the current year or not.

Source: Contra Costa County Assessed Valuation Report and Tax Reconciliation Sheet

City of Antioch
Ratios of Outstanding Debt by Type
Last Ten Fiscal Years
(amounts expressed in thousands, except per capita amount)

Fiscal Year	Governmental Activities			Business-Type Activities		Total Primary Government	Percentage of Estimated Actual Value of Taxable Property (1)	Per Capita (2)
	Lease Revenue Bonds	Tax Allocation Bonds (3)	Capital Leases	Water Bonds	Marina Loans			
2004	30,300	15,180	851	10,235	4,251	60,817	0.97%	602
2005	30,160	14,690	524	8,535	4,150	58,059	0.83%	575
2006	29,980	13,840	117	6,750	4,044	54,731	0.70%	542
2007	29,770	12,955	-	4,900	3,932	51,557	0.57%	510
2008	29,520	12,035	-	4,260	3,816	49,631	0.51%	496
2009	29,230	11,070		3,605	3,695	47,600	0.54%	476
2010	28,895	12,141	2,177	2,930	3,568	49,711	0.75%	487
2011	28,475	10,981	3,867	2,235	3,436	48,994	0.77%	480
2012	28,005	-	3,541	1,515	3,297	36,358	0.62%	356
2013	5,080	-	3,192	770	3,152	12,194	0.21%	120

Note: Details regarding the City's outstanding debt can be found in the notes to the financial statements.

Source: City of Antioch Financial Report

- (1) See the schedule of Assessed Value and Estimated Actual Value of Taxable Property.
- (2) Population data can be found in the Demographic and Economic Statistics schedule
- (3) Tax Allocation Bonds have become an obligation of the Successor Agency to the Antioch Development Agency and no longer on City books.

**City of Antioch
Ratios of General Bonded Debt Outstanding**

The City of Antioch has not had any outstanding general obligation bond debt since 2001-02.

CITY OF ANTIOCH
Legal Debt Margin Information
Last Ten Fiscal Years
(amounts expressed in thousands)

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Debt limit	\$1,065,783	\$1,173,053	\$1,318,322	\$1,509,942	\$1,669,214	\$1,549,934	\$1,237,153	\$1,182,333	\$1,104,132	\$1,095,932
Total net debt applicable to limit	0	0	0	0	0	0	0	0	0	0
Legal debt margin	\$1,065,783	\$1,173,053	\$1,318,322	\$1,509,942	\$1,318,322	\$1,549,934	\$1,237,153	\$1,182,333	\$1,104,132	\$1,095,932
Total net debt applicable to the limit as a percentage of debt limit	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

Legal Debt Margin Calculation for Fiscal Year 2013

The following numbers are not expressed in thousands:
Assessed value \$6,498,162,163
Add back: exempt real property 808,051,190
Total assessed value 7,306,213,353

Debt limit (15% of total assessed value) 1,095,932,003
Debt applicable to limit:
General obligation bonds 0
Less: Amount set aside for repayment
of general obligation debt 0
Total net debt applicable to limit 0
Legal debt margin \$1,095,932,003

Source: City of Antioch Finance Department and Contra Costa County Certificate of Assessed Valuations for fiscal year 2012-13

Note: Beginning in Fiscal Year 2000-01, the City of Antioch did not have any general obligation debt. However, under State finance law, the City of Antioch's outstanding general obligation debt should not exceed 15% of total assessed property value. By law, the general obligation debt subject to the limitation may be offset by amounts set aside for repaying general obligation bonds.

**City of Antioch
Pledged Revenue Coverage
Last Ten Fiscal Years**

Fiscal Year	Water Revenue Bonds (1) (in thousands)						Special Assessment Bonds		
	Gross Water Charges And Other	Less: Direct Operating Expenses	Net Revenue Available for Debt Service	Debt Service		Debt Service Coverage	Special Assessment Collections (2)	Outstanding (in thousands)	
				Principal	Interest			Hillcrest	Lone Diamond
2004	20,649	17,400	3,249	1,585	271	1.75%	10,080,827	6,675	68,680
2005	19,665	15,814	3,851	1,700	320	1.91%	11,860,106	5,030	64,115
2006	20,279	15,705	4,574	1,785	250	2.25%	8,015,198	3,410	59,935
2007	22,264	18,297	3,967	1,850	181	1.95%	7,546,480	1,708	51,020
2008	21,796	20,174	1,622	640	142	2.07%	7,550,756	-	46,795
2009	21,585	19,804	1,781	655	126	2.28%	7,464,602	-	41,170
2010	20,226	17,390	2,836	675	108	3.62%	7,401,685	-	35,045
2011	22,103	16,609	5,494	695	88	7.02%	7,476,123	-	26,905
2012	23,652	22,924	728	720	66	0.93%	7,425,102	-	20,905
2013	25,369	20,628	4,741	745	41	6.03%	7,436,553	-	13,915

(1) Details regarding the City of Antioch's outstanding debt can be found in the notes to the financial statements. Water Charges and Other includes investment earnings but not tap fees. Operating expenses do not include interest or depreciation.

(2) Special Assessment Debt without City Commitment: The City is the collecting and paying agent for other special assessment debt, but has no direct or contingent liability or moral obligation for the payment of this debt. Therefore, this debt is not included in the City's financial statements. Cash held by the City on behalf of these districts is recorded in the Agency Funds of the City.

Source: City of Antioch Financial Statements

CITY OF ANTIOCH
Direct and Overlapping Debt
June 30, 2013

2012-13 Assessed Valuation	\$6,498,162,163
Antioch Development Agency Incremental Valuation:	691,916,549
Adjusted Assessed Valuation:	<u>\$5,806,245,614</u>

JURISDICTION	Total Debt 6/30/2013	Percent Applicable (1)	City's Share of Debt 6/30/2013
OVERLAPPING TAX AND ASSESSMENT DEBT:			
Bay Area Rapid Transit District	\$410,690,000	1.315%	\$5,400,574
Contra Costa Community College District	209,930,000	4.679%	9,822,625
Antioch Unified School District Schools Facilities Improvement District No. 1	64,927,391	83.765%	54,386,429
Liberty Union High School District	53,140,000	2.472%	1,313,621
Brentwood Union School District	48,964,704	4.577%	2,241,115
City of Antioch 1915 Act Bonds	13,915,000	100.000%	13,915,000
East Bay Regional Park District	135,565,000	2.032%	2,754,681
Antioch Area Community Facilities District No. 1989-1	65,525,000	100.000%	65,525,000 (3)
Total Overlapping Tax and Assessment Debt			<u>\$155,359,043</u>
OVERLAPPING TAX INCREMENT DEBT (Successor Agency):	\$30,674,313	100.000%	\$30,674,313
DIRECT AND OVERLAPPING GENERAL FUND DEBT:			
Direct Debt:			
City of Antioch Capital Lease	\$3,191,908	100.000%	\$3,191,908
City of Antioch Lease Revenue Bonds	5,080,000	100.000%	5,080,000
Subtotal Direct General Fund Debt			<u>\$8,271,908</u>
Overlapping Debt:			
Contra Costa County General Fund Obligations	\$282,641,006	4.661%	\$13,173,897
Contra Costa County Pension Obligations	310,110,000	4.661%	14,454,227
Contra Costa Community College District Certificates of Participation	780,000	4.679%	36,496
Antioch Unified School District Certificates of Participation	19,245,000	87.817%	16,900,382
Brentwood Union School District Certificates of Participation	2,316,455	4.577%	106,024
Contra Costa Fire Protection District Pension Obligations	106,185,000	10.310%	10,947,674
Subtotal gross overlapping General Fund Debt			<u>\$55,618,700</u>
Less: Contra Costa County Obligations supported from revenue funds			4,893,712
Subtotal net overlapping General Fund Debt			<u>\$50,724,988</u>
COMBINED TOTAL NET DIRECT AND OVERLAPPING GENERAL FUND DEBT			<u>\$58,996,896 (2)</u>
COMBINED TOTAL NET DEBT			<u><u>\$245,030,252 (2)</u></u>

NOTES:

(1) For debt repaid with property taxes, the percentage of overlapping debt applicable is estimated using taxable assessed property values. Applicable percentages were estimated by determining the portion of another governmental unit's taxable assessed value that is within the City's boundaries and dividing it by each unit's taxable assessed value.

Overlapping governments are those that coincide, at least in part, with the geographic boundaries of the City. This schedule estimates the portion of the outstanding debt of those overlapping governments that is borne by the residents and businesses of the City. This process recognizes that, when considering the City's ability to issue and repay long-term debt, the entire debt burden borne by the residents and businesses should be taken into account. However, this does not imply that every taxpayer is a resident, and therefore responsible for repaying the debt, of each overlapping government.

(2) Excludes tax and revenue anticipation notes, enterprise revenue, mortgage revenue and tax allocation bonds

(3) Excludes \$15,040,000 to be called in 8/13.

Ratios to 2012-13 Assessed Valuation:

Total Overlapping Tax and Assessment Debt: 2.39%

Ratios to Adjusted Assessed Valuation:

Combined Direct Debt (\$8,271,908): 0.14%

Gross Combined Total Debt: 4.3%

Net Combined Total Debt: 4.22%

Ratios to Redevelopment Incremental Valuation:

Total Overlapping Tax Increment Debt: 1.19%

Source: California Municipal Statistics, Inc.

**City of Antioch
Demographic and Economic Statistics
Last Ten Fiscal Years**

<u>Fiscal Year</u>	<u>City of Antioch Population(1)</u>	<u>Contra Costa County Population (1)</u>	<u>Personal Income (in thousands) (2)</u>	<u>Per Capita Personal Income (2)</u>	<u>Unemployment Rate (3)</u>
2004	101,097	992,424	48,923,798	49,297	6.2%
2005	100,913	999,013	51,534,263	51,585	5.3%
2006	100,163	1,000,834	55,318,933	55,237	5.3%
2007	100,150	1,009,152	58,043,926	57,518	5.3%
2008	100,361	1,023,344	59,914,142	58,547	7.6%
2009	100,957	1,037,890	55,781,843	53,745	12.20%
2010	102,330	1,052,605	57,700,398	54,817	12.80%
2011	103,054	1,066,096	60,778,675	57,011	12.50%
2012	103,833	1,065,117	*	*	10.20%
2013	105,117	1,074,702	*	*	8.70%

*No Data Available

Data Sources:

(1) State Department of Finance

(2) U.S. Department of Commerce, Bureau of Economic Analysis (data shown is for Contra Costa County)

- Last updated: 11/26/12 - new estimates for 2011; revised estimates for 2009-2010.

(3) State of California Employee Development Dept., Labor Market Info, Data Library

**City of Antioch
Principal Employers
Current Year and Nine Years Ago**

Employer	2013		2004	
	Approx. Number of Employees¹	Percentage Of Total City Employment	Number of Employees	Percentage Of Total City Employment
Kaiser Permanente	2,240	4.04%	550	1.16%
Antioch Unified School District	1,867	3.37%	2,091	4.40%
Sutter Delta Medical Center ²	1,200	2.17%	750	1.58%
Contra Costa County Social Services	593	1.07%	295	0.62%
Wal-Mart	321	0.58%	331	0.70%
Target	250	0.45%	-	0.00%
Costco	250	0.45%	223	0.47%
City of Antioch	243	0.44%	362	0.76%
Antioch Auto Center	238	0.43%	200	0.42%
Safeway	139	0.25%	-	0.00%
Long's Drugs (corporate office)	-	0.00%	265	0.56%
Mervyn's	-	0.00%	181	0.38%

¹ As of 10/16/2013 Source: City of Antioch Economic Development Department

² Includes contract employees

City of Antioch
Operating Indicators by Function
Last Ten Fiscal Years

Function	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Police						161				
Physical arrests	5,166	4,872	4,983	6,471 (1)	6,734	7,288	5,990	4,830	4,296	4,047
Parking violations*	12,485	1,985	3,334	2,256 (1)	1,188	1,391	1,241	963	1,310	1,319
Traffic violations*	NA	7,440	8,749	4,703 (1)	7,049	12,664	5,905	3,320	2,123	1,396
Sworn Officers	114	114	118	125	126	126	126	126	126	126
Reserve Personnel	11	11	5	4	4	4	4	4	4	3
Support Personnel	47	47	55	58	59	59	59	59	59	59
Highways and streets										
Street resurfacing, sq ft	206,745	207,800	137,100	209,269	128,685	387,760	164,929	879,575	711,900	105,820
Potholes repaired	3,207	3,574	3,702	2,022	3,076	170	n/a	(2)	(2)	(2)
Culture and recreation										
Athletic sports complex admissions	25,610	27,775	29,831	32,693	31,429	33,650	33,640	40,000	41,500	42,000
Community center admissions										
Nick Rodriguez Community Center	1,004,823	960,717	946,667	819,324	558,624	173	314,731	127,545	46,233	10,500
Antioch Community Center	NA	NA	NA	NA	NA	NA	NA	150,937	234,102	384,602
Prewett Community Center	126,132	133,234	161,572	133,138	129,250	120,121	80,591	80,041	83,556	68,766
Water										
New connections	140	392	351	209	236	170	207	139	169	289
Water main breaks	3	2	13	25	18	18	28	17	39	36
Average daily consumption (thousands of gallons)	18,574	18,591	17,703***	18,473	19,519	17,195	15,190	15,539	16,043	16,478
Sewer**										
New connections	112	176	310	166	184	140	181	106	144	259

(1) Of the City's 5 Traffic Unit Officers, one Traffic Unit Officer was transferred to patrol in July 2006 and four were transferred to patrol in October 2006. Therefore, there was an increase in physical arrests and decreases in traffic and parking violations.

(2)The City no longer tracks this data.

*Parking and Traffic violations were combined until 2004/05

**The City does not process daily sewage - it maintains the sewer line that connects to the main sewer. Delta Diablo Sanitation District is responsible for sewage treatment.

***Fiscal Year 2005/06 was a very wet year for the City of Antioch; therefore, less water was consumed.

Source: Various City Departments

CITY OF ANTIOCH
FULL TIME CITY EMPLOYEES
BY FUNCTION

Last Nine Fiscal Years

FUNCTION	2005*	2006	2007	2008	2009	2010	2011	2012	2013
General government	55	45	51	50	52	52	52	52	46
Public safety ¹									
Sworn Police Officers	114	118	126	126	126	126	126	126	126
Community Service Officers	18	17	19	20	20	20	20	20	20
Administrative Staff	36	36	39	39	39	39	39	39	39
Public works	34	41	41	42	42	54	55	60	63
Community Development	38	40	47	43	42	30	30	30	28
Capital Improvement ²	-	-	-	5	5	5	5	-	-
Recreation	18	18	18	18	18	18	18	18	16
Water	39	38	38	41	41	41	41	41	47
Wastewater	7	12	12	15	15	15	15	15	21
Total employees	359	365	391	399	400	400	401	401	406

*Information not available prior to 2005

¹ Fire services are provided by Contra Costa Fire Protection District

² Capital Improvement was part of Community Development prior to 2008, and became part of Public Works in 2012

Source: City of Antioch budgets

**City of Antioch
Capital Asset Statistics by Function
Last Ten Fiscal Years**

Function	Fiscal Year									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Public safety										
Police:										
Stations	1	1	1	1	1	1	1	1	1	1
Patrol Units	NA	NA	41	41	43	43	43	42	39	39
Fire Stations*	4	4	4	4	4	4	4	4	4	4
Highways and streets										
Streets (miles)	283.00	307.91	315.61	339.16	352.62	360.02	482.62	566.31	745.32	774.17
Streetlights	6,258	6,258	6,346	6,501	6,486	8,600	8,649	8,697	8,714	8,731
Traffic Signals, City Owned	41	41	42	42	99	100	101	101	101	102
Culture and recreation										
Parks acreage	300	306	306	308	308	308	308	308	308	328
Parks	28	31	31	32	33	33	33	33	33	33
Swimming pools	7	7	7	7	7	7	7	7	7	7
Community centers	3	3	3	3	3	3	3	4	4	4
Water										
Water lines (miles)	259.99	272.24	278.80	285.35	278.80	340.00	341.68	344.52	344.91	345.50
Number of water meters	30,082	30,474	30,825	30,683	31,061	31,231	30,931	31,468	31,254	31,583
Maximum daily treatment capacity (millions of gallons)	29.99	30.73	31.55	31.55	30.02	27.01	26.49	29.00	26.13	27.01
Fire hydrants	3,199	3,231	3,401	3,443	3,443	3,443	3,443	3,522	3,537	3,537
Sewer**										
Sanitary sewer lines (miles)	226.75	238.77	248.82	250.87	255.70	300.00	300.68	302.70	303.20	303.24
Number of sewer connections	28,828	29,004	29,314	29,480	29,664	29,804	29,535	29,657	29,818	30,171
Storm drains (miles)	134.28	144.36	150.75	157.14	161.42	220.00	221.01	222.12	222.13	222.27

*The City of Antioch's fire protection is provided by the Contra Costa Fire Protection District

**The City does not process daily sewage - it maintains the sewer line that connects to the main sewer. Delta Diablo Sanitation District is responsible for sewage treatment.

Sources: Various City departments.

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**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

To the Honorable Mayor and Members of the City Council
of the City of Antioch
Antioch, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Antioch, California (City), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise City's basic financial statements, and have issued our report thereon dated December 10, 2013.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify one deficiency in internal control, described as item FS2013-01 in the accompanying schedule of findings and responses that we consider to be a significant deficiency.

Compliance and Other Matters

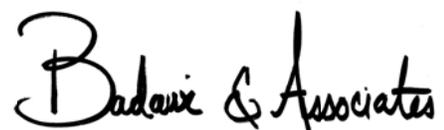
As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

City's Response to Findings

City's response to the finding identified in our audit is described in the accompanying schedule of findings and responses. City's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Badawi and Associates
Certified Public Accountants
Oakland, California
December 10, 2013

City of Antioch
Schedule of Findings and Responses
For the year ended June 30, 2013

FS 2013-01 Departure from Generally Accepted Accounting Principles (Significant Deficiency)

Criteria:

The City uses internal services funds to account for post-employment benefits (OPEB) costs. The City's internal service funds charges the various department for the cost of OPEB on a pay as you go basis. According to the Governmental Accounting Standards Board (GASB) Statement 34, internal service funds may be used to report any activity that provides goods or services to other funds on a cost-reimbursement basis. As an internal service fund is accounted for on the accrual basis, its cost related to OPEB is the annual OPEB cost, or expense, rather than current pay-as-you-go requirements.

Condition:

The City did not charge other City departments for the reimbursement of full annual OPEB costs. Instead, only current pay-as-you-go OPEB expenses were reimbursed from other City funds.

Cause:

The City was not aware of the requirement of using internal service funds to account for OPEB expenses.

Effect:

The method used by the City to account for the OPEB cost is considered a departure from Generally Accepted Accounting Principles.

Recommendation:

We recommend that the City charges the various department the full OPEB costs on the accrual basis or discontinue the use of the internal service funds to account for OPEB

View of Responsible Officials and Planned Corrective Action:

With the implementation of GASB 43 and 45 and subsequent establishment of a trust with the CalPERS system, it was the City's intent to fully fund the annual required contribution (ARC) for OPEB, and therefore meet the requirements to continue to maintain the internal service funds that had already been established for the City's three OPEB plans prior to implementation. Due to the recession and severe fiscal challenges faced, City policy has become to fund benefits on a pay-as-you-go basis until it is financially feasible again to fund the full ARC. This has resulted in recognizing an OPEB obligation and underfunding the full accrual expenses of the funds. The City will discontinue the use of internal service fund reporting for these funds until such time that the requirements of GASB 34 can be met.

**STAFF REPORT TO THE ANTIOCH CITY COUNCIL
FOR CONSIDERATION AT THE COUNCIL MEETING OF JANUARY 28, 2014**

PREPARED BY: Dawn Merchant, Finance Director

DATE: January 14, 2014

SUBJECT: Single Audit Report for the Fiscal Year Ended June 30, 2013

Recommendation

Receive and file:

1. Single Audit Report For The Year Ended June 30, 2013.

Background

As required by the Single Audit Act, governments that expend \$500,000 or more on federal awards must be audited to ascertain the effectiveness of the financial management systems and internal procedures that have been established to meet the terms and conditions of the award. This year's audit report was completed by Badawi & Associates, Certified Public Accountants.

As stated in the report, no deficiencies in internal control over financial reporting or compliance considered to be material weaknesses were identified.

Attachment: Single Audit Report for the Year Ended June 30, 2013

City of Antioch

Antioch, California

Single Audit Reports

For the year ended June 30, 2013

City of Antioch
Single Audit Reports
For the year ended June 30, 2013
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**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

To the Honorable Mayor and Members of City Council
of the City of Antioch
Antioch, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Antioch, California (City), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise City's basic financial statements, and have issued our report thereon dated December 10, 2013.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify one deficiency in internal control, described as item FS2013-01 in the accompanying schedule of findings and questioned costs that we consider to be a significant deficiency.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

City's Response to Findings

City's response to the finding identified in our audit is described in the accompanying schedule of findings and questioned costs. City's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Badawi and Associates
Certified Public Accountants
Oakland, California
December 10, 2013



**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM
AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY OMB CIRCULAR A-133**

To the Honorable Mayor and Members of City Council
of the City of Antioch
Antioch, California

Report on Compliance for Each Major Federal Program

We have audited the City of Antioch, California's (City) compliance with the types of compliance requirements described in the *OMB Circular A-133 Compliance Supplement* that could have a direct and material effect on each of the City's major federal programs for the year ended June 30, 2013. The City's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the City's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the City's compliance.

Opinion on Each Major Federal Program

In our opinion, the City, complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2013.

Report on Internal Control Over Compliance

Management of the City, is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

To the Honorable Mayor and Members of City Council
of the City of Antioch
Antioch, California
Page 3

Report on Schedule of Expenditures of Federal Awards Required by OMB Circular A-133

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Antioch, as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the City's basic financial statements. We issued our report thereon dated December 10, 2013, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by OMB Circular A-133 and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.



Badawi and Associates
Certified Public Accountants
Oakland, California
December 10, 2013

City of Antioch
Schedule of Expenditures of Federal Awards
For the year ended June 30, 2013

Federal Grantor/Pass-Through Grantor Program Title	Federal CFDA Number	Agency or Pass-Through Number	Federal Expenditures
U.S. Department of Housing and Urban Development:			
<i>Direct Program:</i>			
Community Development Block Grants Entitlement Cluster			
- Community Development Block Grant	14.218	B-11-MC-060045	\$ 199,222
- Community Development Block Grant	14.218	B-12-MC06-0045	185,914
- ARRA- Community Development Block Grant- NSP	14.218	B-08-MN-06-0001	328,101
Total Community Development Block Grants Entitlement Cluster			<u>713,237</u>
Total U.S. Department of Housing & Urban Development			<u>713,237</u>
U.S. Department of Justice:			
<i>Direct Program:</i>			
- ARRA- COPS Hiring Recovery Grant	16.710	2009RKWX0092	80,228
<i>Passed through the Contra Costa County, Office of Sheriff</i>			
- Edward Byrne Justice Assistance Grant Program	16.738	2012	50,506
Total U.S Department of Justice			<u>130,734</u>
U.S. Department of Transportation			
<i>Passed through the California Department of Transportation</i>			
Highway Planning and Construction Cluster			
- Highway Planning and Construction	20.205	BHLS-5038(006)	3,947,358
Total Highway Planning and Construction Cluster			<u>3,947,358</u>
Total U.S. Department of Transportation			<u>3,947,358</u>
U.S. Department of Energy:			
<i>Direct Program:</i>			
- ARRA-Energy Efficiency and Conservation Block Grant	81.128	DE-SC0001714	43,821
Total U.S. Department of Energy			<u>43,821</u>
Total Expenditures of Federal Awards			<u>\$ 4,835,150</u>

City of Antioch

Notes to the Schedule of Expenditures of Federal Awards

For the year ended June 30, 2013

1. REPORTING ENTITY

The City of Antioch (City) was incorporated under the General Laws of the State of California and enjoys all the rights and privileges pertaining to such "General Law" cities. The City uses the City Council/Manager form of government. The financial reporting entity consists of (a) the primary government, the City, (b) organizations for which the primary government is financially accountable, and (c) other organizations for which the primary government is not accountable, but for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete.

Component units are legally separate organizations for which the elected officials of the primary government are financially accountable. In addition, component units can be other organizations for which the primary government's exclusion would cause the reporting entity's financial statements to be misleading or incomplete.

The following component units are included in the basic financial statements of the City.

- Public Financing Authority

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Accounting

Funds received under the various grant programs have been recorded within general, special revenue, and capital projects funds of the City. The City utilizes the accrual basis of accounting for these funds. The accompanying Schedule of Expenditures of Federal Awards (Schedule) is presented in accordance with the requirements of Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Therefore, some amounts presented in the Schedule may differ from amounts presented in, or used in, the preparation of the City's basic financial statements.

Schedule of Expenditures of Federal Awards

The accompanying Schedule presents the activity of all federal financial assistance programs of the City. Federal financial assistance received directly from federal agencies as well as federal financial assistance passed through the State of California and other local agencies. The Schedule was prepared only from the accounts of various grant programs and, therefore, does not present the financial position or results of operations of the City.

City of Antioch
Notes to the Schedule of Expenditures of Federal Awards
For the year ended June 30, 2013

3. SUBRECIPIENTS

Of the federal expenditures presented in the Schedule, the City provided federal awards to subrecipients as follows:

<u>Program Title</u>	<u>CFDA #</u>	<u>Subrecipients</u>	<u>Amount Paid</u>
Community Development Block Grant	14.218	Senior Outreach Services (Meals on Wheels)	5,000
	14.218	Community Violence Solutions	5,000
	14.218	Contra Costa Senior Legal Services	5,000
	14.218	Senior Outreach Services-Care Mgr	5,000
	14.218	Ombudsman Svcs of Contra Costa (Complaint Resc	5,000
	14.218	CC Health Svcs Homeless Shelter-Adult Interim Hc	5,000
	14.218	Shelter Inc - Emergency Housing Services	10,000
	14.218	Bay Area Legal-Tenant/Landlord Counseling	10,000
	14.218	City of Antioch (Youth Recreation Programs)	10,378
	14.218	Antioch Chamber Community Foundation	14,999
	14.218	Bay Area Legal-Fair Housing	20,000
	14.218	Antioch Senior Center	35,000
	14.218	OPTIC(Job Training & Placement)	50,000
	14.218	Code Enforcement Salaries	131,897
		Total	<u>312,274</u>

City of Antioch
Schedule of Findings and Questioned Costs
For the year ended June 30, 2013

A. Summary of Auditors' Results

Financial Statements

Types of auditors' report issued:	Unqualified
Internal control over financial reporting:	
• Material weakness(es) identified?	No
• Significant deficiency(ies) identified?	None reported
Any noncompliance material to the financial statements?	None reported

Federal Awards

Internal control over major programs:	
• Material weakness(es) identified?	No
• Significant deficiency(ies) identified?	None reported
Type of auditors' report issued on compliance for major programs	Unmodified
Any audit findings disclosed that are required to be reported in Accordance with section 510(a) of OMB Circular A-133	No

Identification of major programs:

<u>CFDA Number(s)</u>	<u>Name of Federal Program or Cluster</u>	<u>Expenditures</u>
14.218, 14.253	CDBG Cluster	\$ 713,237
20.205	Highway Planning and Construction	<u>3,947,358</u>
	Total Expenditures of All Major Federal Programs	<u><u>4,660,595</u></u>

Dollar threshold used to distinguish between type A and type B program \$300,000

Auditee qualified as low-risk auditee under section 530 of OMB Circular A-133? Yes

City of Antioch
Single Audit Reports
Schedule of Findings and Questioned Costs, Continued
For the year ended June 30, 2013

B. FINDINGS - FINANCIAL STATEMENTS AUDIT

FS 2013-01 Departure from Generally Accepted Accounting Principles (Significant Deficiency)

Criteria:

The City uses internal services funds to account for post-employment benefits (OPEB) costs. The City's internal service funds charges the various department for the cost of OPEB on a pay as you go basis. According to the Governmental Accounting Standards Board (GASB) Statement 34, internal service funds may be used to report any activity that provides goods or services to other funds on a cost-reimbursement basis. As an internal service fund is accounted for on the accrual basis, its cost related to OPEB is the annual OPEB cost, or expense, rather than current pay-as-you-go requirements.

Condition:

The City did not charge other City departments for the reimbursement of full annual OPEB costs. Instead, only current pay-as-you-go OPEB expenses were reimbursed from other City funds.

Cause:

The City was not aware of the requirement of using internal service funds to account for OPEB expenses.

Effect:

The method used by the City to account for the OPEB cost is considered a departure from Generally Accepted Accounting Principles.

Recommendation:

We recommend that the City charges the various department the full OPEB costs on the accrual basis or discontinue the use of the internal service funds to account for OPEB

View of Responsible Officials and Planned Corrective Action:

With the implementation of GASB 43 and 45 and subsequent establishment of a trust with the CalPERS system, it was the City's intent to fully fund the annual required contribution (ARC) for OPEB, and therefore meet the requirements to continue to maintain the internal service funds that had already been established for the City's three OPEB plans prior to implementation. Due to the recession and severe fiscal challenges faced, City policy has become to fund benefits on a pay-as-you-go basis until it is financially feasible again to fund the full ARC. This has resulted in recognizing an OPEB obligation and underfunding the full accrual expenses of the funds. The City will discontinue the use of internal service fund reporting for these funds until such time that the requirements of GASB 34 can be met.

C. FINDINGS AND QUESTIONED COSTS - MAJOR FEDERAL AWARD PROGRAM AUDIT

No findings were noted.

City of Antioch
Schedule of Findings and Questioned Costs
For the year ended June 30, 2013

**D. PRIOR YEAR FINDINGS AND QUESTIONED COSTS - MAJOR FEDERAL AWARD PROGRAM
AUDIT**

SA2012-01 Reporting, Control Activities (Significant Deficiency) and Compliance

Program:

Community Development Block Grant Cluster (CFDA Number 14.218 and 14.253, U.S. Department of Housing and Urban Development, Award Number B-10-MC06-0045, B-11-MC06-0045, B-09-MY06-0045, and B-08-MN-06-0001)

Condition:

For any sub-award equal to or greater than \$25,000, the City did not file any required FFATA sub-award report in fiscal year 2012.

Criteria:

In accordance with Federal Funding Accountability and Transparency Act (FFATA), Prime Awardees awarded a federal grant are required to file a FFATA sub-award report by the end of the month following the month in which the prime awardee awards any sub-grant equal to or greater than \$25,000.

Cause:

The City does not have adequate and sufficient controls to make sure the grant management become aware of new additional federal compliance requirements.

Context and Effect:

The City was not in compliance with the FFATA requirement.

Questioned Costs:

No questioned costs noted.

Recommendation:

We recommend the City implement policies and procedures for staff to receive update training on an annual basis.

View of Responsible Officials and Planned Corrective Action:

Once the City was made aware of the FFATA requirement and that the information was not being imported from the IDIS database as was the understanding of the Contra Costa County CDBG Consortium (including the City of Antioch), the required information was entered into the federal database. The City will ensure that future reports are filed as needed.

Status:

No exception was noted in Fy12/13.

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF JANUARY 28, 2014**

PREPARED BY: Tim Coley, Acting Water Distribution Superintendent *TC*

APPROVED BY: Ron Bernal, Director of Public Works/City Engineer *REB*

DATE: January 21, 2014

SUBJECT: Approval of Proposal and Authorization for the City Manager to Sign an Agreement with Municipal Financial Services for the Preparation of an Update of the Water and Sewer Rate Fee Study, (P.W. 362-7)

RECOMMENDATION

It is recommended that the City Council approve the proposal and authorize the City Manager to sign an agreement with Municipal Financial Services in the amount of \$66,690 for the preparation of a review and update of water and sewer rates, fees, and charges to ensure that sufficient funding is available to meet the City's Water and Sewer Enterprise operating, capital and debt service costs.

BACKGROUND INFORMATION

The City's current water and sewer rate study and associated rate increases initially instituted in 2010 will be in effect until June 2015. With the recent completion of the Water Master Plan and the nearly completed Sewer Master Plan, the City has a current and accurate basis for conducting the next water and sewer rate study to determine the appropriate fees and charges for the next five year period, beginning July 2015. This new water and sewer rate study will need to consider the impact of the City Council determining not to collect the full amount of water and sewer rates previously determined necessary to operate and maintain the water and sewer systems, as well as possible impacts from the current drought.

On October 15, 2013, letters were sent to various firms requesting qualifications for preparing and updating the City's Water and Sewer Rate Fee Study. On November 18, 2013, qualifications were received from Carollo Engineers of Walnut Creek and Municipal Financial Services of Henderson, Nevada. Based on review of the qualifications and interviews conducted by staff, Municipal Financial Services was selected as the most qualified firm to provide the services required for this project. Staff has subsequently met with representatives from Municipal Financial Services to develop the attached scope of work and cost proposal.

Staff recommends the approval of the proposal from Municipal Financial Services and requests Council to authorize the City Manager to sign a consultant services agreement (attached) for the work.

FINANCIAL IMPACT

It is anticipated that the contract agreement will not exceed \$66,690.00. The cost of this study will be shared between the Water and Sewer Enterprise funds and sufficient funding is available in the budget.

None considered at this time.

ATTACHMENTS

- A: Consulting Services Agreement
- Exhibit A to Agreement: Scope of Work, Budget and Schedule for the Water and Sewer Rates and Fees Study

TC:lm

1-28-14

ATTACHMENT "A"

CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF ANTIOCH AND MUNICIPAL FINANCIAL SERVICES FOR THE WATER AND SEWER RATE FEE STUDY P.W. 362-7

THIS AGREEMENT for consulting services is made by and between the City of Antioch ("City") and Municipal Financial Services ("Consultant") as of January 29, 2014.

Section 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

- 1.1 **Term of Services.** The term of this Agreement shall begin on the date first noted above and shall end on July 1, 2015 and Consultant shall complete the work described in Exhibit A prior to that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the City's right to terminate the Agreement, as provided for in Section 8.
- 1.2 **Standard of Performance.** Consultant shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession.
- 1.3 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, reassign such person or persons.
- 1.4 **Time.** Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.1 above and to satisfy Consultant's obligations hereunder.

Section 2. COMPENSATION. City hereby agree to pay Consultant a sum not to exceed **Sixty-six thousand six hundred ninety dollars (\$66,690.00)**, notwithstanding any contrary indications that may be contained in Consultant's proposal, for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Consultant's proposal, attached as Exhibit A, regarding the amount of compensation, the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth below. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person.

Consultant and City acknowledge and agree that compensation paid by City to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder,

including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 Invoices. Consultant shall submit invoices, not more often than once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain the following information:

- Serial identifications of progress bills; i.e., Progress Bill No. 1 for the first invoice, etc.;
- The beginning and ending dates of the billing period;
- A Task Summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion;
- At City's option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
- The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services.
- The Consultant's signature.

2.2 Payment Schedule.

2.2.1 City shall make incremental payments, based on invoices received, according to the payment schedule attached as Exhibit A, for services satisfactorily performed, and for authorized reimbursable costs incurred. City shall have 30 days from the receipt of an invoice that complies with all of the requirements of Section 2.1 to pay Consultant.

2.2.2 City shall pay the last 5% of the total sum due pursuant to this Agreement within sixty (60) days after completion of the services and submittal to City of a final invoice, if all services required have been satisfactorily performed.

2.3 Total Payment. City shall pay for the services to be rendered by Consultant pursuant to this Agreement. City shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement.

In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

2.4 Hourly Fees. Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the following fee schedule: Exhibit A.

- 2.5 Reimbursable Expenses.** Reimbursable expenses are specified below. Expenses not listed below are not chargeable to City. Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.
- 2.6 Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.
- 2.7 Authorization to Perform Services.** The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City. In no event shall City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

Section 4. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Consultant, at its own cost and expense, shall procure "occurrence coverage" insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work by the Consultant and its agents, representatives, employees, and subcontractors. Consultant shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects to the City. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's proposal. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s) and provided evidence thereof to City. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution.

- 4.1 Workers' Compensation.** Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than ONE MILLION DOLLARS (\$1,000,000.00) per accident. In the alternative, Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the Labor Code shall be solely in the discretion of the Contract Administrator. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against the City and their officers, officials, employees, and volunteers for loss arising from work performed under this Agreement.

An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

4.2 Commercial General and Automobile Liability Insurance.

4.2.1 General requirements. Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

4.2.2 Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (ed. 11/88) or Insurance Services Office form number GL 0002 (ed. 1/73) covering comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (ed. 12/90) Code 1 ("any auto"). No endorsement shall be attached limiting the coverage.

4.2.3 Additional requirements. Each of the following shall be included in the insurance coverage or added as an endorsement to the policy:

- a. City and their officers, employees, agents, and volunteers shall be covered as insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Consultant, including the insured's general supervision of Consultant; products and completed operations of Consultant; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by the Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City or their officers, employees, agents, or volunteers.
- b. The insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
- c. An endorsement must state that coverage is primary insurance with respect to the City and their officers, officials, employees and volunteers,

and that no insurance or self-insurance maintained by the City shall be called upon to contribute to a loss under the coverage.

- d. Any failure of CONSULTANT to comply with reporting provisions of the policy shall not affect coverage provided to CITY and its officers, employees, agents, and volunteers.
- e. An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.
- f. The policy must contain a cross liability or severability of interest clause.

4.3 **Professional Liability Insurance.** Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000) covering the licensed professionals' errors and omissions.

4.3.1 Any deductible or self-insured retention shall not exceed \$150,000 per claim.

4.3.2 An endorsement shall state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

4.3.3 The following provisions shall apply if the professional liability coverages are written on a claims-made form:

- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
- b. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.
- c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must provide extended reporting coverage for a minimum of five years after completion of the Agreement or the work. The City shall have the right to exercise, at the Consultant's sole cost and expense, any extended reporting provisions of the policy, if the Consultant cancels or does not renew the coverage.
- d. A copy of the claim reporting requirements must be submitted to the City prior to the commencement of any work under this Agreement.

4.4 All Policies Requirements.

4.4.1 Acceptability of insurers. All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.

4.4.2 Verification of coverage. Prior to beginning any work under this Agreement, Consultant shall furnish City with certificates of insurance and with original endorsements effecting coverage. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

4.4.3 Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

4.4.4 Deductibles and Self-Insured Retentions. Consultant shall disclose to and obtain the approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement.

During the period covered by this Agreement, only upon the prior express written authorization of Contract Administrator, Consultant may increase such deductibles or self-insured retentions with respect to City and their officers, employees, agents, and volunteers. The Contract Administrator may condition approval of an increase in deductible or self-insured retention levels with a requirement that Consultant procure a bond, guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.

4.4.5 Notice of Reduction in Coverage. In the event that any coverage required by this section is reduced, limited, or materially affected in any other manner, Consultant shall provide written notice to City at Consultant's earliest possible opportunity and in no case later than five days after Consultant is notified of the change in coverage.

4.5 Remedies. In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or

- Terminate this Agreement.

Section 5. INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES

5.1. CONSULTANT shall, to the fullest extent permitted by law, indemnify, defend (with counsel acceptable to the CITY) and hold harmless CITY, and its employees, officials, volunteers and agents ("Indemnified Parties") from and against any and all losses, claims, damages, costs and liability arising out of any personal injury, loss of life, damage to property, or any violation of any federal, state, or municipal law or ordinance, arising out of or resulting from the performance of this Agreement by CONSULTANT, its officers, employees, agents, volunteers, subcontractors or sub-consultants, excepting only liability arising from the sole negligence, active negligence or intentional misconduct of CITY.

5.2. In the event that Consultant or any employee, agent, sub-consultant or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, sub-consultants or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

5.3. Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

5.4. By execution of this Agreement, Consultant acknowledges and agrees to the provisions of this Section and that it is a material element of consideration, and that these provisions survive the termination of this Agreement.

Section 6. STATUS OF CONSULTANT.

6.1 **Independent Contractor.** At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of City. City shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise City shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

6.2 **Consultant No Agent.** Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an

agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

- 7.1 **Governing Law.** The laws of the State of California shall govern this Agreement.
- 7.2 **Compliance with Applicable Laws.** Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.
- 7.3 **Other Governmental Regulations.** To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.
- 7.4 **Licenses and Permits.** Consultant represents and warrants to City that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to City that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from City.
- 7.5 **Nondiscrimination and Equal Opportunity.** Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

- 8.1 **Termination.** City may cancel this Agreement at any time and without cause upon written notification to Consultant.

Consultant may cancel this Agreement upon 30 days' written notice to City and shall include in such notice the reasons for cancellation.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Consultant delivering to City any or all documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the City in connection with this Agreement.

- 8.2 Extension.** City may, in their sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein. Consultant understands and agrees that, if City grants such an extension, City shall have no obligation to provide Consultant with compensation beyond the maximum amount provided for in this Agreement. Similarly, unless authorized by the Contract Administrator, City shall have no obligation to reimburse Consultant for any otherwise reimbursable expenses incurred during the extension period.
- 8.3 Amendments.** The parties may amend this Agreement only by a writing signed by all the parties.
- 8.4 Assignment and Subcontracting.** City and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.
- 8.5 Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.
- 8.6 Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, City's remedies shall include, but not be limited to, the following:
- 8.6.1** Immediately terminate the Agreement;
 - 8.6.2** Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement; and/or
 - 8.6.3** Retain a different consultant to complete the work described in Exhibit A not finished by Consultant in which case the City may charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that City would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

- 9.1 Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the City. Consultant hereby agrees to deliver those documents to the City upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Consultant agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both parties.
- 9.2 Consultant's Books and Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.
- 9.3 Inspection and Audit of Records.** Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the City. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS (\$10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or as part of any audit of City, for a period of three (3) years after final payment under the Agreement.

Section 10 MISCELLANEOUS PROVISIONS.

- 10.1 Venue.** In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Contra Costa or in the United States District Court for the Northern District of California.
- 10.2 Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 10.3 No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

- 10.4 **Successors and Assigns.** The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.
- 10.5 **Use of Recycled Products.** Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.
- 10.6 **Conflict of Interest.** Consultant may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any official of City in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

Consultant hereby warrants that it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Consultant was an employee, agent, appointee, or official of City in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code §1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the City for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

- 10.7 **Inconsistent Terms.** If the terms or provisions of this Agreement conflict with or are inconsistent with any term or provision of any attachment or Exhibit attached hereto, then the terms and provisions of this Agreement shall prevail.
- 10.8 **Solicitation.** Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.
- 10.9 **Contract Administration.** This Agreement shall be administered by Scott Buenting ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

10.10 Notices. Any written notice to Consultant shall be sent to:

Municipal Financial Services
Attn: Tom Pavletic
871 Coronado Center Drive
Henderson, NV 89502

Any written notice to City shall be sent to:

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

10.11 Integration. This Agreement, including the scope of work attached hereto and incorporated herein as Exhibit A, and all other attachments, represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.

CITY:

CONSULTANT:

CITY OF ANTIOCH

MUNICIPAL FINANCIAL SERVICES

Steve Duran, City Manager

Tom Pavletic, Owner

Attest:

Arne Simonsen, City Clerk

Approved as to Form:

Lynn Tracy Nerland, City Attorney

871 Coronado Center Drive, #200
Henderson, NV 89052
T (510) 439-6264

EXHIBIT "A"

Municipal
Financial
Services

January 15, 2014

Mr. Tim Coley
City of Antioch
Capital Improvement Division
200 H Street
Antioch, CA 94531

Subject: Scope of Work, Budget and Schedule for the Water and Sewer Rates and Fees Study

Dear Mr. Coley:

Municipal Financial Services (MFS) is pleased to submit a scope of work, budget and time schedule to prepare the Water and Sewer Rates and Fees Study.

The attached document describes the tasks that comprise our scope of work and has a list of deliverables. It includes an estimate of the number of hours to complete each task, hourly rates applicable for the duration of the project, and a time schedule for completion of each task.

Thank you for the opportunity to conduct this work. If you have any questions, please call me at (510) 439-6264 (cell phone).

Very truly yours,

MUNICIPAL FINANCIAL SERVICES



Tom Pavletic

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Section 1

Scope of Work and Deliverables

The scope of work is divided into 11 subtasks. Deliverables are itemized.

1.1 Rates and Connection Fees

1.1.1 Task 1 – Data Collection and Identification of Rate Scenarios and Structures

We will conduct a detailed review of the existing rates and fees and develop a general familiarity with the City's finances and billing system. We will prepare a detailed request for information for items such as billing system use data, water production data, financial data and copies of contracts and agreements).

As part of the data collection process, we will meet with key personnel in the City to gain a solid understanding of the physical system, current operations and maintenance practices for each utility. We will also meet with key personnel in the Administrative Department to discuss financial goals and policy objectives, current budgets and existing debt obligations.

Based on our review of the data we will prepare a list of key policy and technical issues that should be discussed with the City prior to the development of rates and fees. Policy issues include items such as the development of inclining block tier rates, raw water rates, and rates for customers outside the City. Technical issues include what assumptions to use regarding projected water use impacts due to conservation, different water source of supply costs, and the structure of a rate stabilization fund.

We will review the Master Fee Schedule with the City to identify fees to be evaluated as part of this study. We will discuss with the City which rate scenarios and rate structures to include in the draft and final reports.

1.1.2 Task 2 – Cost Classification and Customer Usage Profile

We will obtain billing system data from the City for water use and the number and type of active accounts from July 2011 through June 2013 (24 months). We will work with the City to ensure that the data base provided by the City has the required fields of account detail (customer class, meter size, meter type, water use zone, sewer units, etc.) that enable evaluation and development of rates and fees.

We will sort and summarize the data to enable the discussion and evaluation of alternative rate structure scenarios. **The customer usage data base will be constructed in a manner that will enable us to test each rate structure scenario and calculate the impact on individual customer bills.**

We will present findings of customer usage data review and discuss key issues in a meeting dedicated to the topic. The key issues may include:

- Should there be different tiered rate structures for residential versus commercial customers?
- What tier break points should be used to maintain a cost basis and promote conservation?
- How much revenue should be collected using quantity charges versus meter charges?
- What costs are allocable to the production and distribution of raw water?
- What assumptions are to be used to project water use impacts due to conservation?
- What documents support the projection of growth rates to be used in the rate model?
- How many and what type of rate scenarios should be included in the final report?

As part of this task we will calculate revenue from water and sewer rates for Fiscal Year 2011 – 2012 and Fiscal Year 2012 – 2013. The projections will be developed by multiplying the rates that were in

effect during those time periods times the units of use as shown in the City's billing system data. We will compare the calculated revenue from water and sewer rates for Fiscal Year 2011 – 2012 and Fiscal Year 2012 – 2013 to revenues shown in the City's accounting system.

1.1.3 Task 3 – Financing Strategy and Revenue Requirements

We will develop revenue requirement projections using a six-year planning horizon – a “base year” (Fiscal Year 2014 – 2015) and the next five fiscal years. We will develop projections of revenue requirements for the various scenarios discussed in Task 1. The revenue requirement projection scenarios will consider annual changes in operating and maintenance expenditures, annual capital expenditures and water production and sales.

For each scenario we will develop a financing strategy. The financing strategy for each scenario will include projections of the mix of source of funds for capital expenditures – loans, grants, connection fees and rates (pay-as-you-go). The projected debt service coverage ratio will be included as part of the evaluation of each financing strategy (see Task 5).

1.1.4 Task 4 – Cost Allocations, Rates and Rate Structures

We will develop unit costs for rates that may be used to develop different rates and rate structures.

All annual revenue requirements to be recovered from rates will be allocated to functional cost categories in accordance with the American Water Works Association (AWWA) Manual of Water Supply Practices M1 Manual, *Principles of Water Rates, Fees and Charges, 6th Edition* (water rates) or *Revenue Program Guidelines* included in State of California State Revolving Loan Fund requirements (wastewater rates). We will use either the commodity/demand or the base/extra capacity methods for allocation costs for water rates.

The revenue required from rates will be net of non-rate revenues (for example interest earned on fund balances and loan disbursements) and other revenues not required from rates (such as revenue from the provision of backflow prevention program services). The allocation of costs are structured so that the revenue required from rates is distributed proportionally for each service function in a manner that allows the development of unit costs that are applicable to all customers. The rate structure will use the unit costs as a basis for aggregating costs into rates that are applicable to the various customer classes.

We will develop an emergency rate structure to address drought conditions or other interruptions in water supply.

Water rate structures to be developed in this study may include the following:

- Quantity charges for all accounts (including different tiers as necessary)
- Quantity charges for hydrant (construction) meters
- Drought condition water rates
- Meter charges for potable water use accounts
- Meter charges for raw water use accounts
- Backflow Prevention Device New Install Test Fee and Monthly Fees
- Pass through of charges for wholesale water, sewage treatment, or wastewater treatment as defined in Government Code §53756(c)

Sewer rate structures to be developed in this study may include the following:

- Update of the current structure (flat charge for laterals and flat charge for service)
- Flat charge and/or variable charges for service

Our approach to the development of rates will adhere to all the rate-making objectives but will emphasize objectives that ensure revenue sufficiency and stability (barring water shortages when rationing is required).

1.1.5 Task 5 – Cash Flow and Debt Coverage Projections

We will develop cash flow and debt coverage projections for each revenue and financing scenario prepared as part of Task 3. Each scenario will use the water and wastewater rate structure selected as part of Task 4.

1.1.6 Task 6 – Connection Fees

We will evaluate the current connection fees (capacity charges), recommend alternative calculation methods (if necessary) and update the fees.¹ We will update the connection fees in a manner that meets the nexus requirements characteristic of these fees. We will review the ordinance and resolutions related to adoption of the current capacity charges and discuss with the City in detail the method by which current connection fees are implemented. Implementation usually entails the assignment of peak use characteristics to applications for new service and the calculation of charges for that peak use based on unit costs of capacity. We will ensure that changes, if any, to the connection fees structure (as opposed to changes to the fee level) can be implemented by the City. The capacity charges developed will be in conformance with the requirements of Sections 66012-66014 of the State Government Code.

1.1.7 Task 7 – City Municipal Code and Ordinance Revisions

We will review current ordinances and sections of the Antioch Municipal Code (AMC) applicable to water and sewer rates and connections fees. Sections of the AMC to be reviewed include the following:

- Title 3: Finance, Chapter 11: Sewer Capacity Acquisition Fee
- Title 6: Sanitation and Health Chapter 4: Sewer System
- Title 6: Sanitation And Health Chapter 5: Water System
- Title 6: Sanitation And Health Chapter 6-10: Drought Management Regulations and Water Conservation

We will work with City staff and City legal counsel to recommend changes to the AMC that will enable implementation of the recommended rates and connection fees.

1.1.8 Task 8 – Efficiency Metrics

We will evaluate utility staffing and personnel levels using four efficiency metrics as an indicator of how cost-effective operations are in compared to other community systems. The efficiency metrics are:

- Operating expenses per full time equivalent employee (FTEE)
- Operating expenses per service connection
- Operating expenses per gallon of water delivered or wastewater flow to the collection system
- Operating expenses per mile of water transmission and distribution mains or collection lines

The City's water and sewer system costs efficiency metrics will be compared with those for other municipalities in Northern California with similar populations and water and sewer system configurations.

¹The terms "connection/buy-in fees" and "capacity charge" are not synonymous. Section 66013 of the State of California Government Code defines a connection fee as a fee for the physical facilities necessary to make a water connection or a sewer connection, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to a water distribution line or sewer main, and that does not exceed the estimated reasonable cost of labor and materials for installation of those facilities. A capacity charge is defined as a charge to pay for public agencies' facilities in existence at the time the charge is imposed or to pay for new facilities that will be constructed in the future that are of benefit to the person or property being charged (new development or increases to existing service capacity).

1.1.9 Task 9 – Draft and Final Reports

We will prepare a draft report that presents study findings and recommendations for staff review and submit the document electronically. The draft report will include a comparison of current rates and connection fees to surrounding public agency water purveyors. We will provide eight bound copies and an electronic copy of the draft report. We will incorporate comments into the final version of the report.

We will prepare a final report that presents study findings and recommendations for staff review and submit the document electronically. We will provide eight bound copies and an electronic copy of the final report.

1.1.10 Task 10 – Proposition 218 Notice and Public Information

We will work with City staff and the City's legal counsel to prepare a Proposition 218 notification of rate increases and a "FAQ" document (if necessary). MFS work will consist only of technical advice and the development of technical text, tables and figures to be included in the notice and FAQ documents. The level of effort on this task will be limited by the amount hours assigned to this task.

1.1.11 Task 11 – Presentations / Meetings

We will attend up to five meetings with staff and three public meetings / workshops. We will prepare and deliver presentations at each meeting as appropriate and necessary. Presentations will be provided to staff in advance of each meeting for review and comment. The level of effort on this task will be limited by the amount hours assigned to this task.

1.2 Project Deliverables

MFS will provide the following deliverables during the course of the study and at its conclusion:

- Eight on-site meetings
- Schedule of water and wastewater rates to be adopted by Proposition 218 procedures
- Schedule of water and wastewater connection fees to be adopted by ordinance hearing procedures
- Excel-based model with tables and figures used in reports and presentations
- Surveys of rates, customer bills and connection fees of other utilities / cities
- Hard and electronic copies of Draft and Final Reports
- Electronic copies of PowerPoint Presentations
- Monthly invoices showing project status in terms of hours and costs

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Section 2

Budget and Work Schedules

2.1 Budget

The estimated hours and cost for the scope of work are shown below in Table 2-1. The total cost is a “not to exceed” cost for all work identified in the scope of work. Only hours actually used will be charged. Hours and costs are fungible between tasks, except for tasks 10 and 11 which are limited to the amounts for those individual tasks. Labor hours not used will not be invoiced. All costs for travel, shipping, phone, copying etc. are included in the hourly rates. Marv Winer is a subconsultant to Municipal Financial Services. Only Tom Pavletic and Marv Winer will account for billable hours. No other subconsultant will perform work on the project.

Table 2-1. Budget

Task	Pavletic	Winer	Total Hours	Hourly Rate	Cost
Task 1 - Data Collection and Rate Scenarios	12	8	20	\$130	\$2,600
Task 2 - Cost Classification / Customer Usage	32	8	40	\$130	\$5,200
Task 3 - Financing Strategy / Revenues	32	16	48	\$130	\$6,240
Task 4 - Cost Allocation, Rates and Rate Structures	80	50	130	\$130	\$16,900
Task 5 - Cash Flow / Debt Coverage	16	8	24	\$130	\$3,120
Task 6 - Connection Fees	60	14	74	\$130	\$9,620
Task 7 - City Municipal Code / Ordinance Revisions	16	4	20	\$130	\$2,600
Task 8 - Efficiency Metrics	8	2	10	\$130	\$1,300
Task 9 - Draft and Final Reports	60	8	68	\$130	\$8,840
Task 10 - Prop 218 Notice / Public Outreach	12	4	16	\$130	\$2,080
Task 11 - Presentations/Meetings (eight)	48	15	63	\$130	\$8,190
Total Costs and Hours	376	137	513		\$66,690

We would submit an invoice for work performed no more than once a month. Invoices will include a list of all tasks, a total amount due, the amounts previously billed, budget remaining and the net amount due on the invoice.

The hourly rate for this project will be \$130 per hour. This hourly rate is applicable for all hours billed by Municipal Financial Services, including subconsultants, for the duration of the project even if the project extends beyond the anticipated completion date.

2.2 Work Schedule

We are available immediately to begin work upon completion of a signed contract or receipt of a written notice to proceed. The work schedule shown in Table 2-2 is based upon a notice to proceed in January 2014.

Table 2-2. Work Schedule																		
Month/Year >	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15
	Cumulative Number of Days																	
Task	31	59	90	120	151	181	212	243	273	304	334	365	396	424	455	485	516	546
Task 1 - Data Collection and Rate Scenarios																		
Task 2 - Cost Classification / Customer Usage																		
Task 3 - Financing Strategy / Revenues																		
Task 4 - Cost Allocation and Rate Structures																		
Task 5 - Cash Flow / Debt Coverage																		
Task 6 - Connection Fees																		
Task 7 - City Municipal Code / Ordinance Revisions																		
Task 8 - Efficiency Metrics																		
Task 9 - Draft and Final Reports																		
Task 10 - Prop 218 Notice / Public Outreach																		
Task 11 - Presentations/Meetings (eight)	staff	staff		staff		staff		staff			wkshp			218 op				218 cl

Legend
 staff = Meet with staff; wkshp = Council workshop to review draft report and set hearing date; 218 op = Council opens Prop 218 hearing; 218 cl = Council closes Prop 218 hearing

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**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR CONSIDERATION AT
THE COUNCIL MEETING OF JANUARY 28, 2014**

FROM: Michelle Fitzer, Human Resources/Economic Development Director

REVIEWED

BY: Steve Duran, City Manager
Allan Cantando, Chief of Police
Dawn Merchant, Finance Director

DATE: January 18, 2014

**SUBJECT: AUTHORIZE A FY 2013/14 BUDGET ADJUSTMENT TO FUND ONE (1)
ADDITIONAL COMMUNITY SERVICES OFFICER**

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing a FY 2013/14 budget adjustment to fund one (1) additional Community Services Officer (CSO). This will bring the total funded positions to four (4).

BACKGROUND

During fiscal year 2012/13, the Council authorized the addition of six (6) Community Services Officer positions. Council may recall that prior to the economic recession the City had twenty (20) CSO positions, all of which were eliminated through layoffs/attrition.

At the time Council authorized the six CSO positions, the City Manager requested that the Council allow him to determine when the positions were to be filled, based on how expenditures were tracking to the budget. The Council agreed. To date the City has hired three (3) CSOs, freeing up sworn personnel to return to the street.

In November, 2013, the City Manager provided authorization to the Human Resources department to recruit and fill the remaining three (3) authorized positions. However, it was not known at that time that only three (3) of the authorized six (6) positions were funded in the approved fiscal year 2013/14 budget. That information was learned during a recent meeting among staff.

At this time the recruitment is complete, and a conditional job offer has been made and accepted by a former CSO laid off during the economic downturn. This person has already given notice to their current employer, so a withdrawal of our offer is not possible. Council action is needed to fund this position for the remainder of FY 2013/14. Authorization to fill the other two (2) authorized but unfunded positions is on hold, pending review of the budget and funding of the positions.

FINANCIAL IMPACT

The fiscal impact for the remainder of FY 2013/14 is \$40,200. The total annual cost for this position is \$96,435. Currently these costs will be funded from the General Fund.

ATTACHMENTS

A. Resolution Authorizing a FY 2013/14 Budget Adjustment to Fund One (1) Additional CSO Position

1/28/14

RESOLUTION NO. 2014/XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AUTHORIZING A FY 2013/14 BUDGET ADJUSTMENT TO FUND ONE (1)
ADDITIONAL COMMUNITY SERVICES OFFICER**

WHEREAS, during FY 2012/13 the City Council authorized six (6) Community Services Officer (CSO) positions to be added to the budget; and

WHEREAS, the City Council authorized the City Manager to determine the timing of the recruiting and filling of these six (6) CSO positions; and

WHEREAS, three (3) positions have been filled, freeing up sworn Officers to return to the street; and

WHEREAS, in November, 2013, the City Manager authorized recruiting and filling the final three (3) CSO positions; and

WHEREAS, only three (3) of the six (6) CSO positions were funded in the FY 2013/14 budget.

NOW, THEREFORE, BE IT RESOLVED that the Finance Department is authorized to amend the fiscal year 2013/14 budget in the amount of \$40,200 to fund one (1) additional Community Services Officer position in the General Fund, for a total of four (4) funded positions in FY 2013/14.

* * * * *

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 28th day of January, 2014, by the following vote:

AYES:

NOES:

ABSENT:

**ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH**

CITY OF ANTIOCH AS SUCCESSOR AGENCY TO
THE ANTIOCH DEVELOPMENT AGENCY
CLAIMS BY FUND REPORT
FOR THE PERIOD OF
NOVEMBER 21, 2013 - JANUARY 16, 2014
FUND/CHECK#

239 Redevelopment Obligation Retirement Fund			
348543	GOLDFARB AND LIPMAN LLP	LEGAL SERVICES	728.00
349260	GOLDFARB AND LIPMAN LLP	LEGAL SERVICES	1,508.00
431 Redevelopment Obligation Retirement Fund (for former Project Area #1)			
<i>Non Departmental</i>			
349228	BANK OF NEW YORK MELLON	FISCAL AGENT FEE	587.49
<i>Non Departmental</i>			
349228	BANK OF NEW YORK MELLON	FISCAL AGENT FEE	1,762.51

CITY OF ANTIOCH AS HOUSING SUCCESSOR TO
THE ANTIOCH DEVELOPMENT AGENCY
CLAIMS BY FUND REPORT
FOR THE PERIOD OF
NOVEMBER 21, 2013 - JANUARY 16, 2014
FUND/CHECK#

227 Housing Fund			
Housing - CIP			
348833 SIERRA CORPORATE MANAGEMENT	RENT SUBSIDY		47,204.92

**STAFF REPORT TO THE ANTIOCH PUBLIC FINANCING AUTHORITY
FOR CONSIDERATION AT THE BOARD MEETING OF JANUARY 28, 2014**

PREPARED BY: Dawn Merchant, Finance Director

Date: January 14, 2014

Subject: Antioch Public Financing Authority – Basic Financial Statements and Independent Auditors’ Report for the Year Ended June 30, 2013

Recommendation:

Receive and file the Antioch Public Financing Authority Basic Financial Statements and Independent Auditors’ Reports for the year ended June 30, 2013.

Background

The Antioch Public Financing Authority (APFA) is a nonprofit corporation organized by the City of Antioch (City) and the former Antioch Development Agency (Agency) under the laws of the State of California. The Authority was organized to provide financial assistance to the City and the Agency by financing real and personal property and improvements for the benefit of the residents of the City and surrounding areas.

As required by State law, the Antioch Public Financing Authority must publish a complete set of financial statements at the close of each fiscal year audited by a firm of licensed certified public accountants. This year's annual financial report was audited by Badawi & Associates, Certified Public Accountants.

As stated in the Independent Auditor's Report, the basic financial statements present fairly, in all material respects, the financial position of the Authority, as of June 30, 2013, and the changes in its financial position and its cash flows in conformity with generally accepted accounting principles.

Attachment: - City of Antioch Public Financing Authority – Basic Financial Statements and Independent Auditor’s Report for the Year Ended June 30, 2013

City of Antioch Public Financing Authority

(A Component Unit of the City of
Antioch, California)

*Basic Financial Statements
and Independent Auditor's Report*

For the year ended June 30, 2013

City of Antioch Public Financing Authority
Basic Financial Statements
For the year ended June 30, 2013

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INDEPENDENT AUDITORS' REPORT

To the Board of Directors
of the City of Antioch Public Financing Authority
Antioch, California

Report on the Financial Statements

We have audited the accompanying financial statements of the City of Antioch Public Financing Authority (Authority), a component unit of the City of Antioch, as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the Authority, as of June 30, 2013, and the respective changes in financial position, and, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4-5 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

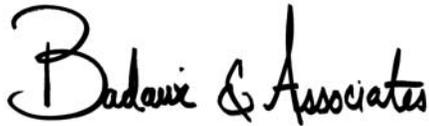
Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Authority's basic financial statements. The combining and individual fund financial statements, are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual fund financial statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund financial statements are fairly stated in all material respects in relation to the basic financial statements as a whole.

To the Board of Directors
of the City of Antioch Public Financing Authority
Antioch, California
Page 3

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 10, 2013, on our consideration of the Authority's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Authority's internal control over financial reporting and compliance.

A handwritten signature in black ink that reads "Badawi & Associates". The signature is written in a cursive, flowing style.

Badawi & Associates
Certified Public Accountants
Oakland, California
December 10, 2013

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ANTIOCH PUBLIC FINANCING AUTHORITY
Management's Discussion and Analysis

This section of the Antioch Public Financing Authority's (the Authority) financial statements presents a narrative overview and analysis of the financial activities of the Authority for the fiscal year ended June 30, 2013. Please read it in conjunction with the Authority's basic financial statements.

Financial Highlights

- Cash receipts from leases during the year totaled \$2,579,628. All of these receipts were used to pay debt service requirements for fiscal year 2012/13.

Financial Statements

The Authority's financial statements are those of a special-purpose government engaged only in providing debt financing for capital improvements benefiting the City of Antioch (the City) and the former Antioch Development Agency (the Agency). Under Governmental Accounting Standards Board (GASB) Statement No. 34, governments like the Authority that have only business-type activities may present only enterprise fund financial statements as follows: (1) statement of net position; (2) statement of revenues, expenses and changes in net position; and (3) statement of cash flows.

The Authority's basic financial statements are prepared on an accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America.

The following table indicates the net position as of June 30, 2013 and June 30, 2012:

	<u>2013</u>	<u>2012</u>
Assets:		
Current assets	\$ 4,169,410	\$ 3,970,752
Noncurrent assets	<u>22,468,026</u>	<u>23,705,302</u>
Total assets	<u>26,637,436</u>	<u>27,676,054</u>
 Liabilities:		
Current liabilities	1,826,665	1,772,941
Noncurrent liabilities	<u>22,022,349</u>	<u>23,161,464</u>
Total liabilities	<u>23,849,014</u>	<u>24,934,405</u>
 Total net position	<u>\$ 2,788,422</u>	<u>\$ 2,741,649</u>

Use of the Authority's net position is restricted. At June 30, 2013, the Authority's total net position was restricted for debt service.

ANTIOCH PUBLIC FINANCING AUTHORITY
Management's Discussion and Analysis

The following table indicates the changes in net position for the fiscal year ended June 30, 2013 and June 30, 2012:

	2013	2012
Revenues:		
Lease interest revenue from the City of Antioch	\$ -	\$ 1,690,560
Lease interest revenue from Antioch RDA Successor Agency	1,531,674	-
Investment income	22	100
Total revenues	1,531,696	1,690,660
Expenses:		
General and administrative	137,720	52,842
Fiscal charges	11,552	9,750
Interest expense	1,335,651	1,379,034
Total expenses	1,484,923	1,441,626
Change in net position	46,773	249,034
Net position, beginning of year	2,741,649	2,492,615
Net position, end of year	\$ 2,788,422	\$ 2,741,649

The Authority's total revenues decreased by \$158,964 to \$1,531,696 in the fiscal year ended June 30, 2013. The decrease in revenue was due to decreased lease interest revenue from the City of Antioch.

Debt Administration

The long-term debt of the Authority at June 30, 2013 included \$23,170,000 of outstanding lease revenue bonds. The lease revenue bonds will be repaid through lease agreements with the City and Antioch RDA Successor Agency that are structured to meet principal and interest requirements when due.

During fiscal year 2013, the Authority's total debt decreased by \$1,110,000.

Request for Information

Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Finance Department of the City of Antioch, P.O. Box 5007, Antioch, California 94531-5007.

BASIC FINANCIAL STATEMENTS

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GOVERNMENT-WIDE FINANCIAL STATEMENTS

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Antioch Public Financing Authority
Statement of Net Position
June 30, 2013

ASSETS	
Current assets:	
Restricted cash and investments	\$ 2,339,786
Interest receivables	10
Prepaid items	2,949
Lease interest receivable due from City of Antioch	13,956
Lease interest receivable due from Antioch RDA Successor Agency	622,709
Net investment in leases from City of Antioch - current portion	770,000
Net investment in leases from RDA Successor Agency - current portion	420,000
Total current assets	<u>4,169,410</u>
Noncurrent assets:	
Deferred charges	488,026
Net investment in leases from Antioch RDA Successor Agency	21,980,000
Total noncurrent assets	<u>22,468,026</u>
Total assets	<u><u>26,637,436</u></u>
LIABILITIES	
Current liabilities:	
Interest payable	636,665
Bond payable - due within one year	1,190,000
Total current liabilities	<u>1,826,665</u>
Noncurrent liabilities:	
Bond payable - due in more than one year	22,022,349
Total noncurrent liabilities	<u>22,022,349</u>
Total liabilities	<u><u>23,849,014</u></u>
NET POSITION	
Restricted for debt service	<u>2,788,422</u>
Total net position	<u><u>\$ 2,788,422</u></u>

See accompanying Notes to Basic Financial Statements.

Antioch Public Financing Authority
Statement of Activities
For the Fiscal Year Ended June 30, 2013

OPERATING REVENUES:

Lease interest revenue from Antioch RDA Successor Agency	\$ 1,531,674
--	--------------

OPERATING EXPENSES:

General and administrative	137,720
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Fiscal charges	11,552
----------------	--------

Total operating expenses	<u>149,272</u>
---------------------------------	----------------

OPERATING INCOME	<u>1,382,402</u>
-------------------------	------------------

NONOPERATING REVENUES:

Interest expense	(1,335,651)
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Investment income	<u>22</u>
-------------------	-----------

Total nonoperating revenues	<u>(1,335,629)</u>
------------------------------------	--------------------

Change in net assets	46,773
-----------------------------	--------

NET POSITION:

Beginning of year	<u>2,741,649</u>
-------------------	------------------

End of year	<u>\$ 2,788,422</u>
-------------	---------------------

See accompanying Notes to Basic Financial Statements.

Antioch Public Financing Authority
Statement of Cash Flows
For the Fiscal Year Ended June 30, 2013

CASH FLOWS FROM OPERATING ACTIVITIES:

Cash receipts from lessee - principal	\$ 1,037,916
Cash receipts from lessee - interest	1,541,712
Cash payments for administrative and fiscal charges	<u>(17,813)</u>
Net cash provided by operating activities	<u>2,561,815</u>

**CASH FLOWS FROM NONCAPITAL
FINANCING ACTIVITIES:**

Payments of bond principal	(1,110,000)
Interest paid on bonds	<u>(1,307,842)</u>
Net cash used in noncapital financing activities	<u>(2,417,842)</u>

CASH FLOWS FROM INVESTING ACTIVITIES:

Interest received	<u>23</u>
Net cash provided by investing activities	<u>23</u>
Net change in cash and cash equivalents	<u>143,996</u>

CASH AND CASH EQUIVALENTS:

Beginning of year	<u>2,195,790</u>
End of year	<u>\$ 2,339,786</u>

**RECONCILIATION OF OPERATING INCOME TO NET
CASH PROVIDED BY OPERATING ACTIVITIES:**

Operating income	\$ 1,382,402
Adjustments to reconcile operating income to net cash provided (used) by operating activities:	
Accounts payables	(3,200)
Deferred charges	47,276
Investment in leases	1,110,000
Lease interest receivable	23,076
Prepaid items	<u>2,261</u>
Total adjustments	<u>1,179,413</u>
Net cash provided by operating activities	<u>\$ 2,561,815</u>

See accompanying Notes to Basic Financial Statements.

Antioch Public Financing Authority
Statement of Fiduciary Fund Assets and Liabilities
Agency Funds
June 30, 2013

ASSETS

Cash and investments	\$	698,279
Assessment receivable		337,492
Prepays		2,159
Interest receivable		58,563
Restricted cash and investments		8,642,624
Total assets	\$	9,739,117

LIABILITIES

Due to others	\$	9,739,117
Total liabilities	\$	9,739,117

See accompanying Notes to Basic Financial Statements.

City of Antioch Public Financing Authority
Notes to Basic Financial Statements
For the year ended June 30, 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The basic financial statements of the City of Antioch Public Financing Authority (Authority) have been prepared in conformity with generally accepted accounting principles (GAAP) as applied to governmental agencies. The Governmental Accounting Standards Boards (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The more significant of the Authority's accounting policies are described below.

A. *Financial Reporting Entity*

The Antioch Public Financing Authority (Authority) is a nonprofit corporation organized by the City of Antioch (City) and the Antioch Development Agency (Agency) under the laws of the State of California. The Authority was organized to provide financial assistance to the City and the Agency by financing real and personal property and improvements for the benefit of the residents of the City and surrounding areas.

B. *Basis of Accounting and Measurement Focus*

The accounts of the Authority are organized on the basis of funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues, and expenditures or expenses, as appropriate. Governmental resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled.

Government-Wide Financial Statements

The Authority's government-wide financial statements include a Statement of Net Position, a Statement of Activities and Changes in Net Position and a Statement of Cash Flows. These statements present summaries of business type activities for the Authority.

These statements are presented on an "*economic resources*" measurement focus and the accrual basis of accounting. The Statement of Activities and Changes in Net Position presents changes in Net Position. Under the accrual basis of accounting, revenues are recognized in the period in which they are earned while expenses are recognized in the period in which the liability is incurred. The type of transactions reported as program revenues for the Authority are reported in charges for services.

The Authority applies all applicable GASB pronouncements (including all NCGA Statements and Interpretations currently in effect) as well as the following pronouncements issued on or before November 30, 1989, unless those pronouncements conflict with or contradict GASB pronouncements: Financial Accounting Standards Board (FASB) Statements and Interpretations, Accounting Principles Board (APB) Opinions, and Accounting Research Bulletins (ARB) of the committee on Accounting Procedure.

City of Antioch Public Financing Authority
Notes to Basic Financial Statements, Continued
For the year ended June 30, 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

B. Basis of Accounting and Measurement Focus, Continued

Fiduciary Fund Financial Statements

Fiduciary Fund Financial Statements include a Statement of Fiduciary Assets and Liabilities. The Authority's Fiduciary Funds represent Agency Funds, which are custodial in nature (assets equal liabilities) and do not involve measurement of results of operations. The Agency funds are accounted for using the accrual basis of accounting.

C. Cash and Cash Equivalent

The Authority pools its cash and investments with the City's cash & investments. The balance in the pooled cash account is available to meet current operating requirements. Cash in excess of current requirements is invested in various interest-bearing accounts and other investments for varying terms.

In accordance with GASB Statement No. 40, Deposit and Investment Disclosures (Amendment of GASB No. 3), certain disclosure requirements for Deposits and Investment Risks were made in the following areas:

- Interest Rate Risk
- Credit Risk
 - Overall
 - Custodial Credit Risk
 - Concentrations of Credit Risk

In addition, other disclosures are specified including use of certain methods to present deposits and investments, highly sensitive investments, credit quality at year-end, and other disclosures.

Highly liquid market investments with maturities of one year or less at time of purchase are stated at amortized cost. All other investments are stated at fair value. Market value is used as fair value for those securities for which market quotations are readily available.

The City participates in an investment pool managed by the State of California titled Local Agency Investment Fund (LAIF) which has invested a portion of the pooled funds in Structured Notes and Asset-Backed Securities. LAIF's investments are subject to credit risk with the full faith and credit of the State of California collateralizing these investments. In addition, these Structured Notes and Asset-Backed Securities are subject to market risk as to the change in interest rates.

Cash equivalents are considered amounts in demand deposits and short-term investments with a maturity date within three months of the date acquired by the City and are presented as "Cash and Investments" in the accompanying Basic Financial Statements.

City of Antioch Public Financing Authority
Notes to Basic Financial Statements, Continued
For the year ended June 30, 2013

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

C. Cash and Cash Equivalent, Continued

For purposes of the statement of cash flows, cash equivalents are defined as investments with original maturities of 90 days or less, which are readily convertible to known amounts of cash. The Authority considers all pooled cash and investments (consisting of cash and investments and restricted cash and investments) held by the City as cash and cash equivalents because the pool is used essentially as a demand deposit account from the standpoint of the funds. The Authority also considers all non-pooled cash and investments (consisting of cash with fiscal agent and restricted cash and investments held by fiscal agent) as cash and cash equivalents because investments meet the criteria for cash equivalents defined above.

D. Long-Term Obligations

In the basic financial statements, long-term debt and other long-term obligations are reported as liabilities in the business type activities. Bond premiums and discounts and issuance costs, if material, are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and amortized over the term of the related debt.

E. Net Position

In the basic financial statements, Net Position is classified in the following category:

Restricted Net Position - This amount is restricted by external creditors, grantors, contributors, or laws or regulations of other governments.

F. Use of Restricted/Unrestricted Net Position

When an expense is incurred for purposes for which both restricted and unrestricted Net Position is available, the Authority's policy is to apply restricted Net Position first.

G. Use of Estimates

The preparation of basic financial statements in conformity with generally accepted accounting principles requires Authority management to make estimates and assumptions that affect certain amounts and disclosures. Accordingly, actual results could differ from those estimates.

City of Antioch Public Financing Authority
Notes to Basic Financial Statements, Continued
For the year ended June 30, 2013

2. CASH AND INVESTMENTS

The Authority's cash and investments consist of cash and investments held by fiscal agents and cash and investments pooled with the City's cash and investments. At June 30, 2013, the Authority had the following cash and investment balances:

	Business-Type Activities	Agency Funds	Total
Restricted cash and investments	\$ 2,339,786	\$ 8,642,623	\$ 10,982,409
Cash and investment pooled with the City	-	698,279	698,279
Total cash and investments	<u>\$ 2,339,786</u>	<u>\$ 9,340,902</u>	<u>\$ 11,680,688</u>

The California Government Code requires California banks and savings and loan associations to secure the City's cash deposits by pledging securities as collateral. This Code states that collateral pledged in this manner shall have the effect of perfecting a security interest in such collateral superior to those of a general creditor. Thus, collateral for cash deposits is considered to be held in the City's name. The market value of pledged government securities must equal at least 110% of the City's cash deposits. California law also allows institutions to secure City deposits by pledging first trust deed mortgage notes having a value of 150% of the City's total cash deposits. The City has waived collateral requirements for cash deposits, which are fully insured up to \$250,000 by the Federal Deposit Insurance Corporation or Savings Association Insurance Fund.

(A) Investments

The City's investment policy, bond indentures and Section 53601 of the California Government Code allow the City to invest in the following types of investments:

- Securities of the U.S. Government or its agencies
- Certificates of Deposit
- Bankers' Acceptances
- Commercial Paper
- Investment Grade Medium Term Corporate Notes
- Repurchase Agreements
- Local Agency Investment Fund Deposits
- Insured Savings Accounts or Money Market Accounts
- Guaranteed Investment Contracts
- Mutual funds as permitted by the Code

The City did not enter into reverse repurchase agreements during the year ended June 30, 2013.

The City is a voluntary participant in the Local Agency Investment Fund (LAIF) that is regulated by California Government Code Section 16429 under the oversight of the Treasurer of the State of California. The balance is available for withdrawal on demand.

City of Antioch Public Financing Authority
Notes to Basic Financial Statements, Continued
For the year ended June 30, 2013

2. CASH AND INVESTMENTS, Continued

The City's investments with LAIF at June 30, 2013, include a portion of the pool funds invested in Structured Notes and Asset-Backed Securities. These investments include the following:

Structured Notes are debt securities (other than asset-backed securities) whose cash flow characteristics (coupon rate, redemption amount, or stated maturity) depend upon one or more indices and/or that have embedded forwards or options.

Asset-Backed Securities the bulk of which are mortgage-backed securities, entitle their purchasers to receive a share of the cash flows from a pool of assets such as principal and interest repayments from a pool of mortgages (such as Collateralized Mortgage Obligations) or credit card receivables.

As of June 30 2013, the City invested in LAIF, which had invested 1.96% of the pool investment funds in Structured Notes and Asset-Backed Securities. The City reports its investment in LAIF at the fair value amount provided by LAIF, which is the same as the value of the pool share. The fair value of LAIF was calculated by applying a factor of 1.000273207 to total investments held by LAIF.

The City invests in the California Asset Management Program (CAMP) pool. A board of five trustees who are officials or employees of public agencies have oversight responsibility for CAMP. The value of the pool shares in CAMP, which may be withdrawn, is determined on an amortized cost basis, which is different than the fair value of the City's position in the pool.

(B) Interest Rate Risk

As a means of limiting its exposure to fair value losses arising from interest rate, the City's investment policy limits investments to a maximum maturity of five years. At June 30, 2013, the City had the following investment maturities:

Investment Type	Fair Value	Investment Maturities (In Years)		
		Less than 1	1 to 2	2 to 3
U.S. Government securities	\$ 29,659,162	\$ 9,638,847	\$ 3,552,140	\$ 16,468,175
U.S. Government agencies	19,018,867	11,819,878	-	7,198,989
Medium-term corporate notes	11,964,934	5,994,927	1,517,090	4,452,917
Certificate of Deposit	7,444,424	7,444,424	-	-
Total	\$ 68,087,387	\$ 34,898,076	\$ 5,069,230	\$ 28,120,081

City of Antioch Public Financing Authority
Notes to Basic Financial Statements, Continued
For the year ended June 30, 2013

2. CASH AND INVESTMENTS, Continued

(C) Credit Risk

State law limits investments in commercial paper and corporate bonds to the top two ratings issued by nationally recognized statistical rating organizations (NRSROs). It is the City's policy to limit its investments in these investment types to the top rating issued by NRSROs, including raters Standard & Poor's and Moody's Investor's Service. At June 30, 2013, the City's credit risks, expressed on a percentage basis, were as follows:

Credit Quality Distribution for Securities with Credit Exposure as a Percentage of Total Investments

Investment Type	S&P's Credit Rating	% of Investments
U.S. Government securities	AA+	43.56%
U.S. Government agencies	AAA	1.91%
U.S. Government agencies	AA+	25.21%
U.S. Government agencies	A	0.81%
Medium-term corporate notes	AAA	0.00%
Medium-term corporate notes	AA+	4.17%
Medium-term corporate notes	AA-	2.24%
Medium-term corporate notes	AA	1.84%
Medium-term corporate notes	A+	4.34%
Medium-term corporate notes	A	4.98%
Certificate of Deposit	A++1	10.93%
Total		100.00%

(D) Custodial Credit Risk

For an investment, custodial credit risk is the risk that, in the event of the failure of the counterparty, the City or the Authority will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. None of the City's investments were subject to custodial credit risk.

3. NET INVESTMENT IN LEASES

Debt service on the outstanding lease revenue bonds are funded with lease payments made by the City and City former RDA Successor Agency to the Authority for the use of buildings and leasehold improvements acquired or constructed with bond proceeds issued by the Authority. In the lease agreements relating to the bonds, the City and City former RDA has covenanted to make rental payments in amounts corresponding to the Authority's debt service requirements and related costs. Net investment in leases reflects the present value of remaining future lease payments due from the City former RDA. As of June 30, 2013, the Authority's net investment in leases was \$23,170,000.

City of Antioch Public Financing Authority
Notes to Basic Financial Statements, Continued
For the year ended June 30, 2013

4. LONG-TERM OBLIGATIONS

A summary of the Authority's long-term debt transactions for the year ended June 30, 2013, is presented below.

Description	Balance		Balance June 30, 2013	Classification	
	July 1, 2012	Retirements		Amounts Due Within One Year	Amounts Due in More than One Year
2002 APFA Series A & B	\$ 22,765,000	\$ (365,000)	\$ 22,400,000	\$ 420,000	\$ 21,980,000
Deferred loss on refunding	(164,730)	41,183	(123,547)	-	(123,547)
Unamortized premiums	176,274	(10,378)	165,896	-	165,896
2003 Water Refunding Bonds	1,515,000	(745,000)	770,000	770,000	-
Deferred loss for refunding	(21,864)	21,864	-	-	-
Unamortized premiums	1,784	(1,784)	-	-	-
Total	\$ 24,271,464	\$ (1,059,115)	\$ 23,212,349	\$ 1,190,000	\$ 22,022,349

A. 2002 APFA Series A & B

The annual debt service requirements for the 2002 Lease Revenue Bonds outstanding at June 30, 2013 were as follows:

2002 Series A				2002 Series B			
Year Ending June 30,	Principal	Interest	Total	Year Ending June 30,	Principal	Interest	Total
2014	\$ -	\$ 562,925	\$ 562,925	2014	420,000	682,494	\$ 1,102,494
2015	-	562,925	562,925	2015	475,000	659,394	1,134,394
2016	-	562,925	562,925	2016	535,000	633,269	1,168,269
2017	-	562,925	562,925	2017	600,000	603,844	1,203,844
2018	-	562,925	562,925	2018	670,000	570,094	1,240,094
2019-2023	-	2,814,625	2,814,625	2019-2023	4,550,000	2,199,375	6,749,375
2024-2028	-	2,814,625	2,814,625	2024-2027	4,915,000	680,063	5,595,063
2029-2032	10,235,000	2,251,700	12,486,700				
Total	\$ 10,235,000	\$ 10,695,575	\$ 20,930,575	Total	\$ 12,165,000	\$ 6,028,533	\$ 18,193,533

Interest payments and lease revenue bond retirements are serviced by revenues generated by the tax increment from the City former RDA Successor Agency for Base Rental Payments pursuant to a reimbursement agreement. The total principal and interest remaining to be paid on the bonds is \$39,124,106. For the current year, principal and interest paid were \$1,630,494.

City of Antioch Public Financing Authority
Notes to Basic Financial Statements, Continued
For the year ended June 30, 2013

4. LONG-TERM OBLIGATIONS, Continued

B. 2003 Water Revenue Refunding Bonds

The annual debt service requirements for the 2003 Water Revenue Refunding Bonds outstanding at June 30, 2013 were as follows:

2003 Water Revenue Refunding Bonds			
Year Ending June 30,	Principal	Interest	Total
2014	770,000	13,956	783,956
Total	\$ 770,000	\$ 13,956	\$ 783,956

Pursuant to the agreement, the annual principal and interest payments on the water bonds are funded solely from the net water revenues billed and received. The total principal and interest remaining to be paid on the bonds is \$783,956. For the current year, principal and interest paid were \$785,950 and water net revenues were \$5,601,538. The water bonds required 14% of net revenues.

5. REASSESSMENT REVENUE BONDS

The 1998 Reassessment District 27/31R Series A and Subordinate Series B Reassessment Revenue Bonds (the Reassessment Bonds) were issued pursuant to a refunding plan of several outstanding special assessment bonds and the Marks-Roos Local Bond Pooling Act of 1985 and are not reflected in the Authority's basic financial statements because they are special obligations payable solely from and secured by specific revenue sources described in the bond resolutions and official statements. Neither the faith nor credit, the taxing power of the Authority, the City, State of California or any political subdivision thereof, is pledged for payment of the Bonds. The Authority acts solely as a debt service fiduciary agent for the assessed property owners and the bondholders and accounts for these fiduciary responsibilities in agency funds.

City of Antioch Public Financing Authority
Notes to Basic Financial Statements, Continued
For the year ended June 30, 2013

5. REASSESSMENT REVENUE BONDS, Continued

Interest on the Hillcrest and Reassessment Bonds is payable semi-annually on March 2 and September 2.

	District 27/31R	
	Series A	Subordinate Series B
Dates of remaining maturity	September 2, 2006 - 2018	September 2, 2006 - 2018
Face amount of issue	\$ 48,320,000	\$ 44,875,000
Interest rates	3.85% - 4.3%	5.1% - 5.9%
Bonds outstanding	\$ 8,900,000	\$ 5,015,000

6. RISK MANAGEMENT

The Authority is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters. The Authority participates in the Municipal Pooling Authority (MPA) through its relationship with the City. The purpose of the MPA is to spread the adverse effects of losses among the member agencies and to purchase excess insurance as a group, thereby reducing expenses. The City's deductibles and maximum coverage for general liability are as follows:

Deductible	MPA	Excess Liability
\$50,000	\$50,001-\$1,000,000	\$1,000,001-\$29,000,000

There have been no claims in the past three fiscal years which exceeded the Authority's excess coverage. The Authority had no claims outstanding at June 30, 2013.

7. SUBSEQUENT EVENT

As of November 1, 2013, all outstanding Subordinate Series B 1998 Reassessment Revenue Bonds have been fully redeemed.

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SUPPLEMENTAL INFORMATION

Antioch Public Financing Authority
Combining Statement of Net Position
Proprietary Funds
June 30, 2013

	2002 Lease Revenue Refunding Bonds	2003 Water Revenue Refunding Bonds	Total
ASSETS			
Current assets:			
Restricted cash and investments	\$ 908,233	\$ 1,431,553	\$ 2,339,786
Interest receivables	4	6	10
Prepaid items	2,949	-	2,949
Lease interest receivable due from City of Antioch	-	13,956	13,956
Lease interest receivable due from Antioch RDA Successor Agency	622,709	-	622,709
Net investment in leases from City of Antioch - current portion	-	770,000	770,000
Net investment in leases from Antioch RDA Successor Agency - current portion	420,000	-	420,000
Total current assets	<u>1,953,895</u>	<u>2,215,515</u>	<u>4,169,410</u>
Noncurrent assets:			
Deferred charges	488,026	-	488,026
Net investment in leases from Antioch RDA Successor Agency	21,980,000	-	21,980,000
Total noncurrent assets	<u>22,468,026</u>	<u>-</u>	<u>22,468,026</u>
Total assets	<u>24,421,921</u>	<u>2,215,515</u>	<u>26,637,436</u>
LIABILITIES			
Current liabilities:			
Interest payable	622,709	13,956	636,665
Bond payable - due within one year	420,000	770,000	1,190,000
Total current liabilities	<u>1,042,709</u>	<u>783,956</u>	<u>1,826,665</u>
Noncurrent liabilities:			
Bond payable - due in more than one year	22,022,349	-	22,022,349
Total noncurrent liabilities	<u>22,022,349</u>	<u>-</u>	<u>22,022,349</u>
Total liabilities	<u>23,065,058</u>	<u>783,956</u>	<u>23,849,014</u>
NET POSITION			
Restricted for debt service	1,356,863	1,431,559	2,788,422
Total net position	<u>\$ 1,356,863</u>	<u>\$ 1,431,559</u>	<u>\$ 2,788,422</u>

Antioch Public Financing Authority
Combining Statement of Revenues, Expenses and Changes in Net Position
Proprietary Funds
For the Fiscal Year Ended June 30, 2013

	2002 Lease Revenue Refunding Bonds	2003 Water Revenue Refunding Bonds	Total
OPERATING REVENUES:			
Lease interest revenue from Antioch RDA Successor Agency	\$ 1,531,674	\$ -	\$ 1,531,674
OPERATING EXPENSES:			
General and administrative	27,957	109,763	137,720
Fiscal charges	6,276	5,276	11,552
Total operating expenses	34,233	115,039	149,272
OPERATING INCOME	1,497,441	(115,039)	1,382,402
NONOPERATING REVENUES (EXPENSES):			
Interest expense	(1,286,263)	(49,388)	(1,335,651)
Investment income	22	-	22
Total nonoperating revenues (expenses)	(1,286,241)	(49,388)	(1,335,629)
Change in net assets	211,200	(164,427)	46,773
NET POSITION:			
Beginning of year	1,145,663	1,595,986	2,741,649
End of year	<u>\$ 1,356,863</u>	<u>\$ 1,431,559</u>	<u>\$ 2,788,422</u>

Antioch Public Financing Authority
Combining Schedule of Cash Flows by Bond Program
Proprietary Funds
For the Fiscal Year Ended June 30, 2013

	2002 Lease Revenue Refunding Bonds	2003 Water Revenue Refunding Bonds	Total
CASH FLOWS FROM OPERATING ACTIVITIES:			
Cash receipts from lessee - principal	\$ 365,000	\$ 672,916	\$ 1,037,916
Cash receipts from lessee - interest	1,541,712	-	1,541,712
Cash payments for administrative and fiscal charges	(9,510)	(8,303)	(17,813)
Net cash provided by operating activities	1,897,202	664,613	2,561,815
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:			
Payments of bond principal	(365,000)	(745,000)	(1,110,000)
Interest paid on bonds	(1,265,496)	(42,346)	(1,307,842)
Net cash used in noncapital financing activities	(1,630,496)	(787,346)	(2,417,842)
CASH FLOWS FROM INVESTING ACTIVITIES:			
Interest received/(paid)	22	1	23
Net cash provided by investing activities	22	1	23
Net change in cash and cash equivalents	266,728	(122,732)	143,996
CASH AND CASH EQUIVALENTS:			
Beginning of year	641,505	1,554,285	2,195,790
End of year	<u>\$ 908,233</u>	<u>\$ 1,431,553</u>	<u>\$ 2,339,786</u>
RECONCILIATION OF OPERATING INCOME TO NET CASH PROVIDED BY OPERATING ACTIVITIES:			
Operating income	\$ 1,497,441	\$ (115,039)	\$ 1,382,402
Adjustments to reconcile operating income to net cash provided (used) by operating activities:			
Accounts Payable	(3,200)	-	(3,200)
Deferred charges	27,923	19,353	47,276
Investment in Leases	365,000	745,000	1,110,000
Lease interest receivable	10,038	13,038	23,076
Prepaid items	-	2,261	2,261
Total adjustments	<u>399,761</u>	<u>779,652</u>	<u>1,179,413</u>
Net cash provided by operating activities	\$ 1,897,202	\$ 664,613	\$ 2,561,815
Non cash items:			
Amortization of premium and deferred loss on refunding of debt	\$ 30,805	\$ 20,080	\$ 50,885

Antioch Public Financing Authority
Combining Statement of Changes in Assets and Liabilities
Agency Funds
For the Fiscal Year Ended June 30, 2013

Reassessment District 27/31R 1998 Reassessment Revenue Bonds	Balance July 1, 2012	Additions	Deductions	Balance June 30, 2013
Assets:				
Cash and investments	\$ 100,587	\$ 682,882	\$ (85,190)	\$ 698,279
Assessment receivable	-	337,492	-	337,492
Interest receivable	57,959	58,563	(57,959)	58,563
Prepays	1,958	2,159	(1,958)	2,159
Restricted cash and investments	9,963,650	15,248,049	(16,569,075)	8,642,624
Total assets	\$ 10,124,154	\$ 16,329,145	\$ (16,714,182)	\$ 9,739,117
Liabilities:				
Due to bondholders	10,124,154	16,329,145	(16,714,182)	9,739,117
Total liabilities	\$ 10,124,154	\$ 16,329,145	\$ (16,714,182)	\$ 9,739,117

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INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Board of Directors
of the City of Antioch Public Financing Authority
Antioch, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the financial statements of the City of Antioch Public Financing Authority (Authority), a component unit of the City of Antioch, as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the Authority's basic financial statements, and have issued our report thereon dated December 10, 2013.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Authority's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. Accordingly, we do not express an opinion on the effectiveness of the Authority's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Authority's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

To the Board of Directors
of the City of Antioch Public Financing Authority
Antioch, California
Page 2

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in black ink that reads "Badawi & Associates". The signature is written in a cursive, flowing style.

Badawi & Associates
Certified Public Accountants
Oakland, California
December 10, 2013

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF JANUARY 28, 2014**

Prepared by: Mindy Gentry, Senior Planner *MG*
Approved by: Tina Wehrmeister, Community Development Director
Date: January 23, 2014
Subject: Supplemental Staff Report (in conjunction with
December 10, 2013 staff report):
GP-13-02, Z-13-07, PD-08-01, PW 608, UP-08-01
The Pointe Subdivision 9017 ("Pointe Project")

RECOMMENDATION/ACTIONS

It is recommended that the City Council uphold the Planning Commission's decision and deny the project (Attachment "A"). CEQA does not apply to project denials; therefore, it is further recommended that the City Council take no action on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project.

1. Motion to adopt the resolution denying the General Plan amendments.
2. Motion to adopt the resolution denying the rezone of the subject property from Hillside Planned Development (HPD) to Planned Development (PD).
3. Motion to adopt the resolution denying the Final Development Plan, Vesting Tentative Map, and Use Permit for 60 single family units.

OPTIONS

If the City Council finds that the merits of the Project support project approval and that modifying City policy documents and standards is appropriate, staff recommends the City Council consider approving the project by adopting the following (Attachment "B"):

1. Motion to adopt the resolution adopting and deeming the Initial Study/Mitigated Negative Declaration (IS/MND) as adequate for the Project.
2. Motion to adopt the resolution approving the General Plan amendments.
3. Motion to introduce the ordinance by title only;
4. Motion to adopt the ordinance rezoning the Project site from Hillside Planned Development (HPD) District to Planned Development (PD) District.
5. Motion to adopt the resolution approving the Final Development Plan, Vesting Tentative Map, and Use Permit for 60 single family units.

APPLICATION

Discovery Builders, a company run by Albert Seeno III, requests approval of the following: (1) General Plan amendments (GPA) to: (a) remove the subject property's and Black Diamond Ranch's current designation of Low Density Residential and instead to include the properties in the Somersville Road Corridor Focus Area and (b) add language to the General Plan waiving the requirements of certain applicable sections of the General Plan related to hillside development; (2) a rezone from Hillside Planned Development (HPD) District to Planned Development (PD) District; (3) an amendment to the zoning ordinance to provide the City Council with the discretion to determine if the Hillside Planned Development District policies

apply to a project; (4) a Vesting Tentative Map; (5) a Final Plan Development; and (6) a Use Permit in order to create 60 lots intended for single family homes. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) ("Pointe Project") (Attachment "C").

BACKGROUND INFORMATION FOR THIS SUPPLEMENTAL STAFF REPORT

The Project was first heard by the City Council on December 10, 2013 (Attachment "D"). It is expected that this supplemental report will be read in conjunction with the staff report presented on December 10, 2013. During the hearing, the Council heard testimony and discussed the issues associated with the Project and ultimately acted as outlined below (Attachment "E"):

1. Directed staff to respond to comments on the Initial Study/Mitigated Negative Declaration (IS/MND).

The Response to Comments is attached (Attachment "F") and reiterates that, assuming the City Council approves the General Plan and Zoning amendments, there is no substantial evidence that the project, as mitigated, will have a significant adverse effect on the environment. However, it is within the Council's discretion from a policy level whether to approve those General Plan and Zoning amendments.

2. Directed staff to provide a historical context of the prior usage of the hillside development ordinance.

As detailed in the staff report, the Antioch City Council adopted the hillside development ordinance in 1981 after 8 years of research and community input. It has been applied to at least six projects since then (Attachment "G"):

- a. Sky Ranch/Black Diamond Ranch had a 200-250 foot hill and staff recommended reduced grading, which kept the hill designated as Open Space until the City Council modified that designation in 2005 at the applicant's request (Attachment "I");*
- b. Ho Ti Chien project dedeed two hillside areas to the City with maximum cuts of 20 feet and the project was built (Attachment "J");*
- c. Northwood Commons dedicated 13.3 acres to the City and re-contoured the project which was on a previous quarry site and the project was built (Attachment "K");*
- d. The Mira Vista Hills Unit 9 project by A.D. Seeno Construction Co. spurred the development of the hillside development ordinance; however the project was not subject to the ordinance (Attachment "L"). The subsequent Mira Vista Hills Study Area project was found by the City Council that even though the project was not compliant with the hillside development ordinance that it did provide a needed park and the project was built (Attachment "M");*
- e. Mira Vista Heights preliminary development plan was approved with direction from the City Council to dedicate half the property as open space and capping the number of homes at 34, but the land was eventually acquired by the East Bay Regional Park District (Attachment "N").*
- f. Sierra Vista project includes true estate housing on only 22 acres of the 167-acre site with 60 acres to be dedicated to the East Bay Regional Park District, but has not been built yet (Attachment "O").*

3. Encouraged the developer to meet with the neighbors to discuss solutions and to bring back a plan showing a project that conforms to the General Plan and Hillside Planned Development ordinance.

City staff has been told that meetings between the developer and neighbors occurred, but has not received feedback from the neighbors. The developer refused to provide a conceptual project design that would substantially comply with the hillside development ordinance because it would be too few units in his opinion. The staff report describes a rough calculation of units that could be built in compliance with the ordinance, reaching a preliminary conclusion that only 4.62 acres of the site may be developable because the rest of the site has slopes exceeding 25%.

4. Directed staff to provide resolutions for approval and denial.

These have been provided as Attachments "A" and "B". If the City Council supports approving the project, then the proposed conditions of approval are included with the Resolution approving the Final Development Plan, Vesting Tentative Map and Use Permit (Attachment B-4). Also included with this Resolution is an attachment explaining the rationale for the conditions where appropriate.

All four items are discussed below in greater detail.

ANALYSIS

Issue # 1: Response to Comments on the Initial Study/Mitigated Negative Declaration

As discussed in the City Council's December 10, 2013 staff report (Attachment "D"), the City received four comment letters on the IS/MND and one letter from Save Mount Diablo, after the public comment period had closed, requesting a delay as well as notification to Responsible and Trustee Agencies that the Project's CEQA document was available for review. Due to the timeline for getting the Planning Commission's staff report to publication, the City did not formally respond to these letters. Following, the Commission's recommendation to not act on the IS/MND and a recommendation of denial to the City Council; staff did not engage the City's environmental consultant to pursue a response to these letters due to concerns about expending time and funds for work that may not be necessary.

As stated above, the City Council subsequently directed staff to respond to comments received on the IS/MND. Staff has completed the response to comments, which has been included in the staff report as Attachment "F".

Issue #2: Historical Usage of the Hillside Development Policies

Per the request of the City Council, staff has assembled a brief history of the hillside development ordinance and the history of projects that have been subject to the City's hillside development ordinance. Below is a summary of those projects that contains the locations, issues, concerns, and actions by the reviewing bodies. Also attached are pertinent minutes from the meetings and in some cases the staff reports.

Discussions regarding a hillside development ordinance were initiated by the Planning Commission in 1973. After eight years of community input, research, and discussions by city officials; the Antioch City Council adopted a hillside ordinance on August 11, 1981. There have

been subsequent modifications to the hillside development ordinance; however the City has officially had a hillside ordinance as part of the zoning code since 1981 (Attachment "H").

Sky Ranch (Black Diamond Ranch property): The Sky Ranch development site comprises what is now known today as the subject site and the Black Diamond Ranch subdivision (Attachment "I-1"). The Sky Ranch development has an extensive history with two maps having been approved by the City Council, both of which did not get built. Eventually, in 1996, the current development plan was approved by the City Council, which consists of 286 single-family homes, 0.8 acre commercial site, a portion of a 10 acre park site, and 43.9 acres of open space. While all of the maps and grading plans that were approved differed in their layout, they did have one common theme, which was that the subject hillside was to remain as open space. Further, there is a condition of approval on the final development plan and map stating that the hillside shall be graded in such a way that it has a natural look. The Project site was to remain as Open Space when it was originally approved by the City Council in 1996. It was not until the City Council changed the designation in 2005 from Open Space to "Owner/Developer Remainder Parcel" that this portion of the property contemplated for development.

In March 1996, the Planning Commission reviewed the preliminary development plan for the Sky Ranch (Black Diamond Ranch) subdivision, which has a zoning designation of Hillside Planned Development (Attachments "I-2" and "I-3"). The staff report was silent on whether the project met the requirements of the hillside development ordinance; however it did discuss the grading of the site. The staff report describes the site as generally flat terrain along the easterly portion of the site, with a central, large hill form (Project site) rising to a height of 200 to 250 feet above the flatter areas. Staff had concerns that the proposed grading could result in a less than natural appearing slope, possibly requiring a series of benches to help stabilize the slope. Staff recommended the slope be graded in such a way that the hill form retain a natural looking appearance with minimum benches.

In August 1996 the Planning Commission and in November 1996 the City Council heard the final development plan and vesting tentative map for the Sky Ranch project. The plan was substantially the same as the preliminary development plan. The Planning Commission recommended approval of this project to the City Council and the City Council ultimately approved the project (Attachments "I-4", "I-5", "I-6", and "I-7").

Ho Ti Chien: This project consists of 524 single family homes with a lot mix of 5,000 and 6,000 s.f. lots and is located at the intersection of Deer Valley Road and Bluerock Road (Attachment "J-1"). One of the key issues surrounding the project during the entitlement process was grading on the adjacent existing Eagle Ridge lots through existing grading easements. The applicant was able to minimize the use of the existing grading easements therefore conflicts with the adjacent property owners were reduced. The developer was also able to reshape and reduce grading adjacent to Country Manor Park. Through the entitlement process the applicant was able to address concerns of the City as well as the neighbors who would be impacted by the grading. This project did not require the scale of massive grading as proposed on the subject site. Further, this project did not propose grading on two hillside areas in the southern portion of the project site, which were deeded to the City. The maximum cuts on the Ho Ti Chien project were 20 feet, while the subject Project requires cuts up to 104 feet. The Planning Commission recommended approval of this project to the City Council and the City Council ultimately approved the project (Attachments "J-2", "J-3", "J-4", and "J-5"). The project was subsequently constructed.

Northwood Commons: This project encompasses 47 acres and consists of 188 single family detached units on a minimum 4,000 s.f. lot and is located north of the intersection of Hillcrest Avenue and Bellflower Drive (Attachment "K-1"). The site was unusual to develop as it was

previously used as a quarry where excavation had occurred. According to the staff report, dated April 4, 1984, the site plan accommodated the terrain by re-contouring the area that had been excavated and building units on top of the hill, while leaving the majority of the side slopes in their natural state. The site plan clustered the 188 units on top of the hill and large parcels of open space totaling 13.3 acres were dedicated to the City and zoned as open space. The Planning Commission recommended approval of this project to the City Council and the City Council ultimately approved the project (Attachments "K-2" and "K-3"). The project was subsequently constructed.

Mira Vista Hills Unit 9 and the Mira Vista Hills Study Area Project: In 1981, A.D. Seeno Construction Company was seeking approvals for development of the Mira Vista Hills Unit 9 project and in response to the pending development of this project; the City Council direction was to develop a hillside development ordinance (Attachments "L-1" and "L-2"). The Planning Commission recommended to the City Council that the Seeno/Prewett property (Mira Vista Hills) be subject to the provisions of the proposed hillside development ordinance, if adopted, and the site should be rezoned to Hillside Planned District prior to development (Attachment "L-3"). However, shortly after the Planning Commission provided a recommendation to the City Council on the applicability of the hillside planned development regulations on the Mira Vista Hills project and prior to the City Council taking action on the hillside development ordinance, the Vesting Tentative Map was heard by the Planning Commission, which recommended denial of the project to the City Council based on the project not conforming to the General Plan; the applicant not addressing the issues presented in the Environmental Impact Report; and the desire of the Planning Commission to have a hillside development ordinance passed. (Attachment "L-4"). The project consisted of 387 single family homes on 219 acres, an elementary school site, commercial and professional office uses; and a study area that will be part of a future submittal by the developer.

The City Council held a public hearing on the Vesting Tentative Map for Mira Vista Hills shortly after the Planning Commission hearing (Attachment "L-5"); however it was prior to a hillside development ordinance being approved. Therefore, the project was not subject to the ordinance.

Subsequently, in 1985, Seeno Construction Company requested a General Plan amendment from Open Space to Low Density Residential and approval of a preliminary development plan to allow the construction of 95 lots in the Mira Vista Hills Study Area. This area was outside of the approvals of the previous maps for Mira Vista Hills (Attachment "M-1"). Even though the project was not compliant with the hillside development ordinance, the City Council approved the preliminary development plan, noting that the Seeno proposal not only provides a park but solved an issue around a park site and a school site; and that the proposal would not "totally tear down the hills". The entire Council was not in agreement and also stated there were no irrelevant hills; that there won't be any hills left if variances continue to be granted; that Antioch's two natural resources are its hills and water; and that an adequate park could be built on five acres through the Assessment District (Attachment "M-2" and "M-3").

In 1986, the project was heard by the Planning Commission for a rezone from Study District to Hillside Planned Development District and due to the compliance with the preliminary development plan the Planning Commission recommended approval to the City Council (Attachment "M-4").

Following the Planning Commission's recommendation, the City Council approved the project based on the aforementioned reasons (Attachment "M-5"). The project was subsequently constructed.

Mira Vista Heights: The Mira Vista Heights project was proposed by A.D. Seeno Construction Company and was located east of the Sierra Vista (discussed below) project at the terminus of Foothill Court on a rugged 83 acre site (Attachment "N-1"). (While the Mira Vista Heights project and the Sierra Vista project had a joint EIR and were going through the entitlement process at the same time they were still two separate projects pursued by two different developers.) The site contained natural features such as ridgelines, a canyon, and seasonal creek. In 1990, the Planning Commission denied the preliminary development plan and recommended denial to the City Council of a General Plan amendment from Open Space to Estate Residential and rezoning to Hillside Planned Development (Attachments "N-2", "N-3", "N-4", and "N-5"). The Planning Commission denied the preliminary development plan and did not take action on the amendment and rezoning due to issues with the site plan. The Planning Commission wanted to see a site plan that met the intent of the Estate Residential designation by providing a more rural feel rather than the suburban one proposed as well as wanting a project that would provide something unique to the community.

Subsequently, the City Council heard the request to amend the General Plan and to prezone the area. Again, the proposal included a design that was closer to a conventional subdivision rather than providing a custom estate design as was the intent of the General Plan designation. The proposal contained 34 lots with 10,000 s.f. minimum lot sizes. The City Council approved the amendment and the rezone with the caveats that the developer commit no less than 50% of land to open space, a cap of 34 homes, and to meet with the neighboring property owners to address their concerns (Attachments "N-6" and "N-7").

In 1992, the project Final Development Plan and Vesting Tentative Map were heard before the Planning Commission (Attachments "N-8" and "N-9"). Due to the unresolved issues that still remained on the project, the Planning Commission continued and eventually tabled the item. The project never came to fruition and the East Bay Regional Park District ended up acquiring the land in 2008.

Sierra Vista: The Sierra Vista project consists of 50 custom single family homes to be constructed on a 167 acre parcel. The project is located approximately .25 mile from James Donlon Boulevard at the current terminus of Finch Court (Attachment "O-1"). Due to the terrain, only 22 of the total 167 acres are proposed to be developed and the project is a true reflection of estate housing. Sixty acres will be deeded to the East Bay Regional Park District. The remainder of the site consists of open space and privately maintained roads. The product type to be constructed is custom fit in order to appropriately account for the topography, terrain, and developable area of the lot. The developer largely avoided development on the ridges and canyons on the property and kept the development centered around the basin area. The buildable area of the lots will be limited to 7,000 to 10,000 s.f. in order to preserve the remainder as private or community open space as well as preserving existing oak trees.

According to the meeting minutes, the developer was active in responding to the community's concerns as well as concerns identified in the project EIR. The Planning Commission recommended approval of this project to the City Council and the City Council ultimately approved the project (Attachments "O-2", "O-3", "O-4", and "O-5").

Issue #3: Neighborhood Meeting and Updated Project Plan

The applicant indicated that a meeting was held with the residents on Monday, January 13, 2014 and Thursday, January 23, 2014. The applicant indicated the main issue of concern expressed by the residents was whether the project would be gated. According to the applicant, the majority of the neighborhood does not want the community to be gated. A condition of approval through the RDA process required the development to be gated; however the applicant has indicated that it is willing to remove the gate from the project. If the Council decides to approve the project and does not want the community to be gated, condition number 28 under Site and Project Design Conditions would need to be modified to eliminate the gate. Staff has not heard from the community at the time of the writing of this staff report about their thoughts regarding the community meeting and the desirability of retaining the gate.

Councilmember Agopian requested to see a project design that would comply or substantially comply with the hillside development ordinance and General Plan policies. The applicant has indicated that it cannot provide a site plan to conform to the hillside development ordinance and the hillside policies in the General Plan and full compliance would result in unusual custom home designs without yards and would result in only a few units spread throughout the site, which would not relate to adjacent and future developments.

A project in full compliance with the City's hillside development ordinance and General Plan hillside policies would be substantially decreased from the proposed 60 units. The General Plan considers any land generally over 25 percent slope to be undevelopable and 78 percent of the project site has slopes that exceed 25 percent. Taking the General Plan slope policies into consideration would leave 4.62 acres of the Project site as developable. The General Plan designation of Low Density residential allows up to 4 units per acre, which would equate to 18 homes. However, the actual number of homes would probably be smaller because the calculation does not take into consideration that in some cases the developable land is surrounded by undevelopable land according to the slope analysis. Lastly the calculation does not take any grading, engineering, design, or infrastructure into consideration.

Issue #4: Conditions of Approval

As directed by the City Council, staff has provided resolutions of approval (Attachments "B") for the Project. An explanation and findings have been provided for each condition of approval, which is included as Exhibit A to the resolution approving the Final Development Plan, Vesting Tentative Map, and Use Permit (Attachment "B-4").

ATTACHMENTS

A: Resolutions Denying the Project

1. Resolution Denying the General Plan Amendments
2. Resolution Denying the Rezone from Hillside Planned Development District (HPD) to Planned Development (PD)
3. Resolution Denying the Final Development Plan, Vesting Tentative Map, and Use Permit

B: Resolutions and an Ordinance to Approve the Project

1. Resolution Adopting and Deeming the Initial Study/Mitigated Negative Declaration (IS/MND) as Adequate for the Project.
2. Resolution Approving the General Plan Amendments
3. Ordinance Rezoning the Project Site from Hillside Planned Development (HPD) District to Planned Development (PD) District.
4. Resolution Approving the Final Development Plan, Vesting Tentative Map, and Use Permit for 60 Single Family Units

- C: Aerial Photograph
- D: Staff Report from the December 10, 2013 City Council Hearing
- E: Minutes from the December 10, 2013 City Council Hearing
- F: Response to Comments on the Initial Study/Mitigated Negative Declaration
- G: Aerial Photograph Showing Hillside Development Projects within the City
- H: First Hillside Planned Development District Ordinance
- I: Sky Ranch/Black Diamond Ranch
 - 1. Aerial Photograph of Sky Ranch
 - 2. Staff Report from the March 20, 1996 Planning Commission Hearing for the Preliminary Development Plan
 - 3. Minutes from the March 20, 1996 Planning Commission Hearing
 - 4. Staff Report from the August 21, 1996 Planning Commission Hearing for the Final Development Plan and Vesting Tentative Map
 - 5. Minutes from the August 21, 1996 Planning Commission Hearing
 - 6. Staff Report from the November 21, 1996 City Council Hearing for the Final Development Plan and Vesting Tentative Map
 - 7. Minutes from the November 21, 1996 City Council Hearing
- J: Ho Ti Chien Development
 - 1. Aerial Photograph
 - 2. Staff Report from the September 20, 1989 Planning Commission Hearing for the Final Development Plan and Rezone to Hillside Planned Development (HPD) District
 - 3. Minutes from the September 20, 1989 Planning Commission Hearing
 - 4. Staff Report from the October 24, 1989 City Council Hearing for the Final Development Plan and Rezone to Hillside Planned Development (HPD) District
 - 5. Minutes from the October 24, 1989 City Council Hearing
- K: Northwood Commons Development
 - 1. Aerial Photograph
 - 2. Staff Report from the April 10, 1984 City Council Hearing for the Prezoning to Hillside Planned Development (HPD) District and Final Development Plan
 - 3. Minutes from the April 10, 1984 City Council Hearing
- L: Mira Vista Hills Unit 9
 - 1. Minutes from the June 17, 1981 Planning Commission Hearing for Establishing a Hillside Development Ordinance
 - 2. Minutes from the July 28, 1981 City Council Hearing for the Establishment of the Hillside Ordinance
 - 3. Minutes from the June 17, 1981 Planning Commission Hearing for a Determination of Applicability of Hillside Planned Development Regulations on the Mira Vista Hills Project
 - 4. Minutes from the July 1, 1981 Planning Commission Hearing on a Tentative Map for Mira Vista Hills
 - 5. Minutes from the July 28, 1981 City Council Hearing on a Tentative Map for Mira Vista Hills
- M: Mira Vista Hills Study Area Project
 - 1. Aerial Photograph
 - 2. Minutes from the August 7, 1985 Planning Commission Hearing for General Plan Amendments and Approval of a Preliminary Development Plan
 - 3. Minutes from the August 26, 1985 City Council Hearing for General Plan Amendment, Preliminary Development Plan, and Development Agreement
 - 4. Minutes from the July 16, 1989 Planning Commission Hearing for a Rezoning to Hillside Planned Development (HPD) District and Tentative Map
 - 5. Minutes from the August 12, 1986 City Council Hearing for a Rezoning to Hillside Planned Development (HPD) District and Tentative Map

N: Mira Vista Heights

1. Aerial Photograph
2. Staff Report from the September 5, 1990 Planning Commission Hearing on the EIR, General Plan Amendment and Rezoning to Hillside Planned Development
3. Staff Report from the September 5, 1990 Planning Commission Hearing on the Preliminary Hillside Development Plan
4. Minutes from the September 5, 1990 Planning Commission Hearing on the EIR
5. Minutes from the September 19, 1990 Planning Commission Hearing on the General Plan Amendment, Rezoning to Hillside Planned Development District, and Preliminary Development Plan
6. Staff Report from the November 13, 1990 City Council Hearing on the General Plan Amendment, Prezone to Hillside Planned Development District
7. Minutes from the November 13, 1990 City Council Hearing on the General Plan Amendment, Prezone to Hillside Planned Development District
8. Staff Report from the May 5, 1992 Planning Commission Hearing on the Final Hillside Development Plan and Vesting Tentative Map
9. Minutes from the May 5, 1992 Planning Commission Hearing on the Final Hillside Development Plan and Vesting Tentative Map

O. Sierra Vista

1. Aerial Photograph
2. Minutes from the September 5, 1990 Planning Commission Hearing on the EIR, General Plan Amendment, Prezone to Hillside Planned Development District, and Preliminary Development Plan Review
3. Minutes from the September 11, 1990 City Council Hearing on the General Plan Amendment and to Prezone to Hillside Planned Development District
4. Minutes from the April 1, 1992 City Council Hearing to Rezone to Hillside Planned Development District, Final Development Plan, and Tentative Map
5. Minutes from April 28, 1992 City Council Hearing for Final Hillside Development Plan and Tentative Map

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DENYING
GENERAL PLAN AMENDMENTS FOR THE POINTE PROJECT

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, which request was dated January 29, 2007, and amended or supplemented on January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013, all of which requests are incorporated herein by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

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January 28, 2014

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WHEREAS, the primary purpose of the General Plan amendments are to ensure consistency between the proposed Pointe project and the City of Antioch General Plan; and

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not take action on the IS/MND and recommended denial of the Project to the City Council; and

WHEREAS, the City Council duly gave notice of a public hearing as required by law; and

WHEREAS, on December 10, 2013, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, and gave staff direction to continue processing the Project; and

WHEREAS, on January 28, 2014 the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the City Council did not act on the IS/MND; and

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the City Council hereby determines:

1. The General Plan Amendments are inconsistent with the General Plan's goals and policies regarding hillside development and with the City's vision, as expressed in the existing General Plan, for the Somersville Road Corridor Focus area.
2. The General Plan Amendments could potentially result in the creation of a noncontiguous area within the Somersville Road Corridor Focus Area.
3. The Somersville Road Corridor Area policies and goals do not emphasize lower density residential uses, but instead prioritize commercial tax revenue generating uses and the Pointe Project would be the only single family home development in the Somersville Road Corridor Focus Area.
4. The Project undermines the efforts contained in the City's General Plan and Municipal Code to preserve natural ridgelines within the City of Antioch. The removal of 104 vertical feet of hillside does not meet the intent of the hillside development policies or meet the definition of developable land as outlined in the General Plan.
5. The approval of the project would set an adverse precedent for future hillside development within the City of Antioch.

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Therefore the City Council cannot make findings that the proposed General Plan Amendments are in the public interest of the people and hereby denies the amendments to City of Antioch's General Plan.

* * * * *

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 28th day of January 2014 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DENYING THE ADOPTION OF AN ORDINANCE REZONING APPROXIMATELY 21 ACRES COMPRISING THE POINTE PROJECT FROM HILLSIDE PLANNED DEVELOPMENT (HPD) TO PLANNED DEVELOPMENT (PD)

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, which request was dated January 29, 2007, and amended or supplemented on January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013, all of which requests are incorporated herein by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not take action on the IS/MND and recommended denial of the Project to the City Council; and

WHEREAS, the City Council duly gave notice of a public hearing as required by law; and

WHEREAS, on December 10, 2013, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, and gave staff direction to continue processing the Project; and

WHEREAS, on January 28, 2014 the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the City Council did not act on the IS/MND; and

WHEREAS, the City Council denied the request of the General Plan amendments for the Pointe Project; and

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the City Council hereby denies the request to rezone the subject project because it would be inconsistent with the City's General Plan. The proposed rezone would result in the loss 104 vertical feet of hillside, which does not promote the harmonious visual and functional relationship between the natural and built environments; therefore not meeting the intent of the Hillside Planned Development District. In addition, the approval of the project would set an adverse precedent for future hillside development. Further, the City Council cannot make findings that the proposed rezone is in the public interest of the people of the City of Antioch. Therefore the City Council hereby denies the rezone of the Project site from Hillside Planned Development District (HPD) to Planned Development District (PD) and the applicant's requested zoning amendments.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 28th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

A-2-2

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DENYING THE FINAL PLANNED DEVELOPMENT, VESTING TENTATIVE MAP, AND USE PERMIT FOR 60 SINGLE-FAMILY HOMES, TWO OPEN SPACE PARCELS, AND A POCKET PARK

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, which request was dated January 29, 2007, and amended or supplemented on January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013, all of which requests are incorporated herein by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

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WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not take action on the IS/MND and recommended denial of the Project to the City Council; and

WHEREAS, the City Council duly gave notice of a public hearing as required by law; and

WHEREAS, on December 10, 2013, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, and gave staff direction to continue processing the Project; and

WHEREAS, on January 28, 2014 the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the City Council did not act on the IS/MND; and

WHEREAS, the City Council denied the request of the General Plan amendments for the Pointe Project; and

WHEREAS, the City Council denied adoption of an ordinance to rezone the subject parcel from Hillside Planned Development District (HPD) to Planned Development District (PD); and

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby make the following findings for denial of a Final Planned Development to the City Council, as set forth in Section 9-5.2308 of the Antioch Municipal Code:

SECTION 9.5.2308(A): Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the Project is located in an area designated Hillside Planned Development District, which has policies outlining the goals of developing on a hillside. The project does not meet the majority of these policies therefore does not meet the City's intent and will not have a beneficial effect to the surrounding uses.

SECTION 9.5.2308(B): The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the streets associated with the project are supposed to be designed in a way to conform to the natural terrain according to the City's hillside development polices, which was not achieved by this project. The project is proposing to remove 104 vertical feet of hillside, which does not conform to the existing natural terrain. The streets do not meet the City's current standards including the widths, sidewalks on only one side of the street, cul-de-sac design, rolled curbs, and the turning

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radius for the Fire Department turnaround. Further, the project does not meet the minimum on-street parking requirements.

Adequate utility service, including electricity, water, and sewer service can be supplied to all phases of development by existing utility service providers.

SECTION 9.5.2308(C): The commercial components of the Project are justified economically at the location proposed.

CITY COUNCIL'S DETERMINATION: No commercial components are proposed.

SECTION 9.5.2308(D): Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the project is not designed to be in harmony with the character of the surrounding neighborhood. The project would be removing a substantial portion of a hillside to build 60 homes. The project has not been designed with maintaining the natural terrain and topography of the area. The density does not conform to the General Plan as the General Plan defines density on developable acreage. Developable acreage constitutes slopes 25 percent or less and close to 78 percent of the hillside exceeds the 25 percent slope.

SECTION 9.5.2308(E): Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

CITY COUNCIL'S DETERMINATION: There are no industrial components to the Pointe project.

SECTION 9.5.2308(F): Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the project does not conform to the hillside development policies in the General Plan or the Hillside Planned Development District. The project is not offering unusual redeeming features or amenities to warrant deviations from the standard zoning requirements. The project consists of more single family housing on flattened hillside with manufactured slopes that does not promote harmonious development between the natural and the built environment.

SECTION 9.5.2308(G): The area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the area surrounding the Project is already developed with homes or have been entitled by the City of Pittsburg. The commercial property to the north does not coordinate with the proposed development.

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SECTION 9.5.2308(H): The project conforms with the General Plan of the City.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the project does not conform with the General Plan's land use designation of Low Density Residential, the hillside development policies, the developable acreage, and the open space policies.

BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for denial of a Vesting Tentative Map as set forth in the Subdivision Map Act and based on Chapter 9-4 of the Antioch Municipal Code:

REQUIRED FINDING 1: That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the subdivision proposed by the Vesting Tentative Map is not consistent with the Antioch General Plan. The project does not conform with the General Plan's land use designation of Low Density Residential, the hillside development policies, the developable acreage, and the open space policies.

REQUIRED FINDING 2: That the subdivision complies with the Housing Element as it relates to the regional needs and complies with Section 66412.3 of the Subdivision Map Act.

CITY COUNCIL'S DETERMINATION: This finding cannot be made. The subdivision would further certain Housing Element goals by providing 60 units of the 1,046 required of above moderate income housing for the Regional Housing Needs Assessment for 2007 – 2014. However, pursuant to Section 66412.3 of the Subdivision Map Act, the City Council has considered the effects of this action and has determined the hillside constitutes an environmental resource and the benefits of the housing do not outweigh the loss of this resource.

REQUIRED FINDING 3: That the subdivision proposed by the Vesting Tentative Map has, to the maximum extent feasible, considered and provided opportunities for future passive or natural heating or cooling of the structures within the subdivision, as required by Government Code §66473.1.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the subdivision did not take into account the natural terrain of the existing hillside and could further take opportunities for passive heating and cooling into consideration as part of the development.

REQUIRED FINDING 4: That the subdivision proposed by the Tentative Map complies with the rules, regulations, standards, and criteria of the City's Subdivision Regulations.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the subdivision proposed by the Vesting Tentative Map does not comply with the rules, regulations, standards, and criteria of the City's Subdivision Regulations. The City requires the subdivision to be consistent with the General Plan and be consistent with the zoning provisions. The Project, as designed, is not compliant with the General Plan or consistent with the zoning. The project does not adhere to the density requirements of the General Plan, the hillside development policies, open space policies, and grading policies. The project does not comply

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with the zoning designation of Hillside Planned Development District (HPD) nor does it meet the minimum parking requirements for single family homes.

BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for denial of a Use Permit based on Section 9-5.2703 of the Antioch Municipal Code:

SECTION 9.5.2703(1)(a): Granting the use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the proposed project is injurious to the property as it would be removing 104 vertical feet from the existing hillside. The project was not designed in harmony with the natural and built environment as set forth by the hillside development policies.

SECTION 9.5.2703(1)(b): That the use applied for at the location indicated is properly one for which a use permit is authorized.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the use does not conform to the General Plan or to the zoning code; therefore it is not a use that is authorized.

SECTION 9.5.2703(1)(c): The project site is adequate in size and shape to accommodate its proposed uses, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, without interfering with other uses in the neighborhood.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the project did not take the Hillside Planned Development District policies into consideration. The project is only providing 54 on-street parking spaces, which is 6 less than the required amount, therefore not meeting the minimum standards, which could affect the surrounding neighborhood.

SECTION 9.5.2703(1)(d): The streets and highways that abut the project site are adequate in width and pavement type to carry the kind of traffic generated by proposed use.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the streets were not designed with the natural contours of the existing terrain. However, the City commissioned Fehr and Peers to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Pointe project. The traffic study concluded that the road improvements either proposed by the developer or required by the City are adequate in width and pavement type to carry the kind of traffic that will be generated by the project.

SECTION 9.5.2703(1)(e): The granting of such use permit will not adversely affect the comprehensive General Plan.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the project does not comply with the General Plan; therefore granting the use permit would affect the comprehensive General Plan.

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BE IT FURTHER RESOLVED that the City Council, after reviewing the staff report and considering testimony offered, does hereby DENY the Final Development, Vesting Tentative Map, and Use Permit (PD-08-01, PW 608, and UP-08-01) to construct 60 single-family homes including associated infrastructure improvements, an approximately 10,000 s.f. pocket park, and two open space parcels.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 28th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE POINTE PROJECT

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, which request was dated January 29, 2007, and amended or supplemented on January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013, all of which are incorporated herein by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan for the Project; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study to evaluate the potential environmental impacts of the Pointe Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, a draft Initial Study and Mitigated Negative Declaration ("IS/MND") was circulated for a 20-day review period, with the public review period commencing on October 8, 2013 and ending on October 28, 2013; and

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WHEREAS, the Planning Commission has reviewed the IS/MND for this Project and the comments received during the comment period; and

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not take action on the IS/MND and recommended denial of the Project to the City Council; and

WHEREAS, the City Council duly gave notice of a public hearing as required by law; and

WHEREAS, on December 10, 2013, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, and gave staff direction to continue processing the Project; and

WHEREAS, on January 28, 2014, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the custodian of the Final IS/MND is the Community Development Department and the Final IS/MND is available for public review on the second floor of City Hall in the Community Development Department, Monday – Thursday 8:00 am – 11:30 am and the MMRP is attached as Exhibit A to this document.

NOW THEREFORE BE IT RESOLVED

1. The City Council of the City of Antioch hereby **FINDS**, on the basis of the whole record before it (including the Initial Study and all comments received) that:
 - a. The City of Antioch exercised overall control and direction over the CEQA review for the Project, including the preparation of the Final Initial Study and Mitigated Negative Declaration, and independently reviewed the Final Initial Study and Mitigated Negative Declaration; and
 - b. There is no substantial evidence in the record that the Project will have a significant effect on the environment once mitigation measures have been followed and assuming approval of the accompanying General Plan and Zoning Ordinance amendments; and
 - c. None of the circumstances that would authorize or require recirculation of the Mitigated Negative Declaration pursuant to CEQA have been met; and
 - d. The Final Initial Study and Mitigated Negative Declaration reflect the City's independent judgment and analysis.

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January 28, 2014

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2. The City Council of the City of Antioch hereby **APROVES AND ADOPTS** the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 28th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

EXHIBIT A

THE POINTE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City of Antioch in its implementation and monitoring of measures adopted from the Pointe Project Initial Study/Mitigated Negative Declaration (IS/MND).

MITIGATION MEASURES

The mitigation measures are taken from the Pointe Project IS/MND and are assigned the same number they had in the MND. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for monitoring the actions.

MMRP COMPONENTS

The components of each monitoring form are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in the Pointe Project MND are presented and numbered accordingly.

Timing/Implementation: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified. The project applicant would be responsible for implementation of the mitigation measures.

Enforcement/Monitoring Party: The City of Antioch is responsible for ensuring that mitigation measures are successfully implemented.

POINTE PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
<p>AE -1</p> <p>The project applicant shall utilize hooded and directional lights for all exterior lights, including street and safety lighting. The light footprint shall not extend beyond the periphery of each property. The applicant shall prepare a photometric/lighting plan, which shall identify the number and type of light fixtures and overhead pole heights, as well as demonstrate compliance with City lighting standards.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>AG-1</p> <p>The project applicant shall require the construction contractor to implement a dust control plan that shall include the following dust control procedures as required by the Bay Area Air Quality Management District (BAAQMD):</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. • Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. 	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	

POINTE PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>BR-1</p> <p>Prior to issuance of a grading permit, a focused botanical survey for round-leaved filaree shall be conducted during the blooming season (March-May) by a qualified plant biologist in order to ascertain the presence or absence of this species on the project site. If any individuals of this plant species are detected, its occurrence shall be mapped and individuals enumerated in a technical report, to be submitted to the City of Antioch. The biologist shall complete California native species survey forms and submit them to the California Natural Diversity Data Base (CNDDB), and shall develop appropriate mitigation in consultation with the California Department of Fish and Game (CDFG) to reduce the project's impact on round-leaved filaree to a less-than-significant level. Suitable mitigation measures would include, in order of preference, 1) avoidance; 2) plant and seed salvage, cultivation, and reintroduction onto suitable soils in similar habitat; preservation in perpetuity, monitoring for no less than five years, and submittal of monitoring reports to the appropriate agencies.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>BR-2</p> <p>Prior to the initiation of site preparation activities, a qualified raptor biologist shall conduct an initial survey (during December or early January) for the burrowing owl on the project site and within 250 feet of the project site, in conformance with protocol published by the California Burrowing Owl Consortium (1997). A preconstruction survey shall also be conducted no more than 30 days prior to any ground-disturbing activities. If owls are encountered during either survey, a Burrowing Owl Mitigation Plan shall be prepared, approved by the California Department of Fish and Game (CDFG), and implemented. The mitigation plan may include passive relocation prior to February 1st using nest exclusion doors, establishment of a fenced protective buffer around each nest site until September 1st, acquisition of mitigation habitat, and/or other measures determined to be suitable by the qualified biologist and CDFG. Documentation of all burrowing owl surveys shall be provided to the City of Antioch. The City shall receive written confirmation of acceptable mitigation implementation, if required due to the presence of burrowing owls, from the CDFG prior to the issuance of a grading permit. Mitigation for loss of habitat of individual and paired owls and babies shall be provided in the form of preserved foraging habitat contiguous with occupied burrow sites at an off-site recognized burrowing owl mitigation bank at a ratio of 6.5 acres of habitat for each pair of</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	

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POINTE PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
breeding burrowing owls (with or without dependent young) or single unpaired resident bird.			
<p>BR-3 A qualified wildlife biologist shall conduct a nesting bird survey 72 hours prior to the removal of vegetation and/or construction in order to determine absence or presence of nesting bird species. If the survey does not identify any nesting special-status bird species in the area potentially affected by the proposed activity, no further mitigation is required. If nest sites or young are located, a no-disturbance buffer shall be established around the active nest and maintained until the young bird(s) have fledged. The biologist shall consult with the California Department of Fish and Game (CDFG) to determine the size of the no-disturbance buffer, which is typically between 150 to 200 feet.</p>	Prior to construction activities	City of Antioch Planning Division	
<p>CR-1 If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance in the vicinity shall be halted until a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The archaeological consultant shall immediately notify Archeo-Tec and the project sponsor of the encountered archaeological deposit. The results of any additional archaeological effort required through the implementation of Mitigation Measures CR-1 and CR-2 shall be presented in a professional-quality report, to be submitted to the project sponsor, the City of Antioch, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with Section 15064.5(c)-(f) of the CEQA Guidelines and Public Resources Code Section 21083.2.</p>	Ongoing during construction activities	City of Antioch Planning Division	
<p>CR-2 In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Contra Costa County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project</p>	Ongoing during construction activities	City of Antioch Planning Division	

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POINTE PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.</p>			
<p>CR-3 If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s).</p>	<p>Ongoing during construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>G-1 Prior to issuance of a grading permit, the project sponsor shall prepare a design-level geotechnical and geologic investigation report, subject to review and approval by the City of Antioch Building Division. The investigation shall be based on site-specific subsurface investigation (e.g. borings, test pits, geophysical methods, etc.) and laboratory testing sufficient to characterize site landslides and design appropriate mitigation measures. The report shall also incorporate California Division of Mines and Geology Special Publication 117 Guidelines for Evaluating and Mitigating Seismic Hazards in California and include an analysis of expected ground motions at the site from known faults. The investigation report shall specifically address impacts on adjacent stability buttresses and subdrainage systems and shall provide specific geologic and geotechnical criteria and standards for site grading, drainage, foundation design, landslide mitigation, utilities, roadways, and other structures or facilities potentially affected by the project. Site grading and landslide mitigation measures shall conform to all applicable codes, ordinances, and requirements. The stability of cuts and fills shall be supported by appropriate static and seismic stability analyses. The design level geotechnical and geologic investigation report shall be signed and stamped by appropriately licensed professionals.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Building Division</p>	
<p>G-2 During site grading and landslide remediation activities, the project engineering geologist or geotechnical engineer shall observe and approve all keyway excavations, removal of fill and/or landslide materials down to stable bedrock or in-place material, and the installation of all subdrains, including connections and outlet structures. Cut slopes shall be observed</p>	<p>During construction activities</p>	<p>City of Antioch Building Division</p>	

POINTE PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
<p>and mapped by the project engineering geologist or geotechnical engineer who will provide recommendations for slope modifications (if any) based on the actual conditions encountered during grading. Placement of fill shall be observed and tested by the project engineer and the test results shall be included in a final report for the project.</p>			
<p>G-3 Grading activities shall be restricted to the summer construction season (April 15th through October 15th), or in compliance with more stringent restrictions imposed by other regulatory agencies, such as California Department of Fish and Game, if applicable. Any site earthwork after October 15th shall be limited to activities related to erosion control unless authorized in writing by the City of Antioch.</p>	<p>During construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>G-4 A Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and Stormwater Control Plan (SCP) shall be prepared and submitted along with grading permit applications. The SWPPP shall provide for temporary measures to control sediment and other pollutants during construction and the SCP shall specify permanent controls (such as drainage ditches) that should last for the life of the project. The requisite plans shall be prepared in accordance with the standards provided in the California Stormwater Quality Association's (CASQA) Best Management Practice (BMP) Handbooks for Construction and for New Development and Redevelopment (2009). Implementation of the plan will help stabilize graded and stockpile areas and reduce erosion and sedimentation. The plans shall identify Best Management Practices (BMPs) that will be adhered to during construction activities. Erosion-minimizing features such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), and/or retention/settlement areas shall be implemented as necessary before the onset of inclement weather. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities. The plans shall incorporate requirements of the Contra Costa County Clean Water Program and other applicable federal, State, and local requirements.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Engineering Division</p>	
<p>G-5 To the extent practicable, existing topsoil in areas to be graded shall be stockpiled and re-used in the project areas for landscaping, erosion control, or other purposes.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Engineering Division</p>	

POINTE PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
<p>G-6 The design level geologic and geotechnical evaluation required by Mitigation Measure G-1 shall provide criteria and recommendations for foundation and pavement design that address site-specific conditions developed from field exploration and laboratory testing. Typical site engineering requirements include over-excavating cut and cut/fill transition lots, moisture conditioning fills over the optimum moisture content, presocking below slabs, and using thickened mat foundations or deepened footings. All recommendations shall be in accordance with UBC requirements.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Building Division</p>	
<p>WA-1 The project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Consolidated General Permit (CGP) Order 2009-0009-DWA. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the standards provided in the California Stormwater Quality Association's (CASQA) Best Management Practice (BMP) Handbooks for Construction and for New Development and Redevelopment (2009), the prescriptive standards included in the CGP, or as required by the Contra Costa Clean Water Program, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The plan shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities.</p>	<p>Prior to and during construction activities</p>	<p>City of Antioch Engineering and Building Divisions</p>	
<p>WA-2 All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place.</p>	<p>During construction activities</p>	<p>City of Antioch Engineering and Building Divisions</p>	
<p>WA-3 The project applicant shall prepare a C-3 Stormwater Control Plan to reference and incorporate current construction and post-construction</p>	<p>Prior to construction</p>	<p>City of Antioch Engineering</p>	

POINTE PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
<p>requirements specified by CGP Order 2009-0009-DWQ and the post-construction requirements specified by NPDES Order No. R2-2009-0074 and the Contra Costa County Clean Water Program. Because NPDES Order No. R2-2009-0074 was issued in late 2009 by the RWQCB to Contra Costa County, County, guidance regarding additional C.3 compliance requirements may not be readily available. As a result, the applicant shall confer with the County to ensure that C.3 stormwater requirements, goals, and limitations potentially imposed on the County by Order No. R2-2009-0074 are fully addressed by the project. Additionally, as required by the C.3 Provisions, building permit applications must be accompanied by a Stormwater Control Plan, for review and approval by the City Engineer, which specifies the treatment measures and appropriate source control and site design features that will be incorporated into project design and construction to reduce the pollutant load in stormwater discharges and manage runoff flows.</p>	<p>activities</p>	<p>Division</p>	
<p>N-1 Noise-generating construction activities shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on weekends and public holidays. Where construction would occur within 300 feet of occupied residences, weekday construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m.</p>	<p>During construction activities</p>	<p>City of Antioch Building Division</p>	
<p>N-2 The project sponsor shall require the construction contractor to equip all construction equipment driven by internal combustion engines with intake and exhaust mufflers which are in good condition, appropriate for the equipment, and no less effective than those originally installed by the manufacturer.</p>	<p>During construction activities</p>	<p>City of Antioch Building Division</p>	
<p>N-3 The project applicant shall prepare and implement a construction-related noise mitigation plan, subject to approval by the City of Antioch Planning Division. The plan shall designate construction staging areas that are located the maximum feasible distance from residential receptors, and shall identify other feasible and appropriate measures to minimize construction noise impacts on adjacent noise-sensitive land uses.</p>	<p>Prior to construction</p>	<p>City of Antioch Planning Division</p>	
<p>N-4 Prior to the issuance of building permits for the first unit of the project, if the police staffing ratio in the General Plan is not met, then the applicant shall create a Community Facilities District or other financing mechanism</p>	<p>Prior to building permit issuance</p>	<p>City of Antioch Planning Division</p>	

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POINTE PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and signature)
<p>approved by the City to generate sufficient revenues to fund the proportional fair share of additional staffing as well as police equipment and facilities, if not otherwise incorporated in a development fee.</p>			
<p>US-2 Prior to project approval, the project sponsor shall retain the services of a qualified civil engineer, subject to approval by the City, to perform an analysis of the City's Water Supply Zone IV to determine whether a hydro-pneumatic booster pumping station (BPS) would be required in order to provide adequate water supply delivery pressure to the proposed project. If a BPS is determined to be necessary, the study shall include modeling to determine the appropriate size of the hydro-pneumatic BPS necessary to provide a minimum pressure of 40 pounds per square inch (psi), or as otherwise determined by the Antioch Department of Public Works, throughout the project. Adequate water flow and pressure of at least 1,500 gallons per minute (gpm) at 40 psi shall be provided to fire hydrants throughout the project for fire-fighting purposes. Provision of adequate domestic and fire-fighting water supply and pressure shall be verified by the Department of Public Works and the Contra Costa County Fire Protection District (CCCFFPD), respectively, prior to project approval.</p>	<p>Prior to project occupancy</p>	<p>City of Antioch Engineering Division</p>	

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RESOLUTION NO. 2014/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING OF
GENERAL PLAN AMENDMENTS FOR THE POINTE PROJECT**

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, which request was dated January 29, 2007, and amended or supplemented on January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013, all of which are incorporated herein by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

WHEREAS, the primary purpose of the General Plan amendments are to ensure consistency between the City of Antioch General Plan and the Pointe project; and

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not take action on the IS/MND and recommended denial of the Project to the City Council; and

WHEREAS, the City Council duly gave notice of a public hearing as required by law; and

WHEREAS, on December 10, 2013, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, and gave staff direction to continue processing the Project; and

WHEREAS, on January 28, 2014, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the City Council deemed the environmental document as adequate and adopted the Final IS/MND and MMRP; and

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record and the findings established in this resolution, the adoption of the Final IS/MND and MMRP, the City Council hereby approves the amendments shown to the General Plan in Exhibit A pursuant to the following findings:

- a. The project is considered infill development and is substantially surrounded by the adjacent Black Diamond Ranch project, a 286-single family detached subdivision and the entitled Sky Ranch II project, a 415-single family detached subdivision within the City of Pittsburg.
- b. The estate/executive housing will help to fulfill the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income.
- c. The estate/executive housing will provide a housing type that has not been readily developed within Antioch and will further the General Plan's goals of providing more of a job and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing type.
- d. The General Plan Amendments provide for the continuing internal consistency between each of the General Plan's elements, as required by Government Code Section 65300.5.
- e. As required by Government Code Section 65358(a), the proposed General Plan Amendments are in the public interest of the people of the City of Antioch.

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* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 28th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

**ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH**

EXHIBIT A

4.4.6.2 Somersville Road Corridor. This Focus Area encompasses the commercial areas along Somersville Road from SR-4 north to Fourth Street, as well as the commercial areas south of the freeway, up to and including the Chevron property. The General Plan intends that existing auto dealerships be retained and revitalized along Somersville Road. If the existing dealers ultimately decide to relocate from Somersville Road, the City should work with the dealers to secure alternative locations within the City of Antioch. Potential alternative locations include the Regional Commercial area within the East Lone Tree Specific Plan Focus Area and between SR 4 and the railroad in the Hillcrest Station Area.

a. Purpose and Issues. The Somersville Road corridor is one of Antioch's primary sales tax generators, encompassing automobile dealerships, the Somersville Towne Center mall, and other retail businesses. Uses along this corridor are aging, and in need of improvement. In addition, the Somersville Road interchange is heavily congested. Interchange capacity will be increased as part of improvements for SR-4. Interchange improvements could impact adjacent existing hotel uses.

- Automobile dealerships exist along Somersville Road. The City has worked in the past to improve the design of Somersville Road, and to assist existing dealerships to modernize their facilities. Relocating the dealerships to another location within Antioch could reduce the amount of land available for industrial use, and may or may not be desirable for the dealerships. The dealerships have generated a customer base in their present location, though they do not have freeway visibility.
- South of the freeway is Somersville Towne Center, formerly known as County East Mall. The center was an open air complex, and was enclosed in the 1970s. The mall has not provided the level of retailers, mix of uses (e.g., restaurants), or design interest that could be supported by the community. In addition, vehicular access to the mall from Somersville Road is difficult due to limited parking. Pedestrian entry along the easterly side of the mall is awkward due to the presence of commercial uses with access directly from the parking lot.

There have been discussions in the past regarding adding another anchor tenant. However, the present design of the mall, with a series of tenants having their entries open to the parking lot along Somersville Road, limits simple design solutions. As a result, there have been suggestions that the mall be revitalized as a mixed-use specialty retail, entertainment, office, and residential project.

- The Focus Area's commercial uses are auto-oriented, and its general character is that of a typical older suburban community. Improvements to signage, streetscapes, and building façades are needed throughout the developed portion of this Focus Area, along with improved pedestrian linkages in the mall area.
- At the southern end of this Focus Area is the Chevron property, which is a 193-acre relatively flat, vacant parcel south of Buchanan Road. It is an unincorporated island surrounded by the cities of Antioch and Pittsburg, and is within Antioch's sphere of influence. The site has been extensively disturbed as the result of its previous use as an oil storage facility. With the extension of James Donlon Road, the Chevron property will become an important gateway into west Antioch.

b. Policy Direction. Efforts should be continued to keep existing automobile dealerships in their present locations, and to upgrade their facilities. Somersville Towne Center should be improved and expanded into a cohesive mixed-use retail, retail, entertainment, and residential center. Pedestrian and other urban design improvements need to be provided to increase linkages between the mall and adjacent uses. Special effort should be undertaken to improve access to the mall site from Somersville Road, and to improve the distribution of parking around the mall.

The following policies apply to the Somersville Road Corridor Focus Area.

- a. Areas designated "*Commercial*" on Figure 4.3 shall comply with the provisions of the Somersville Road Commercial land use category (see Table 4.A).
- b. Areas designated "*Regional Commercial*" on Figure 4.3 shall comply with the provisions of the Regional Commercial land use category (see Table 4.A).

c. Areas designated "High Density Residential" in Figure 4.3 shall comply with the provisions of the High Density Residential land use category (see Table 4.A).

e.d. Areas designated "Residential" in Figure 4.3 shall consist of single family homes and the design shall be determined through the Planned Development process with approval by the City Council.

Expansion of Somersville Towne Center is encouraged, including new and expanded retail, particularly addition of new anchor tenants (department stores), higher end specialty retail, and sit-down restaurants. As shown in Figure 4.3, the General Plan permits expansion of the mall to the west. Expansion of the mall could also occur vertically by adding a second story of shops. Also permitted is the conversion of the existing mall into a mixed-use commercial, office, and residential complex. Revitalization of the mall into a mixed use concept could occur alongside expansion of the existing mall itself through development of multi-story office buildings, either free-standing or attached to the mall.

e.e. In cooperation with the City of Pittsburg, work to extend Century Boulevard to Buchanan Road as a two-lane arterial, with a connection to Los Medanos College.

e.f. The development of the "Chevron property," located on the west side of Somersville Road, south of Buchanan Road, shall comply with the following provisions.

- The primary land use intent for this site is a mix of low-rise business park and medium density residential housing products.

For illustrative purposes, Figure 4.3 shows the property divided into business park and residential portions. The specific development design of the site shall be determined through approval of a planned development for the site. A minimum of 40 percent of the site is to be devoted to business park and related commercial and open space uses.

- Business Park and related commercial uses shall front along the entire length of Somersville. Although it would be desirable to have business park and related commercial uses fronting along Buchanan Road at least as far west as the flood control channel, residential uses may front along Buchanan Road. The Business Park areas shall comply with the provisions of the Business Park land use category.
- Development of the site should be heavily landscaped. Business park and related commercial uses should be one or two stories, and clustered in a park-like setting.
- A common design theme for business park and residential uses within the 193-acre site is to be provided, including compatible architectural, landscaping, and signage.
- Residential uses within the Chevron site may consist of a combination of small lot single family detached and multi-family development, and shall be consistent with the provisions of the Medium Density Residential land use category.
- Adequate separation shall be maintained between new office and multi-family uses and existing residential neighborhoods. If parking areas are located along the residential edge, sufficient noise mitigation shall be provided.
- As part of site development, a community gateway monument shall be provided, including distinctive signage and landscaping at the northwest corner of the site, expressing the theme of Antioch as "Gateway to the Delta." Such signage and monumentation must portray a high quality design image for the City.
- The City should work with the owner of the Chevron property to annex it into Antioch.

f.g. An urban design plan should be prepared for the entire Somersville Road Corridor. The design plan should define a design theme; set specific architectural, sign, landscape, and streetscape design standards for the corridor; and select specific designs for public improvements such as street lighting, special paving sections at intersections, and street furniture.

h. A façade improvement program should also be undertaken for existing commercial uses within this Focus Area, with assistance from the Antioch Redevelopment Agency.

g.i. In order to provide continued support to sales tax generating uses, properties designated residential with the Focus Area will be allowed to maximize development density through the Planned Development process contained within the Zoning Ordinance. As such, the requirements of Sections 4.4.1.1, 5.4.14, and 10.3.2 if applicable, of the General Plan shall be waived if it is shown that development conditions will be safe and in harmony with surrounding development patterns and uses.

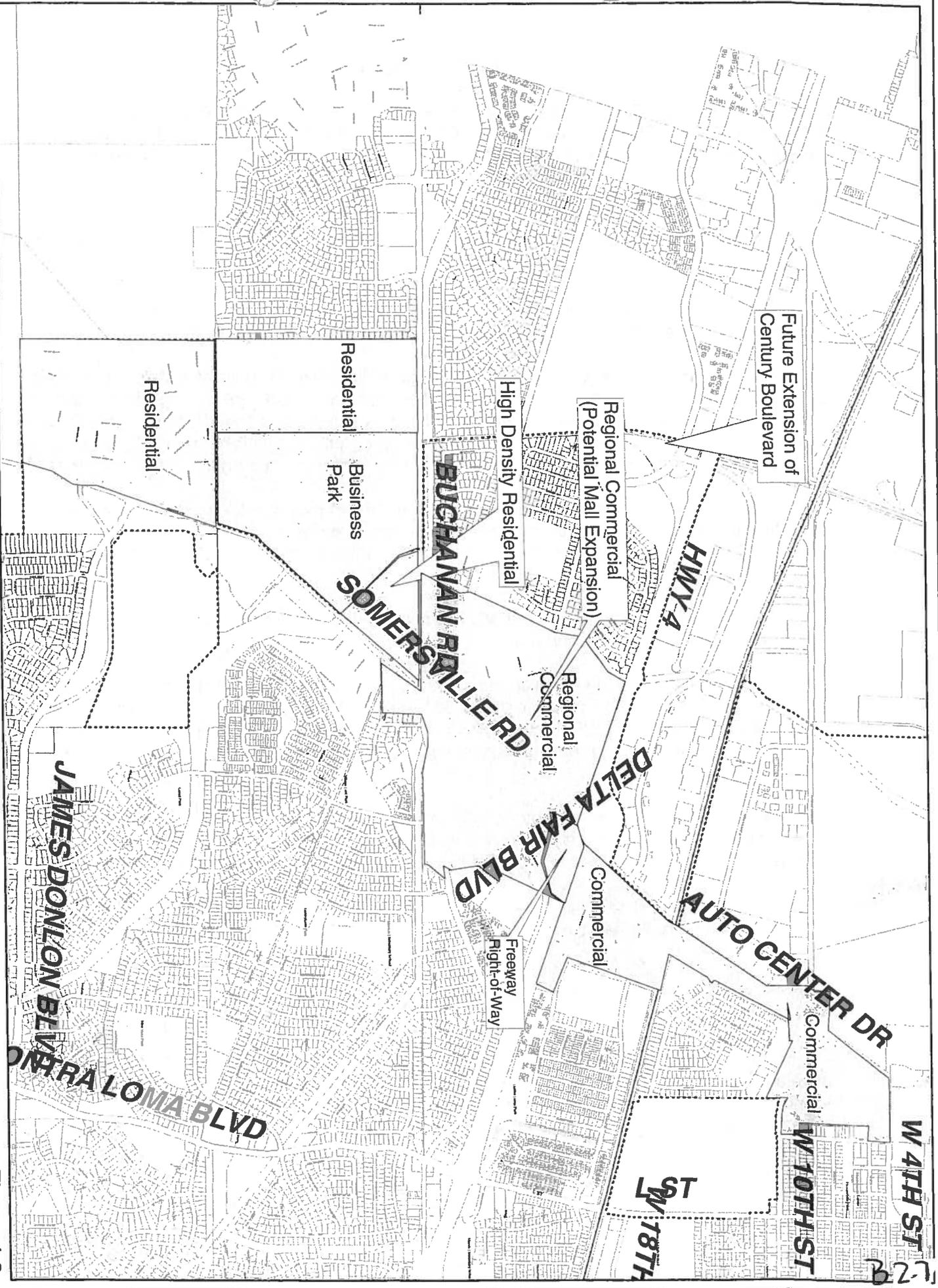


Figure 4.3

Antioch City Limits

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A REZONING OF APPROXIMATELY 21 ACRES REFERRED TO AS THE POINTE PROJECT FROM HILLSIDE PLANNED DEVELOPMENT (HPD) TO PLANNED DEVELOPMENT (PD)

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

SECTION 1. Findings. The Antioch City Council hereby finds, determines and declares as follows:

- A.** The City of Antioch holds the right to make and enforce all laws and regulations not in conflict with general laws, and the City holds all rights and powers established by state law.
- B.** The Planning Commission conducted a duly noticed public hearing on November 6, 2013 at which it adopted a resolution to initiate and recommend approval to the City Council of this ordinance regarding rezoning approximately 21 acres from Hillside Planned Development (HPD) to Planned Development (PD). The City Council held a duly noticed public hearing on _____ at which all interested persons were allowed to address the Council regarding adoption of this ordinance.
- C.** The City prepared an IS/MND and MMRP to evaluate the potential environmental impacts of the Pointe Project, including this Ordinance, in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). The City Council deemed the Final IS/MND to be adequate on _____.
- D.** The Final IS/MND and MMRP determined the project would have a less-than-significant impact on the environment.
- E.** The City Council implemented General Plan Section 4.4.6.2b which provides the City with the option to waive the requirements of General Plan Sections 4.4.1.1, 5.4.14, and 10.3.2 if it can be shown that the project development conditions will be safe and in harmony with the surrounding development patterns and uses. The rezone is in conformance with the City of Antioch General Plan.
- F.** The project is considered infill development and is substantially surrounded by the adjacent Black Diamond Ranch project, a 286-single family detached subdivision and the entitled Sky Ranch II project, a 415-single family detached subdivision within the City of Pittsburg.
- G.** The Project is similar in nature to the surrounding development and consists of the same uses therefore the project is not detrimental to the surrounding properties.
- H.** The estate/executive housing will help to fulfill the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income.
- I.** The estate/executive housing will provide a housing type that has not been readily developed within Antioch and will further the General Plan's goals of providing more of jobs and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing type.

SECTION 2. The real property described in Exhibit A, attached hereto, is hereby rezoned from Hillside Planned Development District (HPD) to Planned Development (PD) and the zoning map is hereby amended accordingly. The Final Development Plan, with attachments consisting of various maps, written documents, and renderings of the proposed development along with all conditions imposed by the City of Antioch are hereby incorporated by reference and made a part of this zoning change. These documents are on file at the City of Antioch Community Development Department.

SECTION 3. The permitted uses shall be those proposed: 60 single-family homes, a pocket park with a water feature, open space, two storm water basins, and other associated infrastructure improvements as shown on the Vesting Tentative Map date stamped October 17, 2013.

SECTION 4. Development Standards for the Pointe Planned Development District:

Standard	Required for Project
Minimum Lot Size	Lots 1 – 51 and 60: 10,000 sq. ft. 52-59: 6,000 sq. ft.
Minimum Lot Width	Per the vesting tentative map date stamped on October 17, 2013.
Maximum Lot Coverage	40%
Front/Street Side Yard Minimum (shall be reserved for landscaping)	Front: 20 ft setback from the right of way to the face of garage door, or 15 feet to a side entry garage (e.g. accessed by a swing driveway). The front yard dimensions shall be varied by increasing the front yard setback by up to 25 ft. and staggering the varied setbacks. Side: 15 ft setback for the primary structure from the right of way line. Approved architectural elements may encroach 2 ft.
Side Yard – Interior	5 ft. with 4 ft of flat useable area with 25% of the lots having a 10 foot side setback on one side. The 10 feet must remain as unrestricted open area.
Minimum Rear Yard	15 ft minimum of flat usable space and a 20 ft. setback from the rear property line. A single story portion of the main structure shall be allowed 10 ft from the property line provided the width of that portion of the main structure does not exceed 50% of the buildable width of the lot. Approved architectural elements may encroach 2 ft.
Maximum Building Height	35 ft.
Parking	2 spaces per unit in a garage, plus one guest parking space on the street within close proximity to the unit served.
Driveways/Drive Aisles	Per the vesting tentative map date stamped on October 17, 2013.
Roadways	Per the vesting tentative map date stamped on October 17, 2013.
Landscape Requirements	Summit Way – 10 ft landscape median. Parcels A and B.
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.

SECTION 5. Publication; Effective Date.

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

* * * * *

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Wayde Harper
Mayor of the City of Antioch

ATTEST:

Arne Simonsen
City Clerk of the City of Antioch

Exhibit A

LEGAL DESCRIPTION

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING THE FINAL PLANNED DEVELOPMENT, VESTING TENTATIVE MAP, AND USE PERMIT FOR 60 SINGLE-FAMILY HOMES, TWO OPEN SPACE PARCELS, AND A POCKET PARK FOR THE POINTE PROJECT

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, which request was dated January 29, 2007, and amended or supplemented on January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013, all of which are incorporated herein by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

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WHEREAS, the primary purpose of the General Plan amendments are to ensure consistency between the City of Antioch General Plan and the Pointe project; and

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not take action on the IS/MND and recommended denial of the Project to the City Council; and

WHEREAS, the City Council duly gave notice of a public hearing as required by law; and

WHEREAS, on December 10, 2013, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, and gave staff direction to continue processing the Project; and

WHEREAS, on January 28, 2014, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the City Council deemed the environmental document as adequate and adopted the Final IS/MND and MMRP; and

WHEREAS, the City Council approved the General Plan Amendments for the Project;

WHEREAS, the City Council motioned to introduce an ordinance to rezone the subject property from Hillside Planned Development District (HPD) to Planned Development District (PD);

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby make the following required findings for approval of a Final Development Plan:

SECTION 9.5.2308(A): Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.

CITY COUNCIL'S DETERMINATION IN SUPPORT OF THIS FINDING: The Project is located within an area designated for residential development in the General Plan. After approval of the General Plan amendments and the rezone, the project is consistent with the policies of both the General Plan and zoning code. Each unit within the subdivision can exist independently. The project site is surrounded by existing, developing, and entitled residential lands therefore the project will not be detrimental to the surrounding uses, rather it will further the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income. The estate/executive housing product type will also help further the goals of the General Plan by offering a desirable product to executives, therefore decreasing the disparity in jobs and housing balance.

SECTION 9.5.2308(B): The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

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CITY COUNCIL'S DETERMINATION IN SUPPORT OF THIS FINDING: The City commissioned PHA Transportation Consultants to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Pointe Project. A copy of the report is included in the Appendices to the Pointe Final IS/MND. The report evaluated the most recent traffic data and projections for the project area and the region, and found that the project satisfies the standards of the City's Growth Management Program and meets current design criteria. Adequate utility service, including electricity, water, and sewer service can be supplied to all phases of development by existing utility service providers.

SECTION 9.5.2308(C): The commercial components of the Project are justified economically at the location proposed.

CITY COUNCIL'S DETERMINATION: No commercial components are proposed.

SECTION 9.5.2308(D): Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

CITY COUNCIL'S DETERMINATION IN SUPPORT OF THIS FINDING: The proposed residential subdivision will continue the residential uses and will be similar in character of the surrounding neighborhood. The approval of the General Plan amendment and rezone will result in densities no higher than permitted by the General Plan.

SECTION 9.5.2308(E): Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

CITY COUNCIL'S DETERMINATION: There are no industrial components to the Pointe Project.

SECTION 9.5.2308(F): Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

CITY COUNCIL'S DETERMINATION IN SUPPORT OF THIS FINDING: The rezoning of the property from Hillside Planned Development to Planned Development allows for flexibility of the project's design. The project is located on an area with slopes steeper than 25%, which make it difficult to develop. The estate/executive housing could be considered a community amenity because the product type not readily available or commonly built in the City; therefore the project will be offering a wider variety of housing than currently exists and attempting to equal the jobs and housing balance.

SECTION 9.5.2308(G): The area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

CITY COUNCIL'S DETERMINATION IN SUPPORT OF THIS FINDING: The area surrounding the Project is already developed with homes or has been entitled by the City of Pittsburg.

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SECTION 9.5.2308(H): The project conforms with the General Plan of the City.

CITY COUNCIL'S DETERMINATION IN SUPPORT OF THIS FINDING: The approval of the General Plan amendments will result in a project that conforms with the General Plan.

BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for approval of a Vesting Tentative Map:

REQUIRED FINDING 1: That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations.

CITY COUNCIL'S DETERMINATION: The subdivision proposed by the Vesting Tentative Map is consistent with the Antioch General Plan after approval of the GPAs. The General Plan now designates this parcel as Residential within the Somersville Road Corridor Focus Area, which allows for low density single family residential. Therefore, the subdivision proposed by the Vesting Tentative Map is consistent with the General Plan.

REQUIRED FINDING 2: That the subdivision complies with the Housing Element as it relates to the regional needs and complies with Section 66412.3 of the Subdivision Map Act.

CITY COUNCIL'S DETERMINATION: The City Council has considered the potential effect of the subdivision proposed by the Vesting Tentative Map on the housing needs of the City and the region, and finds that the subdivision will promote the City's goal of achieving a greater balance between residential and employment-generating uses within the City because the project will be providing estate/executive homes, which will provide a place for executives to locate and in turn bring in businesses. The increase in business will promote the City's goal of achieving a greater balance by providing a catalyst for commercial and employment generating uses to locate in the City of Antioch. Furthermore it will fulfill the need of above moderate income Regional Housing Needs Assessment, which the City has 1,046 allocations for 2007-2014. The project also complies with Section 66412.3 of the Subdivision Map Act.

REQUIRED FINDING 3: That the subdivision proposed by the Vesting Tentative Map has, to the maximum extent feasible, considered and provided opportunities for future passive or natural heating or cooling of the structures within the subdivision, as required by Government Code §66473.1.

CITY COUNCIL'S DETERMINATION: The subdivision design provides for future passive or natural heating or cooling opportunities to the extent feasible in light of the need to accommodate physical, infrastructure and topography of the site, as well as CEQA mitigation measures and design features. The majority of the site contains slopes in excess of 25% and is surrounded on all four sides by other developed or entitled projects, which limits the design capabilities. The project will meet or exceed the State's energy efficiency requirements and will have conservation features included as standard features on the homes.

REQUIRED FINDING 4: That the subdivision proposed by the Tentative Map complies with the rules, regulations, standards, and criteria of the City's Subdivision Regulations.

CITY COUNCIL'S DETERMINATION: The subdivision proposed by the Vesting Tentative Map complies with the rules, regulations, standards, and criteria of the City's Subdivision Regulations as conditioned.

B.4-4

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BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for approval of a Use Permit:

SECTION 9.5.2703(1)(a): Granting the use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

CITY COUNCIL'S DETERMINATION: The project will create a 60 lot residential subdivision. The project site is located in the Somersville Road Corridor Focus Area, and is designated for residential and open space uses. The surrounding neighborhood is single family residential similar in nature to the project. After approval of the General Plan Amendments and the rezone, the development proposed by the project is consistent with the uses permitted under the General Plan and the proposed zoning for the project site.

SECTION 9.5.2703(1)(b): That the use applied for at the location indicated is properly one for which a use permit is authorized.

CITY COUNCIL'S DETERMINATION: The General Plan designates the area encompassing the project site as Residential within the Somersville Road Corridor Focus Area which allows low and medium low density residential and open space uses as proposed.

SECTION 9.5.2703(1)(c): The project site is adequate in size and shape to accommodate its proposed uses, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, without interfering with other uses in the neighborhood.

CITY COUNCIL'S DETERMINATION: The project is designed to comply with the zoning development standards that were established for the Planned Development (PD) District specifically for this project. The zoning accommodates yard spaces, walls, fences, parking, landscaping and other features without interfering with other uses in the neighborhood.

SECTION 9.5.2703(1)(d): The streets and highways that abut the project site are adequate in width and pavement type to carry the kind of traffic generated by proposed use.

CITY COUNCIL'S DETERMINATION: The City commissioned Fehr and Peers to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Pointe Project. The traffic study concluded that the road improvements either proposed by the developer or required by the City are adequate in width and pavement type to carry the kind of traffic that will be generated by the project.

SECTION 9.5.2703(1)(e): The granting of such use permit will not adversely affect the comprehensive General Plan.

CITY COUNCIL'S DETERMINATION: The Pointe Project is consistent with the General Plan designation for the project area, which is Residential within the Somersville Road Corridor Focus Area and will not adversely affect the comprehensive General Plan.

BE IT FURTHER RESOLVED that the City Council, after reviewing the staff report and considering testimony offered, does hereby APPROVE the Final Development, Vesting Tentative Map, and Use Permit (PD-08-01, PW 608, and UP-08-01) to construct 60 single-family homes including associated infrastructure improvements, an approximately 10,000 s.f. pocket park and two open space parcels, subject to the following conditions and the findings for the conditions which are attached to this resolution as Exhibit A:

A. GENERAL CONDITIONS

1. The City of Antioch Municipal Code shall be complied with.
2. Conditions required by the Planning Commission (and the City Council if applicable), which call for a modification or any change to the site plan shall be submitted, and shall be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Planning Commission (and City Council if applicable) and the standards of the City.
3. City staff shall inspect the site for compliance with conditions of approval prior to final inspection approval.
4. Design review approval is required prior to development of any phase of the subdivision.
5. That this approval expires two years from the date of approval (Expires January 28, 2016), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than a single, one-year extension shall be granted.
6. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge any land use approval or environmental review for the Project. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
7. This approval supersedes previous approvals that have been granted for this site.
8. No permits or approvals, whether discretionary or ministerial, shall be considered if the applicant is not current on fees, reimbursement payments and other fees that are due.
9. All required easements or rights-of-way for off tract improvements shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
10. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way.
11. All easements of record that affect individual parcels within this project shall be removed prior to or concurrently with the recordation of the final map.
12. The applicant shall establish a Home Owners Association (HOA) for this project in conformance with the regulations set forth by the State Department of Real Estate. The HOA shall be responsible for owning and maintaining all private common areas,

streets, street lights, the pocket park with water feature, landscaping, open space areas and amenities including storm water control facilities. The City shall review and approve the CC&Rs for the Homeowners Association prior to the recording of the first final map. The CC&Rs shall include restrictions providing for the development and maintenance of manufactured and landform graded slopes.

13. The CC&Rs shall include a provision indicating that the City of Antioch is named as a third-party beneficiary with the right, but not the obligation, to enforce the provisions of the CC&Rs relating to the maintenance and repair of the property and improvements, including but not limited to landscaping, parking, main utilities, open space, storm water and the prohibition of nuisances. The City shall have the same rights and remedies as the Association, Manager or Owners are afforded under the CC&Rs, including but not limited to rights of entry. This right of enforcement is in addition to all other legal and equitable remedies available to the City, including the right to refuse to issue building permits for any building or structure that is not in compliance with applicable federal, state or local laws, regulations, permits or approvals. Neither action nor inaction by the City shall constitute a waiver or relinquishment of any rights or remedies. In addition, the CC&Rs shall include a provision that any design approvals required by the CC&RS for construction, reconstruction and remodeling are in addition to any approvals needed from the City as well. Further, the CC&Rs cannot be terminated or amended materially without the prior written consent of the City Manager and City Attorney of the City of Antioch. Material changes are those that would change the fundamental purpose of the development; City approvals of uses or external modifications; property ownership or maintenance obligations including but not limited to common areas, storm water and landscaping; and Community Police Financing District or similar mechanism.

B. TENTATIVE MAP CONDITIONS

1. The Tentative Map approval is subject to the time lines established in the State of California Subdivision Map Act.
2. The lots and improvements within the development shall comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
3. Approval of this tentative map shall not constitute the approval of any improvements shown on the tentative map.
4. All lot areas shall conform to the general lot areas proposed, and approved, on the tentative map.
5. Approval of this tentative map shall not be construed as a guarantee of future extension or re-approvals of this or similar maps, nor is it an indication of future availability of water or sewer facilities or permission to develop beyond the capacities of these facilities.
6. Prior to the recordation of the Final Map for the Project, a lot line adjustment and/or lot merger shall be processed between the project and Lots 172-174 of the Black Diamond Ranch, Subdivision 8585, to accommodate for Summit Way, as directed by the City Engineer.

C. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 A.M. and 5:00 P.M., or as approved in writing by the City Manager.
2. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and Demolition Debris Recycling.
3. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The applicant shall post dust control signage with a contact number of the applicant, City staff, and the air quality control board.
4. The emergency vehicle access (EVA) and Lot 60 shall not be used for a staging area or for deliveries of materials, equipment, or construction workers and shall be otherwise secured from vehicle access other than emergency vehicles.

D. SITE AND PROJECT DESIGN

1. Provisions for mail delivery in the subdivision area shall be reviewed and approved by staff prior to the approval of the final map. Applicant shall install mail box facilities as required by the City Engineer.
2. Any conversion of the homes to allow for a second unit shall be subject to a use permit for such a conversion, in conformance with the City's "Second Unit" provisions of the Zoning Ordinance.
3. Prior to the approval of the final subdivision map, the City Engineer shall determine if it is necessary to engage soils and structural engineers, as well as any other professionals, deemed necessary to review and verify the adequacy of the building plans submitted for this project. If deemed necessary by the City Engineer, this condition may include field inspections by such professionals to verify implementation of the plans. Costs for these services shall be borne by the applicant.
4. All public street intersections shall meet the requirements of Caltrans Highway Design Manual for Intersection Design Standards (Topic 405), and all private streets shall meet those requirements to the extent practicable, or as approved by the City Engineer.
5. All proposed improvements shall be constructed to City standards.
5. All public streets shall intersect at 90 degrees and all private streets shall do so to the extent practicable, or as approved by the City Engineer.
6. All driveways shall be perpendicular to the street centerline for a minimum distance of 20 feet behind the curb, or as approved by the City Engineer.
7. Driveways for three car garages shall flare to the third garage only or as approved by City staff.

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8. Full curb cuts shall be used for all three-car driveways on lots that are at least 60 feet in width or as approved by City staff.
9. All driveways shall be a minimum of five feet from curb return.
10. A minimum of a 20 foot tangent shall extend beyond the return at intersections, or as approved by the City Engineer.
11. All lot sidelines shall be perpendicular or radial to the fronting street centerline, or as approved by the City Engineer.
12. The required 50 foot sight distance triangles shall be maintained at all intersections and that no object greater than 3 feet in height shall be placed in that triangle. All fencing, landscaping, signage, and slopes shall also not restrict sight distance.
13. Rear and side yard fencing shall be provided for all units. All fences shall be located at the top of slope, or as approved by staff.
14. In cases where a fence is to be built in conjunction with a retaining wall, and the wall face is exposed to a side street, the fence shall be setback a minimum of three feet (3') behind the retaining wall.
15. The applicant shall install streetlights and landscaping within the project area at no cost to the City. The Homeowners Association shall be responsible for owning and maintaining the streetlights and landscaping. The design of the streetlights, locations, and landscaping shall be reviewed and approved by the Planning Commission prior to the issuance of any building permit for the project.
16. The proposed street names shall be utilized in the development. If the applicant wants to change any of the street names not included in the staff report then the request will have to go back to the Planning Commission for approval.
17. All homes shall be identified by a decorative addressing method easily visible from the roads within the project in order to aid emergency responders. This method shall be reviewed by the Antioch Police Department and the Planning Commission.
18. The applicant shall provide a "checklist" of universal design accessibility features to home buyers as required by Section 17959.6 of the Health and Safety Code.
19. The sidewalk on Summit Place and Altamont Court shall be a five foot monolithic.
20. An accessible path of travel shall be provided to the pocket park.
21. All improvements for each lot (water meters, sewer cleanouts, driveway curb cuts, etc.) shall be contained within the lot and the projection of its sidelines, or as approved by the City Engineer.
22. Cul-de-sac parking shall be provided as required by the City Engineer.
23. One on-street parking space per lot shall be located within close proximity to the unit served or shall process a variance.

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24. The applicant and then the HOA, once the CC&Rs are operative, shall maintain all undeveloped areas within this subdivision/unit in an attractive manner, which shall also ensure fire safety.
25. The approximately 10,000 s.f. pocket park, which shall be owned and maintained by the HOA, design including the water feature shall be reviewed and approved by the Planning Commission.
26. The architecture, sound walls, fencing, mailboxes, lighting, any accent paving, addressing, and landscaping for the entire project shall be subject to review and approval by the Planning Commission prior to application for building and/or grading permits for the project.
27. A masonry wall shall be constructed for the entry at Summit Way adjacent to lots 172 and 174. The design shall be reviewed and approved by the Planning Commission prior to the recordation of the final map.
28. The gate to the entrance of the development shall be located a minimum distance of 20 feet from the intersection of Country Side Drive. The gate shall swing into the development. The gate shall be owned and maintained by the HOA.
29. The pedestrian path between Lots 42 and 41; 28 and 29; 26 and 25; and 14 and 15 shall be removed from the plans.
30. Prior to both December 31, 2014 and the issuance of any grading or building permit for the Pointe Project, Applicant shall complete all of the improvements to Somersville Road, including but not limited to widening Somersville Road, installing sidewalks, streets and a traffic signal as initially referenced in the Black Diamond agreements between the City and Discovery Builders (Development Agreement dated October 14, 2003 and amended October 10, 2006, Improvement Agreement dated March 17, 2004, Deferred Improvement Agreement dated May 1, 2007) and pursuant to the conditions in the Amendment to the Settlement Agreement between the City and Discovery Builders dated June 14, 2011.

E. UTILITIES

1. All existing and proposed utilities shall be undergrounded (e.g. transformers and PMH boxes) and subsurface in accordance with the Antioch Municipal Code, except existing P.G. & E. towers, if any or as approved by the City Engineer.
2. No fire hydrant or electrolier shall be located in the front yard of a corner lot.
3. Underground utilities shall be designed to flow approximately parallel to the centerline of the street, or as approved by the City Engineer.
4. All proposed drainage facilities, including open ditches, shall be constructed of Portland Concrete Cement.
5. All sewage shall flow by gravity to the intersecting street sewer main or as approved by the City Engineer.

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6. All public utilities shall be installed in streets avoiding between lot locations unless approved by the City Engineer.
7. All facilities collecting or conveying storm water from open space parcels shall be owned and maintained by a Home Owners Association, at no expense to the City.
8. The applicant shall submit hydrology and hydraulic analysis with a storm water control plan to the City for review and approval prior to the recordation of the final and to Contra Costa County Flood Control for review at no cost to the City as directed by the City Engineer.
9. An analysis of the City's Water Supply Zone IV shall be submitted to the City prior to the recordation of the final map to determine whether a hydro pneumatic booster pumping station (BPS) would be required to provide water supply delivery pressure to the project.
10. A public utilities easement that encompasses public utilities shall be provided as directed by the City Engineer.
11. All open space storm water shall be collected via V-ditches prior to being discharged into the City storm drain system.
12. The existing storm drain easement on lot 172 shall be vacated at no cost to the City and the storm drain shall be maintained by the HOA.
13. The storm water basin at the terminus of Crescent Court shall be maintained by the SLLD and the basin located at Metcalf Street and James Donlon Boulevard shall be maintained by the HOA.
14. The applicant shall submit a drainage study, prior to the recordation of the final map, outlining what facilities are to be constructed and how they will function as a part of the Drainage District, and that the improvements to mitigate the increased downstream runoff be constructed as required by the County Flood Control District and the City Engineer.
15. The applicant shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
16. The roof drain collection system shall be connected to an underground drainage system and be discharged through curb drains. The houses shall contain rain gutters and downspouts, with the downspouts and runoff of adjacent water to foundations being collected into an underground conduit, and discharged, as approved by the City Engineer.

F. LANDSCAPING

1. The slopes, medians, and any open space areas shall be developed and managed by the applicant as required by the City Engineer and shall be maintained at no cost to the City.
2. A 10-foot wide tree planting easement shall be provided across the front of all single family lots and that one 15 gallon tree shall be located within such easement prior to issuance of the certificate of occupancy. The City Engineer shall determine type and location of tree.
3. The Summit Way median and Summit Way shall be landscaped with design review approval subject to the Planning Commission.
4. The Home Owners Association shall provide for reimbursement of City maintenance of landscaped areas that are not maintained to an acceptable standard by the HOA.

G. FIRE REQUIREMENTS

1. Fire hydrants shall be furnished and installed, of a type and at a location approved by the City Engineer.
2. All weather access roads and a water supply shall be provided prior to commencing any combustible construction, as required by the Fire Chief.
3. Street widths shall be subject to approval by the Contra Costa County Fire Protection District and the City Engineer.
4. The applicant shall comply with the following conditions provided by the Contra Costa County Fire Protection District:
 - a. Access roadways of less than 28-feet unobstructed width shall have NO PARKING – FIRE LANE signs posted or curbs painted red with the words NO PARKING – FIRE LANE clearly marked, which signage shall be maintained by the HOA. 22500.1 CVC
 - b. The cul-de-sacs or turnarounds shall have an outside turning radius of a minimum of a 45' or as approved by the Fire District.
 - c. A minimum of two emergency apparatus access roadways are required when serving 26 or more dwelling units. The proposed 20-foot wide EVA, located adjacent to lot 60, appears to comply with Fire District requirements. The proposed EVA shall have an all-weather driving surface with a maximum allowable grade of 16%. (503.1.2) CFC
 - d. The applicant shall provide an adequate reliable water supply for fire protection with a minimum fire flow of 1750 GPM. Required flow shall be delivered from not more than one hydrant flowing simultaneously for the duration of 120

minutes while maintaining 20-pounds residual pressure in the main. (508.1), (B105) CFC

- e. The applicant shall provide seven hydrants of the East Bay type, which shall be maintained by the City. Hydrant locations will be determined by the Fire District.
- f. Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC. Gravel roads are not considered all-weather roadways for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum sub base materials and capable of supporting the designated gross vehicle weight specified above.
- g. Premises identification shall be provided. Such numbers shall contrast with their background and be a minimum of four inches high with ½-inch stroke or larger as required to be readily visible from the street. (505.1) CFC, (501.2) CBC
- h. The applicant shall submit three copies of site improvement plans indicating all existing or proposed fire apparatus access for review and approval prior to construction. (501.3) CFC
- i. The applicant shall submit three copies of a 300-foot scale parcel map indicating approved fire hydrant locations, street names, and addresses to the Fire District for mapping purposes. These maps are required prior to Fire District signing for final improvement plans. (Mylar)
- j. Plan review and inspection fees shall be submitted at the time of plan review submittal. Checks may be made payable to Contra Costa County Fire Protection District (CCCFPD).
- k. Submit plans to: Contra Costa County Fire Protection District, 2010 Geary Road, Pleasant Hill, CA 94523.

H. FEES

- 1. The applicant shall pay utility connection fees which have been established by the City Council prior to the filing of the final map and as required by the Antioch Municipal Code.
- 2. The applicant shall pay traffic signal fees as adopted by the City Council.
- 3. The applicant shall pay the Regional Traffic Impact Fee as well as all other applicable fees, including any future increase in the Regional Traffic Impact Fee.
- 4. The applicant shall pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance.
- 5. Prior to filing of the first final map for recording, the applicant shall pay all costs associated with having an engineer's report prepared and shall annex the property

into the existing Landscape and Lighting District 2A-10. The applicant shall agree to accept a level of annual assessments sufficient to maintain improvements including but not limited to street lights, parks, drainage, and landscaping as identified in the Engineer's Report, all at no cost to the City.

6. The project is subject to the current Community Park Fee and future Community Park Fees as established and levied by the City Council.
7. Improvements and fees that are required by the Contra Costa County Flood Control District shall be implemented, as approved by the City Engineer.
8. The applicant shall pay all required school impact fees, fire facility, and sewer fees.
9. The applicant shall annex the project into the Community Police Financing District once it has been established or if the project is first to build, the applicant shall establish the District or similar land-based financing mechanism approved by the City for police services. The applicant shall agree to accept a level of annual assessments sufficient to maintain police services for the project's direct proportional impact of the General Plan performance standard of a range of 1.2 officers to 1.5 officers, including community service officers assigned to community policing and prisoner custody, per 1,000 population.
10. If, at the time of first building permit issuance for the Project, the City has not adopted revised and additional development impact fees for projects throughout the City, the applicant shall pay the lesser of either the Residential Development Allocation financial contributions in City Council resolution 2008/11 (conditions 9-12), which were imposed in 2008 as a condition of the residential development ("growth management") allocation for the subject property, or the revised development impact fees. If, at the time of first building permit issuance for the Project, the City has adopted revised and additional development impact fees or those fees have been legally challenged and there is not a final decision by a court with jurisdiction, then the applicant shall comply with conditions number 9-12 in City Council resolution 2008/11.

I. MODEL HOMES

1. Prior to the placement of any sales trailers, plans shall be submitted to the Engineering Department for review and approval. Any trailer shall be placed out of the public right-of-way and shall have its own parking lot with a minimum of ten (10) full-sized parking spaces.
2. The model home complex parking lot location and design shall be subject to staff approval. This complex shall feature a minimum of ten (10) full-sized parking spaces.
3. The model home landscaping shall be drought tolerant, with total area of spray irrigation for the complex not to exceed 50 percent of the landscaping area. The landscaping shall be reviewed by the Planning Commission.

J. GRADING

1. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
2. All lots and slopes shall drain to approved drainage facilities as approved by the City Engineer.
3. All grading shall be accomplished in a manner that precludes surface water drainage across any property line.
4. All lots shall be graded to drain positively from the rear to the street or as approved by the City Engineer.
5. The swales adjacent to the house structure shall have a minimum of a 2 percent slope or as directed by the City Engineer.
6. All off-site grading is subject to the coordination and approval of the adjacent property owners, and the City Engineer. The applicant shall submit written authorization to "access, enter, or grade" adjacent properties prior to performing any work.
7. Any sale of a portion (or portions) of this project to multiple developers shall include the necessary agreement and/or grading easements to assure that project-wide grading conforms to the approved map and conditions of this resolution.
8. The grading plan for this development shall be approved by the City Engineer.
9. The final grading plan for this development shall be signed by a California licensed geotechnical engineer and approved by the City Engineer.
10. All elevations shown on the improvement plans shall be on the USGS 1929 sea level datum.
11. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
12. The applicant shall submit a program for preventative maintenance of major manufactured slope areas, which must be reviewed and approved by staff prior to approval of the final map, and shall include homeowner slope maintenance requirements and guidelines.
13. No retaining walls shall be constructed in City right-of-way or other City maintained parcels unless approved by the City Engineer.

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14. All retaining walls shall be of masonry construction.
15. All retaining walls shall be reduced in height to the maximum extent practicable and the walls shall meet the height requirements in the front yard setback as required by the City Engineer.
16. On Parcels A and B, manufactured slopes in excess of five feet shall be landform graded. The landform grading shall create slopes with curves and various slope ratios in the horizontal and vertical planes to simulate the appearance of natural terrain, as directed by the City Engineer.
17. Street slopes across intersections shall not exceed 6 percent and street slopes shall not exceed 15% or as approved by the City Engineer.
18. Building pads abutting Sky Ranch II, Subdivision 8475, shall be constructed at an elevation above or equal to the Sky Ranch II subdivision.
19. The back to back or side to side grading transitions from lot to lot shall have a maximum slope of 2:1, and shall be accommodated entirely on the lower lot or as approved by the City Engineer.
20. The minimum concrete gutter flow slope shall be 0.75%. All property lines shall be located at the top of slope.

K. CONSERVATION/NPDES

1. Water conservation measures, including low volume toilets, flow restrictors in showers and the use of drought tolerant landscaping shall be used.
2. The Project shall meet or exceed Tier 1 of the CALGreen Building Code.
3. The project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the project include storm water treatment and source control measures, as well runoff flow controls, so that post-project runoff does not exceed estimated pre-project runoff. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved. The SWCP shall be submitted simultaneously with the project plans. An Operation and Maintenance Plan (O&M) for the treatment and flow-controls in the approved SWCP shall be submitted and approved before the Building Department will issue Certificate of Occupancy permits and shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
4. The applicant shall comply with the Storm Water Treatment Plan dated August 30, 2013.

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5. The following requirements of the federally mandated NPDES program (National Pollutant DISCHARGE Elimination System) shall be complied with as appropriate, or as required by the City Engineer:
 - a. Prior to issuance of permits for building, site improvements, or landscaping, the applicant shall submit a permit application consistent with the applicant's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.
 - b. The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).
 - c. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for review and approval by the City, a final Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&M plan shall incorporate City comments on the draft O&M plan and any revisions resulting from changes made during construction. The O&M plan shall be incorporated into the CC&Rs for the Project.
 - d. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute and record any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
 - e. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
 - f. Collect and convey all storm water entering, and/or originating from, the site to an adequate downstream drainage facility. Submit hydrologic and hydraulic calculations with the Improvement Plans to Engineering Services for review and approval.
 - g. Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge Identification Number (WDID#) issued from the Regional Water Quality Control Board.

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- h. Submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for review to the Engineering Department prior to issuance of a building and/or grading permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.
- i. Install appropriate clean water devices at all private storm drain locations immediately prior to entering the public storm drain system. Implement Best Management Practices (BMP's) at all times.
- j. Install on all catch basins "No Dumping, Drains to River" decal buttons.
- k. If sidewalks are pressure washed, debris shall be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the sanitary sewer District.
- l. Include erosion control/storm water quality measures in the final grading plan that specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydro seeding, gravel bags and siltation fences and are subject to review and approval of the City Engineer. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to review and approval of the City Engineer. The applicant shall be responsible for ensuring that all contractors and subcontractors are aware of and implement such measures.
- m. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually.
- n. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered.
- o. Clean all on-site storm drain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by City Inspectors and/or City Engineer.

L. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

1. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 28th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

**ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH**

Exhibit A

Additional Explanation Regarding Findings for the Conditions of Approval

A. GENERAL CONDITIONS

1. The City of Antioch has established a Municipal Code to protect the public health, safety, and welfare of the citizens within the City. This condition of approval is necessary for the developer to mitigate any project impacts that may threaten the health, safety, or welfare of its citizens.
- 2-3. In order for the project to be constructed to the City's approved standards, Staff will verify that the plans adequately reflect the changes made by the Planning Commission (and City Council if applicable) and City staff will inspect the site for compliance with the conditions of approval prior to final inspection approval. These conditions protect the public safety, health, and general welfare of the residents of the Project and surrounding residential and other uses by providing an adequate reflection of the approved project prior to the issuance of building permits in addition to a follow up site inspection to ensure the Project was built as conditioned.
4. The project will be adding structures to the landscape of the City and those structures should be harmonious and orderly with the surrounding neighborhood as well as aesthetically pleasing. Therefore, this condition is necessary to have the Planning Commission review the design since it is not being considered as part of this project.
5. The regulatory environment of land development and baseline conditions change frequently. Therefore this condition is necessary to ensure that if the project is not timely constructed, any future consideration of the project going forward is subject to the most current regulations in order to promote the public health, safety, and welfare in the City of Antioch.
6. The Project is being pursued by a private developer and the City's responsibility is to promote orderly development within the City. This condition is a standard requirement necessary to protect the City from the financial and time expenses for defending challenges to land use entitlements or environmental reviews that are financially benefitting the applicant, particularly given the City's own financial constraints.
7. The City is granting approval to construct 60 single family homes and this approval supersedes any prior approvals for the same property.
8. The Project takes City time and staff to process development applications through the land use entitlement process. The development of property is for the benefit of the applicant; therefore the condition is necessary to ensure the applicant pays the expenses to process the application rather than having that burden placed on the taxpayers for another's benefit.
- 9-11. The development of this Project could require construction within the public right-of-way and/or private and public easements. These conditions are necessary to protect private and public property interests, as well as the traveling public, by requiring the applicant to obtain permission prior to entering, accessing, or making modifications to property not owned by the applicant.
- 12-13. The applicant is proposing to have private areas of the development such as the streets, common areas, street lights, and a pocket park with water feature, landscaping, open space areas and amenities including storm water control facilities. These private areas will be owned in common and thus will be required to be maintained by a Homeowners Association (HOA). The City will need

to ensure that the obligations of the HOA are clear through the recorded CC&Rs to ensure the conditions of approval are met.

B. TENTATIVE MAP CONDITIONS

1-6. The City is subject to the State of California Subdivision Map Act and the City's own Subdivision provisions in the Antioch Municipal Code, which set forth conditions of approval to govern the subdivision's design (lots, streets, rights-of-way, drainage, sewer, etc.) and to ensure that a subdivider will properly complete the areas dedicated for public purposes to not become an undue burden upon the taxpayers of the community. The vesting tentative map provides a framework of the design and improvements for the subdivider to propose a project to the approving bodies of the City for consideration as an entitlement action. These conditions are necessary to ensure the subdivider is going to build what the City reviewing bodies considered as part of the project, as well as to ensure the subdivider will construct the required infrastructure in an orderly manner. The conditions are necessary to prevent an undue burden on the City of Antioch because of the Project.

C. CONSTRUCTION CONDITIONS

1-4. The construction of the Project will span approximately one year and will include site preparation, earthmoving, and general construction, which includes the development of buildings, structures, and facilities. Construction activities will produce impacts related to noise, dust, vibrations, and traffic that must be addressed and mitigated. In addition, the City is under a State-wide mandate to divert its waste by 50% and thus the City has adopted an ordinance to reduce construction and demolition debris from going to the landfill. These conditions of approval are necessary to address these impacts from the Pointe Project to ensure the public health, safety, and welfare of the Antioch community are protected and that development in the City occurs in an orderly fashion consistent with the City's General Plan and Municipal Code and to avoid creating temporary or permanent nuisances.

D. SITE AND PROJECT DESIGN CONDITIONS

The Project is proposing to construct 60 single family homes, two open space parcels, two storm water basins, a pocket park with a water feature, and related infrastructure.

1-2. The Project will have impacts associated with mail delivery and the potential construction of second units and in order to promote harmonious development and to preserve the health, safety, and welfare of the residents of this Project and the mail carriers, these conditions are necessary.

3. The Project requires extensive grading of the hillside due to the removal of 104 vertical feet from the project site, which will have impacts on the final elevations for the overall development and the adjacent properties. It may be necessary for the City to engage professionals to verify the adequacy of the plans in order to preserve the health, safety, and welfare of the residents of this Project, the surrounding neighborhood, and the construction workers, and therefore this condition is necessary.

4-12. The Project will be constructing streets and driveways to serve the Project and in order to maintain the health, safety, and welfare of the residents and those that will visit this Project; the streets and driveways need to be adequately designed for safe travel and maneuverability. Therefore these conditions are necessary for the Project.

13-14. The Project is required to construct fences on all rear and side yards in order to preserve the health, safety, and welfare of the residents of this Project. Because fencing provides a barrier to pedestrian and vehicular trespassing, provides privacy, and provides a barrier for children and pets, these conditions are necessary.

15. The installation of street lights is required for the project to enhance the health, safety, and welfare of the residents of this Project by providing lighting to increase security of both people and property as well as to provide illumination to see at night; therefore this condition is necessary. The project has two open space parcels, front yards, a pocket park, and storm water basins that will be graded and will require landscaping. These conditions are necessary to promote the health, safety and general welfare of the citizens of the City of Antioch by preserving and enhancing the City's natural environment; to facilitate the creation of a convenient, attractive, and harmonious community; to minimize erosion and disturbed lands through revegetation; to conserve energy by the provision of shade trees over streets, sidewalks, and other paved areas; to reduce the risk of fire by the management of flammable vegetation; to improve the appearance of the built environment; and to encourage the appropriate use of and orderly development of land.

16-17. Street names and addresses are utilized in navigating the proposed Project by the residents, visitors, mail delivery, and emergency responders. The street names may be rejected by the emergency responders due to duplication or other reasons; therefore requiring backup names. Addresses need to be clearly indicated or there may be issues trying to locate the physical address. These conditions of approval are necessary to promote the health, safety and general welfare of the citizens of the City of Antioch to successfully navigate and locate a physical address.

18. The State of California mandates any new for-sale housing developments provide a list to buyers of universal accessibility features that would make the home entrance, interior routes of travel, the kitchen, and the bathrooms fully accessible to persons with disabilities. Universal design provides a safer and easier to use home for persons who are aging or frail, or who have certain temporary or permanent activity limitation or disabilities. The condition is necessary to meet State law and to promote the safety of the residents of the Project.

19-20. To improve accessibility of the development, the Project is required to install a five foot monolithic sidewalk. The sidewalk will promote the harmonious development of the project as well as the health, safety and general welfare by providing an accessible path of travel as well as increasing the walkability of the neighborhood.

21. All improvements shall be contained within each lot and the projections of its sidelines will promote harmonious development within the City. By having the improvements contained within each lot, the owner will not need to access the public right-of-way or another person's property for maintenance or to fix an issue on his or her property. This will make maintenance as well as emergency repairs easier and more likely to be accomplished to the benefit of the owner and neighboring properties; therefore this condition is necessary.

22-23. The applicant is not proposing a City standard cul-de-sac, which provides additional parking due to limited street parking on the cul-de-sac because of the design. The applicant is currently not meeting the City's on-street parking requirements; therefore additional parking may have to be provided in the cul-de-sac. If the parking requirements are not met there could be adverse impacts to the health, safety, and welfare of the residents as well as the surrounding neighborhood; therefore these conditions are necessary.

24-25. The Project contains a pocket park and undeveloped areas, which are to be private. Because the areas will be private, it will require ownership and maintenance by a Homeowners'

Association. The condition is necessary because the Homeowners' Association will be ensuring the health, safety, and welfare of the Project area, which will improve fire safety and provide a more aesthetic community.

26-27. The Project will be adding structures to the landscape of the City and those structures should be harmonious and orderly with the surrounding neighborhood as well as aesthetically pleasing. Therefore, these conditions are necessary to have the Planning Commission review the design since it is not part of this project.

28. The Project is proposing a gate, which will have impacts that need to be mitigated through this condition of approval. The gate is required to be at least 20' from the entrance at Country Side Drive, in order to not block any traffic. The gate will be private and maintained by the HOA, which is ensuring the health, safety, and welfare of the Project area, which will result in a more aesthetically pleasing and harmonious community.

29. The proposed pedestrian path has impacts associated with it that cannot be mitigated such as privacy issues with the lots immediately adjacent to the path. These issues will detract from a harmonious and safe development; therefore this condition is necessary.

30. The developer for the Black Diamond Ranch project, Discovery Builders (which is also the applicant for this proposed Pointe Project) was required to widen Somersville Road and install sidewalks, street lights and a traffic signal, pursuant to the Black Diamond Ranch approvals (including a Development Agreement dated October 14, 2003 and amended October 10, 2006, Improvement Agreement dated March 17, 2004, Deferred Improvement Agreement dated May 1, 2007). Discovery Builders did not make these road improvements and, pursuant to a Settlement Agreement dated September 15, 2009, the improvements were deferred for a limited period of time. When Discovery Builders still did not make the improvements, the City Council adopted Resolution No. 2011/18 and notified the surety for Discovery Builders regarding an apparent default and/or breach by Discovery Builders relating to the Markley Creek Culvert Project and the Somersville Road Project. Discovery Builders filed a lawsuit against the City of Antioch (Contra Costa Superior Court Case No. CIVMSN11-0539), which resulted in a further Amendment to the existing 2009 Settlement Agreement. This Amendment to the Settlement Agreement dated June 14, 2011, amid other provisions, resulted in the City taking over the construction of the Markley Creek Culvert Project, at Discovery Builder's cost, so that Discovery Builders could complete the Somersville Road project no later than December 31, 2014. Given the existing traffic conditions, the assumption that the Somersville Road improvements would be completed before construction of the Pointe Project in the Mitigated Negative Declaration for that Project, and in order to protect the public health, safety, and welfare, it is also appropriate to require that Somersville Road be completed prior to grading or construction of any of the units in the Pointe Project.

E. UTILITIES

1. The Project will require electrical, water, sewer, and storm drain facilities. The Antioch Municipal Code requires that all utility facilities (including, but not limited to, electric, communication, and cable television lines) which are located on-site or adjacent to the subdivision shall be placed underground. In order to minimize visual clutter, utilities should be placed underground or subsurface. This condition is necessary to promote the desirability of the City through the minimization of visual clutter and to maintain the aesthetics of the City as well as adherence to the Antioch Municipal Code.

2-16. The City of Antioch owns the sewer conveyance lines within the City and also provides water service to residents within the city limits. In order to maintain these lines, the City requires

easements as well as the orderly development of public utilities to ensure the lines are installed in an appropriate manner. The City is also required to comply with the California Regional Water Quality Control Board storm water control permit for managing storm water flows. These conditions are necessary to ensure the Pointe Project infrastructure and facilities are constructed in a manner to minimize maintenance, are easily accessible, and will function appropriately. These conditions are also necessary to ensure the public health, safety, and welfare of the residents of the Project as well as to ensure adequate capacity to serve the Project with the existing infrastructure and not compromise the service of the existing users.

F. LANDSCAPING CONDITIONS

1-4. The project has two open space parcels, front yards, a pocket park, and storm water basins that will be graded and will require landscaping. The City has also adopted Citywide Design Guidelines, which set standards for streetscape design in regards to landscaping. These conditions are necessary to promote the health, safety and general welfare of the citizens of the City of Antioch and adhering to the Design Guidelines by preserving and enhancing the City's natural environment to facilitate the creation of a convenient, attractive, and harmonious community; to minimize erosion and disturbed lands through revegetation; to conserve energy by the provision of shade trees over streets, sidewalks, and other paved areas; to reduce the risk of fire by the management of flammable vegetation; to improve the appearance of the built environment; and to encourage the appropriate use of and orderly development of land.

G. FIRE REQUIREMENTS

1-4. The Contra Costa Fire Protection District provides fire services for the City of Antioch and follows the California Fire Code. The conditions of approval are necessary on the Project to protect the public health and provide for the safety and welfare of life and property from fire and explosion hazards or dangerous conditions in new buildings and existing buildings; structures and premises; and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

H. FEES

1-10. The City of Antioch, the Contra Costa Flood Protection District, and the Antioch Unified School District provide existing infrastructure such as streets, utilities, traffic signals, schools, public right-of-way, parks, flood mitigation improvements, parks, and police services. The fees required by the conditions of approval serve two functions: 1) the funds will provide mitigation for the project's fair share impact and the Project's responsibility of costs for the existing infrastructure due to the increase in population and 2) to mitigate the costs of additional infrastructure and maintenance necessary due to the impact of the Project. The conditions of approval are necessary to mitigate impacts to public infrastructure from deterioration as well as provide additional infrastructure to serve the additional population.

I. MODEL HOMES

1-3. The applicant will construct model homes to provide customers with a sample of the product, which assists with the sale of their housing products. The model homes are a temporary commercial use, so special consideration must be given through the conditions of approval. The conditions are necessary to ensure the models will not adversely affect the character of the surrounding residential neighborhoods or create a public nuisance.

J. GRADING

1-21. The project requires extensive grading of the hillside due to the removal of 104 vertical feet from the project site, which will have impacts on the final elevations for the overall development and the adjacent properties. These final elevations of the project site are important to drainage, sewer installation, roadway slopes, lot design, promoting harmonious design, and retaining wall height. These conditions are necessary to ensure public health, safety, and welfare because the grading has to be designed and approved by a licensed geotechnical engineer. The licensed geotechnical engineer is responsible for the development of a plan detailing the site conditions, design, and construction recommendations based on specific information on subsurface soil, rock, and water conditions. The impacts of the grading will be mitigated by the conditions of approval to ensure slope stability, appropriately functioning utilities, and the development will be in accordance with the surrounding properties.

K. CONSERVATION/NPDES

1-2. The Project is proposing to create 60 homes, open spaces, two storm water basins, and a park, all with landscaping. The condition of approval pertaining to water conservation measures is necessary to reduce the amount of water used since water is a finite resource and to protect aquatic resources. The condition of approval pertaining to CALGreen will protect natural and nonrenewable resources by using recycled materials and will result in reductions in energy usage and water. These conditions of approval protect the general welfare of the State by ensuring the efficient usage of natural, nonrenewable, and water resources.

3a-o. The Project is proposing to create impervious surface as well as engage in land disturbing construction activities which will lead to increased storm water runoff. The City is under Federal and State mandate to control water pollution by regulating point sources that discharge into local water bodies. Point sources are discrete conveyances such as pipes or man-made ditches. The Project is proposing two storm water control basins and a variety of conveyances to handle the storm water from the development. These conditions of approval are necessary to address these impacts from the Pointe Project to ensure the public health, safety, and welfare of the Antioch community is protected by control point source pollutants.

L. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

1. As required by the State of California, through the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Pointe Project. Impacts of the Project were identified that could have produced potentially significant environmental impacts unless the project was changed or mitigation measures were adopted to avoid those impacts. With the implementation of the adopted mitigation measures, there is no substantial evidence that any of the Project's impacts would be significant. This condition of approval is provided to help ensure the Project complies with all adopted mitigation measures.

ATTACHMENT "C"

Aerial Photograph



ATTACHMENT "D"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF DECEMBER 10, 2013

Prepared by: Mindy Gentry, Senior Planner *MA*
Approved by: Tina Wehrmeister, Community Development Director *TW*
Date: December 5, 2013
Subject: GP-13-02, Z-13-07, PD-08-01, PW 608, UP-08-01
The Pointe Subdivision 9017 ("Pointe Project")

RECOMMENDATION/ACTIONS

It is recommended that the City Council uphold the Planning Commission's decision and deny the project (Attachment "A"). CEQA does not apply to project denials; therefore, it is further recommended that the City Council take no action on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project.

1. Adopt the resolution denying the General Plan amendments.
2. Adopt the resolution denying the rezone of the subject property from Hillside Planned Development (HPD) to Planned Development (PD).
3. Adopt the resolution denying the Final Development Plan, Vesting Tentative Map, and Use Permit for 60 single family units.

OPTIONS

1. If the City Council desires to consider further action on the project, including possible approval, then the Council should:
 - a. Direct staff to: (i) respond to comments received on the IS/MND; OR (ii) prepare an environmental impact report; and
 - b. Direct staff to prepare proposed resolutions reflecting the Council's direction.

APPLICATION

Discovery Builders, a company run by Albert Seeno III, requests approval of the following: (1) General Plan amendments (GPA) to: (a) remove the subject property's and Black Diamond Ranch's current designation of Low Density Residential and instead to include the properties in the Somersville Road Corridor Focus Area and (b) add language to the General Plan waiving the requirements of certain applicable sections of the General Plan related to hillside development; (2) a rezone from Hillside Planned Development (HPD) District to Planned Development (PD) District; (3) an amendment to the zoning ordinance to provide the City Council with the discretion to determine if the Hillside Planned Development District policies apply to a project; (4) a Vesting Tentative Map; (5) a Final Plan Development; and (6) a Use Permit in order to create 60 lots intended for single family homes. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) ("Pointe Project") (Attachment "B").

D1

12-10-13

Each requested action/entitlement is discussed below:

IS/MND & MMRP: An Initial Study/Mitigated Negative Declaration has been prepared for the project and it was available for public review from October 8, 2013 to October 28, 2013.

General Plan Amendment: The applicant is requesting General Plan amendments to remove the General Plan designation of Low Density Residential from both the Pointe Project site and the Black Diamond Ranch subdivision and instead to include them into the Somersville Road Corridor Focus Area and to waive the requirements of the General Plan Section 5.4.14 for residential properties within the Somersville Road Corridor Focus Area subject to the Planned Development process.

While the applicant did not request this, staff is recommending the City Council also consider adding the following to the applicant's request: adding a Residential designation to the Project site and to the Black Diamond Ranch subdivision in order to maintain consistency within the Focus Area as well as add General Plan Section 4.4.1.1 and Policy 10.3.2, which pertain to development on steep sites, to the aforementioned waiver language in order to maintain internal consistency within the General Plan.

Rezone to Planned Development (PD) District: The project site is currently zoned with a designation of Hillside Planned Development (HPD) and the proposed rezoning is to Planned Development (PD).

Amendment to the Zoning Ordinance: The applicant is proposing to add language to Article 24 of the Zoning Ordinance to provide the City Council with the discretion to determine if the provisions of the Hillside Planned Development policies apply to a project. This amendment would not be necessary if the project is rezoned to Planned Development (PD), which is discussed in further detail below.

Vesting Tentative Subdivision Map (PW 608): A major subdivision is being requested to create the lots for the 60 single-family dwelling units and additional common/residual parcels.

Approval of Final Development Plan: Approval of the Final Development Plan goes hand in hand with the rezoning described above. The Final Development Plan and the PD district effectively become the zoning for the project area. In this case, the Final Development Plan will be for 60 single family homes, which includes 51 lots in a gated community and nine lots within the existing Black Diamond Ranch subdivision. The plan also includes an approximately 10,000 square foot pocket park and two open space parcels (Parcel A – 2.5 acres and Parcel B – 1.4 acres), which are to be maintained by the Homeowners Association (HOA).

Use Permit: Per the Zoning Code, in order to implement the Final Development Plan a use permit is required. The developer is requesting a use permit for 60 single-family homes, a pocket park, and two open space parcels.

The design and architectural elements, including landscaping, are not being considered at this time. If the project is approved, the developer would seek design review approval from the Planning Commission subsequently.

BACKGROUND INFORMATION

The subject site was originally part of the Black Diamond Ranch subdivision, which is the adjacent 286 unit single family housing development with lots ranging in size between 4,000 to

6,000 s.f., with publicly maintained roads. The subject site had a designation of "Open Space" on the Black Diamond Ranch tentative map and was to be deeded to the City. In 2005, the applicant requested the opportunity to develop "executive/estate" housing on this parcel and, in November 2005, the City Council re-designated the Open Space area as "Owner/Developer Remainder Parcel" (Attachment "C"). While the reclassification of the parcel removed the requirement for the developer to dedicate the parcel to the City, it did not guarantee any development rights. One of the conditions of approval on the reclassification of the parcel was that the applicant make an irrevocable offer of dedication to the City. However, this condition also provided that if the City approved a future development proposal on this parcel, then the City would decline the dedication. If the development proposal was denied then the City would be required to consider acceptance of the dedication. The other condition of approval required a development application to be submitted within three years of the date of the City Council approving the re-designation to "Owner/Development Remainder Parcel". Otherwise the Council would consider acceptance of the offer of dedication.

Preliminary Development Plan (PDP)

The applicant originally provided a Preliminary Development Plan with 72 lots for single family homes; however based on direction provided by the Planning Commission on February 21, 2007 and staff, the applicant resubmitted a preliminary development plan for a 60 lot subdivision. The direction from the Planning Commission was to redesign the site and to take the Hillside Planned Development policies into consideration: the streets shall follow the natural contours of the hillside and the lots should be larger with more useable space, to name a few (Attachment "D").

The Council provided feedback on the 60 residential units PDP on June 12, 2007 and directed staff to take the project through the RDA process, a process that has been substantially modified since then. (Attachment "E").

Residential Development Allocation (RDA)

On August 20, 2007, the Residential Development Allocation Committee, based on a satisfactory score of 308.8 points (Attachment "F"), recommended approval of 60 residential development allocations (Attachment "G"). On September 19, 2007, the Planning Commission heard the applicant's request for 60 allocations and subsequently recommended denial of the project to the City Council (5-0, with 2 absent). The Planning Commission's reasons for denying the project were as follows: violation of the General Plan and Hillside Planned Development Ordinance, the layout and small lots were not typical of executive housing, lack of amenities, and incompatible architectural features and design. While the Planning Commission's reasons for denial varied, the majority stated the project was in violation of the General Plan and Hillside Planned Development Ordinance (Attachment "H").

On January 22, 2008 the City Council heard and approved the applicant's request for 60 residential development allocations. Following the Planning Commission hearing, the applicant had revised the offered community benefits, which are reflected in the Council resolution included as Attachment "I". The RDA process has changed considerably since the approval in 2008 and City staff is currently working on a Development Impact Fee study; therefore, if the Council rejects the Planning Commission's recommendation to deny the Project, staff recommends that it consider adding, as a proposed condition to the project, that the applicant either pay all financial contributions as approved in 2008 or the Development Impact Fee.

Final Planned Development, Use Permit, and Design Review Application/CEQA Document

Subsequent to the City Council hearing, on January 29, 2008, the applicant submitted an application for a Final Planned Development, Vesting Tentative Map, Use Permit, and design review. Since that time, City staff has been working with the applicant to usher the project through the California Environmental Quality Act (CEQA) and entitlement processes. In May 2010, the City's environmental document consultant determined through the Initial Study process there would be significant and unavoidable impacts to Aesthetics and Land Use Planning and that therefore an Environmental Impact Report would be required (Attachment "J"). City staff agreed with this assessment unless the proposed project was modified to avoid any potential significant environmental impacts. On August 2, 2010, Staff provided the applicant with three options of moving forward: 1) proceed with the project as proposed, finalize the Initial Study and prepare an EIR, 2) submit General Plan and Zoning Code amendment applications for the project, which could address the significant impacts that are triggering the EIR, or 3) amend the project such that all significant impacts are avoided and the Initial Study would be revised accordingly.

On August 11, 2010, the applicant filed an appeal of the staff decision regarding the requirement of preparing an EIR to address the significant and unavoidable impacts. As allowed per the Municipal Code, Mayor Davis appealed the matter directly to the City Council. While the appeal was pending, meetings and other communications occurred with the applicant, resulting in the applicant deciding to amend its project and file General Plan and Zoning Code amendments in December 2011. Following the amendments, the Initial Study/Mitigated Negative Declaration was revised and completed in March 2013. Following completion of that environmental document, staff has been attempting to address concerns regarding the site plan. The applicant addressed certain issues regarding storm water facilities, but requested that the remaining issues be addressed via the conditions of approval.

To provide the Council with a timeline for the Project's lengthy course, a letter from the City to the applicant, dated September 27, 2011, illustrates the path of the Project (Attachment "K").

November 6, 2013 Planning Commission Hearing

The proposed project was heard before the Planning Commission on November 6, 2013 and resulted in a 5-0 vote, (one absent and one vacancy) recommending the City Council deny the project. No action was taken by the Planning Commission on the IS/MND. Several residents, Save Mt. Diablo, and the East Bay Regional Park District submitted oral and/or written comments expressing concerns regarding the project. The concerns included safety, traffic, massive grading, drainage issues, aesthetic issues, and putting a gated community within the existing community (Attachment "L"). The Planning Commission expressed concerns regarding the adequacy of the environmental document given the extent of the construction as well as concerns regarding the requested exceptions for the Project; the Project's incompatibility with the City's policies and standards; the precedent it could set for encouraging this type of development within the City; and that the community was not involved in the design process. Based on the aforementioned, the Planning Commission recommended denial of the Project.

ENVIRONMENTAL

In compliance with the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project. The IS/MND was circulated for a 20-day public review period from October 8, 2013 to October 28, 2013. The IS/MND was provided to the City Council on October 23, 2013 and is available on the second floor of City Hall in the

Community Development Department, and can also be found on the City's website at: <http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>.

The IS/MND identified the following as environmental factors that would be potentially affected by the proposed project: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hydrology/Water Quality, Land Use/Planning, Noise, Public Services, Utilities/Service Systems, and Mandatory Findings of Significance. The IS/MND identified mitigation measures that it stated would reduce all project impacts to a less-than-significant level and a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project. These are described in detail in the environmental document.

At the close of the comment period on October 28, 2013, the City received four comment letters on the IS/MND (Attachment "M"), but due to the timeline for getting the Planning Commission's staff report to publication, the City did not formally respond to these letters. Following, the Commission's recommendation to not act on the IS/MND and a recommendation of denial to the City Council; staff did not engage the City's environmental consultant to pursue a response to these letters due to concerns about expending time and funds for work that may not be necessary. If the City Council desires further consideration of the project, then staff recommends responding to comments received on the IS/MND or to direct staff to prepare an Environmental Impact Report (EIR) based on the comments received on the IS/MND.

A letter was also received by the City from Save Mt. Diablo requesting a delay of the project because the IS/MND was not sent to the State Office of Planning and Research and because a formal response to comments has not been released by the City (Attachment "N"). The subject project is not considered a project of regional significance; therefore was not required to be sent to the State. Responses to comments on an IS/MND are not required by CEQA. However, the City's protocol is to formally provide written responses to all comments received regardless of the type of environmental document. As stated above, if the City Council is considering further action on this project, then staff is recommending a formal response to comments be drafted or the Council to direct staff to prepare an EIR.

ANALYSIS

Issue #1: Project Overview

The proposed project consists of 60 single family one-story and two-story homes to be constructed on an approximately 21 acre site at the western edge of the City and adjacent to the Black Diamond Ranch subdivision. The majority of these homes, 51, would be located within a gated community accessed from the neighboring Black Diamond Ranch subdivision via Summit Way. The remaining 9 homes would be incorporated into the Black Diamond Ranch subdivision, interspersed with the homes along Country Side Way and Torgensen Court. The 51 homes are separated from the rest of Black Diamond Ranch by two open space parcels, A and B. The two parcels circumvent the base of the hillside in three directions, where parcel A is approximately 2.6 acres and Parcel B is approximately 1.4 acres.

The project would require extensive grading of the site, requiring cuts up to 104 feet and fills of less than 10 feet. Approximately 16.7 acres of the 21 acre site would be developed with roads and homes, with about a 50 to 100 foot buffer encircling the gated community, and a centrally located park, totaling about 4.3 acres.

The proposed parcels within the private community would have an average size of 10,537 square feet (s.f.) and would range in size from 10,000 s.f. to 14,371 s.f., while the nine lots in

Black Diamond Ranch would average 10,004 s.f. and range from 6,616 s.f. to 21,495 s.f. According to the applicant, the proposed development would result in an overall density of 2.9 acres. However, that calculation includes developable and undevelopable land. The General Plan considers any lands generally over a 25 percent slope to be undevelopable, so the density would be considerably higher if undevelopable land was not included in the calculation because 78 percent of the project site has slopes that exceed 25 percent. Accordingly, after discussing this issue with staff, the applicant has requested that the Council approve a General Plan amendment to waive the requirements of this section of the General Plan. This request is discussed in further detail below.

Lot 60, located on Torgensen Court, would be the largest lot at 21,495 s.f. but would also contain the emergency vehicle access easement and road connecting Torgensen Court with Summit Place to provide secondary emergency access to the 51 gated homes.

The private subdivision, of 51 homes, would be configured on three terraced levels, each served by a private street, which would be maintained by the HOA. Each street, separated by a grade difference of about 20 vertical feet, would terminate in a cul-de-sac.

The surrounding land uses are as follows:

- North: Single family residential subdivision (Black Diamond Ranch)
- South: Single family residential subdivision (Black Diamond Ranch) and undeveloped land within the East Bay Regional Park District - Black Diamond Mines
- West: City of Pittsburg - Undeveloped land, however Sky Ranch II, a 415 unit single family subdivision has been entitled
- East: Single family residential (Black Diamond Ranch)

Issue #2: General Plan Amendments

As discussed above in the Background section of the staff report, it was determined the Project would require an EIR unless modifications were made to the application. On October 11, 2010, following an appeal of staff's decision that an EIR would be required based on the Project's significant and unavoidable impacts as well as numerous discussions between the applicant and the City, the applicant submitted an amendment to their application to include a General Plan Amendment (Attachment "O"). The amendment to the application proposed the following text amendment to the General Plan, "Parcel A of Subdivision 8586 is exempt from all goals and policies outlined in section 5.4.14 of the Antioch General Plan and is also exempt from Article 24, Hillside Development District, of the Antioch Municipal Code." Staff raised concerns to the applicant regarding the exemption of one parcel from the City's General Plan and the fact that the request lacked a zoning code amendment.

Subsequently, on November 5, 2010, the applicant submitted another amendment to their application, this time with a request to amend the zoning code as well as a rezone (Attachment "P"). The General Plan amendment request remained the same and the proposed amendment to the zoning code was as follows: "(4) If the project is infill, the City Council has the discretion to determine if the provisions of this Article need to be applied to the property." The request also included a rezone of the property from Hillside Planned Development District to Planned Development District. Staff's concerns still remained about exempting one particular parcel from the General Plan, which concerns were again conveyed to the applicant.

On December 21, 2010, the applicant again submitted an amendment to their application (Attachment "Q"). The third amendment requested the subject property and Black Diamond Ranch to be included in the Somersville Road Corridor Focus Area and to amend Article 24, the

Hillside Planned Development District, to reference the Somersville Road Corridor General Plan Focus Area and to state that properties within this Focus Area can process a regular PD in accordance with Article 23. The applicant's request and the implications of the request will be discussed in detail below.

The current General Plan designation for the subject property is Low Density Residential, which is generally characterized by single family homes in traditional subdivisions and is located in areas with gently rolling terrain with no or few geological or environment constraints (Attachment "R"). The applicant is proposing to remove the subject project and the Black Diamond Ranch subdivision from this Low Density Residential designation and instead to place both projects within the Somersville Road Corridor Focus Area (Attachment "S"). The Somersville Road Corridor Focus Area contains the City's main tax generators, including automobile dealerships, as well as other retail businesses, mainly providing regional level retail services. Accordingly, if the applicant's requested amendment were approved, staff would recommend the addition of a Residential designation within the Focus Area and to the map in Figure 4.3.

As noted above, staff recommends that the Council uphold the Planning Commission's recommended denial of the GPA. However, if the Council rejects the Planning Commission recommendation, staff recommends that the Council consider adding the following additional language in Section 4.4.6.2b of the General Plan, to ensure that the General Plan is internally consistent and includes a specific land use designation for the property.

- d. Areas designated "Residential" in Figure 4.3 shall consist of single family homes and the design shall be determined through the Planned Development process with approval by the City Council.*

The addition of the aforementioned language would be consistent with not only the Somersville Road Corridor Focus Area but also with other Focus Areas within the General Plan. If so directed by the Council, staff would prepare a proposed resolution including this additional language as well as the other additions discussed below.

The applicant's proposed General Plan Amendment (GPA) would also include waiving the requirements of General Plan Section 5.4.14 (Attachment "T") for residential properties within the Somersville Road Corridor Focus Area that are subject to the planned development process. General Plan Section 5.4.14 pertains to Hillside Design Policies, which contain provisions and policies about developing in hillside areas. The applicant is proposing to add the following language to General Plan Section 4.4.6.2.b:

- j. In order to provide continued support to sales tax generating uses, properties designated residential with the Focus Area will be allowed to maximize development density through the Planned Development process contained within the Zoning Ordinance. As such, the requirements of Section 5.4.14, if applicable, of the General Plan shall be waived if it is shown that development conditions will be safe and in harmony with surrounding development patterns and uses.*

As stated above, the Somersville Road Corridor Focus Area mainly encompasses regional retail uses. The only residentially zoned area within this Focus Area is designated High Density Residential and includes the Chateau Mobile Home Park and apartments located on the southwest corner of Somersville Road and Buchanan Road.

The Somersville Road Corridor Focus Area previously contained a second partially designated residential area known as the "Chevron property." However, based on a recent City of Pittsburg

ballot measure incorporating this area into the Pittsburg urban growth area, the Chevron property is proposed to be removed from the City of Antioch's Sphere of Influence and annexed into the City of Pittsburg. These actions have not yet been approved by LAFCO. The City of Antioch envisioned the Chevron property to be a combination of Business Park, single family detached homes, and multi-family development, consistent with Medium Density Residential, which are overall a much higher density and usage than Black Diamond Ranch and the subject development proposal.

Staff has identified some issues for the City Council to consider with the request to place the subject project and Black Diamond Ranch into the Somersville Road Corridor Focus Area.

- The proposed General Plan amendments could create a precedent that encourages similar proposals in the future. This approval, which would result in removing approximately 104 vertical feet of hillside, could have future repercussions for hillside developments within the City, potentially jeopardizing the community's intentions (as expressed throughout the General Plan) of promoting a harmonious visual and functional relationship between natural and built environments.
- The project would not be adhering to many of the hillside development policies put in place within the General Plan to prevent projects of this nature from being built and to preserve the natural ridgelines within the City.
- The Focus Area emphasizes a strong regional retail area with tax revenue generating uses because the intention is to create an area with strong commercial base. The Somersville Road Corridor Focus Area does not put an emphasis on lower density residential uses and the proposed project and the Black Diamond Ranch would be the only projects within this Focus Area with single family home development.
- If the Sphere of Influence change for the Chevron property is approved by LAFCO then the inclusion of Black Diamond Ranch and the Pointe will result in an area that is not contiguous with the rest of the focus area, which is not consistent with the other focus areas within the General Plan (Attachment "U").

On the other hand, the applicant will be bringing in an executive/estate type housing. The applicant has argued that the residents of such housing will have higher disposable income to spend within the Somersville Road Corridor Focus Area, which will produce additional tax revenue. However, according to the Association of Bay Area Governments (ABAG) the projected population increase from the proposed project is 3.08 persons per dwelling unit or 185 total people, which equates to only be an .18 percent change in population, so the scale of the additional revenue and above moderate income housing needs to be weighed with the impacts of proposed development on the City's hillside development policies and the potential inconsistencies with the General Plan.

Secondly, as stated above, the applicant is proposing to waive General Plan Section 5.4.14 (Attachment "T"), which contains the City's Hillside Design Policies. The policies discuss specifics on the City's expectations and goals when it comes to hillside development emphasizing sensitivity to existing terrain, views, and natural landforms. The majority of the project site currently has slopes over 25 percent and the applicant is proposing to remove approximately 104 vertical feet from the hillside for the project, which does not meet many of the hillside policies, as has been outlined in detail in the IS/MND. Approving such a request could provide a precedent for other developers to make similar requests for larger undeveloped areas where the terrain is equally as hilly, such as the Sand Creek Focus Area, rather than just on an

isolated 21 acre parcel. An argument could be made that the difference between the subject project and the Sand Creek Focus Area is that the project site is isolated and considered "infill" because it is substantially surrounded by existing or entitled development, including the Black Diamond Ranch project and the future Sky Ranch II project, a 415 single-family home development in Pittsburg. Executive/estate housing has not been readily developed in the City of Antioch and this product type potentially could further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing product. The City Council needs to consider if the request of waiving the Hillside Design Policies is in the best public interest and in the interest of the community. The amendment to the General Plan would provide a vehicle for the project to move forward without an unworkable inconsistency or a conflict with the General Plan.

As part of their application, the applicant did not include an exemption from the provisions of General Plan Section 4.4.1.1 (Attachment "V") and Section 10.3.2 (Attachment "W"), which both have elements related to development on steep sites. Section 4.4.1.1 has the following language:

Density is assumed to accrue only to lands that are "developable." Developable acres are those that are not encumbered by prior dedications of easements or rights-of-way, and are not so steep (generally 25%), unstable, flood-prone or subject to other hazards as to be unable to submit new development.

Section 10.3.2 discusses the City's open space policies, some of which pertain to development on steep slopes.

In staff's view, if the Council was to reject the Planning Commission's recommendation and instead to continue considering the applicant's proposed General Plan amendment, the amendment would also need to include exemptions from these two sections in order to remove potential inconsistencies with the General Plan.

Issue#3: Zoning Code Amendment and Rezone

The subject site is currently zoned Hillside Planned Development (HPD) and the applicant is proposing a rezone to Planned Development (PD) and the addition of language to the Municipal Code to give the City Council the discretion to exempt residential properties located within the Somersville Road Corridor Focus Area from the Hillside Planned Development District. The purpose of the HPD zoning district is to promote a harmonious visual and functional relationship between natural and built environments, and the zoning code for this district accordingly contains specific development parameters governing hillside development (Attachment "X"). The applicant's proposed project does not comply with many of the goals; therefore the applicant is requesting the PD zoning designation. In staff's view, the second part of the applicant's rezoning request (namely, to add language providing the City Council with discretion whether to exempt particular project's from the Hillside Planned Development District policies) is not really necessary because the applicant is proposing a rezone from HPD to PD. The rezone from HPD to PD will no longer subject the property to the HPD policies and will provide the applicant development flexibility through the PD zoning designation. Similar to the General Plan amendment, the City Council must consider whether to grant the applicant's request to grade the hillside not in conformance with the current zoning designation of Hillside Planned Development District.

Each residential PD District that is established must include specific development standards designed for that particular district, which shall include minimum lot sizes, setbacks, maximum building heights, lot coverages, and open space requirements. Per the code, in establishing

these standards, the requirements for existing zoning and PD Districts may be reviewed and modifications to these standards may be appropriate. Once approved as part of the final development plan, these standards effectively become the zoning standards, which are tied to the approved plan, unless formally amended by the City Council. The intent of the residential PD district is to create a wider variety of densities, product types and setbacks than would otherwise be possible under conventional residential zoning.

As noted above, staff recommends that the Council uphold the Planning Commission's recommendation to deny the requested rezone. However, if the Council rejects this recommendation, staff recommends that the Council reference Attachment "B" of the Planning Commission staff report, which is Attachment "L" of this staff report, for Staff's proposed development standards for the Project.

Issue #4: Grading and Storm Water

Grading: The proposed project site encompasses approximately 21 acres of land. The hilly site ranges in elevation from about 230 feet on the northeastern periphery of the site to 335 feet on the southern periphery. The peak elevation is southwest of the approximate center at 440 feet. The site is steeply sloped, with over 78 percent of the site having a gradient in excess of 25 percent, with only about 6 percent of the property having a gradient of less than 10 percent; most of the flat area within the project site is located along the periphery.

The applicant is proposing to extensively grade the project site and create three terraced levels within the gated community to maximize views and minimize street slopes. To maximize views, each terrace would terminate in a cul-de-sac, with each terraced level varying by approximately 20 feet. The maximum pad elevation of 336.5 feet (Pad 14), and the existing topography as high as 440 feet, the project would require grading cuts of up to 104 feet; fill depths would be under 10 feet, and retaining walls up to 6 feet in height. The retaining walls would be utilized throughout the site to provide structural support to grade separations and to provide useable private outdoor space. Excess soil would need to be transported offsite.

Site grading would create a maximum slope of 2:1 between the proposed homes. Slopes on the open space buffers would also generally be 2:1 gradients. Grading would result in street slopes of up to 15 percent, though the terminating cul-de-sacs serving as emergency vehicle access turnarounds would be limited to slopes of 2.0 to 2.6 percent, in accordance with the Contra Costa Fire Protection District (CCCFPD) requirements. Straight street segments near the cul-de-sacs would have grades of about 4 to 5 percent, while steeper grades of 6 to 15 percent would be located on the easterly stretch of Summit Place and Summit Way, just west of the site entrance.

The proposed grading does not conform to the General Plan or the Hillside Planned Development District in the zoning ordinance. However the applicant is seeking amendments to the General Plan and the zoning ordinance to make an exception for the project because it could be considered infill based on the surrounding Black Diamond Ranch project as well as Pittsburg's entitled project, Sky Ranch II. Further, the applicant is making the argument that the project would be furthering the goals of the Somersville Road Corridor Focus Area by increasing the population, therefore increasing the tax revenue, which is one of the overall goals for the Focus Area. The City Council has to consider if these are appropriate findings in order to approve the project.

Storm Water: The applicant is proposing two bio retention areas to manage the storm water from the project and to meet the requirements of C.3 in the California Regional Water Quality Control Board's Municipal Regional Permit (Attachment "Y"). The C.3 requirements treat and

meter flow of storm water to match predevelopment conditions. One existing basin is located within the Black Diamond Ranch subdivision at the terminus of Crescent Court, adjacent to Markley Creek Park, which is being proposed to be retrofitted to accommodate the additional flow from the proposed project. The applicant is proposing to make the basin deeper rather than larger to make that accommodation. This basin would be maintained by the Street, Lighting, and Landscape District (SLLD). The other basin is also located within the Black Diamond Ranch subdivision at the intersection of James Donlon Boulevard and Metcalf Street. The parcel currently is vacant and has high powered electrical lines that run above it, therefore limiting the usage of the parcel. The basin will have to be sized appropriately to accommodate the flows from the project and will be maintained by the HOA. Staff prefers the proposed basins because it eliminates the need for numerous small bio retention areas within a homeowner's yard or other areas within the project and presents only two locations that need to be monitored and verified they are functioning properly, which is required by the California State Regional Water Quality Control Board. If the Council rejects the Planning Commission's recommendation to deny the Project, staff recommends that it consider including a condition of approval to appropriately size the basins to accommodate the storm water flows and to require that the basin at the terminus of Crescent Court will be maintained by the SLLD while the other basin at Metcalf Street and James Donlon Boulevard will be maintained by the Home Owners Association and both will be required to be landscaped.

Issue #5: Traffic, Circulation, and Parking

According to the project's traffic study, the project would generate 576 daily vehicle trips, with 46 occurring in the AM peak hour and 61 trips occurring in the PM peak hour. Based on the criteria set forth in both the General Plan and IS/MND, the project would not create significant traffic impacts or create any significant hazards in design.

The nine homes interspersed in Black Diamond Ranch will be accessed by the existing streets, Country Side Way and Torgensen Court. The gated entrance at Summit Way would have a 62 foot wide right-of-way (ROW), with a 24 foot wide entrance way providing two 12 foot travel lanes: one for guests stopping at an entry keypad/intercom and one through lane for residents. A 10 foot wide landscaped median would separate the entrance lanes from a 20 foot wide exit lane and a 5 foot sidewalk.

The 51 homes would be accessed through three terraced streets (terminating in cul-de-sacs) via a gated extension of the current southern terminus of Summit Way. Each of the streets would have a 35 foot ROW, including a 28 foot roadway (two 14-foot travel lanes) and a 4-foot wide sidewalk on one side. According to the Vesting Tentative Map, a total of 54 guest parking spaces would be provided through controlled on-street parking on one-side of the each street. The three cul-de-sacs have an outside turning radius of 35 feet and an inside turning radius of 15 feet, which is not in accordance with the Contra Costa Fire Protection District (CCCFPD) requirements, which require an outside turning radius of 45 feet and an inside turning radius of 25 feet; however the applicant has indicated that through rolled curbs and a reinforced sidewalk the Fire District will approve this approach. The streets do not meet the City standards; however the City Council may consider whether this nonetheless may be an appropriate approach since the streets will be private and maintained by the HOA. If the Council rejects the Planning Commission's recommendation to deny the Project, staff recommends that it consider including a condition of approval requiring that the development shall meet all of the requirements of the CCCFPD. As long as the streets meet the minimum in terms of emergency vehicle access, staff does not see an issue with having narrower streets in a community with slopes.

The applicant has proposed 54 on-street parking spaces. The parking ordinance requirement for single family residential (detached) is one guest parking space on the street within close proximity to the unit served. The applicant is 6 spaces short of meeting the ordinance requirement. Accordingly, if the Council rejects the Planning Commission's recommendation to deny the Project, staff recommends that it consider including a condition of approval requiring that the project must meet the minimum parking requirements or obtain a variance.

During the Planning Commission hearing several of the residents of Black Diamond Ranch brought up the issue of traffic on Somersville Road and James Donlon Boulevard. As part of the Black Diamond Ranch approvals (including a Development Agreement dated October 14, 2003 and amended October 10, 2006, an Improvement Agreement dated March 17, 2004, and Deferred Improvement Agreement dated May 1, 2007), the developer for the Black Diamond Ranch project, Discovery Builders (which is also the applicant for this proposed project) was required to widen Somersville Road and install sidewalks, street lights and a traffic signal. Discovery Builders did not timely make these road improvements. Pursuant to a Settlement Agreement dated September 15, 2009, these improvements were later deferred for a limited period of time. When Discovery Builders still did not make the improvements, the City Council adopted Resolution No. 2011/18 and notified the surety for Discovery Builders regarding an apparent default and/or breach by Discovery Builders relating to the Markley Creek Culvert Project and the Somersville Road Project (Attachment "Z"). Discovery Builders filed a lawsuit against the City of Antioch (Contra Costa Superior Court Case No. CIVMSN11-0539, which resulted in a further Amendment to the existing 2009 Settlement Agreement. This Amendment to the Settlement Agreement, dated June 14, 2011, resulted (among other things) in the City taking over the construction of the Markley Creek Culvert Project, at Discovery Builder's cost, so that Discovery Builders could complete the Somersville Road project no later than December 31, 2014. Discovery Builders is still required to undertake and complete the Somersville Road project by this date.

Issue #6: Other Issues

Pedestrian Path: The project contains a proposed pedestrian pathway on each of the three terraces. The pathway runs from north to south between lots 42 and 41; 28 and 29; 26 and 25; and 14 and 15. Staff has concerns about pedestrians crossing adjacent to the backyards of homes and privacy issues.

Homeowners Association (HOA): The applicant is proposing to establish an HOA with CC&Rs. HOAs are organizations comprised of homeowners in a particular housing development and are regulated by the California Department of Real Estate. The HOA will be formed to own common property and to conduct maintenance of the private infrastructure including, but not limited to, the storm water basin at Metcalf and James Donlon Boulevard; storm water lines, mains, and inlets; streets; street lights; common area landscaping; and the pocket park including the water feature. The maintenance would be funded through HOA dues established when the HOA is formed.

Park-in-Lieu Fees/Park Benefit District: The Municipal Code requires that a subdivider dedicate land or pay an in lieu fee or both at the option of the City. The applicant is proposing an approximate 10,000 s.f. pocket park, which will be private and maintained by the Home Owners Association, so the applicant would be required to pay the park in lieu fee in place at the time of final map recordation.

Street Names: The proposed street names are: Summit Way, Summit Place, and Altamont Court. The alternative names are: Alpine Way, Terrace Place, Vista Place, Highland Way, Ridgeview Place, and Skyview Place.

Community Letters: The City has received letters regarding the Project in addition to the letters received on the IS/MND (Attachment "AA").

FISCAL IMPACT

This project would result in additional property tax revenue for the City as well as developer impact fees (assuming approval) or the RDA community benefits totaling \$1,650,000 assuming the applicant does not legally challenge the offered community benefits, which has been implied in past discussions.

This project could result in additional sales tax revenue from the additional residents.

ATTACHMENTS

- A: Resolutions Denying the Project
 - 1. Resolution Denying the General Plan Amendments
 - 2. Resolution Denying the Rezone from Hillside Planned Development District (HPD) to (PD)
 - 3. Resolution Denying the Final Development Plan, Vesting Tentative Map, and Use Permit
- B: Aerial Photograph
- C: Staff Report and Minutes from the November 22, 2005 City Council Hearing
- D: Staff Report and Minutes from the February 21, 2007 Planning Commission Hearing on the Preliminary Development Plan for the Pointe
- E: Staff Report and Minutes from the June 12, 2007 City Council Hearing on the Preliminary Development Plan for the Pointe
- F: RDAC Score Sheet
- G: Staff Report from the August 20, 2007 Residential Development Allocation Committee Hearing
- H: Staff Report and Minutes from the September 19, 2007 Planning Commission Hearing on Residential Development Allocations
- I: Staff Report and Minutes from the January 22, 2008 City Council Hearing on Residential Development Allocations
- J: Letter to the Applicant with an Enclosed Memorandum from the City's Environmental Consultant Recommending an EIR
- K: September 27, 2011 Letter from City Summarizing the Project's Timeline
- L: Staff Report with Attachments A, B, and C (Resolutions), and Draft Minutes from the November 6, 2013 Planning Commission Hearing
- M: Comment Letters on the IS/MND
 - a. Keith and Darcy Johnson
 - b. East Bay Regional Park District
 - c. Save Mount Diablo
 - d. Black Diamond Estate Homeowners and Terraces at Black Diamond Homeowners
- N: Letter from Save Mt. Diablo Requesting a Delay
- O: October 11, 2010 Amendment to the Project Application
- P: November 5, 2010 Revised Amendment to the Project Application
- Q: December 21, 2010 Revised Amendment to the Project Application
- R: Excerpt from the General Plan for Low Density Residential
- S: Excerpt from the General Plan for the Somersville Road Corridor Focus Area
- T: Excerpt from the General Plan for the Hillside Planned Design Policies
- U: Chevron Property Location Map
- V: Excerpt from the General Plan for Residential Land Use Designations
- W: Excerpt from the General Plan for Open Space Policies
- X: Article 24 -- Hillside Planned Development District

Y: Basin Locations

Z: City Council Resolution 2011/18 Notice of Default and Breach

AA:Opposition Letters

a. Peggy Vertin

b. Kathy Roberson

c. Black Diamond Estate and The Terrace Homeowners

ATTACHMENT "A"

RESOLUTION NO. 2013/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DENYING OF GENERAL PLAN AMENDMENTS FOR THE POINTE PROJECT

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, which request was dated January 29, 2007, and amended or supplemented on January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013, all of which requests are incorporated herein by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

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WHEREAS, the primary purpose of the General Plan amendments are to ensure consistency between the proposed Pointe project and the City of Antioch General Plan; and

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not take action on the IS/MND and recommended denial of the Project to the City Council; and

WHEREAS, the City Council duly gave notice of a public hearing as required by law; and

WHEREAS, on December 10, 2013, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the City Council did not act on the IS/MND; and

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the City Council hereby determines:

1. The General Plan Amendments are inconsistent with the General Plan's goals and policies regarding hillside development and with the City's vision, as expressed in the existing General Plan, for the Somersville Road Corridor Focus area.
2. The General Plan Amendments could potentially result in the creation of a noncontiguous area within the Somersville Road Corridor Focus Area.
3. The Somersville Road Corridor Area policies and goals do not emphasize lower density residential uses, but instead prioritize commercial tax revenue generating uses and the Pointe Project would be the only single family home development in the Somersville Road Corridor Focus Area.
4. The Project undermines the efforts contained in the City's General Plan and Municipal Code to preserve natural ridgelines within the City of Antioch. The removal of 104 vertical feet of hillside does not meet the intent of the hillside development policies or meet the definition of developable land as outlined in the General Plan.
5. The approval of the project would set an adverse precedent for future hillside development within the City of Antioch.

Therefore, the City Council cannot make findings that the proposed General Plan Amendments are in the public interest of the people and hereby denies the amendments to City of Antioch's General Plan.

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* * * * *

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 10th day of December 2013 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

017

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RESOLUTION NO. 2013/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DENYING THE
ADOPTION OF AN ORDINANCE REZONING APPROXIMATELY 21 ACRES COMPRISING
THE POINTE PROJECT FROM HILLSIDE PLANNED DEVELOPMENT (HPD)
TO PLANNED DEVELOPMENT (PD)**

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, which request was dated January 29, 2007, and amended or supplemented on January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013, all of which requests are incorporated herein by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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RESOLUTION NO. 2013/**

December 10, 2013

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not take action on the IS/MND and recommended denial of the Project to the City Council; and

WHEREAS, the City Council duly gave notice of a public hearing as required by law; and

WHEREAS, on December 10, 2013, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the City Council did not act on the IS/MND; and

WHEREAS, the City Council denied the request of the General Plan amendments for the Pointe Project; and

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the City Council hereby denies the request rezone the subject project because it would be inconsistent with the City's General Plan. The proposed rezone would result in the loss 104 vertical feet of hillside, which does not promote the harmonious visual and functional relationship between the natural and built environments; therefore not meeting the intent of the Hillside Planned Development District. In addition, the approval of the project would set an adverse precedent for future hillside development. Further, the City Council cannot make findings that the proposed rezone is in the public interest of the people of the City of Antioch. Therefore the City Council hereby denies the rezone of the Project site from Hillside Planned Development District (HPD) to Planned Development District (PD) and the applicant's requested zoning amendments.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 10th day of December, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

D19

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RESOLUTION NO. 2013/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DENYING THE FINAL PLANNED DEVELOPMENT, VESTING TENTATIVE MAP, AND USE PERMIT FOR 60 SINGLE-FAMILY HOMES, TWO OPEN SPACE PARCELS, AND A POCKET PARK

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, which request was dated January 29, 2007, and amended or supplemented on January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013, all of which requests are incorporated herein by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

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WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not take action on the IS/MND and recommended denial of the Project to the City Council; and

WHEREAS, the City Council duly gave notice of a public hearing as required by law; and

WHEREAS, on December 10, 2013, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the City Council did not act on the IS/MND; and

WHEREAS, the City Council denied the request of the General Plan amendments for the Pointe Project; and

WHEREAS, the City Council denied adoption of an ordinance to rezone the subject parcel from Hillside Planned Development District (HPD) to Planned Development District (PD); and

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby make the following findings for denial of a Final Planned Development to the City Council, as set for in Section 9-5.2308 of the Antioch Municipal Code:

SECTION 9.5.2308(A): Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the Project is located in an area designated Hillside Planned Development District, which has policies outlining the goals of developing on a hillside. The project does not meet the majority of these policies therefore does not meet the City's intent and will not have a beneficial effect to the surrounding uses.

SECTION 9.5.2308(B): The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the streets associated with the project are supposed to be designed in a way to conform to the natural terrain according to the City's hillside development polices, which was not achieved by this project. The project is proposing to remove 104 vertical feet of hillside, which does not conform to the existing natural terrain. The streets do not meet the City's current standards including the widths, sidewalks on only one side of the street, cul-de-sac design, rolled curbs, and the turning radius for the Fire Department turnaround. Further, the project does not meet the minimum on-street parking requirements.

Adequate utility service, including electricity, water, and sewer service can be supplied to all phases of development by existing utility service providers.

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SECTION 9.5.2308(C): The commercial components of the Project are justified economically at the location proposed.

CITY COUNCIL'S DETERMINATION: No commercial components are proposed.

SECTION 9.5.2308(D): Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the project is not designed to be in harmony with the character of the surrounding neighborhood. The project would be removing a substantial portion of a hillside to build 60 homes. The project has not been designed with maintaining the natural terrain and topography of the area. The density does not conform to the General Plan as the General Plan defines density on developable acreage. Developable acreage constitutes slopes 25 percent or less and close to 78 percent of the hillside exceeds the 25 percent slope.

SECTION 9.5.2308(E): Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

CITY COUNCIL'S DETERMINATION: There are no industrial components to the Pointe project.

SECTION 9.5.2308(F): Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the project does not conform to the hillside development policies in the General Plan or the Hillside Planned Development District. The project is not offering unusual redeeming features or amenities to warrant deviations from the standard zoning requirements. The project consists of more single family housing on flattened hillside with manufactured slopes that does not promote harmonious development between the natural and the built environment.

SECTION 9.5.2308(G): The area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the area surrounding the Project is already developed with homes or have been entitled by the City of Pittsburg. The commercial property to the north does not coordinate with the proposed development.

SECTION 9.5.2308(H): The project conforms with the General Plan of the City.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the project does not conform with the General Plan's land use designation of Low Density Residential, the hillside development policies, the developable acreage, and the open space policies.

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BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for denial of a Vesting Tentative Map as set forth in the Subdivision Map Act and based on Chapter 9-4 of the Antioch Municipal Code:

REQUIRED FINDING 1: That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the subdivision proposed by the Vesting Tentative Map is not consistent with the Antioch General Plan. The project does not conform with the General Plan's land use designation of Low Density Residential, the hillside development policies, the developable acreage, and the open space policies.

REQUIRED FINDING 2: That the subdivision complies with the Housing Element as it relates to the regional needs and complies with Section 66412.3 of the Subdivision Map Act.

CITY COUNCIL'S DETERMINATION: This finding cannot be made. The subdivision would further certain Housing Element goals by providing 60 units of the 1,046 required of above moderate income housing for the Regional Housing Needs Assessment for 2007 – 2014. However, pursuant to Section 66412.3 of the Subdivision Map Act, the City Council has considered the effects of this action and has determined the hillside constitutes an environmental resource and the benefits of the housing do not outweigh the loss of this resource.

REQUIRED FINDING 3: That the subdivision proposed by the Vesting Tentative Map has, to the maximum extent feasible, considered and provided opportunities for future passive or natural heating or cooling of the structures within the subdivision, as required by Government Code §66473.1.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the subdivision did not take into account the natural terrain of the existing hillside and could further take opportunities for passive heating and cooling into consideration as part of the development.

REQUIRED FINDING 4: That the subdivision proposed by the Tentative Map complies with the rules, regulations, standards, and criteria of the City's Subdivision Regulations.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the subdivision proposed by the Vesting Tentative Map does not comply with the rules, regulations, standards, and criteria of the City's Subdivision Regulations. The City requires the subdivision to be consistent with the General Plan and be consistent with the zoning provisions. The Project, as designed, is not compliant with the General Plan or consistent with the zoning. The project does not adhere to the density requirements of the General Plan, the hillside development policies, open space policies, and grading policies. The project does not comply with the zoning designation of Hillside Planned Development District (HPD) nor does it meet the minimum parking requirements for single family homes.

BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for denial of a Use Permit based on Section 9-5.2703 of the Antioch Municipal Code:

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SECTION 9.5.2703(1)(a): Granting the use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the proposed project is injurious to the property as it would be removing 104 vertical feet from the existing hillside. The project was not designed in harmony with the natural and built environment as set forth by the hillside development policies.

SECTION 9.5.2703(1)(b): That the use applied for at the location indicated is properly one for which a use permit is authorized.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the use does not conform to the General Plan or to the zoning code; therefore it is not a use that is authorized.

SECTION 9.5.2703(1)(c): The project site is adequate in size and shape to accommodate its proposed uses, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, without interfering with other uses in the neighborhood.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the project did not take the Hillside Planned Development District policies into consideration. The project is only providing 54 on-street parking spaces, which is 6 less than the required amount, therefore not meeting the minimum standards, which could affect the surrounding neighborhood.

SECTION 9.5.2703(1)(d): The streets and highways that abut the project site are adequate in width and pavement type to carry the kind of traffic generated by proposed use.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the streets were not designed with the natural contours of the existing terrain. However, the City commissioned Fehr and Peers to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Pointe project. The traffic study concluded that the road improvements either proposed by the developer or required by the City are adequate in width and pavement type to carry the kind of traffic that will be generated by the project.

SECTION 9.5.2703(1)(e): The granting of such use permit will not adversely affect the comprehensive General Plan.

CITY COUNCIL'S DETERMINATION: This finding cannot be made because the project does not comply with the General Plan; therefore granting the use permit would affect the comprehensive General Plan.

BE IT FURTHER RESOLVED that the City Council, after reviewing the staff report and considering testimony offered, does hereby DENY the Final Development, Vesting Tentative Map, and Use Permit (PD-08-01, PW 608, and UP-08-01) to construct 60 single-family homes including associated infrastructure improvements, an approximately 10,000 s.f. pocket park, and two open space parcels.

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I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 10th day of December, 2013 by the following vote:

AYES:

NOES:

ABSENT:

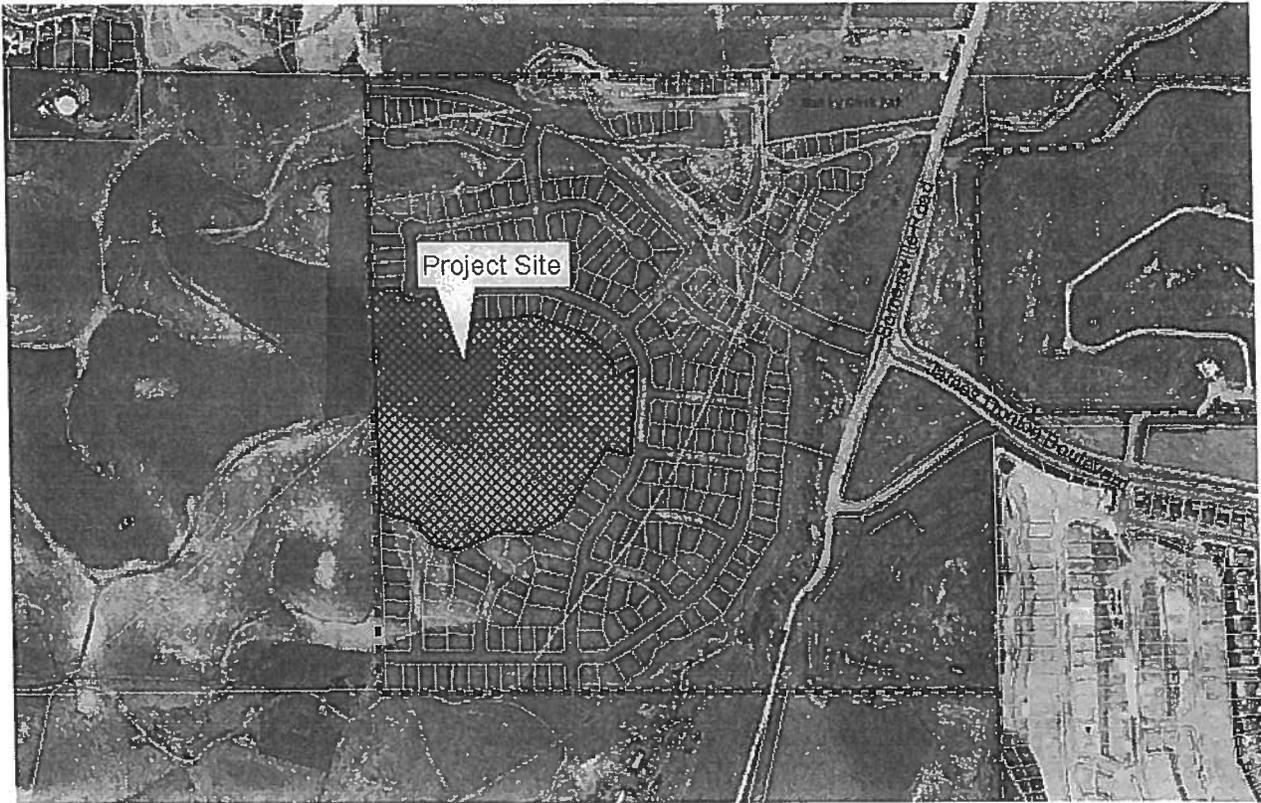
ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

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ATTACHMENT "B"

Aerial Photograph



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ATTACHMENT "C"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF NOVEMBER 22, 2005

Prepared by: Tina Wehrmeister
Acting Deputy Director of Community Development

Approved by: Joseph G. Brandt, Director of Community Development

Date: November 17, 2005

Subject: Amendment to the Black Diamond Ranch Tentative
Subdivision Map (PW 512)

RECOMMENDATION

The Planning Commission has recommended that the City Council deny the requested map amendment.

REQUEST

The applicant, Discovery Builders, Inc., is requesting an amendment to the designation of lands within the Black Diamond Ranch subdivision (formerly Sky Ranch). The approved tentative subdivision map designates the 21.2 acre Parcel A as "Open Space." The project is conditioned to require dedication of open space to the City with final map recordation. The applicant is requesting that the designation of Parcel A be amended to "Owner/Developer Remainder Parcel" in order to allow final maps to continue to be recorded within the Black Diamond Ranch subdivision while a future application for development of Parcel A is studied.

BACKGROUND / DISCUSSION

The City Council considered this item on October 25, 2005. The staff report from this meeting is included as Attachment A and contains staff's analysis. The City Council continued this item and directed staff to address the status of the remainder parcel in the event a future development application is denied. The City Attorney has provided a method of addressing this issue, (Attachment B). In his memo, the City Attorney suggests requiring an offer of dedication from the applicant which can be declined or accepted depending on the City Council's decision to approve or deny a future development application. This has been incorporated into the alternative resolution for approval.

At the October meeting the City Council also directed staff to provide a time limit for a development proposal to come forward. The alternative approval resolution provides a time period of two years. The condition stipulates that the Council "may consider acceptance of the offer of dedication" at the end of two years if no development proposal has been brought forward.

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FINANCIAL IMPACT

None.

OPTIONS

1. Approve the applicant's request (an alternative resolution is provided)
2. Continue the item with direction to staff

ATTACHMENTS

- A. October 25, 2005 staff report
- B. Memo from the City Attorney dated November 1, 2005

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RESOLUTION NO. 2005/133

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING THE REQUEST FROM DISCOVERY BUILDERS, INC. TO AMEND THE
DESIGNATION OF LANDS WITHIN THE BLACK DIAMOND RANCH SUBDIVISION
(APN 089-160-008)(PW-512)

WHEREAS, the City of Antioch received a request from Discovery Builders, Inc. to amend the designation of lands within the Black Diamond Ranch subdivision. The project site is located on the west side of Somersville Road, west of the Somersville Road / James Donlon Road intersection (APN 089-160-008) (PW - 512); and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act, a Supplemental EIR and Mitigated Negative Declaration previously adopted for this project; and

WHEREAS, notice of public hearing was given as required by law; and

WHEREAS, the City Council on October 25 and November 22, 2005 duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, re-designation of Parcel A to "remainder" does not provide future development rights of the parcel.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby APPROVE re-designation of Parcel A from "Open Space" to "Owner/Developer Remainder Parcel" subject to the following conditions of approval:

1. That the applicant shall make an irrevocable offer of dedication to the City of Antioch of the "Owner/Developer Remainder Parcel." Should a future development proposal of this parcel be approved, then the dedication shall be declined. If the development proposal is denied, then the City shall consider acceptance of the dedication.
2. Should an application for development of the "Owner/Developer Remainder Parcel" fail to be submitted within three years of the date of this resolution, the Council may consider acceptance of the offer of dedication.

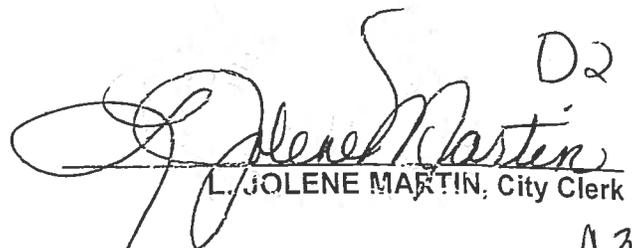
* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 22nd day of November, 2005 by the following vote:

AYES: Council Member Kalinowski, Conley and Simonsen

NOES: Mayor Freitas

ABSENT: Council Member Davis


L. JOLENE MARTIN, City Clerk

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On motion by Councilmember/Agencymember Conley, seconded by Councilmember/Agencymember Simonsen, the City Council and Antioch Development Agency adopted the resolutions approving a Disposition, Development, and Loan Agreement by and between the Antioch Development Agency and Mt. Diablo Habitat for Humanity for the development of four single-family homes located at 5th and "K" Streets.

Mayor/Chairperson Freitas adjourned to the City Council.

COUNCIL REGULAR AGENDA

- 6. **BLACK DIAMOND RANCH / DISCOVERY BUILDERS, INC. REQUESTS APPROVAL OF AN AMENDMENT OF A PREVIOUSLY APPROVED TENTATIVE MAP FOR 286 SINGLE FAMILY LOTS. THE PROPOSAL IS TO AMEND LANDS CURRENTLY DESIGNATED "OPEN SPACE" TO THE DESIGNATION OF "REMAINDER" LOCATED ON THE WEST SIDE OF SOMERSVILLE ROAD, WEST OF SOMERSVILLE RD. / JAMES DONLON RD (PW-512) #802-02**

Acting Community Development Deputy Director Wehrmeister presented the staff report dated November 17, 2005, with a recommendation from the Planning Commission for the City Council to deny the requested map amendment.

Council approved the following resolution, which Acting Community Development Deputy Director Wehrmeister presented to the City Council at the meeting.

RESOLUTION NO. 2005/133

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council approved the resolution as presented. The motion carried by the following vote:

Ayes: Kalinowski, Conley, Simonsen

Noes: Freitas

Mayor Freitas declared a recess at 8:12 P.M. The meeting reconvened at 8:23 P.M. with all Councilmembers present with the exception of Councilmember Davis who was excused.

- 7. **PRESENTATION ON PROPOSED LOCATION OF THE E-BART LOCATED AT NEROLY AND EMPIRE AVENUE SITE #1107-03**

Deputy Director of Community Development Deputy Director Carniglia presented the staff report dated November 15, 2005 recommending that the City Council receive the presentation.

Ellen Smith, BART and Trent Lethco, ARUP gave a brief overhead presentation on the history, timeline and details for the proposed E-BART station and site.

Councilmember Simonsen requested the power point presentation be made available to city staff for the City Council. He expressed concern the MTC policy would impede Council efforts to

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ATTACHMENT "D"

STAFF REPORT TO THE CITY OF ANTIOCH PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF FEBRUARY 21, 2007

Prepared by: Mindy Gentry, Assistant Planner *MG*
Approved by: Tina Wehrmeister, Deputy Director of Community Development *TW*
Date: February 16, 2007
Subject: **Preliminary Development Plan for The Pointe Subdivision
(PDP-06-03)**

RECOMMENDATION

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

REQUEST

The applicant is requesting preliminary plan review of a proposal to develop a 72 unit residential subdivision on 21.0 acres. The project site is located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-009) (Attachment "A").

The purpose of a preliminary plan is to gather feedback from the Planning Commission and outside agencies 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.

BACKGROUND

In the past, proposed residential development has gone through the Residential Development Allocation (RDA) process prior to processing a Preliminary Development Plan (PDP) application. However, the voter approved initiative Measure K does not permit the approval of new RDA allocations until 2008. Because the Municipal Code does not specify the order of the Preliminary Planned Development in relation to the RDA application, the Council approved an RDA process for 2007 that allows the processing of Preliminary Development Plan applications prior to the RDA application.

ENVIRONMENTAL

Preliminary plan review is a non-entitlement action and does not require environmental review. The Final Development Plan will require compliance with the California Environmental Quality Act (CEQA).

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ANALYSIS

Issue #1: Project Overview

The adjacent development, Black Diamond Ranch has gone through a series of modifications and subsequent public review dating back to the early 1980's. The Final Development Plan and Vesting Tentative Map was approved with 286 homes, a 0.8 commercial site, a portion of a 10 acre park, and 43.9 acres of open space.

On October 5, 2005, the Planning Commission (Attachment "B") heard the applicant's request to change the subject parcel's (part of the Black Diamond Ranch open space) designation from "Open Space" to "Owner/Developer Remainder Parcel". The staff report references discussions with the applicant, who intended to propose "executive/estate" housing for the remainder parcel. A condition of approval for the map of the neighboring development, Black Diamond Ranch, was the portion identified as open space must be dedicated to the City. By reclassifying the parcel, it did not require the developer to dedicate it to the City; however, it did not guarantee development rights upon the subject parcel. The Planning Commission's recommendation to the City Council was denial.

The reclassification of the subject parcel was heard by the City Council on October 25, 2005 (Attachment "C"); however, was continued to November 22, 2005, by directing staff to address the status of the remainder parcel in the event that a future development application is denied. On November 22, 2005, the City Council (Attachment "D") heard the applicant's request to change the designation on the subject parcel and not dedicate the land to the City of Antioch. The City Council approved the request for the reclassification of the subject parcel; however, one of the conditions of approval stated, "That the applicant shall make an irrevocable offer of dedication to the City of Antioch of the "Owner/Developer Remainder Parcel." Should a future development proposal of this parcel be approved, then the dedication shall be declined. If the development proposal is denied, then the City shall consider acceptance of the dedication."

The applicant is now proposing a project consisting of 72 single family homes. The lots range in size from 7,000 s.f. to 17,383 s.f. with an average lot size of 8,849 s.f. The project also includes two open space parcels which are 2.7 acres and 1.8 acres in size. The applicant has not submitted information regarding the architecture, landscaping, or floor plans for the proposed homes. The applicant's project description of the overall development is provided as Attachment "E".

The applicant has not developed a product for this subdivision. The units plotted on the map are the Crystal Ranch product (City of Concord) for illustrative purposes only. The sample product results in the following setbacks: front yard setbacks on average are around 17 feet with some having a setback of only 13 to 14 feet. The side yard setbacks are a minimum of five feet. The rear yard setbacks are less than 20 feet on

many lots, and the majority of the backyards will be sloped resulting in a large portion of the backyard or side yard that would not be usable. The size of the lots and the setbacks are not conducive to executive/estate lots which typically leave ample yard areas for pools, enhanced landscape features, and increased privacy. Additionally, the subdivision layout does not respect the grading of the hillside. Staff recommends larger lots and diminishing density as the hillsides become steeper.

A homeowner's association (HOA) will be required for the project, which will be responsible for maintaining all open space, streets, street lighting, and storm water pollution devices.

Issue #2: Consistency with General Plan and Zoning Ordinance

The General Plan designation for the project site is Low Density Residential which allows a maximum density of four units an acre. Typically Low Density Residential is located on flat or gently rolling terrain with little or no geological or environmental constraints. In this particular instance, the project is an atypical Low Density Residential project with it being proposed on dramatic topography. The zoning designation is Hillside Planned Development (HPD). The proposed land use is consistent; however, the design and layout are not consistent with the General Plan and Zoning Ordinance because it does not meet the identified goals and policies for hillside development.

The proposed project density is consistent with the maximum density allowed under the General Plan. However, according to the General Plan:

"Developable acres are those that are not encumbered by prior dedications of easements or rights-of-way, and are not so steep (generally over 25%), unstable, flood prone or subject to other hazards as to be unable to support new development. "

In addition, in 1981, the City of Antioch enacted the Hillside Planned Development Ordinance to protect hillsides, ridges, and ridgelines within the City. The ordinance was eventually revised and adopted within the Zoning Ordinance.

According to the Zoning Ordinance, a Hillside Planned Development (HPD), is "intended to promote a more harmonious visual and functional relationship between the natural and built environments." There are certain goals within the HPD, such as preservation of significant features of hillside areas (i.e. steep slopes, ridgelines, rock outcroppings), encouragement of alternative and varied development to provide maximum safety and human enjoyment while utilizing opportunities present by the natural terrain, compliance with the land use densities specified in the General Plan with the understanding that in areas featuring steeper slopes densities shall decrease, and minimization of grading and cut and fill operations.

The applicant is proposing 72 homes, creating three terraces by removing a minimum of 103 feet from the top of the hillside to the highest pad elevation. The hillside is currently

approximately 445 feet in height and the highest pad elevation is 342 feet. Staff believes the applicant's grading plan and subdivision design does not fit within the aforementioned goals of the Hillside Planned Development. As stated earlier, developments within the HPD are to create a visual and harmonious relationship with the hillside. In this instance the applicant is proposing to heavily grade the parcel into three terraced levels. Staff feels the applicant should redesign the development with the goals of the General Plan and the Zoning Ordinance in mind.

Issue #3: Site Plan

The site plan calls for an entry feature into the subdivision from Black Diamond Ranch through Summit Way. The subdivision features three private roads with the majority of the houses facing onto the street with the exception of lots 64-72. Lots 64-72 are proposed to blend into the adjacent Black Diamond Ranch development. There is the potential that lot 72 will have to be removed or redesigned to provide emergency vehicular access.

The three private drives have a width of 28 feet with a 5 foot sidewalk on one side of the street and curb and gutter on both sides for a total of 35 feet. On-street parking will be available on only one side of the street. The three drives end with cul-de-sacs to the west. The cul-de-sacs are not the City of Antioch standard and will also have to be approved by the Contra Costa County Fire Protection District (CCCFPD). The HPD district provides flexibility with street widths and sidewalks to accommodate the natural contours and unique design and layout. Although the applicant is requesting an accommodation of narrower streets, Staff feels the narrower streets do not fulfill the intent of the Hillside Planned Development by not following the natural contours or retaining the visual character of the existing hillside.

Developments that are located on hillsides typically compensate for the steep slopes and ridgelines with higher densities on the less steep areas and diminishing density as the slope of the terrain increases. A HPD project shall also be based on how the proposal relates to the natural topography, the degree to which grading and cut and fill operations are minimized, and the degree to which unique features such as steep slopes are preserved. This project does not incorporate any of the above design features. Instead the majority of the plan features major grading with small lots. The sizes of the lots are typical of low density residential; however, the majority of backyards in many cases are largely unusable due to the terrain. The potential homeowners that are attracted to executive/estate development will be interested in building pools and patios, which are not easy or are impossible to facilitate in the proposed backyards. Staff envisions much larger lots with estate type housing taken into consideration, as was discussed with the applicant prior to the reclassification from Open Space to Remainder, as well as taking into consideration reduced densities and amended grading.

Most of the home layouts provide a driveway apron of less than 20 feet, which is too narrow. The City standard is 20 feet. In addition, some of the driveways are not radial

to the right of way. Having a driveway apron of less than 20 feet and not radial to the right of way will make it difficult for the homeowners to maneuver in and out of their homes. Staff recommends that the homes feature the 20 foot required driveway apron and that all driveways shall be radial to the street.

All of the homes are placed in a relatively straight line, with the exception of a couple around the cul-de-sacs, with front setbacks of less than 20 feet. Staff recommends that the site plan stagger the placement of the homes with at least a 20 foot setback to provide a more varied streetscape. Providing a varied front setback is consistent with General Plan Community Image and Design policy 5.4.7 b: *Provide recognizable variations in front and side yard setbacks within single-family residential neighborhoods.*

Issue #4: Open Space

The applicant is proposing two open space parcels of 2.7 acres (Parcel "A") and 1.4 acres (Parcel "B"). The open space areas are proposed as a vegetative buffer zone between Black Diamond Ranch and the adjacent subdivision, as well as containing a vegetative swale to comply with the C.3 provision of the National Pollution and Discharge Elimination System (NPDES) pertaining to storm water runoff. The existing concrete v-ditch will not comply with the C.3 requirements; the applicant will have to redesign the area to be in full compliance with NPDES. According to the applicant's project description, there will be natural landscaping in the open space consisting primarily of trees.

Issue #5: Parking and Circulation

The proposed plan features private streets with sidewalks and parking on one side of the street. Access to the development is through Black Diamond Ranch via Summit Way. As discussed earlier, since there is only one small access point, lot 72 will have to be eliminated or redesigned to provide an emergency vehicular access point.

The project is providing two parking spaces in a garage for each unit. The Zoning Ordinance requires one on-street guest parking space per unit. The ordinance does not specify the placement of the spaces, but subdivisions are typically conditioned to provide a guest parking space in front of or within 150-200 feet of the unit it is serving. Since there is only parking on one side of the street and the cul-de-sac design reduces the number of on-street parking spaces, Staff is recommending adding City standard cul-de-sacs, which contain additional parking spaces.

The Zoning Ordinance also requires unrestricted access to the rear yard for recreational vehicles for 25% of single family lots. Per the Zoning Ordinance, there shall be a minimum of a 10 foot wide side yard setback to allow unrestricted access to the rear yard. The applicant's proposed site plan with retaining walls and limited side yard setbacks make it difficult to provide the required number of RV parking spaces. It is likely that the target demographic will own RV's and/or boats and will need storage areas.

Issue #6: Grading

The highest grade currently on the hillside is approximately 445 feet. The applicant is proposing to remove approximately a minimum of 103 feet of the hill with the highest pad elevation being at 342 feet. The subdivision is proposed to have three terraced levels with each street at a different grade level with a difference of approximately 20 feet between each. The idea is to stagger the houses in order to obtain houses on at least one side of the street with a view of the City and the delta.

The highest pad levels are on the southwest side on A Drive. The pad levels for those particular homes range from 342 feet to 311 feet. From the southwest side, the grade travels downward in a south and easterly direction. The mid level terrace on B Drive has pad elevations ranging from 324 feet to 276 feet and the last level or C Drive has pad elevations ranging from 304 feet to 270 feet.

The City of Pittsburg, which is adjacent to the subject parcel, is currently processing a proposal for the Sky Ranch subdivision immediately west of the project. The grading plan received from the City of Pittsburg for Sky Ranch has the adjacent home levels approximately six feet above the houses in The Pointe. The applicant has indicated that Pittsburg is requiring Sky Ranch to meet the grades of the Antioch projects. The applicant must demonstrate this in their Final Planned Development / Tentative Map proposal.

In addition, as Sky Ranch moves toward the west, the pad elevations become considerably higher than the Pointe pad elevations. There are instances of pad levels at 428 feet in elevation which is 86 feet higher than the highest pad elevation at the Pointe. The current hillside with a height of 445 feet will block the view of the City of Pittsburg's housing development.

Issue # 7: Other Issues

Infrastructure

The developer is required to provide all infrastructure necessary to serve the site. This includes utility tie ins such as water, sanitary sewer and storm drainage systems.

Outside Agency Comments

Comments from the Contra Costa Flood Control District are attached (Attachment "F"). The applicant should address these comments with the Final Development Plan submittal. In addition, a letter of opposition was received from the East Bay Regional Park District (Attachment "G").

Provision C.3 of the National Pollution Elimination Discharge System

The applicant has provided preliminary design documents for dealing with storm water runoff; however, these currently do not fully comply with requirements. Lots 64-72 are not C.3 compliant and the existing concrete ditch does not qualify for compliance. The

HOA will be responsible for all storm water pollution devices and the developer will have to become C.3 compliant with the Final Development Plan.

ATTACHMENTS

- A. Vicinity Map
- B. October 5, 2005, Planning Commission Meeting Staff Report and Minutes
- C. October 25, 2005, City Council Meeting Staff Report and Minutes
- D. November 22, 2005, City Council Meeting Staff Report and Minutes
- E. Applicant's Proposal
- F. CCFCD Letter
- G. EBRPD Letter of Opposition

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2007/04**

WHEREAS, the City of Antioch received a request from Discovery Builders, Inc. for approval of a Preliminary Development Plan for the development of 72 single family homes on approximately 21 acres located west of the intersection of Somersville Road and James Donlon Boulevard (**APN: 089-160-009**); and

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

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, and received and considered evidence, both oral and documentary; and

WHEREAS, a Preliminary Development Plan is a non-entitlement application and is therefore not subject to the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby provide the following direction to the applicant for PDP-06-03:

1. That the Final Development Plan submittal shall incorporate / address issues brought up by the Commission at the February 21, 2007, meeting, as well as those addressed in the staff report.
2. That the developer shall have a front yard setback of not less than 20 feet and shall stagger the front yard setbacks of adjacent lots to provide for a varied streetscape.
3. That each home shall include at least a 20 foot wide driveway apron.
4. That an HOA shall be established for the project and will be responsible for maintaining all open space, streets, street lighting, and storm water pollution devices.
5. That the project shall provide guest parking spaces within 150-200 feet of the unit each space serves and City standard cul-de-sacs, which include parking.
6. That the site plan shall be redesigned to take the Hillside Planned Development goals and policies into consideration.
7. That the streets shall follow the natural contours of the hillside.
8. That the lots shall be larger with more usable areas in the back and side yards.
9. That 25% of the lots shall have a minimum side yard setback of 10 feet without a retaining wall for RV parking.

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10. That the applicant shall demonstrate how project grading and the grading of the adjacent subdivision to the west are compatible.
11. That parking will be allowed on both sides of the street throughout the development.

* * * * *

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 21st day of February, 2007.

AYES: Henry, Travers, Brandt, and Long
NOES: None
ABSTAIN: Delgadillo
ABSENT: Azevedo and Martin


TINA WEHRMEISTER, SECRETARY TO
THE PLANNING COMMISSION

On motion by Commissioner Henry and seconded by Commissioner Brandt, the Planning Commission approved the Minutes of January 17, 2007.

AYES: Henry, Brandt, Travers and Long
ABSENT: Delgadillo, Martin and Azevedo

Commissioner Henry stated that he would abstain from the Minutes of December 20, 2006, and January 31, 2007, due to his absence from the meetings.

NEW PUBLIC HEARINGS

2. **PDP-06-02 – Quail Cove Preliminary Development Plan – Discovery Builders, Inc., requests approval of a Preliminary Development Plan, which is not an entitlement, for the development of 27 single family homes on approximately 5.48 acres. The project site is located on the west side of Heidorn Ranch Road, southeast of the eastern terminus of Prewett Ranch Drive. (APN 056-130-012)**

Chairperson Long reported that the applicant has requested that this item be removed from the agenda, per an attached letter, in order to rework the site plan. When the revised submittal is complete, the item will be re-noticed and placed on a future agenda.

On motion by Vice Chairman Travers and seconded by Commissioner Henry, the Planning Commission removed Item No. 2 from the Agenda.

AYES: Travers, Henry, Brandt and Long
ABSENT: Azevedo, Martin and Delgadillo

3. **PDP-06-03 – The Pointe Preliminary Development Plan – Discovery Builders, Inc., requests approval of a Preliminary Development Plan, which is not an entitlement, for the development of 72 single family homes on approximately 21 acres. The project site is located east of the intersection of Somersville Road and James Donlon Boulevard. (APN 089-160-009).**

Assistant Planner Gentry provided a summary of the Staff Report dated February 16, 2007.

Opened Public Comment

Louis Parsons, representing Discovery Builders, provided background information on the preliminary development plan and referenced displayed wall maps that depicted schematic site plans. He also spoke to landscaping and grading plans.

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Commissioner Henry expressed concern to the small size of the proposed homes and felt they were also spaced too close together. He understood the intent of the applicant to provide views, but stated his dislike to the extensive grading of the hillsides and the upslope to backyards leaving this area unusable.

Vice Chairman Travers stated that he had a concern as to the small lots that have been proposed and the EVA access, in terms of not having enough turning radius. He expressed concern to grading and questioned if some homes could be taken out of the plan, in order to provide larger back and side yards.

Commissioner Brandt expressed concern to the development of homes on this hillside. She felt that this development, being that it is an estate-gearred subdivision, should have parking on both sides of the street, contain three car garages, maintain room to maneuver three large garbage cans, and be designed to accommodate RV parking. She felt that estate lots should not contain up sloped backyards because of landscaping that could obstruct views for nearby neighbors. She wanted to ensure that the homeowners who purchase their lots with views would be able to maintain the views, and expressed concern to neighboring landscaping issues that could restrict views in the future.

Delgadillo arrived at 8:03 p.m.

Chairperson Long stated that Commissioner Delgadillo would abstain from Item No. 3, due to his late arrival.

Chairperson Long stated her disagreement to parking on one side of the street and suggested that the number of homes be reduced to provide additional acreage on side yards. She expressed concern to the proposed grading plan, in terms of high slopes, and the traffic circulation of the plan, in conjunction with the proposed narrow streets.

Chairperson Long requested that the applicant take the concerns heard here tonight into consideration and provide feedback to the Commission in the future.

Through discussions amongst the Commission, it was requested that the number of units be reduced, and it was felt that Condition No. 8 satisfied this concern. Moreover, Commissioner Brandt requested that a Condition No. 11 be added to state that "parking shall be allowed on both sides of the street".

In responding to Commissioner Brandt regarding maintaining view lots, Deputy Director of Community Development (DDCD) Wehrmeister felt it would be appropriate when the final development plan is approved, to place this requirement upon the Homeowner's Association.

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RESOLUTION NO. 2007/04

On motion by Commissioner Henry, and seconded by Vice Chairman Travers, the Planning Commission approved a request from Discovery Builders, Inc., for approval of a Preliminary Development Plan for the development of 72 single family homes on approximately 21 acres located west of the intersection of Somersville Road and James Donlon Boulevard (APN 089-160-009) with the addition of:

- ***Condition No. 11 to read: "That parking will be allowed on both sides of the street throughout the development."***

AYES: Henry, Travers, Brandt and Long
ABSTENTION: Delgadillo
ABSENT: Azevedo and Martin

4. **PDP-06-05 – Tierra Villas Preliminary Development Plan – Mission Peak Homes, Inc., requests approval of a Preliminary Development Plan, which is not an entitlement, for the development of 122 single family homes on approximately 20.3 acres. The project site is located on the west side of Heidorn Ranch Road, at the eastern terminus of Prewett Ranch Drive. (APN's 056-130-013, 015 and 017)**

Assistant Planner Morris provided a summary of the Staff Report dated February 16, 2007.

Opened Public Comment

Steve Allen and Jill Williams of Mission Peak Homes, provided a power point presentation that depicted a conceptual site, landscaping plans and architectural elements.

Commissioner Henry stated that he preferred to have one large proposed open space area, as opposed to two open space parcels and was slightly concerned about the proposed parking.

Vice Chairman Travers suggested that lot numbers 53 through 57 be removed and replaced with open space for the whole project, as well as the pathway being located behind lot numbers 31 and 32 which would connect to the walkways. Also, the two open space parcels shown on the plan be designated for a particular residence.

Commissioner Brandt expressed concern to the homes being too close together in proximity and did not want to see a window-to-window design. She stated that she would review the site plan and elevations to review this issue as the plan moves forward, as well as review lighting issues. She further expressed a concern to the 5 ft.

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ATTACHMENT "E"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF JUNE 12, 2007

Prepared by: Victor Carniglia, Deputy Director of Community Development 

Approved by: Joseph G. Brandt, Director of Community Development 

Date: June 4, 2007

Subject: Preliminary Development Plan for The Pointe Project
(PDP-06-03)

RECOMMENDATION

It is recommended that the City Council provide feedback to the applicant regarding the Preliminary Development Plan submittal for The Pointe Project as summarized in the "Conclusion" section of this staff report.

BACKGROUND INFORMATION

The site being considered under this Preliminary Development Plan is a 21 ± acre hilltop that was previously designated "Open Space" on the tentative map for Black Diamond Ranch. The applicant previously requested the opportunity to develop Estate housing on this parcel and, in November 2005, Council redesignated the Open Space area as "Other Lands of Developer" to allow the applicant to develop a plan for that Estate housing. The surrounding Black Diamond Ranch development is a standard residential subdivision with 4,000, 5,000 and 6,000 nominal single family lots and publicly maintained roads.

This Preliminary Development Plan was continued from the City Council meeting of May 8, 2007. At the May 8, 2007 Council meeting the applicant stated in their presentation that they had submitted a revised plan to the City which the applicant felt addressed many of the issues raised in the staff report. Due to the fact that this revised plan was not included in the Council packet, staff was directed by City Council to bring the revised plan back to Council on June 12, 2007, along with a staff report addressing the revised plan.

On June 4, 2007, as this staff report was being finalized, the applicant submitted yet another revised plan for the Pointe project. Also submitted with the plans was a letter from the applicant describing the latest plan revisions (Attachment "A"). Due to the timing of this submittal, this latest plan was not able to be addressed in detail in this staff report.

With this new submittal, the City now has three separate plans for The Pointe project, namely the "original" plan (the plan that was distributed for the May 8, 2007 Council meeting), the "revised" plan (the plan the applicant referenced as

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addressing staff's issues at the May 8, 2007 Council meeting), and now the plan just submitted, referred to as the "latest" plan. Included in the Council packet are copies of all three plans suitably marked with the preceding names.

Attachment "B" provides minutes of the May 8, 2007 City Council meeting, while Attachment "C" provides the May 8, 2007 Council staff report as background information about the project. Attachment "G" of the May 8, 2007 staff report provides a detailed summary of General Plan and zoning requirements pertinent to this project.

ANALYSIS

Comparison of the Preliminary Development Plan Submittals: The presence of three separate development plans creates a challenge in analyzing the proposed project. However, this challenge is simplified to some extent by the fact that all three plans proposed by the applicant utilize a very similar approach to grading the site. As a result, the concerns expressed in this staff report over the lack of consistency between the proposed project grading and the City's adopted goals and policies are essentially equally applicable to all three plans. The following is a summary of the key similarities and differences between the three plans:

1. When the three plans are unfolded and laid out "side by side" it is clear that the three plans are in essence variations on a single plan. The basic development concepts behind this single plan are 1) to grade down and remove the majority of the hill, 2) to create large flat areas on which to place buildings, with some terraces between the flat areas, and 3) to construct three "double loaded" streets parallel through the site on the largely flat "plateaus" created by the grading.
2. Where the three plans differ is the number of units. The "original" plan had 72 units; the "revised" plan reduced this to 66 units, with the "latest" plan now down to 60 units. The reduction in units in the "revised" plan was largely achieved by eliminating one lot from each side of the three parallel streets running through the project. The reduction in the "latest" plan was made in a similar manner by eliminating two lots from each side of the three parallel streets.
3. The "revised" plan actually appears to increase the depth of overall site grading by cutting an additional 4 to 5 ft. from the hill as compared to the "original" plan. As a result, the "revised" plan has a maximum cut of 131 vertical feet, as compared to 125 vertical feet in the "original" plan. The grading in the "latest" plan, based on the limited grading information provided by the applicant, appears to be similar to the "revised" plan.
4. The height of most of the project's retaining walls has been reduced in the "revised" plan. In most instances lowering retaining walls would be considered to be a positive outcome. However, in this case the lowering of retaining walls was accomplished, not by modifying the plan to better fit the

existing hill, but instead by increasing the amount of vertical cut. In essence, the "revised" plan makes the hill "flatter" than proposed in the "original" plan. The flatter the site, the fewer retaining walls are needed between lots. Retaining walls are not shown on the "latest" plan.

5. The size of the typical usable yard area was increased in both the "revised" and the "latest" plan. This increase was largely due to the deletion of the lots. The average and minimum lot size was also increased, once again due to the deletion of lots.

It is important to note that while both the "revised" plan and the "latest" plan are improvements over the "original" plan submittal (due largely to the decrease in units and an increase in average lot size), the key point to emphasize is that the significant inconsistencies between the proposed grading and the City's various hillside preservation policies in the General Plan and Zoning Ordinance are essentially unchanged for all three plans. The reason for this situation is simple, namely that all three plans are all "variations" on the same theme from a grading perspective. What is needed is a truly new plan. This need for a new plan is discussed later in this staff report, and information on how such a new plan might be prepared will be presented at the Council meeting.

Planning Commission Direction to Applicant: The Preliminary Development Plan application was reviewed by the Planning Commission on February 21, 2007. At that meeting the Planning Commission gave direction to the applicant concerning changes to make to the plan. Included with the attached May 8, 2007 City Council report is a copy of the February 21, 2007 Planning Commission report, which includes the direction given by the Commission to the applicant. At the May 8, 2007 Council meeting the applicant stated that he felt that the "revised" plan addressed the direction given by the Commission. This assertion by the applicant warrants some clarification. The first thing to note is that the direction provided by the Planning Commission at their February 21, 2007 meeting was for the most part very broad, and did not direct specific changes be made to the site plan. The following are some examples of the broad direction made by the Planning Commission to the developer at the February 21, 2007 Commission meeting:

- *"That the site plan shall be redesigned to take the Hillside Planned Development goals and policies into consideration".*
- *"That the streets shall follow the natural contours of the land."*
- *"That the Final Development Plan submittal shall incorporate/address issues brought up by the Commission at the February 21, 2007 meeting, as well as those addressed in the staff report."*

The Planning Commission direction also included some more detailed provisions concerning certain performance standards. These included the following provisions:

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- *"That the lots be larger with more usable areas in the back and side yards."*
- *"That 25% of the lots shall have a minimum side yard setback of 10 feet without a retaining wall for RV parking".*
- *"That each home shall have a 20 foot wide driveway apron."*

What appears to have happened is that the applicant in the "revised" plan addressed the more detailed direction provided by the Planning Commission, but appears to have neglected the broader direction. This may explain the applicant's apparently sincere belief that the "revised" plan addressed the issues raised by the Commission.

While it could be argued that broad general direction is appropriate for a non entitlement action like a Preliminary Development Plan, it can lead to a misunderstanding as appears to have happened in this case. In the future, staff will work with the Commission to provide more explicit direction about changes that need to be made to a plan. If City Council feels the need to clarify the intent of the Planning Commission's direction further, then the Council could refer the item back to the Commission for additional review.

General Plan Consistency: The issue of General Plan consistency was raised by the applicant at the May 8, 2007 Council meeting, with the assertion that the project as proposed is consistent with the General Plan due to the fact that the density proposed complies with the maximum allowed by the Medium Low Density Residential designation of the General Plan. The density proposed at approximately 2 units/gross acre in the latest plan appears to fall well within the allowed maximum. Nevertheless, a General Plan consistency determination involves much more than referring to the General Plan land use map. The following are points the Council needs to consider on the question of the proposed project's compliance with the General Plan:

- The City's General Plan, which was comprehensively updated in November 2003, has language specifically intended to clarify the kind of questions raised by a project of this type. Section 4.4.1.1 of the General Plan states that density is based on the concept of "net developable" acre, and that land encumbered by steep slopes (generally over 25%) are not counted when determining "net developable" acreage. Given that virtually the entire Pointe project site is occupied by slopes exceeding 25%, the net developable area would only be a fraction of the total 21 acres the applicant seeks to develop.
- The General Plan is implemented by considering all the relevant goals and policies pertinent to a development, and not just by looking at the land use map or selectively picking and choosing which policies to apply. While this may be cumbersome, and puts a burden on decision makers, it is the most appropriate way to effectively regulate something as complex as the development of land. Aside from this, State law specifically requires that in making decisions that the General Plan be looked at as a whole, including all relevant maps and policies.

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- The General Plan map is not intended to be parcel specific or to distinguish individual terrain features within its land use designations. If the General Plan land use map had to contain that level of detail, then a City would be forced to do detailed site planning for every single parcel just to complete a General Plan map. This is neither practical nor desirable. The solution is to do a broad based map combined with goals and policies.
- The issue of "precedence" is important when interpreting the General Plan. The various goals and policies contained in the General Plan need to be implemented uniformly throughout the City, unless the General Plan has language establishing different standards and/or policy exemptions for different parts of the City. The General Plan policies concerning hillside development and grading do not differentiate between the area where the proposed "Pointe" is located and other undeveloped areas of the City, such as the Sand Creek Focus area (FUA#1) and the recently annexed Roddy Ranch property. As a result, it is conceivable that if the type of grading being requested by the applicant for the Pointe project is considered to be consistent and appropriate under the General Plan, then a future developer in FUA#1, Roddy or other area may make a similar request expecting a similar answer.

As previously discussed, Attachment "G" of the May 8, 2007 Council report provides a detailed comparison of the proposed project to the City's relevant General Plan policies.

Consistency with General Plan and Hillside Zoning Requirements: While much of the preceding discussion has focused on why staff feels the proposed Preliminary Development Plan does not comply with the City's various General Plan and Zoning requirements, it is appropriate to describe the type of development that would be consistent with the City's requirements. While it is not appropriate for staff to design a plan for the property owner, the following is a brief description of some of the characteristics of such a plan:

- The existing hill would not be mass graded and the summit would not be lowered. Grading for roads would be largely limited to that needed to construct narrow private roads accessing development sites.
- The road system accessing the building sites would to the extent practical follow the existing contours of the hill. The roads themselves would be private, with the minimum width necessary for access and safety.
- The development sites would be graded only as needed for the footprint of homes. Stepped foundations would be utilized so that structures better fit the existing hill form.
- Slopes between building pads would be left ungraded.

The closest local example of the type of development that would be appropriate for the Pointe property is the Sierra Vista project south of the Mira Vista development, which will be under construction in the near future. As a point of

comparison, the Sierra Vista project consists of 50 custom home sites on a roughly 150 acre parcel. This contrasts with the 60 lots on the 21 acre "Pointe" as proposed in the revised Preliminary Development Plan.

CONCLUSION:

As documented in this staff report and related attachments, the project as proposed is inconsistent with the General Plan and the City's hillside development policies. In order to proceed with development in the project area the applicant would need to substantially modify the plan. As discussed previously, some ideas on how such a modified plan might be prepared will be presented at the Council meeting.

Staff recommends that the City Council provide the following direction to the applicant for the "Pointe" Preliminary Development Plan application:

1. That the Final Development Plan submittal shall address issues brought up by the Council at the June 12, 2007 City Council meeting.
2. That the plan be substantially revised so that the form of the existing hill is largely retained. The existing hill may not be reduced in total height.
3. Mass grading of the site is not allowed. Grading shall be limited to the creation of building pads, and not for the purpose of creating flat yard areas. Split pads are encouraged to reduce pad grading.
4. Slopes between building pads and between lots shall be left ungraded,
5. That the environmental review process for any future entitlement application include a detailed visual and slope analysis to determine how any proposed plan complies with all of the City's General Plan and Zoning hillside development requirements.
6. The road system accessing the building sites would to the extent practical following the existing contours of the hill. The roads themselves will be private, with the minimum width necessary for access and safety, as determined by the City Engineer.
7. That the ultimate unit count will be reduced as necessary as part of any future entitlement process to comply with the City's General Plan and Zoning hillside development requirements.
8. That each home shall include a maximum of an 18 foot wide driveway apron.
9. That a Home Owners Association (HOA) shall be established for the project and will be responsible for maintaining all open space, streets, street lighting, and storm water pollution devices.

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10. That the project shall provide guest parking spaces within 150-200 feet of the unit each space serves.
11. That the site plan shall be redesigned to comply with the General Plan Hillside Design Polices and Article 24 of the zoning ordinance relating to the Hillside Planned Development District.
12. That the lots shall be larger with more usable areas in the back and side yards.
13. That 25% of the lots shall have a minimum side yard setback of 10 feet without a retaining wall for RV parking.
14. That the applicant shall demonstrate how project grading and the grading of the adjacent subdivision to the west is compatible.

As a final note, the inconsistencies between the proposed plan and the City's General Plan and zoning requirements will need to be addressed before any request for a Residential Development Allocation (RDA) can be acted on.

FINANCIAL IMPACT

This is a non-entitlement Preliminary Planned Development application and as such, no financial impacts have been identified at this time.

OPTIONS

None. The purpose of this item is to provide feedback regarding the proposal

ATTACHMENTS

- A. Applicant's letter dated June 4, 2007
- B. Minutes of May 8, 2007 Council meeting
- C. Staff report for May 8, 2007 Council meeting

- K. **RESOLUTION NO. 2007/43 ACCEPTING WORK AND DIRECTING CITY ENGINEER TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL PAYMENT TO PACIFIC STATES ENVIRONMENTAL CONTRACTORS, INC FOR THE INTERIM SITE STABILIZATION WORK FOR MARKLEY CREEK #814-03**
- L. **APPROVAL TO COMPLETE REPAIR WORK ON SIERRA CRETE CATEGORY II STREETS, (PW 392-23) #1102-04**
- M. **CONSIDERATION OF BIDS FOR THE LANDSCAPE IMPROVEMENTS AT VARIOUS LOCATIONS WITHIN THE CITY OF ANTIOCH (PW 225-L) #806-03 - *Rejected***

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the Council members present unanimously approved the Council Consent Calendar with the exception of Item A, which was removed for further discussion.

Item A – Mayor Freitas stated he would abstain from the vote on the item due to his absence from the April 24, 2007 City Council meeting.

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council approved item A. The motion carried by the following vote:

Ayes: Davis, Moore, Simonsen

Absent: Kalinowski

Abstain: Freitas

PUBLIC HEARINGS

2. **THE POINTE PRELIMINARY DEVELOPMENT PLAN – DISCOVERY BUILDERS, INC. REQUESTS REVIEW OF A PRELIMINARY DEVELOPMENT PLAN FOR THE DEVELOPMENT OF UP TO 72 SINGLE FAMILY HOMES ON APPROXIMATELY 21 ACRES LOCATED WEST OF THE INTERSECTION OF SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD (APN: 089-160-009) PDP-06-03 #202-03**

Community Development Deputy Director Carniglia presented the staff report dated June 4, 2007 recommending the City Council provide direction to the applicant regarding the Final Development Plan submittal.

Mayor Freitas opened the Public Hearing.

Louis Parsons, representing Discovery Builders, gave a brief overhead presentation of subsequent iterations of their site planning and the rationale for the design.

Wilson Wendt, Attorney representing Discovery Builders, stressed the application was a preliminary development plan and as part of the process there would be a CEQA analysis to address the projects impacts and conformity between the general plan and zoning provisions. He urged the City Council to let the process move forward and allow for the appropriate analysis. He felt no precedence would be set with approval of the development.

Mayor Freitas closed the Public Hearing.

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Councilmember Simonsen stated he was disappointed in the staff report, noting he felt staff had not provided Council with all the options. It was, in his opinion, biased. He expressed concern staff had not carried out the City Council's established policy. Speaking to staff's recommendations #1-14 within the staff report he suggested the following changes to items #2-4, 6, 7, 11-14:

- #2 The site plan as shown is in compliance with Council direction for large usable lots
- #3 Grading of the site as shown is permitted. Grading shall be limited to the creation of building pads, and not for the purpose of creating flat yard areas. Split pads are encouraged to reduce pad grading.
- #4 Allow for slopes to be graded between pads necessary to provide views and landscaping for lots.
- #6 The location of the road grades shall be designed to provide practical feasible access to the units as shown on the site plan that meets the Contra Costa Consolidated Fire Department standards.
- #7 Units have been reduced from 63 units to 51 units on the hill at the direction of City Council. This reduction in unit count has provided for increased lot size, more outdoor usable space, RV parking, pedestrian access and a small community feature pocket park.
- #11 That the site has been redesigned to comply with the general plan and the Hillside Planned Development District and Article 24.
- #12 The minimum lot size on the hill will be no less than 10,000 square feet.
- #13 No comments made
- #14 That the applicant has demonstrated how project grading and the grading of the adjacent subdivision to the west is compatible.

Councilmember Moore stated he was in substantial agreement with Councilmember Simonsen's comments and looked forward to staff working with the applicant to develop a project that would benefit Antioch.

Councilmember Davis requested to see Councilmember Simonsen's recommendations in writing to give him an opportunity to review them and requested staff recommendation #2 be stricken. Additionally, he noted the applicant had responded to the requests from Council and he looked forward to the project coming back.

Mayor Freitas stated he felt the proposal was an abomination of the City Council. He noted staff had responded to the City Council's request to outline the policy issues. He further noted this was not an infill project and the area should remain open space, however, if the majority of the City Council felt it should be developed, they should require the applicant to follow the hillside ordinance. Furthermore, he felt they should be custom designed lots. He stated the proposal to grade the project 100 feet was significant and should be rejected. Additionally, he noted the project was precedence setting and would influence future development. He urged the City Council to reject the proposal based on its non-compliance to the Council approved policies or bring the general plan and hillside ordinance policies back for revisions.

Mayor Freitas declared a recess at 8:58 P.M. The meeting reconvened at 9:12 P.M. with all Councilmembers present.

Following discussion, Council agreed to move agenda item #4 to the next item of business.

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ATTACHMENT "F"

RDA Committee Meeting
Project:

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CATEGORY	POSSIBLE POINTS	COMMITTEE MEMBER SCORES					FINAL SCORES
		Travers	Kalinowski	Freitas	Azevedo	AVERAGE	
A. PHYSICAL IMPROVEMENTS	200 POINTS POSSIBLE						
A-1 Traffic and Transportation	75 points	60	55	60	60	58.8	
A-2 Utilities and Infrastructure	75 points	60	55	60	50	56.3	
A-3 Open Space and Parks	25 points	15	18	15	15	15.8	
A-4 Natural Features	25 points	10	0	0	5	3.8	
SUB-TOTAL		145	128	135	130	134.5	
B. DESIGN	100 POINTS POSSIBLE						
B-1 Site Design	25 points	23	20	15	20	19.5	
B-2 Architecture and Design Quality	25 points	22	17	15	20	18.5	
B-3 Energy and Efficiency	25 points	15	17	10	10	13.0	
B-4 Public Safety	25 points	23	17	18	20	19.5	
SUB-TOTAL		83	71	58	70	70.5	
C. ADDITIONAL COMMUNITY BENEFITS AND CONTRIBUTIONS	200 POINTS POSSIBLE						
C-1 School Mitigation	60 points	40	40	40	40	40.0	
C-2 Economic Development Benefits	60 points	40	20	30	35	31.3	
C-3 Contributions to Special Projects	80 points	50	20	25	35	32.5	
SUB-TOTAL		130	80	95	110	103.8	
TOTAL POINTS	500 POSSIBLE	358	279	288	310	308.8	

ATTACHMENT "G"

STAFF REPORT TO THE RDA COMMITTEE FOR CONSIDERATION AT THE MEETING OF AUGUST 20, 2007

Prepared by: Mindy Gentry, Assistant Planner *AK*
Reviewed by: Tina Wehrmeister, Deputy Director of Community Development
Date: August 17, 2007
Subject: RDA-07-02 – The Pointe

PROJECT INFORMATION

Applicant: Discovery Builders, Inc.
Owner: Discovery Builders, Inc.
Location: The project site is located east of the intersection of James Donlon Boulevard and Somersville Road (APN: 089-160-009) (Attachment "A")
General Plan / Zoning: The General Plan designation for the project site is Low Density Residential, which allows a maximum density of four units per acre. The zoning designation is Hillside Planned Development (HPD).
Requested Allocations: The applicant is requesting that 60 single-family residential units be allocated in 2008. The project is not being phased.

DISCUSSION

On July 30, 2007, the RDA Committee heard and continued the project and now the applicant is returning with revised benefits and contributions. The previous staff report is provided as Attachment "B". This staff report will address the project changes and summarize the community benefits that have been proposed by the applicant.

In the applicant's summary and revised site plan, they have indicated that a single story home has been added to the development (Attachment "C"). A revised floor plan has not been received by staff, although the applicant has indicated the single story home was derived from floor plan 1 which had a loft incorporated. The developer has eliminated the two upstairs bedrooms and bathroom. The square footage of the four homes now range from 2,616 s.f. to 3,951 s.f. with options ranging to 4,102 s.f.

ANALYSIS

Physical Improvements

The developer is proposing all private roads which will be maintained by the Homeowners Association. The necessary roadways to access the development have already been constructed or are planned for construction as part of the previously approved Black Diamond Ranch.

The developer will be required to provide the infrastructure necessary to serve the site and will be required to pay fair share costs for all infrastructure improvements. This includes utility tie-ins such as water, sanitary sewer, and storm drainage systems. The applicant is not proposing any public improvements to utilities or infrastructure. Additionally, the project will be annexed into SLLMD 2A-10 which is responsible for the ongoing maintenance of streets, landscaping, and lighting improvements to Somersville Road, James Donlon Boulevard, and Markley Creek Park.

The applicant is proposing approximately 4 acres of open space (about 20% of the overall site). The open space, Parcel A and Parcel B, are located at the rear of the houses on the upslope from Black Diamond Ranch. The applicant has provided a conceptual landscape plan for open space parcels. Furthermore, the applicant is providing a pedestrian path between the three terraces and a pocket park approximately 10,836 s.f. in size. Maintenance of all common areas, open space, front yard landscaping, the community pocket park, entry features, and landscaping in the common space will be the responsibility of the project's Homeowner's Association (HOA).

Site Plan, Architecture and Landscaping

All the lots except for 53-59 are 10,000 s.f. or larger. The site is zoned Hillside Planned Development (HPD), which allows for flexibility in setbacks and lot sizes. The design of the development has utilized the topography to maximize unobstructed views of the City of Antioch and the delta for many of the homes.

There are four proposed base floor plans ranging from 2,616 s.f. to 3,951 s.f. with options ranging to 4,102 s.f. There are several options for room arrangements and a mix of garage approaches from side to front load configurations. The themes of the proposed homes are Craftsman, Spanish, and Monterey which will be finished in stucco and accented by wood shutters, divided-lite windows, iron metal ornamentation, stone veneer, wood braces and concrete tile roofing.

The proposed landscape plan offers a wide variety of drought tolerant landscaping, a City standard requirement.

The applicant states that all the homes will meet or exceed energy efficient requirements and will have the appropriate conservation features included and available for the public to purchase as upgrades. The applicant has not identified the type of

appropriate conservation features that will be offered. It would be a benefit to the future homeowners if these energy efficient features were standard on all homes.

The majority of the proposed project is within a gated community with Lots 52 – 60 incorporated into Black Diamond Ranch and not gated. Security systems and alarms are offered with all homes, but are not included as standard.

Community Wide Benefits

The applicant has identified in their summary of benefits that the applicant will provide \$450,000 for additional permanent classrooms at the John Turner Elementary School and Antioch High School. This monetary contribution is to be made at the issuance of the 20th building permit. Furthermore, it is typical of new subdivisions to be required to annex into a Mello Roos District for the purpose of mitigating any school impacts.

For Economic Development Benefits and Contributions to Special Projects, the applicant is offering a monetary contribution of \$300,000 toward the City of Antioch monument entry signs. This contribution is to be made at the issuance of the 40th building permit. Furthermore, the applicant is offering a monetary contribution of \$300,000 towards the Community Center at Prewett Park. This contribution will be made at the issuance of the 60th building permit.

Overall, the financial contribution totals \$1,050,000 which equates to \$17,500 per lot. Staff has prepared a proforma based on similar proformas prepared on all properties in Future Urban Area 1 and outlining the approximate cost of the development, as well as the profits of the project (Attachment "C"). The proforma provides general numbers for the entire project with all the homes slated at 3,000 s.f., 3,500 s.f., or 4,000 s.f. The profit for the three generic homes sizes is approximately \$8,400,000, \$10,600,000, and \$13,000,000 respectively. The typical profit margin for a residential housing project is approximately 9% to 14%; however, the projected profit margin for this project is between 22% and 29%. The profit over and above the typical 9% to 14%, calculated at 12%, equates to approximately \$3,900,000, \$5,800,000, and \$7,600,000. Staff feels that because of this larger profit the economic and community benefits may not be equitable to the profits being generated.

The aforementioned proforma was provided to the applicant two weeks prior to the hearing. Staff asked that the applicant provide comments regarding the assumptions made in the proforma. At the time this staff report was prepared, feedback had not been received from the applicant.

SUMMARY OF PROJECT BENEFITS

Below is a brief description of the community benefits provided by the project and their timing organized by each evaluation category approved by the City Council. The maximum possible points for each category are shown in the table, but no points have been assigned. The applicant's description of the project's benefits to the community is attached (Attachment "D").

The Committee should use the table below to score the project prior to the RDAC meeting on August 20, 2007.

CATEGORY	POINTS POSSIBLE	COMMITTEE NOTES
A. PHYSICAL IMPROVEMENTS	200 POINTS	NOTES
A-1 Traffic and Transportation	75 points	
<ul style="list-style-type: none"> Streets within the project will be private and will be maintained by the Home Owners Association at no cost to the City. 		
A-2 Utilities and Infrastructure	75 points	
<ul style="list-style-type: none"> The project will be annexed into the SLLMD 2A-10, which maintains the landscaping and lighting for Somersville Road, James Donlon Boulevard, and Markley Creek Park. 		
A-3 Open Space and Parks	25 points	
<ul style="list-style-type: none"> The project includes 4 acres of private open space area and pedestrian paths between the three terraces. The project includes a 10,836 s.f. community pocket park with a water feature and pedestrian pathways between the three terraces. 		
A-4 Natural Features	25 points	
<ul style="list-style-type: none"> The project is not preserving the natural features of the hillside. 		
B. DESIGN	100 POINTS	
B-1 Site Design	25 points	
<ul style="list-style-type: none"> The majority of the lots in the project have a 10,000 or larger s.f. lot. There are unobstructed views of the City of Antioch and the delta from many of the homes. 		
B-2 Architecture and Design Quality	25 points	
<ul style="list-style-type: none"> The houses will be accented with wood shutters, divided-lite windows, iron metal ornamentation, stone veneer, wood braces, and concrete tile roofing. The landscape plan provides a wide variety of landscaping. 		
B-3 Energy and Efficiency	25 points	

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CATEGORY	POINTS POSSIBLE	COMMITTEE NOTES
<ul style="list-style-type: none"> The homes will incorporate standard conservation features as well as upgraded energy efficient features. 		
B-4 Public Safety	25 points	
<ul style="list-style-type: none"> The majority of the community is gated. 		
C. ADDITIONAL COMMUNITY BENEFITS AND CONTRIBUTIONS	200 POINTS	
C-1 School Mitigation	60 points	
<ul style="list-style-type: none"> The applicant is proposing contributing \$450,000 at the issuance of the 20th building permit for permanent classrooms at Turner School and Antioch High School. The project will be required to annex into a Mello Roos district. 		
C-2 Economic Development Benefits	60 points	
<ul style="list-style-type: none"> The applicant is proposing contributing \$300,000 at the issuance of the 40th building permit toward the City of Antioch monument entry signs. 		
C-3 Contributions to Special Projects	80 points	
<ul style="list-style-type: none"> The applicant is proposing a financial contribution of \$300,000 at the issuance of 60th building permit towards the Community Center at Prewett Park. 		
TOTAL POINTS (500 points possible)		

RECOMMENDATION

It is recommended that the RDAC score the application and if the application meets the 50% threshold, decide if the project shall receive a recommendation of allocations. If the RDAC does recommend an allocation, such allocation should be contingent on compliance with the Antioch General Plan. A resolution of approval has been prepared; however, if the RDAC feels a denial resolution is appropriate, staff will prepare one accordingly.

ATTACHMENTS

- A. Vicinity Map
- B. Staff Report from the July 30, 2007 Residential Development Allocation Committee Hearing
- C. Proforma Prepared by Staff
- D. Letter from the Applicant Outlining Financial Contributions and the Project Description

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**RESIDENTIAL DEVELOPMENT ALLOCATION COMMITTEE
RECOMMENDATION FOR APPROVAL OF ALLOCATION OF RESIDENTIAL UNITS
FOR THE POINTE RESIDENTIAL DEVELOPMENT**

WHEREAS, the Residential Development Allocation Committee (RDAC) of the City of Antioch did receive an application from Discovery Builders, Inc., for the approval of 60 residential development allocations for a +/- 21 acre project generally located east of the intersection of James Donlon Boulevard and Somersville Road. (APN: 089-160-009) (RDA-07-02); and

WHEREAS, the approval of residential development allocations does not constitute an entitlement to develop a project and the allocation process is not subject to the provisions of the California Environmental Quality Act; and

WHEREAS, the RDAC duly gave notice of the public meeting as required by law; and

WHEREAS, on July 30, 2007, the RDAC duly held a public meeting, received and considered evidence, both oral and documentary; and

WHEREAS, it is hereby understood that any contributions, mitigations, and other benefits that were agreed to as part of this allocation process shall be incorporated into future entitlement submittal(s).

NOW THEREFORE BE IT RESOLVED that the RDAC does hereby recommend that Discovery Builders, Inc. be granted 60 residential development allocations in 2008.

NOW THEREFORE BE IT FURTHER RESOLVED that the RDAC does hereby recommend that Discovery Builders, Inc be granted 60 residential development allocations subject to the following items and community benefits that the applicant has agreed to provide:

1. The project amenities shall be substantially in conformance with the applicant's project description date stamped July 20, 2007.
2. Local streets within the project shall be private and shall be maintained by the Home Owners Association at no cost to the City.
3. The homes shall incorporate appropriate conservation measures as standard equipment and not as options or upgrades.
4. The project will include approximately 4 acres of private open space area, a pedestrian path between the three terraces, and a community pocket park.
5. The homes shall be finished with wood shutters, divide-lite windows, iron metal ornamentation, stone veneer, wood braces, and concrete tile roofing.

6. All lots except lots 53 to 59 shall be 10,000 s.f. or larger.
7. The community shall be gated except for the lots that will blend into the Black Diamond Ranch subdivision.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Residential Development Allocation Committee of the City of Antioch, County of Contra Costa, State of California at a regular meeting of said Residential Development Allocation Committee held on the 30th day of July, 2007 by the following vote:

AYES:
NOES:
ABSTAIN:

TINA WEHRMEISTER
Secretary to the RDAC

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ATTACHMENT "H"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF SEPTEMBER 19, 2007

Prepared by: Mindy Gentry, Assistant Planner *MG*
Reviewed by: Tina Wehrmeister, Deputy Director of Community Development *TW*
Date: September 14, 2007
Subject: RDA-07-02 – The Pointe

RECOMMENDATION

It is recommended that the Planning Commission approve the attached resolution recommending the City Council approve 60 Residential Development Allocations (RDA-07-02).

REQUEST

Discovery Builders Inc., the applicant, requests approval of 60 single family residential development allocations for 2008 for an approximately 21 acre site. The project is generally located east of the intersection of James Donlon Boulevard and Somersville Road (APN: 089-160-009).

BACKGROUND / DISCUSSION

On February 21, 2007, the applicant presented a Preliminary Development Plan containing a 72 unit development to the Planning Commission. The staff report and minutes are provided from that meeting as Attachment "B". The Planning Commission provided the following direction to the applicant:

- Reduce the number of houses and create larger lots,
- Provide larger useable back and side yards,
- Accommodate boat and RV parking,
- Provide parking on both sides of the street,
- Protection of views through the CC&R's, and
- Modify the grading to bring it inline with the goals and policies of Hillside Planned Developments.

Following the Planning Commission hearing, the applicant submitted the subject RDA application in which the site plan was reduced to 66 units from the 72 unit Preliminary Development Plan. The reduction in units came about due to the feedback received from the Planning Commission. The Preliminary Development Plan subsequently went to the City Council where it was continued at the May 8, 2007 hearing. The May 8, 2007 staff report is an attachment to the June 12, 2007 staff report (Attachment "C").

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On June 12, 2007, the project went back to the City Council with another revised plan that contained 60 units. As stated in the June 12th Council report the project, in staff's opinion, is not in compliance with the General Plan and Hillside Planned Development goals and policies. The majority of the City Council members present at the hearing were supportive of the presented 60 unit plan and directed staff to take the project through the RDA process.

On July 30, 2007, the RDA Committee heard and continued the project due to a lack of information from the applicant in the various scoring categories. The staff report for the July 30, 2007, hearing is an attachment to Attachment "E". On August 20, 2007, the RDAC heard the subject project and based on the project's satisfactory score, recommended approval of 60 residential development allocations; however, approval of the allocation was contingent upon compliance with the General Plan (Attachment "D"). In addition, based on feedback provided by the RDAC, the applicant added a single story floor plan, as well as a water feature, in the community pocket park. The applicant has provided a summary of community benefits (Attachment "F").

The project received 308.8 points from the RDAC. Amendments from the proposed community benefits and contributions that were agreed to by the applicant during the RDAC hearing were as follows:

- Install security systems in all homes as a standard feature;
- \$450,000 monetary contribution for an all season sports field, the location to be determined by the City Council, at the issuance of the first building permit;
- \$300,000 monetary contribution towards economic development projects deemed appropriate by the City Council at the issuance of the 20th building permit;
- \$300,000 monetary contribution towards the Community Center at Prewett Park at the issuance of the 40th building permit.

ATTACHMENTS

- A: Vicinity Map
- B: Staff Report and Minutes from the February 21, 2007 Planning Commission Hearing
- C: Staff Report and Minutes from the June 12, 2007 City Council Hearing
- D: RDAC Score Sheet
- E: Staff Report from the August 20, 2007 Residential Development Allocation Committee Hearing
- F: Summary of Community Benefits Provided by the Applicant

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2007-23**

WHEREAS, the City of Antioch received a request from Discovery Builders, Inc. for the approval of 60 residential development allocations in 2008 for an approximately 21 acre site. The project is generally located east of the intersection of James Donlon Boulevard and Somersville Road (APN: 089-160-009) (RDA-07-02); and,

WHEREAS, the Planning Commission did receive a recommendation for approval of residential allocations for this project from the Residential Development Allocation Committee; and;

WHEREAS, the allocation process is not subject to the provisions of the California Environmental Quality Act; and

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

WHEREAS, on September 19, 2007, the Planning Commission duly held a public meeting, received and considered evidence, both oral and documentary; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend denial to the City Council of 60 residential development allocations.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch of the County of Contra Costa, State of California at a regular meeting of said Planning Commission held on the 19th day of September, 2007 by the following vote.

AYES:	Azevedo, Martin, Delgadillo, Brandt and Travers
NOES:	None
ABSTAIN:	None
ABSENT:	None


TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

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**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

**Regular Meeting
7:30 p.m.**

**September 19, 2007
City Council Chambers**

Chairman Travers called the meeting to order at 7:30 p.m. on Wednesday, September 19, 2007, in the City Council Chambers.

Chairman Travers 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, September 26, 2007.

ROLL CALL

Present: Commissioners Martin, Brandt, Delgadillo (arrived at 7:35 p.m.),
Vice Chairman Azevedo and Chairman Travers
Staff: Senior Planner Morris
Assistant Planner Gentry
Assistant City Attorney Hawkins
Minutes Clerk Lawson

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

None.

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

2. **RDA-07-02 – The Pointe – Discovery Builders, Inc., requests approval of 60 residential development allocations for a single-family subdivision on approximately 21 acres. The project site is located west of the intersection of James Donlon Boulevard and Somersville Road (APN 089-160-009).**

Associate Planner Gentry provided an overview of the Staff Report dated September 14, 2007.

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OPENED PUBLIC HEARING

Louis Parsons, Discovery Builders, provided a PowerPoint presentation that depicted a brief overview of the site plan, as well as various amenities within the project.

Dana Owyong, Project Architect, Discovery Builders, spoke to the architectural details of the project, per displayed wall maps.

Troy Bristol, representing Save Mount Diablo, distributed and made a part of the record, a letter dated July 20, 2007, stating their opposition to this project. He felt the proposed project would have significant impacts on this area and furthermore that the project plan was inconsistent with the City of Antioch's General Plan, as well as the City's Hillside Plan Development Ordinance. He felt that by allowing this project to move forward, it would set a negative precedent by the City and felt it should be denied.

Mr. Parsons stated that when the project's plans were originally submitted in 2005, a request was made before the City Council for an amendment to the designation of the Black Diamond Ranch project which was approved in November of 2005 to designate the property as owner developer remainder parcel. Therefore at present, it has a land use designation for residential development as approved by the City Council, and the parcel is shown as a remainder parcel with applicable residential zoning and general plan designations.

Commissioner Martin asked Mr. Parsons if he agreed with all the conditions as stated within the proposed Resolution, wherein Mr. Parsons concurred.

CLOSED PUBLIC HEARING

Commissioner Delgadillo asked staff if the project met the specifications for hillside development, wherein Assistant Planner Gentry stated that it was staff's opinion that it was not in compliance with the City's General Plan or the Hillside Plan Development Ordinance.

Commissioner Martin stated that he felt this project was in violation of the City's General Plan and Hillside Planned Development Ordinance and felt that development should not move forward in this particular area. He personally felt that if this project were to move forward, it would set a precedent for the south side of Antioch to open up to additional development on the hillsides. Furthermore, he appreciated the monetary contributions offered within the RDA process and approved of the architectural elements of the project, but felt he could not move forward with an approval because he did not want to violate the City's General Plan and the Hillside Planned Development Ordinance. Commissioner Martin stated that he would be voting against this project.

Commissioner Brandt stated that she was disappointed in the proposed plans, in terms of the proposed hillside development's vision on the part of the applicant. She further

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expressed disappointment in the proposed architectural plans, in that she felt the layout of the homes and the small lots were too ordinary and not what an executive-type home should be, as seen in other communities. She felt that the applicant did not take the City's Hillside Planned Development Ordinance seriously and felt the proposed plan did not meet the intent of the Ordinance, in terms of blending homes into the hillside.

Commissioner Delgadillo stated that he disagreed with the architectural type features that have been proposed by the applicant and that they were too similar with what already existed within the community. In terms of executive style homes, he expected the applicant to propose more amenities, features and larger lot sizes. Moreover, he felt the project did not meet the requirements of the City's Hillside Planned Development Ordinance and felt this area should remain as open space and remain consistent with the City's original intent.

Commissioner Azevedo stated that he did not feel the proposed executive style homes were exceptional in design and in speaking to the points received from the RDAC, he did not agree with the City Council's decision and could not support the applicant's proposal. He suggested that the applicant bring this project back with a plan that could meet the Planning Commission's concerns and standards.

Chairman Travers stated his disappointment in the RDAC's decision and felt this project could be constructed in a manner to meet the Planning Commission's concerns. He approved of the proposed elevations and articulations of the architectural designs, but felt that the executive homes should be larger with larger size lots. He recommended that the project be improved upon to meet the concerns of the Commission.

Chairman Travers stated for the record that he agreed with Save Mount Diablo's comments here tonight, but due to the fact that they have not voiced their opinion earlier in this process, he recommended that they be more expeditious in stating their beliefs at future meetings.

RESOLUTION NO. 2007-23

On a motion by Commissioner Azevedo and seconded by Commissioner Martin, the Planning Commission DENIED a request from Discovery Builders, Inc., to recommend approval to the City Council of 60 residential development allocations in 2008 for an approximately 21 acre site.

AYES: Azevedo, Martin, Delgadillo, Brandt and Travers

3. RDA-06-01 – Tierra Villas – Mission Peak Homes, Inc., requests approval of 115 residential development allocations over a three year period. The project site is located on the west side of Heidorn Ranch Road, at the eastern terminus of Prewett Ranch Drive (APN's 056-013-013, -015, -107 and -018).

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ATTACHMENT "I"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF JANUARY 22, 2008

Prepared by: Mindy Gentry, Associate Planner *MA*

Reviewed by: Tina Wehrmeister, Deputy Director of Community Development *TW*

Approved by: Joseph G. Brandt, Director of Community Development *JG*

Date: January 18, 2008

Subject: Residential Development Allocation – The Pointe (RDA-07-02).

RECOMMENDATION

The Planning Commission has recommended that the City Council deny the requested 60 residential development allocations for The Pointe project.

REQUEST

Discovery Builders Inc., the applicant, requests approval of 60 single family residential development allocations for 2008 for an approximately 21 acre site. The project is generally located west of the intersection of James Donlon Boulevard and Somersville Road (APN: 089-160-009).

BACKGROUND INFORMATION

On February 21, 2007, the applicant presented a Preliminary Development Plan containing a 72 unit development to the Planning Commission. The staff report and minutes are provided from that meeting as Attachment "B". The Planning Commission provided the following direction to the applicant:

- Reduce the number of houses and create larger lots,
- Provide larger useable back and side yards,
- Accommodate boat and RV parking,
- Provide parking on both sides of the street,
- Protection of views through the CC&R's, and
- Modify the grading to bring it inline with the goals and policies of Hillside Planned Developments.

Following the Planning Commission hearing, the applicant submitted the subject RDA application in which the site plan was reduced to 66 units from the 72 unit Preliminary Development Plan. The Preliminary Development Plan subsequently went to the City Council where it was continued at the May 8, 2007 hearing. On June 12, 2007, the project went back to the City Council with another revised plan that contained 60 units.

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The May 8, 2007 staff report and the June 12, 2007 staff report are attached (Attachment "C" and "D"). As stated in the June 12th Council report the project, in staff's opinion, is not in compliance with the General Plan and Hillside Planned Development goals and policies. The majority of the City Council members present at the hearing were supportive of the presented 60 unit plan and directed staff to take the project through the RDA process.

On July 30, 2007, the RDA Committee heard and continued the project due to a lack of information from the applicant in the various scoring categories (Attachment "E"). On August 20, 2007, the RDAC heard the subject project and based on the project's satisfactory score, recommended approval of 60 residential development allocations. Approval of the allocation was contingent upon compliance with the General Plan (Attachment "F"). In addition, based on feedback provided by the RDAC, the applicant added a single story floor plan, as well as a water feature, in the community pocket park.

The project received 308.8 points from the RDAC (Attachment "G"). Amendments to the proposed community benefits and contributions that were agreed to by the applicant during the RDAC hearing were as follows:

- Install security systems in all homes as a standard feature;
- \$450,000 monetary contribution for an all season sports field, the location to be determined by the City Council, at the issuance of the first building permit;
- \$300,000 monetary contribution towards economic development projects deemed appropriate by the City Council at the issuance of the 20th building permit;
- \$300,000 monetary contribution towards the Community Center at Prewett Park at the issuance of the 40th building permit.

On September 19, 2007, the Planning Commission heard the applicant's request for 60 residential development allocations and subsequently recommended denial of the project to the City Council (0-5 with 2 absent). The Planning Commission's reasons for denying the project were as follows: violation of the General Plan and Hillside Planned Development Ordinance, the layout and small lots were not typical of executive housing, lack of amenities, and dislike of the architectural features and design. While the Planning Commissioners' reasons for denial varied, the majority stated the project was in violation of the General Plan and Hillside Planned Development Ordinance (Attachment "H").

After the Planning Commission hearing, the Community Development Department received an amended list of community benefits from the applicant. The list had been modified with an additional contribution of \$10,000 per lot to be allocated to the Economic Development Job Creation Fund for a total of \$600,000 as an additional contribution (Attachment "I").

ENVIRONMENTAL

The Residential Development Allocation process is a non-entitlement action and does not require environmental review. The Final Development Plan will require compliance with the California Environmental Quality Act (CEQA).

PROJECT OVERVIEW

The proposed project consists of 60 single family homes. All the lots except for 53-59 are 10,000 s.f. or larger. The square footage of the four homes range from 2,616 s.f. to 3,951 s.f. with options ranging to 4,102 s.f. The site plan calls for an entry feature into the subdivision from Black Diamond Ranch through Summit Way. The subdivision features three private roads with the majority of the houses facing onto the street with the exception of lots 64-72. Lots 64-72 are proposed to blend into the adjacent Black Diamond Ranch development.

The subdivision is proposed to have three terraced levels with each street at a different grade level with a difference of approximately 20 feet between each. The applicant is also proposing two open space parcels of 2.7 acres (Parcel "A") and 1.4 acres (Parcel "B"). The open space areas are proposed as a vegetative buffer zone between Black Diamond Ranch and the adjacent subdivision (Attachment "J").

RDA EXPIRATION: The project does not currently have an expiration date associated with the residential development allocations. If the Council feels it is appropriate to add an expiration date, staff recommends adding, "The applicant shall submit a tentative map to the City within two years of the date of approval of RDA Allocations by the City Council. These RDA Allocations shall expire upon expiration of the underlying Tentative Subdivision Map." Staff would note that whatever action Council takes on this project with respect to an expiration of the RDA allocations will set precedent for future project allocations.

General Plan and Hillside Planned Development Ordinance Consistency: The subject project, in staff's opinion, is still not compliant with the General Plan and Zoning Ordinance's Hillside Planned Development. If, at the time a Development Plan and Tentative Map are processed, Council feels the project does comply with the General Plan and Zoning Ordinance, they will need to make a determination the project is compliant with the General Plan and Zoning Ordinance based on specific findings.

Opposition Letters

A letter of opposition was received from the East Bay Regional Park District as well as from Save Mount Diablo. (Attachment "K").

FINANCIAL IMPACT

Denial of the application would eliminate the potential of the offered financial contribution of \$1,650,000 from the applicant.

OPTIONS

The City Council may approve the 60 requested allocations contingent on a future finding of consistency with the General Plan and Hillside Planned Development Ordinance. A resolution for approval has been included with condition number 13 addressing the requirement for consistency.

The City Council may direct the applicant to revise the project to be consistent with the General Plan and Hillside Planned Development Ordinance.

ATTACHMENTS

- A: Vicinity Map
- B: February 21, 2007 Planning Commission Meeting Staff Report and Minutes
- C: May 8, 2007 City Council Meeting Staff Report and Minutes
- D: June 12, 2007 City Council Meeting Staff Report and Minutes
- E: July 30, 2007 RDA Committee Staff Report
- F: August 20, 2007 RDA Committee Staff Report
- G: RDAC Score Sheet
- H: September 19, 2007 Planning Commission Staff Report and Minutes
- I: Applicant's Revised Financial Contributions
- J: Applicant's Project Description
- K: EBRPD and Save Mount Diablo Letters of Opposition

RESOLUTION NO. 2008/11

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING 60 SINGLE FAMILY RESIDENTIAL DEVELOPMENT ALLOCATIONS FOR AN APPROXIMATELY 21 ACRE PROPERTY GENERALLY LOCATED WEST OF THE INTERSECTION OF JAMES DONLON BOULEVARD AND SOMERSVILLE ROAD (APN: 089-160-009).

WHEREAS, the City Council of the City of Antioch did receive a request from the Discovery Builders, Inc. requesting approval of 60 single family residential development allocations on an approximate 21 acre property. The project site is generally located west of the intersection of James Donlon Boulevard and Somersville Road (APN: 089-160-009); and

WHEREAS, the Planning Commission on September 19, 2007, duly held a noticed public hearing, received and considered evidence, both oral and documentary, and recommended denial of the allocations to the City Council; and,

WHEREAS, the City Council duly gave notice of public hearing; and,

WHEREAS, on January 22, 2008 the City Council duly held a public meeting, received and considered evidence, both oral and documentary; and,

NOW THEREFORE BE IT RESOLVED that the City Council does hereby APPROVE the request of 60 single family residential development allocations, subject to the following items and community benefits that the applicant has agreed to provide:

1. The project amenities shall be substantially in conformance with the applicant's project description, dated August 9, 2007 and their letter regarding community contributions, dated November 23, 2007.
2. Local streets within the project shall be private and shall be maintained by the Homeowners Association, at no cost to the City.
3. The project shall be annexed into a Street, Lighting, Landscaping, and Maintenance District (SLLMD).
4. The homes shall incorporate appropriate conservation measures as standard equipment and not as options or upgrades.
5. The project will include approximately 4 acres of private open space area, a pedestrian path between the three terraces, and a community pocket park with a water feature.
6. The homes shall be finished with wood shutters, divide-lite windows, iron metal ornamentation, stone veneer, wood braces, and concrete tile roofing.
7. All lots except lots 53 to 59 shall be 10,000 s.f. or larger.
8. The community shall be gated except for the lots that will blend into the Black Diamond Ranch subdivision.

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9. A financial contribution of \$450,000 shall be made toward the establishment of an all season sports field, the location to be determined by the City Council, at the issuance of the 1st building permit.
10. A financial contribution of \$300,000 shall be made toward the City of Antioch for economic development projects deemed appropriate by the City Council at the issuance of the 20th building permit.
11. A financial contribution of \$300,000 shall be made toward the Community Center at Prewett Park at the issuance of the 40th building permit.
12. Upon approval of the Vesting Tentative Map, a financial contribution of \$10,000 per lot, for a total of \$600,000, shall be given to the Economic Development Job Creation Fund.
13. Allocations allowed under this resolution are contingent upon the Antioch City Council finding the project Development Plan and Tentative Map to be consistent with the General Plan and Zoning Ordinance.
14. The applicant shall submit a tentative map to the City within two years of the date of approval of RDA Allocations by the City Council. These RDA Allocations shall expire upon expiration of the underlying Tentative Subdivision Map

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the City Council of the City of Antioch, California, at a regular meeting thereof held on the 22nd day of January 2008, by the following vote:

AYES: Council Members Kalinowski, Davis, Moore and Simonsen

NOES: Mayor Freitas

ABSENT: None


L. JOLENE MARTIN, City Clerk

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Steve Allen, representing the Mission Peak Company, gave a brief overview of the project and modifications made to incorporate direction received during the Preliminary Development Plan. He requested consideration of more than a 4-year timeframe for the allocations.

Mayor Freitas reviewed the RDA benefits proposed.

Following discussion, Mr. Allen requested the timing of the allocations be revised to 2009, 2010 and 2011.

Mayor Freitas closed the public hearing.

Councilmember Moore commended the applicant for bringing forward a green project.

Councilmember Kalinowski stated he felt the project was not consistent with the City's planning and vision for high density projects.

RESOLUTION NO. 2008/10

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council approved the resolution with the following revisions:

The table of residential development allocations over three years were amended as follows:
2009 – 35, 2010 – 40 and 2011 – 40.

#10. The applicant shall submit a tentative map to the City within two years of the date of approval of RDA Allocations by the City Council. These RDA Allocations shall expire upon expiration of the underlying Tentative Subdivision Map.

#11. The addition of *Build it Green* standards.

The motion carried by the following vote:

Ayes: Simonsen, Moore, Davis

Noes: Freitas, Kalinowski

Mayor Freitas declared a recess at 8:50 P.M. The meeting reconvened at 9:02 P.M. with all Councilmembers present.

6. **DISCOVERY BUILDERS, INC. / THE POINTE REQUESTS APPROVAL OF 60 RESIDENTIAL DEVELOPMENT ALLOCATIONS FOR A SINGLE-FAMILY HOME SUBDIVISION ON APPROXIMATELY 21 ACRES LOCATED EAST OF THE INTERSECTION OF JAMES DONLON BOULEVARD AND SOMERSVILLE ROAD. (APN: 089-160-009). FILE: RDA-07-02 #204-05**

Associate Planner Gentry presented the staff report dated January 18, 2008 recommending the City Council approve the Planning Commission's recommendation and adopt the resolution denying the requested 60 Residential Development Allocations for the project.

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Mayor Freitas opened the public hearing.

Louis Parsons, representing Discovery Builders Inc., gave a general project overview outlining the grading approach, site plan and community benefits for the project.

Dana Owyong, Project Architect, gave a brief overhead presentation of the project architecture.

Troy Bristol, representing Save Mt. Diablo, stated it was their position the project, as presented, was in violation of the City's General Plan and as well as being inconsistent with the Antioch's Hillside Planned Development Ordinance; therefore, the Save Mt. Diablo Organization urged the Council to uphold the recommendation of both the Planning Commission and City staff, and deny the appeal.

Barbara Sobalvarro, speaking on behalf of herself voiced her support for the Planning Commission's recommendation for denial of the project and discussed the importance in preserving hillsides and respecting the environment.

Mayor Freitas closed the Public Hearing.

Councilmember Simonsen stated the project was consistent with the other RDA requests,

Councilmember Kalinowski stated due to the City's inability to maintain open space and the fact the project was consistent with surrounding properties, he felt an exception should be made for the project. He highlighted the modifications and contribution submitted by the applicant.

Councilmember Moore stated the applicant had addressed the concerns of Council as the project had moved forward and the RDA contributions would improve the quality of life for Antioch residents.

Mayor Freitas stated while he liked the project, he felt it was moving in the wrong direction. He further noted grading the hill would not only be a violation of the General Plan and Hillside Planned Development Ordinance, it would also set precedence.

RESOLUTION NO. 2008/11

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council adopted the resolution, approving 60 single family residential development allocations with the following revisions:

- #12 - Upon approval of the Vesting Tentative Map, a financial contribution of \$10,000 per lot, for a total of \$600,000, shall be given to the Economic Development Job Creation Fund.

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#14 - The applicant shall submit a tentative map to the City within two years of the date of approval of RDA Allocations by the City Council. These RDA Allocations shall expire upon expiration of the underlying Tentative Subdivision Map

The motion carried by the following vote:

Ayes: Simonsen, Moore, Kalinowski, Davis

Noes: Freitas

COUNCIL REGULAR AGENDA

7. APPOINTMENT TO EBART SUBCOMMITTEE #302-10

Community Development Director Brandt presented the staff report dated January 15, 2008, recommending the City Council confirm the Mayor's appointment.

Mayor Freitas nominated Councilmember Simonsen.

On motion by Councilmember Moore, seconded by Councilmember Davis, the City Council accepted the Mayor's nomination and appointed Councilmember Simonsen to the eBART Subcommittee.

The motion carried by the following vote:

Ayes: Freitas, Davis, Moore, Simonsen

Noes: Kalinowski

8. APPOINTMENT TO CRIME PREVENTION COMMITTEE FOR 1 (ONE) UNEXPIRED TERM #302-01

Mayor Freitas nominated Daniel Campbell to the Antioch Police Crime Prevention Commission.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously approved the Mayor's nomination and appointed Daniel Campbell to the Police Crime Prevention Commission.

9. REPORT FROM THE ADHOC SUBCOMMITTEE REGARDING ANIMAL SERVICES #302-10

Lieutenant Welch presented the staff report dated January 14, 2008, recommending the City Council accept the report and provide direction to staff.

Councilmember Simonsen stated if the hiring of a consultant and an additional Animal Control Officer were to be approved, he was prepared to direct City staff to contact other jurisdictions with nonprofit animal shelters for budget, operational comparison purposes.

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ATTACHMENT "J"

COMMUNITY DEVELOPMENT



P.O. Box 5007, Antioch, CA 94531-5007

August 2, 2010

Mr. Albert D. Seeno, Jr.
Albert D. Seeno Construction Co.
P.O. Box 4113
Concord, CA 94524-4113

Re: **The Pointe – CEQA Review**

Dear Mr. Seeno:

This letter is in response to your letter to Mr. Jakel dated June 24, 2010 regarding The Pointe project. I have enclosed a memo from the City's environmental consultant on The Pointe project. As you may recall in the RFP process, your team required a memo from the consultant discussing the required level of environmental review for the project before proceeding with the next stage. In addition, the memo explains that the Mitigated Negative Declaration box at the end of the project description was erroneously checked.

The memo concludes that the project will create significant unavoidable impacts to Aesthetics and Land Use/Planning; therefore, an Environmental Impact Report is the appropriate CEQA document for The Pointe project as currently proposed. The City continues to work on the administrative draft version of the Initial Study, but in order to move forward with the environmental review the City has identified three options at this time:

1. Proceed with the project as proposed; finalize the Initial Study; and prepare an Environmental Impact Report, currently identified as the appropriate CEQA document for the project.
2. As previously discussed with your team, submit General Plan and Zoning Amendment applications with the Project to address the project's aesthetic and land use impacts. These applications would be processed concurrently with the development application. This approach could address the significant impacts that are triggering an EIR for the project.
3. Amend the project such that all significant unavoidable impacts are avoided. The Initial Study would be revised accordingly.

I look forward to discussing these options with members of your planning and legal team. Please be assured that this project is not "postponed" and that staff continues to work on the administrative draft version of the Initial Study.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tina Wehrmeister".

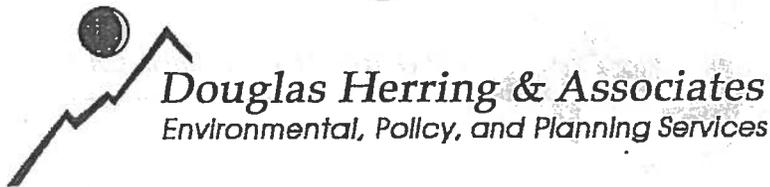
Tina Wehrmeister
Community Development Director

enclosure

cc: Jim Jakel, City Manager
Mindy Gentry, Associate Planner

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MEMORANDUM

May 4, 2010

TO: City of Antioch
Tina Wehrmeister, Community Development Director
Mindy Gentry, Associate Planner/CDBG Program Administrator

FROM: Doug Herring, Douglas Herring & Associates (DHA)

SUBJECT: Pointe Project Environmental Review

This memo is submitted in response to the City's December 5, 2008 Request for Proposals (RFP) to Prepare an Initial Study for the Pointe Project, a residential subdivision proposed by Discovery Builders, Inc. The RFP requested a detailed memorandum that 1) summarizes the Initial Study findings; 2) recommends the appropriate environmental document to be prepared in response to the Initial Study and in compliance with the California Environmental Quality Act (CEQA); and 3) provides the reasons for selecting the recommended CEQA documentation. This submittal satisfies that requirement of the RFP and fulfills completion of Task 23 in our contractual scope of work for the project.

It should be noted that DHA's submittal of a draft project description inadvertently included an Initial Study Determination which indicated that a Mitigated Negative Declaration (MND) should be prepared for the proposed project. This was part of a standard IS template that we use for preparation of MNDs, with the X in the MND checkbox pre-checked. It was not a deliberate determination for the proposed Pointe Project, which would have been premature at the time the project description was submitted; its inclusion was an accidental oversight, and was not the actual determination we have made for the project, which is discussed in this memo.

Summary of Initial Study Findings

In the majority of environmental issue areas evaluated in the Initial Study (IS), potential impacts were found to be less than significant, or less than significant with implementation of mitigation measures identified in the IS. In the following resource areas, no potentially significant impacts were identified and no mitigation was recommended: agricultural resources, hazards/hazardous materials, mineral resources, population/housing, public services, recreation, and traffic/transportation.

A single construction-related impact on air quality from dust generation—typical of nearly all construction projects—was identified, which would be reduced to insignificance with implementation of a standard mitigation measure recommended by the Bay Area Air Quality Management District (BAAQMD).

Three potentially significant impacts on biological resources were identified:

1. Project construction could adversely affect a rare plant, the round-leaved filaree (*California macrophylla*), if it is present on the site.
2. Project construction could adversely affect burrowing owl (*Athene cunicularia*), a special-status bird species, if it is present on the site.
3. Project construction would remove habitat that could be utilized by nesting special-status bird species.

Mitigation measures are identified in the IS to reduce each of these potential impacts to a less-than-significant level.

Although a Phase I Cultural Resources Evaluation of the project site performed by Archeo-Tec found no evidence of historic or prehistoric cultural resources on the project site, the possibility remains for such resources to be buried at the site. Project grading could damage or destroy any historic or prehistoric cultural artifacts that may remain buried, as well as Native American remains or paleontological resources. Standard mitigation measures have been identified in the IS to reduce each of these potential impacts to a less-than-significant level.

The geology and soils analysis identified three potentially significant impacts of the project:

1. Similar to any construction project in the seismically-active San Francisco Bay Area, the project could be exposed to strong seismic shaking that could damage project buildings and put project residents at risk.
2. During site grading, stormwater could carry significant amounts of suspended sediment, potentially degrading water quality in downstream receiving waters.
3. Expansive site soils could result in structural damage over time as a result of shrinking and swelling in response to seasonal wetting and drying.

Mitigation measures are identified in the IS to reduce each of these potential impacts to a less-than-significant level.

Similar to the geology and soils analysis, the hydrology and water quality analysis identified a potentially significant impact on surface water quality as a result of stormwater erosion during project construction. Following completion of construction, operation of the project could also adversely affect surface water quality from the uncontrolled discharge of polluted stormwater runoff. The IS identifies mitigation measures to reduce both of these potential impacts to acceptable levels.

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The only potential noise impact identified in the IS would be short-term elevated noise levels during project construction. Mitigation measures consistent with the City's Noise Ordinance are identified to reduce the impact to a less-than-significant level.

A single utilities impact is identified in the utilities section of the IS. There may be insufficient water delivery pressure to serve the project, and a booster pumping station (BPS) may be required to deliver sufficient water supply for residential and fire suppression use. An engineering study would be required prior to project approval to determine whether a BPS is required and, if so, the appropriate size needed to adequately serve the project. This mitigation measure would reduce this potentially significant impact to a less-than-significant level.

Significant Impacts

The Land Use and Planning section of the IS identifies significant and unavoidable impacts related to conflicts with the General Plan and Zoning Ordinance. The project would be inconsistent with the General Plan in several respects. First, the project would conflict with the allowable density for the Low Density Residential designation assigned to the site. The General Plan stipulates that maximum allowable densities apply only to "developable" acreage, defined as unencumbered (by easements or rights-of-way) land that is not unstable, flood-prone, or subject to other hazards. In addition, slope gradients of "developable" acreage must generally be 25 percent or less. Nearly 80 percent of the project site has a slope of 25 percent or more and fails to meet the criteria for developable acreage. Therefore, the IS concludes that the proposed project would not be consistent with the Low Density Residential land use designation for the site. For reasons discussed further below, this would be a significant impact. Short of reducing the project to 18 homes,¹ which would presumably not meet the objectives of the project sponsor, no feasible mitigation was identified for this conflict. Consequently, it would be a significant and unavoidable impact.

The IS also concluded that the project may conflict with a number of General Plan policies, and would certainly conflict with Hillside Design Policies 5.4.14-b, 5.4.14-i, and 5.4.14-o. The first policy establishes grading guidelines for hillside areas, and stipulates that where slopes are between 25 percent and 35 percent, some grading may occur, but landforms need to retain their natural character. Where slopes are between 35 percent and 50 percent, development and limited grading can occur only if it can be clearly demonstrated that safety hazards, environmental degradation, and aesthetic impacts will be avoided; additional guidelines intended to preserve natural contours and blend development with the natural environment are also stipulated. Development on slopes greater than 50 percent is to be avoided except in small, isolated locations. Based on the slope analysis provided by the applicant's engineer, 78.4 percent of the project site (16.48 acres) has a slope in excess of 25 percent. Most of these 16.48 acres appear to have a slope of between 35 and 40 percent. The project would not clearly avoid aesthetic impacts, and would therefore not meet the criteria for exceptions on the grading limitations imposed on hillside sites where slopes are between 35 percent and 50 percent. Thus, the project would conflict with Hillside Design Policy 5.4.14-b.

¹ Approximately 4.5 acres (21.6%) of the 21-acre site has a slope of 25 percent or less. With an allowable density of 4 dwelling units per acre in the Low Density Residential designation, this would allow development of 18 dwelling units.

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Hillside Design Policy 5.4.14-i calls for clustered development on the more level portions of a hillside site, while preserving steeper areas in a natural state. The proposed project would eliminate the top half of the existing hill and develop the entire upper portion of the remaining site with single-family homes; it would therefore be inconsistent with this policy.

Hillside Design Policy 5.4.14-o calls for medium to dark colors on building elevations and roofs in view-sensitive areas in order to blend with the surrounding environment. The proposed base colors for the stucco finish of the homes are predominantly light in color, ranging from white to light beige to medium beige. As proposed, the project conflicts with this policy; however, it would be feasible to mitigate this impact through modifications to the color palette.

The IS identifies numerous other General Plan policies with which the project would potentially conflict. The IS does not attempt to make a final determination regarding consistency with all applicable policies because, as discussed further below, preparation of an environmental impact report (EIR) is recommended, which would allow for further analysis of these policies.

The IS also identifies a conflict with the City's Hillside Planned Development District Ordinance as a significant impact. The ordinance applies to hillside areas where any one of three conditions occurs; all three of the conditions occur on the project site. The ordinance applies to hillside areas where: (1) a predominant portion of the area has slopes in excess of 10 percent; (2) a significant area of slopes of 25 percent or greater are located in the area; or (3) a significant ridgeline, hilltop, or exposed slope is located in the area.

The regulations for the Hillside Planned Development District call for the preservation of significant features of hillside areas, including steep slopes and ridgelines. The regulations also require a minimization of grading and cut and fill operations consistent with the retention of the natural character of the terrain; grading that blends into the natural landscape of the site and lessens any associated negative visual impacts from such grading; and avoiding the use of 2:1 slopes and benches. In addition, mass grading is generally prohibited, but the grading of less significant land forms is allowable, as is the grading of more significant natural features, provided such modifications will result in an improvement of the overall project and are in keeping with the overall intent of the ordinance. The proposed project would require extensive mass grading which, as previously noted, would remove the top half of the existing prominent hillside. The project appears to conflict with most if not all of the Hillside Planned Development District Ordinance regulations listed above. The IS identifies these conflicts as a potentially significant impact, and notes that the impact will be evaluated in further detail in the EIR that will be prepared for the project and any feasible mitigation measures to avoid or reduce this impact will be identified in the EIR.

The IS identifies a significant aesthetic impact related to a substantial adverse effect on a scenic vista. As discussed in some detail in the IS, adopted City policies establish the open space hillside that comprises the project site as an important visual component to the scenic hillsides that rise from the project site and continue southward as the foothills to Mt. Diablo. (This value is one that is widely held by the public, as reflected in the fact that many jurisdictions in the Bay Area have General Plan policies protecting open space hillsides, ridgelines, and natural viewsheds.) The importance to the City of Antioch of the scenic vistas

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afforded by these hillsides is established by the first objective in the Community Image and Design Element of the City's General Plan and in a variety of General Plan policies. The sensitivity and value of the project site's hillside location is further reinforced by the protection afforded by the City's Hillside Planned Development District Ordinance. The project would cause a significant adverse impact on the scenic vista of connected hillsides by eliminating the top of a highly prominent hillside that dominates foreground views, reducing its elevation by well over 100 feet, and by transforming the remaining hillside from a natural condition to a built environment.

Recommended CEQA Document

It is the professional opinion of DHA that an EIR, rather than an MND, must be prepared for the proposed project, due to the identification of at least one significant and unavoidable impact, as discussed above. CEQA does not permit a lead agency to adopt an MND for a project that would have a significant and unavoidable impact on the environment; the agency must instead prepare an EIR in order to comply with CEQA (*CEQA Guidelines* Sections 15064 and 15070).

With respect to the significance of the impacts related to the General Plan and Zoning Ordinance conflicts, Appendix G of the *CEQA Guidelines* treats a conflict with any applicable land use plan or policy "adopted for the purpose of avoiding or mitigating an environmental effect" as a significant, adverse impact. Because the General Plan criteria defining and limiting developable acreage within the Low Density Residential land use designation are primarily environmental in nature (slope stability, flood hazard, etc.), the criteria were implicitly adopted for the purpose of avoiding adverse environmental effects. The introduction to the Land Use Element underscores this in noting that "the Land Use Element is the cornerstone of the General Plan, setting forth Antioch's fundamental land use philosophy and directing development to the most suitable locations, while maintaining the economic, social, physical, environmental health and vitality of the community." Similarly, the Community Image and Design Element of the City's General Plan specifically identifies views of Mt. Diablo and the surrounding ridgelines as resources that are important to the City (e.g., see Section 5.2.5.1). The General Plan policies and zoning regulations protecting those resources were adopted to preserve the hillsides, hilltops, and ridgelines as an aesthetic benefit to the community. Because these values would be compromised by development of the prominent hillside, the conflicts with the policies and regulations identified in the IS would therefore constitute significant impacts pursuant to CEQA. Because, in the case of at least some of these conflicts, there is no feasible way to mitigate the impacts to insignificance while meeting the implicit project objectives, there would be at least one significant and unavoidable impact from implementation of the project. Therefore, pursuant to CEQA, an EIR must be prepared.

DHA has prepared an Initial Study that allows the City to focus out most environmental resource issues from further consideration in the EIR. This approach will minimize the costs to the applicant while allowing the City to fully comply with CEQA. As provided for in the administrative draft IS, the only issues requiring further study in the EIR would be aesthetics and land use/planning.

As the Lead Agency, the ultimate decision regarding what type of CEQA documentation to prepare for the proposed Pointe Project lies with the City. However, by this memo, DHA

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informs you that to proceed with an MND for the project would be counter to our professional advice as your environmental consultant on the IS, and to do so would be at the City's own risk.

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ATTACHMENT "K"



September 27, 2011

Mr. Louis Parsons
Discovery Builders, Inc.
4061 Port Chicago Highway, Suite H
Concord, CA 94520

RE: POINTE ENVIRONMENTAL DOCUMENT APPLICATION AMENDMENT

Dear Mr. Parsons,

I am writing to follow up on your letter dated August 4, 2011 regarding the Pointe's environmental document. You stated in your letter that you do not agree with the additional analysis that needs to be completed for the environmental document as was outlined in my letter, dated July 7, 2011, and you also requested all of the documentation and analysis that has been performed to date, including the administrative draft of the Initial Study. Please find enclosed the requested documentation, which includes an administrative draft of the Initial Study, as well as the supporting studies and analysis. I understand that by making these documents available to you at your request, they may be public records now.

In addition, please keep in mind this documentation pertains to the original application for the Pointe and the documents were never finalized due to the subsequent direction received from Discovery Builders, Inc. In particular, Discovery Builders subsequently submitted General Plan and zoning code amendments to include in the Pointe project's application, therefore requiring changes to the Project Description as well as the analysis.

For clarification purposes, please see the timeline below highlighting the course the project has taken and the impacts it has had on the status of the environmental document.

The timeline for the Pointe project is as follows:

- On April 9, 2008, the initial application for the project was declared complete.
- On December 5, 2008, the City issued an RFP to environmental firms to prepare an Initial Study.
- In January 2009, City staff informed Discovery Builders, Inc. of the intent to recommend to the City Council a contract between the City and Douglas Herring and Associates to perform the Initial Study.
- On March 4, 2009, Discovery Builders, Inc. filed a letter of appeal with the City Clerk regarding the selection of Douglas Herring and Associates to complete the CEQA Initial Study for the Pointe.

Community Development Department
Planning Division

P.O. Box 5007 • 200 H Street • Antioch, CA 94531-5007 • Tel: 925-779-7035 • Fax: 925-779-7034 • www.ci.antioch.ca.us

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- On March 5, 2009, the City provided clarification by letter that the decision to enter into a contract with Douglas Herring and Associates resides with the City Council and is not one made at a staff level, therefore cannot be appealed to the Board of Administrative Appeals.
- On April 28, 2009 at a regular meeting of the City Council, the contract was awarded for the CEQA Initial Study to Douglas Herring and Associates following comments by Discovery Builders.
- On May 26, 2009, the City received a letter from Discovery Builders, Inc. requesting a postponement of further processing the application for the Pointe project due to the current economic conditions.
- On August 25, 2009, the City responded by letter stating that failure to submit the required costs for the Initial Study within 30 days would be considered withdrawal of the application. The letter also indicated there were no known provisions within the Subdivision Map Act, Permit Streamlining Act, or the Antioch Municipal Code that provided for a "postponement" of the required environmental review, but that Discovery Builders could provide authority to the contrary for the City's review.
- On August 31, 2009, the City received a check from Discovery Builders, Inc. for the budgeted amount, plus the City's 35% administration fee, to complete the scope of work for the Initial Study as outlined by Douglas Herring and Associates in response to the RFP.
- On November 17, 2009, a kickoff meeting to begin the Initial Study was held.
- In a memorandum dated May 4, 2010, from Douglas Herring and Associates, the consultant outlined the significant impacts related to the project based on the fact that no feasible mitigation was identified for the conflicts and inconsistencies with the General Plan and Zoning Code. Based on the information presented in the Initial Study and the significant and unavoidable impact, the recommendation of the consultant was to prepare an Environmental Impact Report with which staff agreed.
- Subsequent to the memorandum issued by Douglas Herring and Associates, Discovery Builders, Inc. and the City met on several occasions to discuss the Pointe project and the desire to not have to prepare an EIR. In addition, a letter from the City, dated August 2, 2010, was provided to Discovery Builders, Inc. with the following options:
 - Proceed with the project as proposed; finalize the Initial Study; and prepare an Environmental Impact Report, currently identified as the appropriate CEQA document for the project.
 - Submit additional General Plan and Zoning Amendment applications with the Project to address the project's aesthetic and land use inconsistencies with those documents. These applications would be processed concurrently with the development application. This approach could address the significant impacts that are triggering an EIR for the project.
 - Amend the project such that all significant unavoidable impacts are avoided. The Initial Study would be revised accordingly.
- On August 11, 2010, Discovery Builders, Inc. filed an appeal of the administrative decision by City staff that an EIR would be required for the Pointe project. Mayor

Community Development Department
 Planning Division

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Davis requested the appeal to be heard by the City Council and subsequently it was scheduled for the November 9, 2010 meeting.

- On September 29, 2010, City staff and Discovery Builders Inc. met to discuss the pending appeal of the administrative decision to prepare an EIR.
- In a letter dated October 11, 2010 from Mr. Salvatore Evola, Discovery Builders, Inc. elected to amend the application to the Pointe project to include a text amendment to the General Plan.
- On October 18, 2010, the City and Discovery Builders, Inc. met to discuss the Pointe project's environmental document as well as the General Plan text amendment and the requirements of also including a rezone within the revised application.
- Per an email dated October 20, 2010, Kristina Lawson, Discovery Builders, Inc.'s legal counsel expressed a level of comfort to include a zoning amendment within the application for the Pointe project.
- Again, on October 28, 2010, a letter was sent to Discovery Builders Inc. with the options to move forward. In summary, the two options were as follows:
 - Continue with the pending appeal regarding the administrative decision to require an EIR for the project due to the significant and unavoidable impacts.
 - Modify the project to address the General Plan inconsistencies identified in the draft Initial Study for the project. This option outlined other materials that would be required to be submitted for the revised application, which included a General Plan and zoning amendment.
- Per a letter dated November 5, 2010, Discovery Builders, Inc. expressed the desire to pursue the General Plan and zoning amendments, which effectively amended the Pointe's application. Included in the letter from Discovery Builders, Inc. were materials for the application amendment.
- November 9, 2010, the appeal for the administrative decision to prepare an EIR was heard at the City Council meeting. The Council decided to continue the item to a date uncertain while the revised application was being reviewed by staff.
- On December 16, 2010, City staff and Discovery Builders Inc. again met regarding concerns about the General Plan and zoning amendments.
- On December 21, 2010, in a letter Discovery Builders Inc. proposed to amend the application to the Pointe project yet again.
- Per a letter dated January 5, 2011 from the City, the amended proposal was consistent with Staff's direction in order to move forward. The amended application was deemed complete and provided to Douglas Herring and Associates in order to receive a revised scope of work and budget.
- On February 3, 2011 a memorandum from Douglas Herring and Associates was received and forwarded to Discovery Builders (Louis Parsons) via email on February 15, 2011. The memorandum included a summary of changes in the regulatory environment as well as additional work in order to update the administrative draft of the Initial Study for the Pointe. The total requested budget from the consultant at the time the memorandum was issued was \$35,832.38.

Community Development Department
Planning Division

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The timeline above represents a long history on the subject project. As I stated earlier, Discovery Builders Inc. chose to amend the application on the Pointe rather than prepare an EIR. The amendment to the application was not included in the original scope of work prepared by Douglas Herring and Associates. Furthermore, the amended application is subject to the new regulatory environment since the deemed complete date for the amended project is January 5, 2011 and the amended State CEQA Guidelines became effective March 18, 2010 and the BAAQMD adopted updated CEQA thresholds of significance on June 2, 2010.

In light of the record above, please send a check to my attention payable to the City of Antioch for the total amount of the scope of the work to complete the Initial Study and environmental document, plus the City's 35% administration fee, which brings the total to \$48,373.71. If a check for the total costs is not received within 30 days of the date of this letter, October 31, 2011 by 5:00 PM, the application shall be considered withdrawn.

Lastly, the billing pertaining to the letters regarding this matter qualify as work related to the project. The 35% administration fee covers the costs only directly associated with the administration of the contract between the City and the consultant as well as the preparation of the environmental document.

Please feel free to contact me at (925) 779-6133 or mgency@ci.antioch.ca.us if you have any questions or concerns regarding this matter.

Sincerely,



Mindy Gentry
Senior Planner

Enclosures (1)

cc: Tina Wehrmeister, Community Development Director
Albert Seeno III, Discovery Builders Inc.

ATTACHMENT "L"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF NOVEMBER 6, 2013

Prepared by: Mindy Gentry, Senior Planner *MG*
Approved by: Tina Wehrmeister, Community Development Director
Date: October 31, 2013
Subject: GP-13-02, Z-13-07, PD-08-01, PW 608, UP-08-01 – The Pointe
Subdivision 9017 ("Pointe Project")

ACTIONS

First, staff recommends the Planning Commission recommend to the City Council adoption of the environmental document (Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program) for the Pointe Project (Attachment "A").

Second, the Planning Commission needs to consider the Pointe Project.

If the Planning Commission desires to recommend approval of the Project to the City Council, then the Planning Commission should approve Attachment "B".

1. Resolution recommending approval of the General Plan amendments.
2. Resolution recommending approval of the initiation of amendments to Title 9 of the Municipal Code, "Planning and Zoning" for a rezone of the subject property from Hillside Planned Development (HPD) to Planned Development (PD).
3. Resolution recommending approval to the City Council of the Vesting Tentative Map, Final Development Plan, and Use Permit for 60 single family units.

Or

If the Planning Commission desires to recommend denial of the Project to the City Council, then the Planning Commission should approve Attachment "C". However, if the Planning Commission's action is to deny the project then staff recommends action not to be taken on the environmental document.

1. Resolution recommending denial of the General Plan amendments.
2. Resolution recommending denial of the initiation of amendments to Title 9 of the Municipal Code, "Planning and Zoning" for a rezone of the subject property from Hillside Planned Development (HPD) to Planned Development (PD).
3. Resolution recommending denial to the City Council of the Vesting Tentative Map, Final Development Plan, and Use Permit for 60 single family units.

APPLICATION

Discovery Builders, a company run by Albert Seeno III, requests approval of a General Plan amendment (GPA) from Low Density Residential to inclusion in the Somersville Road Corridor Focus Area and to add language to the General Plan waiving the requirements of certain applicable sections of the General Plan related to hillside development; a rezone from Hillside

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Planned Development (HPD) District to Planned Development (PD) District; an amendment to the zoning ordinance to provide the City Council with the discretion to determine if the Hillside Planned Development policies apply to a project; a Vesting Tentative Map; a Final Plan Development; and a Use Permit in order to create 60 lots intended for single family homes. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) ("Pointe Project") (Attachment "D").

Each requested action/entitlement is discussed below:

IS/MND & MMRP: An Initial Study/Mitigated Negative Declaration has been prepared for the project and it was available for public review from October 8, 2013 to October 28, 2013.

General Plan Amendment: The applicant is requesting a General Plan amendment to change the General Plan designation from Low Density Residential to include the Pointe Project site and the Black Diamond Ranch subdivision into the Somersville Road Corridor Focus Area as well as waive the requirements of the General Plan Section 5.4.14 for residential properties within the Somersville Road Corridor Focus Area subject to the Planned Development process.

While the applicant did not request this, staff is recommending the Planning Commission also consider adding the following to the applicant's request: adding a Residential designation to the Project site and to the Black Diamond Ranch subdivision in order to maintain consistency within the Focus Area as well as add General Plan Section 4.4.1.1 and Policy 10.3.2, which pertain to development on steep sites, to the aforementioned waiver language.

Rezone to Planned Development (PD) District: The project site is currently zoned with a designation of Hillside Planned Development (HPD) and the proposed rezoning is to Planned Development (PD).

Amendment to the Zoning Ordinance: The applicant is proposing to add language to Section 9-5.24 of the Zoning Ordinance to provide the City Council with the discretion to determine if the provisions of the Hillside Planned Development policies apply to a project. This amendment would not be necessary if the project is rezoned to Planned Development (PD), which is discussed in further detail below.

Vesting Tentative Subdivision Map (PW 608): A major subdivision is being requested to create the lots for the 60 single-family dwelling units and additional common/residual parcels.

Approval of Final Development Plan: Approval of the Final Development Plan goes hand in hand with the rezoning described above. The Final Development Plan and the PD district effectively become the Zoning Code for the project area. In this case, the Final Development Plan will be for 60 single family homes, which includes 51 lots in a gated community and nine lots within the existing Black Diamond Ranch subdivision. The plan also includes an approximate 10,000 square foot pocket park and two open space parcels (Parcel A – 2.5 acres and Parcel B – 1.4 acres), which are to be maintained by the Homeowners Association (HOA).

Use Permit: Per the Zoning Code, in order to implement the Final Development Plan a use permit is required. The developer is requesting a use permit for 60 single-family homes, a pocket park, and two open space parcels.

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The design and architectural elements, including landscaping, are not being considered at this time. The developer will seek design review approval from the Planning Commission subsequently.

BACKGROUND

The subject site was originally part of the Black Diamond Ranch subdivision, which is the adjacent 286 unit single family housing development with lots ranging in size between 4,000 to 6,000 s.f. with publicly maintained roads. The subject site had a designation of "Open Space" on the Black Diamond Ranch tentative map and was to be deeded to the City. In 2005, the applicant requested the opportunity to develop "executive/estate" housing on this parcel and, in November 2005, the City Council re-designated the Open Space area as "Owner/Developer Remainder Parcel" (Attachment "E"). The reclassification of the parcel did not require the developer to dedicate it to the City; and it did not guarantee developer rights either. One of the conditions of approval on the reclassification of the parcel was the applicant make an irrevocable offer of dedication to the City; however should a future development proposal on this parcel be approved then dedication shall be declined. If the development proposal was denied then the City shall consider acceptance of the dedication. The other condition of approval required a development application to be submitted within three years of the date of the City Council approving the re-designation to "Owner/Development Remainder Parcel" otherwise the Council would consider acceptance of the offer of dedication.

Preliminary Development Plan (PDP)

The applicant originally provided a Preliminary Development Plan with 72 lots for single family homes; however based on direction provided by the Planning Commission on February 21, 2007 and staff, the applicant resubmitted a preliminary development plan for a 60 lot subdivision. The direction from the Planning Commission was to redesign the site and to take the Hillside Planned Development policies into consideration: the streets shall follow the natural contours of the hillside and the lots should be larger with more useable space, to name a few (Attachment "F").

The Council provided feedback on the 60 residential units PDP on June 12, 2007 and directed staff to take the project through the RDA process, a process that has been substantially modified since then. (Attachment "G").

Residential Development Allocation (RDA)

On August 20, 2007, the Residential Development Allocation Committee, based on a satisfactory score of 308.8 points (Attachment "H"), recommended approval of 60 residential development allocations (Attachment "I"). On September 19, 2007, the Planning Commission heard the applicant's request for 60 allocations and subsequently recommended denial of the project to the City Council (5-0, with 2 absent). The Planning Commission's reasons for denying the project were as follows: violation of the General Plan and Hillside Planned Development Ordinance, the layout and small lots were not typical of executive housing, lack of amenities, and the dislike of the architectural features and design. While the Planning Commissions' reasons for denial varied, the majority stated the project was in violation of the General Plan and Hillside Planned Development Ordinance (Attachment "J").

On January 22, 2008 the City Council heard and approved the applicant's request for 60 residential development allocations. Following the Planning Commission hearing, the applicant

had revised the offered community benefits, which are reflected in the Council resolution included as Attachment "K". Since the RDA process has changed considerably since the approval in 2008 and the fact that City staff is currently working on a Development Impact Fee study; a condition has been added to the project, that the applicant either pay all financial contributions as approved in 2008 or to pay the Development Impact Fee.

Final Planned Development, Use Permit, and Design Review Application/CEQA Document

Subsequent to the City Council hearing, on January 29, 2008, the applicant submitted an application for a Final Planned Development, Vesting Tentative Map, Use Permit, and design review. Since that time, City staff has been working with the applicant to usher the project through the California Environmental Quality Act (CEQA) process. In May 2010, the City's environmental document consultant determined through the Initial Study process there would be significant and unavoidable impacts to Aesthetics and Land Use Planning; therefore an Environmental Impact Report would be required, which City staff agreed to absent project modifications. On August 2, 2010, Staff provided the applicant with three options of moving forward: 1) proceed with the project as proposed, finalize the Initial Study and prepare an EIR, 2) submit General Plan and Zoning Code amendment applications for the project, which could address the significant impacts that are triggering the EIR, or 3) amend the project such that all significant unavoidable impacts are avoided and the Initial Study would be revised accordingly.

On August 11, 2010, the applicant filed an appeal of the staff decision regarding the requirement of preparing an EIR to address the significant and unavoidable impacts. As allowed per the Municipal Code, Mayor Davis appealed the matter directly to the City Council. While the appeal was pending, meetings and other communications occurred with the applicant, resulting in the applicant deciding to amend their project and file General Plan and Zoning Code amendments in December 2011. Following the amendments, the Initial Study/Mitigated Negative Declaration was revised and completed in March 2013. Following completion of the environmental document, staff has been attempting to address concerns regarding the site plan. The applicant did address issues in regards to the storm water facilities; however, the applicant requested the remaining issues be address via the conditions of approval.

ENVIRONMENTAL

In compliance with the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project. The IS/MND was circulated for a 20-day public review period from October 8, 2013 to October 28, 2013. The IS/MND was provided to the Planning Commission electronically and is available on the second floor of City Hall in the Community Development Department, and can also be found on the City's website at: <http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>.

The IS/MND identified the following as environmental factors that would be potentially affected by the proposed project: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hydrology/Water Quality, Land Use/Planning, Noise, Public Services, Utilities/Service Systems, and Mandatory Findings of Significance. Mitigation measures have been provided reducing all project impacts to a less-than-significant level and a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project. These are described in detail in the environmental document.

At the close of the comment period on October 28, 2013, the City received four comment letters on the IS/MND, but due to the timeline for getting the staff report to publication, the City has not

formally responded to these letters by the release of the staff report. The letters will be provided under a separate document to the Planning Commission prior to the public hearing.

ANALYSIS

Issue #1: Project Overview

The proposed project consists of 60 single family one-story and two-story homes to be constructed on an approximately 21 acre site at the western edge of the City and adjacent to the Black Diamond Ranch subdivision. The majority of these homes, 51, would be located within a gated community accessed from the neighboring Black Diamond Ranch subdivision via Summit Way. The remaining 9 homes would be incorporated into the Black Diamond Ranch subdivision, interspersed with the homes along Country Side Way and Torgensen Court. The 51 homes are separated from the rest of Black Diamond Ranch by two open space parcels, A and B. The two parcels circumvent the base of the hillside in three directions, where parcel A is approximately 2.6 acres and Parcel B is approximately 1.4 acres.

The project would require extensive grading of the site, requiring cuts up to 104 feet and fills of less than 10 feet. Approximately 16.7 acres of the 21 acre site would be developed with roads and homes, with about a 50 to 100 foot buffer encircling the gated community, and a centrally located park, totaling about 4.3 acres.

The proposed parcels within the private community would have an average size to 10,537 square feet (s.f.) and would range in size from 10,000 s.f. to 14,371 s.f., while the nine lots in Black Diamond Ranch would average 10,004 s.f. and range from 6,616 s.f. to 21,495 s.f. The proposed development, according to the applicant, would result in an overall density of 2.9 acres, however, that calculation includes developable and undevelopable land. The General Plan considers any lands generally over a 25 percent slope to be undevelopable, so the density would be considerably higher if undevelopable land was not included in the calculation because 78 percent of the project site has slopes that exceed 25 percent. The request to waive the requirements of this section of the General Plan is discussed in further detail below.

Lot 60, located on Torgensen Court, would be the largest lot at 21,495 s.f. but would also contain the emergency vehicle access easement and road connecting Torgensen Court with Summit Place to provide secondary emergency access to the 51 gated homes.

The private subdivision, of 51 homes, would be configured on three terraced levels, each served by a private street, which would be maintained by the HOA. Each street, separated by a grade difference of about 20 vertical feet, would terminate in a cul-de-sac.

The surrounding land uses are as follows:

- North: Single family residential subdivision (Black Diamond Ranch)
- South: Single family residential subdivision (Black Diamond Ranch) and undeveloped land within the East Bay Regional Park District - Black Diamond Mines
- West: City of Pittsburg - Undeveloped land, however Sky Ranch II, a 415 unit single family subdivision has been entitled
- East: Single family residential (Black Diamond Ranch)

Issue #2: General Plan Amendments

The current General Plan designation for the subject property is Low Density Residential, which is generally characterized by single family homes in traditional subdivisions and is located in areas with gently rolling terrain with no or few geological or environment constraints (Attachment "L"). The applicant is proposing to change the General Plan designation of the subject site and the Black Diamond Ranch subdivision to be located within the Somersville Road Corridor Focus Area (Attachment "M"). The Somersville Road Corridor Focus Area is the location of the main tax generators, automobile dealerships of the City and is also home to other retail businesses, mainly providing regional level retail services. This amendment would also require the addition of a Residential designation within the Focus Area and to the map in Figure 4.3.

Staff is proposing the following language in Section 4.4.6.2b,

- d. Areas designated "Residential" in Figure 4.3 shall consist of single family homes and the design shall be determined through the Planned Development process with approval by the City Council.*

See Exhibit "A" of the resolution recommending approval to the City Council of the General Plan Amendments, which is contained in Attachment "B", for the proposed redline changes. The addition of the aforementioned language would be consistent with not only the Somersville Road Corridor Focus Area but also with other Focus Areas within the General Plan.

The applicant's proposed General Plan Amendment (GPA) would also include waiving the requirements of General Plan Section 5.4.14 (Attachment "N") for residential properties within the Somersville Road Corridor Focus Area that are subject to the planned development process. General Plan Section 5.4.14 pertains to Hillside Design Policies, which contains provisions and policies about developing in hillside areas. The applicant is proposing to add the following language to General Plan Section 4.4.6.2.b:

- j. In order to provide continued support to sales tax generating uses, properties designated residential with the Focus Area will be allowed to maximize development density through the Planned Development process contained within the Zoning Ordinance. As such, the requirements of Section 5.4.14, if applicable, of the General Plan shall be waived if it is shown that development conditions will be safe and in harmony with surrounding development patterns and uses.*

As stated above, the Somersville Road Corridor Focus Area mainly encompasses regional retail uses, with only one residentially zoned area after the developer passed a ballot measure to move the area known as the Chevron property from the City of Antioch's Sphere of Influence to the City of Pittsburg's Sphere of Influence. The developer is still awaiting final LAFCO approval; however the City of Antioch is not currently contesting this measure and application. The only residential area is High Density Residential and is located on the southwest corner of Somersville Road and Buchanan Road. The area includes the Chateau Mobile Home Park and apartments. The Chevron property envisioned a combination of Business Park, single family detached homes, and multi-family development, consistent with Medium Density Residential, which are overall a much higher density and usage than Black Diamond Ranch and the subject development.

Staff has identified some issues for the Planning Commission to consider with the request to place the subject project and Black Diamond Ranch into the Somersville Road Corridor Focus Area.

- The Somersville Road Corridor Focus Area does not put an emphasis on lower density residential uses and would be the only area with single family home development; however the Focus Area does emphasize a strong regional retail area with tax revenue generating uses because the intention is to create an area with strong commercial base.
- The issue of precedence is something to consider when approving General Plan amendments. This approval, which would result in removing approximately 104 vertical feet of hillside, could have future repercussions for hillside developments within the City, potentially jeopardizing the community's intentions of promoting a harmonious visual and functional relationship between natural and built environments.
- The project would not be adhering to many of the hillside development policies put in place within the General Plan to prevent projects of this nature from being built and to preserve the natural ridgelines within the City.
- If the Sphere of Influence change for the Chevron property is approved by LAFCO then the inclusion of Black Diamond Ranch and the Pointe will result in an area that is not contiguous, which is not consistent with the other focus areas within the General Plan (Attachment "O").

On the other hand, the applicant will be bringing in an executive/estate type housing, which can be argued will have disposable income to spend within the Somersville Road Corridor Focus Area, which will produce additional tax revenue. However, according to the Association of Bay Area Governments (ABAG) the projected population increase is 3.08 persons per dwelling unit or 185 total people, which equates to only be a .18 percent change in population, so the scale of the additional revenue and above moderate income housing needs to be weighed with the impacts of proposed development on the City's hillside development policies and the inconsistencies with the General Plan.

Secondly, as stated above, the applicant is proposing to waive General Plan Section 5.4.14 (Attachment "N"), which is the City's Hillside Design Policies. The policies discuss specifics on the City's expectations and goals when it comes to hillside development which has an emphasis placed on sensitivity to existing terrain, views, and natural landforms. The majority of the project site currently has slopes over 25 percent and the applicant is proposing to remove approximately 104 vertical feet from the hillside for the project, which does not meet many of the hillside policies, which has been outlined in detail in the IS/MND. Approving such a request could provide a pathway for other developers to make similar requests for larger undeveloped areas where the terrain is equally as hilly, such as the Sand Creek Focus Area, rather than just on an isolated 21 acre parcel. An argument could be made that the difference between the subject project and the Sand Creek Focus Area is that the project site is isolated and considered infill because it is substantially surrounded by existing or entitled development, which includes the Black Diamond Ranch project and the future Sky Ranch II project, a 415 single-family home development in Pittsburg. Executive/estate housing has not been readily developed in the City of Antioch and this product type could further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing product. The Planning Commission needs to

consider if the request of waiving the Hillside Design Policies is in the best public interest and in the interest of the community. The amendment to the General Plan would provide a vehicle for the project to move forward without an unworkable inconsistency or a conflict with the General Plan.

As part of their application, the applicant did not include in their application an exemption from the provisions of General Plan Section 4.4.1.1 (Attachment "P") and Section 10.3.2 (Attachment "Q"), which both have elements related to development on steep sites. Section 4.4.1.1 has the following language:

Density is assumed to accrue only to lands that are "developable." Developable acres are those that are not encumbered by prior dedications of easements or rights-of-way, and are not so steep (generally 25%), unstable, flood-prone or subject to other hazards as to be unable to submit new development.

Section 10.3.2 discusses the City's Open Space Policies, some of which pertain to development on steep slopes. These two exemptions would also have to be included in the waiver request because they are applicable to the subject project and are necessary to remove any inconsistencies with the General Plan that could transpire. Staff has included these two Sections in the language in the General Plan amendment approval recommendation to the City Council should that be the Commission's desire.

Issue#3: Zoning Code Amendment and Rezone

The subject site is currently zoned Hillside Planned Development (HPD) and the applicant is proposing a rezone to Planned Development (PD) and the addition of language to the Municipal Code to allow City Council to have the discretion on residential properties located within the Somersville Road Corridor Focus Area to be exempt from the Hillside Planned Development District. The purpose of the HPD zoning district is to promote a harmonious visual and functional relationship between natural and built environments, more specifically the zoning code has laid out specific development parameters required to build on a hillside (Attachment "R"). The applicant's proposed project does not comply with many of the goals; therefore the applicant is requesting the PD zoning designation. The second part of the applicant's request regarding the addition of language to provide the City Council with discretion whether the Hillside Planned Development District policies apply to a particular project is not really necessary because the applicant is proposing a rezone from HPD to PD. The rezone from HPD to PD will no longer subject the property to the HPD policies and will provide the applicant development flexibility through the PD zoning designation. Similar to the General Plan amendment, the Planning Commission must consider whether to grant the applicant's request to grade the hillside not in conformance with the currently zoning designation of Hillside Planned Development District.

Each residential PD District that is established shall include specific development standards designed for that particular district, which shall include minimum lot sizes, setbacks, maximum building heights, lot coverages, and open space requirements. Per the code, in establishing these standards, the requirements for existing zoning and PD Districts may be reviewed and modifications to these standards may be appropriate. Once approved as part of the final development plan, these standards effectively become the zoning standards, which are tied to the approved plan, unless formally amended by the City Council. The intent of the residential PD district is to create a wider variety of densities, product types and setbacks than would otherwise be possible under conventional residential zoning.

Staff is proposing the following zoning standards for this project if the project is approved:

**Development Standards for
The Pointe Planned Development District**

Standard	Required for Project
Minimum Lot Size	Lots 1 – 51 and 60: 10,000 sq. ft. 52-59: 6,000 sq. ft.
Minimum Lot Width	Per the vesting tentative map date stamped on October 17, 2013.
Maximum Lot Coverage	40%
Front/Street Side Yard Minimum (shall be reserved for landscaping)	Front: 20 ft setback from the right of way to the face of garage door, or 15 feet to a side entry garage (e.g. accessed by a swing driveway). The front yard dimensions shall be varied by increasing the front yard setback by up to 25 ft. and staggering the varied setbacks. Side: 15 ft setback for the primary structure from the right of way line. Approved architectural elements may encroach 2 ft.
Side Yard – Interior	5 ft. with 4 ft of flat useable area with 25% of the lots having a 10 foot side setback on one side. The 10 feet must remain as unrestricted open area.
Minimum Rear Yard	15 ft minimum of flat usable space and a 20 ft. setback from the rear property line. A single story portion of the main structure shall be allowed 10 ft from the property line provided the width of that portion of the main structure does not exceed 50% of the buildable width of the lot. Approved architectural elements may encroach 2 ft.
Maximum Building Height	35 ft.
Parking	2 spaces per unit in a garage, plus one guest parking space on the street within close proximity to the unit served.
Driveways/Drive Aisles	Per the vesting tentative map date stamped on October 17, 2013.
Roadways	Per the vesting tentative map date stamped on October 17, 2013.
Landscape Requirements	Summit Way – 10 ft landscape median. Parcels A and B.
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.

Issue #4: Grading and Storm Water

Grading: The proposed project site encompasses approximately 21 acres of land. The hilly site ranges in elevation from about 230 feet on the northeastern periphery of the site to 335 feet on the southern periphery. The peak elevation is southwest of the approximate center at 440 feet. The site is steeply sloped, with over 78 percent of the site having a gradient in excess of 25 percent, while only about 6 percent of the property having a gradient of less than 10 percent; most of the flat area within the project site is located along the periphery of the project site.

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The applicant is proposing to extensively grade the project site and create three terraced levels within the gated community to maximize views and minimize street slopes. To maximize views, each terrace would terminate in a cul-de-sac, with each terraced level varying by approximately 20 feet. The maximum pad elevation of 336.5 feet (Pad 14), and the existing topography as high as 440 feet, the project would require grading cuts of up to 104 feet; fill depths would be under 10 feet, and retaining walls up to 6 feet in height. The retaining walls would be utilized throughout the site to provide structural support to grade separations and to provide useable private outdoor space. Excess soil would need to be transported offsite.

Site grading would create a maximum slope of 2:1 between the proposed homes. Slopes on the open space buffers would also generally be 2:1 gradients. Grading would result in street slopes of up to 15 percent with the terminating cul-de-sacs serving as emergency vehicle access turnarounds, would be limited to slopes of 2.0 to 2.6 percent, in accordance with the Contra Costa Fire Protection District (CCCFPD) requirements. Straight street segments near the cul-de-sacs would have grades of about 4 to 5 percent, while steeper grades of the 6 to 15 percent would be located on the easterly stretch of Summit Place and Summit Way, just west of the site entrance.

The proposed grading does not conform to the General Plan or the Hillside Planned Development District zoning ordinance. However the applicant is seeking amendments to the General Plan and the zoning ordinance to make an exception for the project because it would be considered infill based on the surrounding Black Diamond Ranch project as well as Pittsburg's entitled project, Sky Ranch II. Further, the applicant is making the argument that the project would be furthering the goals of the Somersville Road Corridor Focus Area by increasing the population, therefore increasing the tax revenue, which is one of the overall goals for the Focus Area. The Planning Commission has to consider if these are appropriate findings in order to approve the project.

Storm Water: The applicant is proposing two bio retention areas to manage the storm water from the project and to meet the requirements of C.3 in the California Regional Water Quality Control Board's Municipal Regional Permit (Attachment "S"). The C.3 requirements treat and meter flow of storm water to match predevelopment conditions. One existing basin is located within the Black Diamond Ranch subdivision at the terminus of Crescent Court, adjacent to Markley Creek Park, which is being proposed to be retrofitted to accommodate the additional flow from the proposed project. The applicant is proposing to make the basin deeper rather than larger to make that accommodation. This basin would be maintained by the Street, Lighting, and Landscape District (SLLD). The other basin is also located within the Black Diamond Ranch subdivision at the intersection of James Donlon Boulevard and Metcalf Street. The parcel currently is vacant and has high powered electrical lines that run above it, therefore limiting the usage of the parcel. The basin will have to be sized appropriately to accommodate the flows from the project and will be maintained by the HOA. Staff prefers the proposed basins because it eliminates the need for numerous small bio retention areas within a homeowner's yard or other areas within the project and presents only two locations that need to be monitored and verified they are functioning properly, which is required by the California State Regional Water Quality Control Board. If approved, staff has conditioned the project to appropriately size the basins to accommodate the storm water flows and that the basin at the terminus of Crescent Court will be maintained by the SLLD while the other basin at Metcalf Street and James Donlon Boulevard will be maintained by the Home Owners Association and both will be required to be landscaped.

Issue #5: Traffic, Circulation, and Parking

According to the project's traffic study, the project would generate 576 daily vehicle trips, with 46 occurring in the AM peak hour and 61 trips occurring in the PM peak hour. Based on the criteria set forth in both the General Plan and the CEQA, the project would not create significant traffic impacts or create any significant hazards in design.

The nine homes interspersed in Black Diamond Ranch will be accessed by the existing streets, Country Side Way and Torgensen Court. The gated entrance at Summit Way would have a 62 foot wide ROW, with a 24 foot wide entrance way providing two 12 foot travel lanes: one for guests stopping at an entry keypad/intercom and one through lane for residents. A 10 foot wide landscaped median would separate the entrance lanes from a 20 foot wide exit lane and a 5 foot sidewalk.

The 51 homes would be accessed through three terraced streets (terminating in cul-de-sacs) via a gated extension of the current southern terminus of Summit Way. Each of the streets would have a 35 foot right-of-way (ROW), including a 28 foot roadway (two 14-foot travel lanes) and a 4-foot wide sidewalk on one side. According to the Vesting Tentative Map, a total of 54 guest parking spaces would be provided through controlled on-street parking on one-side of the each street. The three cul-de-sacs have an outside turning radius of 35 feet and an inside turning radius of 15 feet, which is not in accordance with the Contra Costa Fire Protection District (CCCFPD) requirements, which require an outside turning radius of 45 feet and an inside turning radius of 25 feet; however the applicant has indicated that through rolled curbs and a reinforced sidewalk the Fire District will approve this approach. The streets do not meet the City standards; however the Planning Commission may consider since the streets will be private and maintained by the HOA that this may be an appropriate approach. A condition of approval has been added that the development shall meet all of the requirements of the CCCFPD. As long as the streets meet the minimum in terms of emergency vehicle access, staff does not see an issue with having narrower streets in a community with slopes. A condition of approval has been added to the reflecting the project must meet the requirements of the CCCFPD.

The applicant has proposed 54 on-street parking spaces. The parking ordinance requirement for single family residential (detached) is one guest parking space on the street within close proximity to the unit served. The applicant is 6 spaces short of meeting the ordinance requirement and a condition of approval has been added that the project must meet the minimum parking requirements or process a variance if approved.

Issue #6: Other Issues

Pedestrian Path: The project contains a proposed pedestrian pathway on each of the three terraces. The pathway runs from north to south between lots 42 and 41; 28 and 29; 26 and 25; and 14 and 15. Staff has concerns about pedestrians crossing adjacent to the backyards of homes and privacy issues therefore has added a condition of approval to remove the pedestrian path.

Homeowners Association (HOA): The applicant is proposing to establish an HOA with CC&Rs. HOAs are organizations comprised of homeowners in a particular housing development and are regulated by the California Department of Real Estate. The HOA will be formed to own common property and to conduct maintenance of the private infrastructure including, but not limited to, the storm water basin at Metcalf and James Donlon Boulevard; storm water lines, mains, and inlets; streets; street lights; common area landscaping; and the pocket park including the water

feature. The maintenance will be funded through HOA dues established when the HOA is formed.

Park-in-Lieu Fees/Park Benefit District: The Municipal Code requires that a subdivider dedicate land or pay an in lieu fee or both at the option of the City. The applicant is proposing an approximate 10,000 s.f. pocket park, which will be private and maintained by the Home Owners Association, so the applicant will be required to pay the park in lieu fee in place at the time of final map recordation.

Street Names: The proposed street names are: Summit Way, Summit Place, and Altamont Court. The alternative names are: Alpine Way, Terrace Place, Vista Place, Highland Way, Ridgeview Place, and Skyview Place.

Community Letters: The City has received two letters of opposition in addition to the letters received on the IS/MND (Attachment "T").

Issue #7: Findings for the Conditions of Approval

A. GENERAL CONDITIONS

1. The City of Antioch has established a Municipal Code to protect the public health, safety, and welfare of the citizens within the City. This condition of approval is necessary for the developer to mitigate any project impacts that may threaten the health, safety, or welfare of its citizens.
- 2-3. In order for the project to be constructed to the City's approved standards, the plans need to adequately reflect the changes made by the Planning Commission (and City Council if applicable) and City staff needs to inspect the site for compliance with the conditions of approval prior to final inspection approval. These conditions protects the public safety, health, and general welfare of the residents of the Project and surrounding residential and other uses by providing an adequate reflection of the approved project prior to the issuance of building permits and a follow up site inspection to ensure the Project was built as conditioned.
4. The project will be adding structures to the landscape of the City and those structures should be harmonious and orderly with the surrounding neighborhood as well as aesthetically pleasing. Therefore, the condition is necessary to have the Planning Commission review the design since it is not being considered as part of this project.
5. The regulatory environment of land development and base line conditions change frequently as well as thresholds established by the California Environmental Quality Act; therefore this condition is necessary to ensure any project going forward is subject to the most current regulations in order to promote the public health, safety, and welfare in the City of Antioch.
6. The Project is being pursued by a developer and the City's responsibility is to promote orderly development within the City. This condition is necessary to protect the City from the financial and time expenses for defending challenges to land use entitlements or environmental reviews that are financially benefitting the applicant, particularly given the City's own financial challenges.
7. The City is granting approval to construct 60 single family homes and does not want more than one valid approval on the same piece of the property. This condition is preventing City

actions from becoming injurious to the subject property or the surrounding community by granting more than one land use entitlement.

8. The Project takes City time and staff to process development applications through the land use entitlement process. The development of property is at the benefit of the applicant; therefore the condition is necessary to ensure the applicant pays the expenses to process the application rather than having that burden placed on the taxpayers for another's benefit.

9-11. The development of this Project could require construction within the public right-of-way and/or private and public easements. These conditions are necessary to protect private and public property interests, as well as the traveling public, by requiring the applicant to obtain permission prior to entering, accessing, or making modifications to property not owned by the applicant.

12-13. The applicant is proposing having private areas of the development such as the streets, common areas, street lights, the pocket park with water feature, landscaping, open space areas and amenities including storm water control facilities. These private areas will be owned in common and thus will be required to be maintained by a Homeowners Association. These conditions are necessary because the Homeowners Association will be ensuring the health, safety, and welfare of the Project area, which will result in fire safety, security, and a more aesthetic community. The City will need to ensure that the obligations of the HOA are clear through the recorded CC&Rs to ensure the conditions of approval are met.

B. TENTATIVE MAP CONDITIONS

1-6. The City is subject to the State of California Subdivision Map Act and the City's own Subdivision provisions in the Antioch Municipal Code, which set forth conditions of approval to govern the subdivision's design (lots, streets, rights-of-way, drainage, sewer, etc.) and to ensure that a subdivider will properly complete the areas dedicated for public purposes to not become an undue burden upon the taxpayers of the community. The vesting tentative map provides a framework of the design and improvements for the subdivider to propose a project to the approving bodies of the City for consideration as an entitlement action. These conditions are necessary to ensure the subdivider is going to build what the City reviewing bodies considered as part of the project, as well as to ensure the subdivider will construct the required infrastructure in an orderly manner. The conditions are necessary to prevent an undue burden on the City of Antioch because of the Project.

C. CONSTRUCTION CONDITIONS

1-3. The construction of the Project will span approximately one year and will include site preparation, earthmoving, and general construction, which includes the development of buildings, structures, and facilities. Construction activities will produce impacts related to noise, dust, vibrations, and traffic that must be addressed and mitigated. In addition, the City is under a State-wide mandate to divert its waste by 50% and thus the City has adopted an ordinance to reduce construction and demolition debris from going to the landfill. These conditions of approval are necessary to address these impacts from the Pointe Project to ensure the public health, safety, and welfare of the Antioch community are protected and that development in the City occurs in an orderly fashion consistent with the City's General Plan and Municipal Code and to not create temporary or permanent nuisances.

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D. SITE AND PROJECT DESIGN CONDITIONS

The Project is proposing to construct 60 single family homes, two open space parcels, two storm water basins, a pocket park with a water feature, and related infrastructure.

1-2. The Project will have impacts associated with mail delivery and the potential construction of second units and in order to promote harmonious development to preserve the health, safety, and welfare of the residents of this Project and the mail carriers, these conditions are necessary.

3. The Project requires extensive grading of the hillside due to the removal 104 vertical feet from the project site, which will have impacts on the final elevations for the overall development and the adjacent properties. It may be necessary for the City to engage professionals to verify the adequacy of the plans in order to preserve the health, safety, and welfare of the residents of this Project, the surrounding neighborhood, and the construction workers, therefore this condition is necessary.

4-12. The Project will be constructing streets and driveways to serve the Project and in order to maintain the health, safety, and welfare of the residents and those that will visit this Project; the streets and driveways need to be adequately designed for safe travel and maneuverability. Therefore these conditions are necessary for the Project.

13-14. The Project is required to construct fences on all rear and side yards. In order to preserve the health, safety, and welfare of the residents of this Project; fencing provides a barrier to pedestrian and vehicular trespassing, provides privacy, and a barrier for children and pets these conditions are necessary.

15. The installation of street lights is required for the project to enhance the health, safety, and welfare of the residents of this Project by providing lighting to increase security of both people and property as well as to provide illumination to see at night; therefore this condition is necessary. The project has two open space parcels, front yards, a pocket park, and storm water basins that will be graded and will require landscaping. These conditions are necessary to promote the health, safety and general welfare of the citizens of the City of Antioch by preserving and enhancing the City's natural environment; to facilitate the creation of a convenient, attractive, and harmonious community; to minimize erosion and disturbed lands through revegetation; to conserve energy by the provision of shade trees over streets, sidewalks, and other paved areas; to reduce the risk of fire by the management of flammable vegetation; to improve the appearance of the built environment; and to encourage the appropriate use of and orderly development of land.

16-17. Street names and addresses are utilized in navigating the proposed Project by the residents, visitors, mail delivery, and emergency responders. The street names may be rejected by the emergency responders due to duplication or other reasons; therefore requiring backup names. Addresses need to be clearly indicated or there may be issues trying to locate the physical address. These conditions of approval are necessary to the health, safety and general welfare of the citizens of the City of Antioch to successfully navigate and locate a physical address.

18. The State mandates any new for-sale housing developments provide a list to buyers of universal accessibility features that would make the home entrance, interior routes of travel, the kitchen, and the bathrooms fully accessible to persons with disabilities. Universal design

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provides a safer and easier to use home for persons who are aging or frail, or who have certain temporary or permanent activity limitation or disabilities. The condition is necessary to meet State law and to promote the safety of the residents of the Project.

19-20. To improve accessibility of the development, the Project is required to install a five foot monolithic sidewalk. The sidewalk will promote the harmonious development of the project as well as the health, safety and general welfare by providing an accessible path of travel as well as increase the walkability of the neighborhood.

21. All improvements shall be contained in each lot and the projections of its sidelines will promote harmonious development within the City. By having the improvements contained in each lot, the owner will not have to access the public right-of-way or another person's property for maintenance or to fix an issue on his or her property. This will make maintenance as well as emergency repairs easier and more likely to be accomplished to the benefit of the owner and neighboring properties; therefore this condition is necessary.

22-23. The applicant is not proposing a City standard cul-de-sac, which provides additional parking due to limited street parking on a cul-de-sac because of the design. The applicant is currently not meeting the City's on-street parking requirements; therefore additional parking may have to be provided in the cul-de-sac. If the parking requirements are not met there could be impacts to the health, safety, and welfare of the residents as well as the surrounding neighborhood; therefore these conditions are necessary.

24-25. The Project contains a pocket park and undeveloped areas, which are to be private. Because the areas will be private, it will require ownership and maintenance by a Homeowners' Association. The condition is necessary because the Homeowners' Association will be ensuring the health, safety, and welfare of the Project area, which will result in fire safety and a more aesthetic community.

26-27. The Project will be adding structures to the landscape of the City and those structures should be harmonious and orderly with the surrounding neighborhood as well as aesthetically pleasing. Therefore, these conditions are necessary to have the Planning Commission review the design since it is not part of this project.

28. The Project is proposing a gate, which will have impacts that need to be mitigated through this condition of approval. The gate is required to be at least 20' from the entrance at Country Side Drive, in order to not block any traffic. The gate will be private and maintained by the HOA, which is ensuring the health, safety, and welfare of the Project area, which will result in a more aesthetically pleasing and harmonious community.

29. The proposed pedestrian path has impacts associated with it that cannot be mitigated such as privacy issues with the lots immediately adjacent to the path. These issues will detract from a harmonious and safe development; therefore this condition is necessary.

E. UTILITIES

1. The Project will require electrical, water, sewer, and storm drain facilities. The Antioch Municipal Code requires all utility facilities (including, but not limited to, electric, communication, and cable television lines) which are located on-site or adjacent to the subdivision shall be placed underground. In order to minimize visual clutter utilities should be placed underground or subsurface. This condition is necessary to promote the desirability of the City through the

minimization of visual clutter and to maintain the aesthetics of the City as well as adherence to the Antioch Municipal Code.

2-16. The City of Antioch owns the sewer conveyance lines within the City and also provides water service to residents within the city limits. In order to maintain these lines, the City requires easements as well as the orderly development of public utilities to ensure the lines are installed in an appropriate manner. The City is also required to comply with the California Regional Water Quality Control Board storm water control permit for managing storm water flows. These conditions are necessary to ensure the Pointe Project infrastructure and facilities are constructed in a manner to minimize maintenance, are easily accessible, and will function appropriately. These conditions are also necessary to ensure the public health, safety, and welfare of the residents of the Project as well as to ensure adequate capacity to serve the Project with the existing infrastructure and not compromising the service of the existing users.

F. LANDSCAPING CONDITIONS

1-4. The project has two open space parcels, front yards, a pocket park, and storm water basins that will be graded and will require landscaping. The City has also adopted Citywide Design Guidelines, which sets standards for streetscape design in regards to landscaping. These conditions are necessary to promote the health, safety and general welfare of the citizens of the City of Antioch and adhering to the Design Guidelines by preserving and enhancing the City's natural environment to facilitate the creation of a convenient, attractive, and harmonious community; to minimize erosion and disturbed lands through revegetation; to conserve energy by the provision of shade trees over streets, sidewalks, and other paved areas; to reduce the risk of fire by the management of flammable vegetation; to improve the appearance of the built environment; and to encourage the appropriate use of and orderly development of land.

G. FIRE REQUIREMENTS

1-4. The Contra Costa Fire Protection District provides fire services for the City of Antioch and follows the California Fire Code. The conditions of approval are necessary on the Project to protect the public health and provide for the safety and welfare of life and property from fire and explosion hazards or dangerous conditions in new buildings and existing buildings; structures and premises; and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

H. FEES

1-9. The City of Antioch, the Contra Costa Flood Protection District, and the Antioch Unified School District provide existing infrastructure such as streets, utilities, traffic signals, schools, public right-of-way, parks, flood mitigation improvements, parks, and police services. The fees required by the conditions of approval serve two functions: 1) the funds will provide mitigation for the project's fair share impact and the Project's responsibility of costs for the existing infrastructure due to the increase in population and 2) to mitigate the costs of additional infrastructure and maintenance necessary due to the impact of the Project. The conditions of approval are necessary to mitigate impacts to public infrastructure from deterioration as well as provide additional infrastructure to serve the additional population.

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I. MODEL HOMES

1-3. Applicants will construct model homes to provide customers with a sample of the product, which assists with the sale of their housing products. The models homes are a temporary commercial use, so special consideration must be given through the conditions of approval. The conditions are necessary to ensure the models will not adversely affect the character of the surrounding residential neighborhoods or to create a public nuisance.

J. GRADING

1-21. The project requires extensive grading of the hillside due to the removal 104 vertical feet from the project site, which will have impacts on the final elevations for the overall development and the adjacent properties. These final elevations of the project site are important to drainage, sewer installation, roadway slopes, lot design, promoting harmonious design, and retaining wall height. These conditions are necessary to ensure public health, safety, and welfare because the grading has to be designed and approved by a licensed geotechnical engineer. The licensed geotechnical engineer is responsible for the development of a plan detailing the site conditions, design, and construction recommendations based on specific information on subsurface soil, rock, and water conditions. The impacts of the grading will be mitigated by the conditions of approval to ensure slope stability, appropriately functioning utilities, and the development will be in accordance with the surrounding properties.

K. CONSERVATION/NPDES

1. The Project is proposing to create 60 homes, open spaces, two storm water basins, and a park all with landscaping. The condition of approval pertaining to water conservation measures is necessary to reduce the amount of water used since water is a finite resource and to protect aquatic resources. The condition of approval protects the general welfare of the State to use water resources efficiently and to not waste water.

2a-o. The Project is proposing to create impervious surface as well as engage in land disturbing construction activities which will lead to increase storm water runoff. The City is under Federal and State mandate to control water pollution by regulating point sources that discharge into local water bodies. Point sources are discrete conveyances such as pipes or man-made ditches. The Project is proposing two storm water control basins and a variety of conveyances to handle the storm water from the development. These conditions of approval are necessary to address these impacts from the Pointe Project to ensure the public health, safety, and welfare of the Antioch community is protected by control point source pollutants.

L. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

1. As required by the State of California, through the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Pointe Project. The impacts of the Project were identified to produce significant environmental impacts without mitigations. With the implementation of the mitigation measures, it reduces the project's impact to a less-than-significant level. The condition of approval is necessary to ensure the project complies with all mitigation measures so the Project does not create a significant environmental impact. The mitigation measures will ensure provision of a high quality environment with acknowledgement of the relationship to the

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general welfare of the people of the State. The capacity of the environment is limited and CEQA maintains thresholds for the health and safety of the people and take necessary action to prevent such thresholds from being reached. Lastly, the environmental document is to regulate activities which affect the quality of the environment so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment.

M. RESIDENTIAL DEVELOPMENT ALLOCATIONS

1. The Project was awarded 60 Residential Development Allocations in 2008 by the City Council. The purpose of the Residential Development Allocations process was to implement the General Plan, to regulate growth, to ensure the City's infrastructure kept pace with development, to ensure the City met its Regional Housing Needs Allocation, and to encourage reinvestment in older neighborhoods. This condition of approval is necessary to reiterate the 2008/11 conditions of approval are still applicable to fulfill the purpose of the Residential Development Allocation process; however the regulatory environment has changed since the allocation approval. Therefore the City is providing an option to the applicant to pursue another means of paying their fair share of Project impacts through the yet to be established development impact fees.

ATTACHMENTS

- A: Resolution Recommending Adoption the IS/MND and MMRP
- B: Actions to Recommend Approval of the Project to the City Council:
 - 1. Resolution Recommending Approval of the General Plan Amendments
 - 2. Resolution Recommending Approval of the Initiation of a Rezone from HPD to PD
 - 3. Resolution Recommending Approval of the Final Development Plan, Vesting Tentative Map, and Use Permit
- C: Actions to Recommend Denial of the Project to the City Council:
 - 1. Resolution Recommending Denial of the General Plan Amendments
 - 2. Resolution Recommending Denial of the Initiation of a Rezone from HPD to PD
 - 3. Resolution Recommending Denial of the Final Development Plan, Vesting Tentative Map, and Use Permit
- D: Aerial Photograph
- E: Staff Report and Minutes from the November 22, 2005 City Council Hearing
- F: Staff Report and Minutes from the February 21, 2007 Planning Commission Hearing on the Preliminary Development Plan for the Pointe
- G: Staff Report and Minutes from the June 12, 2007 City Council Hearing on the Preliminary Development Plan for the Pointe
- H: RDAC Score Sheet
- I: Staff Report from the August 20, 2007 Residential Development Allocation Committee Hearing
- J: Staff Report and Minutes from the September 17, 2007 Planning Commission Hearing on Residential Development Allocations
- K: Staff Report and Minutes from the January 22, 2008 City Council Hearing on Residential Development Allocations
- L: Excerpt from the General Plan for Low Density Residential
- M: Excerpt from the General Plan for the Somersville Road Corridor Focus Area
- N: Excerpt from the General Plan for the Hillside Planned Design Policies
- O: Chevron Property Location Map
- P: Excerpt from the General Plan for Residential Land Use Designations

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Q: Excerpt from the General Plan for Open Space Policies
R: Article 24 – Hillside Planned Development District
S: Basin Locations
T: Opposition Letters

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ATTACHMENT "A"

RESOLUTION NO. 2013/**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING ADOPTION TO THE CITY COUNCIL OF A FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE POINTE PROJECT

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan for the Project; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study to evaluate the potential environmental impacts of the Pointe Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, a draft Initial Study and Mitigated Negative Declaration ("IS/MND") was circulated for a 20-day review period, with the public review period commencing on October 8, 2013 and ending on October 28, 2013; and

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WHEREAS, the Planning Commission has reviewed the IS/MND for this Project and the comments received during the comment period; and

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and recommended adoption to the City Council of the Final IS/MND and MMRP; and

WHEREAS, the custodian of the Final IS/MND is the Community Development Department and the Final IS/MND is available for public review on the second floor of City Hall in the Community Development Department, Monday – Thursday 8:00 am – 11:30 am and the MMRP is attached as Exhibit 1 to this document.

NOW THEREFORE BE IT RESOLVED

1. The Planning Commission of the City of Antioch hereby **FINDS**, on the basis of the whole record before it (including the Initial Study and all comments received) that:
 - a. The City of Antioch exercised overall control and direction over the CEQA review for the Project, including the preparation of the Final Initial Study and Mitigated Negative Declaration, and independently reviewed the Final Initial Study and Mitigated Negative Declaration; and
 - b. There is no substantial evidence that the Project will have a significant effect on the environment once mitigation measures have been followed and assuming approval of the General Plan and Zoning Ordinance amendments; and
 - c. The Final Initial Study and Mitigated Negative Declaration reflect the City's independent judgment and analysis.
2. The Planning Commission hereby **RECOMMENDS** that City Council of the City of Antioch **APPROVE AND ADOPT** the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project .

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of November, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

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ATTACHMENT "B"

RESOLUTION NO. 2013/**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN
AMENDMENTS FOR THE POINTE PROJECT**

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan on the Project; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission has recommended to the City Council to approve and adopt the Final IS/MND; and

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

WHEREAS, the primary purpose of the General Plan amendments is to ensure consistency between the City of Antioch General Plan and the Pointe Project. The GPAs as described in Exhibit A, would revise several sections of the Land Use Element of the General Plan, which would include amendments to: the map in Figure 4.3; additional language in Section 4.4.6.2.b, which would provide the City Council with the ability waive the requirements of Sections 4.4.1.1, 5.4.14, and 10.3.2; and add language to Section 4.4.6.2 to reflect the appropriate land use of the project.

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record and the findings established in this resolution, the recommended adoption of the Final IS/MND and MMRP to the City Council, the Planning Commission hereby recommends to the City Council adoption of the amendments shown to the General Plan in Exhibit A pursuant to the following findings:

- a. The project is considered infill development and is substantially surrounded by the adjacent Black Diamond Ranch project, a 286-single family detached subdivision and the entitled Sky Ranch II project, a 415-single family detached subdivision within the City of Pittsburg.
- b. The estate/executive housing will help to fulfill the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income.
- c. The estate/executive housing will provide a housing type that has not been readily developed within Antioch and will further the General Plan's goals of providing more of a job and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing type.
- d. The General Plan Amendments provide for the continuing internal consistency between each of the General Plan's elements, as required by Government Code Section 65300.5.
- e. As required by Government Code Section 65358(a), the proposed General Plan Amendments are in the public interest of the people of the City of Antioch.

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November 6, 2013

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I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

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EXHIBIT A

4.4.6.2 Somersville Road Corridor. This Focus Area encompasses the commercial areas along Somersville Road from SR-4 north to Fourth Street, as well as the commercial areas south of the freeway, up to and including the Chevron property. The General Plan intends that existing auto dealerships be retained and revitalized along Somersville Road. If the existing dealers ultimately decide to relocate from Somersville Road, the City should work with the dealers to secure alternative locations within the City of Antioch. Potential alternative locations include the Regional Commercial area within the East Lone Tree Specific Plan Focus Area and between SR 4 and the railroad in the Hillcrest Station Area.

a. Purpose and Issues. The Somersville Road corridor is one of Antioch's primary sales tax generators, encompassing automobile dealerships, the Somersville Towne Center mall, and other retail businesses. Uses along this corridor are aging, and in need of improvement. In addition, the Somersville Road interchange is heavily congested. Interchange capacity will be increased as part of improvements for SR-4. Interchange improvements could impact adjacent existing hotel uses.

- Automobile dealerships exist along Somersville Road. The City has worked in the past to improve the design of Somersville Road, and to assist existing dealerships to modernize their facilities. Relocating the dealerships to another location within Antioch could reduce the amount of land available for industrial use, and may or may not be desirable for the dealerships. The dealerships have generated a customer base in their present location, though they do not have freeway visibility.
- South of the freeway is Somersville Towne Center, formerly known as County East Mall. The center was an open air complex, and was enclosed in the 1970s. The mall has not provided the level of retailers, mix of uses (e.g., restaurants), or design interest that could be supported by the community. In addition, vehicular access to the mall from Somersville Road is difficult due to limited parking. Pedestrian entry along the easterly side of the mall is awkward due to the presence of commercial uses with access directly from the parking lot.

There have been discussions in the past regarding adding another anchor tenant. However, the present design of the mall, with a series of tenants having their entries open to the parking lot along Somersville Road, limits simple design solutions. As a result, there have been suggestions that the mall be revitalized as a mixed-use specialty retail, entertainment, office, and residential project.

- The Focus Area's commercial uses are auto-oriented, and its general character is that of a typical older suburban community. Improvements to signage, streetscapes, and building façades are needed throughout the developed portion of this Focus Area, along with improved pedestrian linkages in the mall area.
- At the southern end of this Focus Area is the Chevron property, which is a 193-acre relatively flat, vacant parcel south of Buchanan Road. It is an unincorporated island surrounded by the cities of Antioch and Pittsburg, and is within Antioch's sphere of influence. The site has been extensively disturbed as the result of its previous use as an oil storage facility. With the extension of James Donlon Road, the Chevron property will become an important gateway into west Antioch.

b. Policy Direction. Efforts should be continued to keep existing automobile dealerships in their present locations, and to upgrade their facilities. Somersville Towne Center should be improved and expanded into a cohesive mixed-use retail, retail, entertainment, and residential center. Pedestrian and other urban design improvements need to be provided to increase linkages between the mall and adjacent uses. Special effort should be undertaken to improve access to the mall site from Somersville Road, and to improve the distribution of parking around the mall.

The following policies apply to the Somersville Road Corridor Focus Area.

- a. Areas designated "*Commercial*" on Figure 4.3 shall comply with the provisions of the Somersville Road Commercial land use category (see Table 4.A).
- b. Areas designated "*Regional Commercial*" on Figure 4.3 shall comply with the provisions of the Regional Commercial land use category (see Table 4.A).

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c. Areas designated "High Density Residential" in Figure 4.3 shall comply with the provisions of the High Density Residential land use category (see Table 4.A).

e.d. Areas designated "Residential" in Figure 4.3 shall consist of single family homes and the design shall be determined through the Planned Development process with approval by the City Council.

Expansion of Somersville Towne Center is encouraged, including new and expanded retail, particularly addition of new anchor tenants (department stores), higher end specialty retail, and sit-down restaurants. As shown in Figure 4.3, the General Plan permits expansion of the mall to the west. Expansion of the mall could also occur vertically by adding a second story of shops. Also permitted is the conversion of the existing mall into a mixed-use commercial, office, and residential complex. Revitalization of the mall into a mixed use concept could occur alongside expansion of the existing mall itself through development of multi-story office buildings, either free-standing or attached to the mall.

d.e. In cooperation with the City of Pittsburg, work to extend Century Boulevard to Buchanan Road as a two-lane arterial, with a connection to Los Medanos College.

e.f. The development of the "Chevron property," located on the west side of Somersville Road, south of Buchanan Road, shall comply with the following provisions.

- The primary land use intent for this site is a mix of low-rise business park and medium density residential housing products.

For illustrative purposes, Figure 4.3 shows the property divided into business park and residential portions. The specific development design of the site shall be determined through approval of a planned development for the site. A minimum of 40 percent of the site is to be devoted to business park and related commercial and open space uses.

- Business Park and related commercial uses shall front along the entire length of Somersville. Although it would be desirable to have business park and related commercial uses fronting along Buchanan Road at least as far west as the flood control channel, residential uses may front along Buchanan Road. The Business Park areas shall comply with the provisions of the Business Park land use category.
- Development of the site should be heavily landscaped. Business park and related commercial uses should be one or two stories, and clustered in a park-like setting.
- A common design theme for business park and residential uses within the 193-acre site is to be provided, including compatible architectural, landscaping, and signage.
- Residential uses within the Chevron site may consist of a combination of small lot single family detached and multi-family development, and shall be consistent with the provisions of the Medium Density Residential land use category.
- Adequate separation shall be maintained between new office and multi-family uses and existing residential neighborhoods. If parking areas are located along the residential edge, sufficient noise mitigation shall be provided.
- As part of site development, a community gateway monument shall be provided, including distinctive signage and landscaping at the northwest corner of the site, expressing the theme of Antioch as "Gateway to the Delta." Such signage and monumentation must portray a high quality design image for the City.
- The City should work with the owner of the Chevron property to annex it into Antioch.

f.g. An urban design plan should be prepared for the entire Somersville Road Corridor. The design plan should define a design theme; set specific architectural, sign, landscape, and streetscape design standards for the corridor; and select specific designs for public improvements such as street lighting, special paving sections at intersections, and street furniture.

D 111

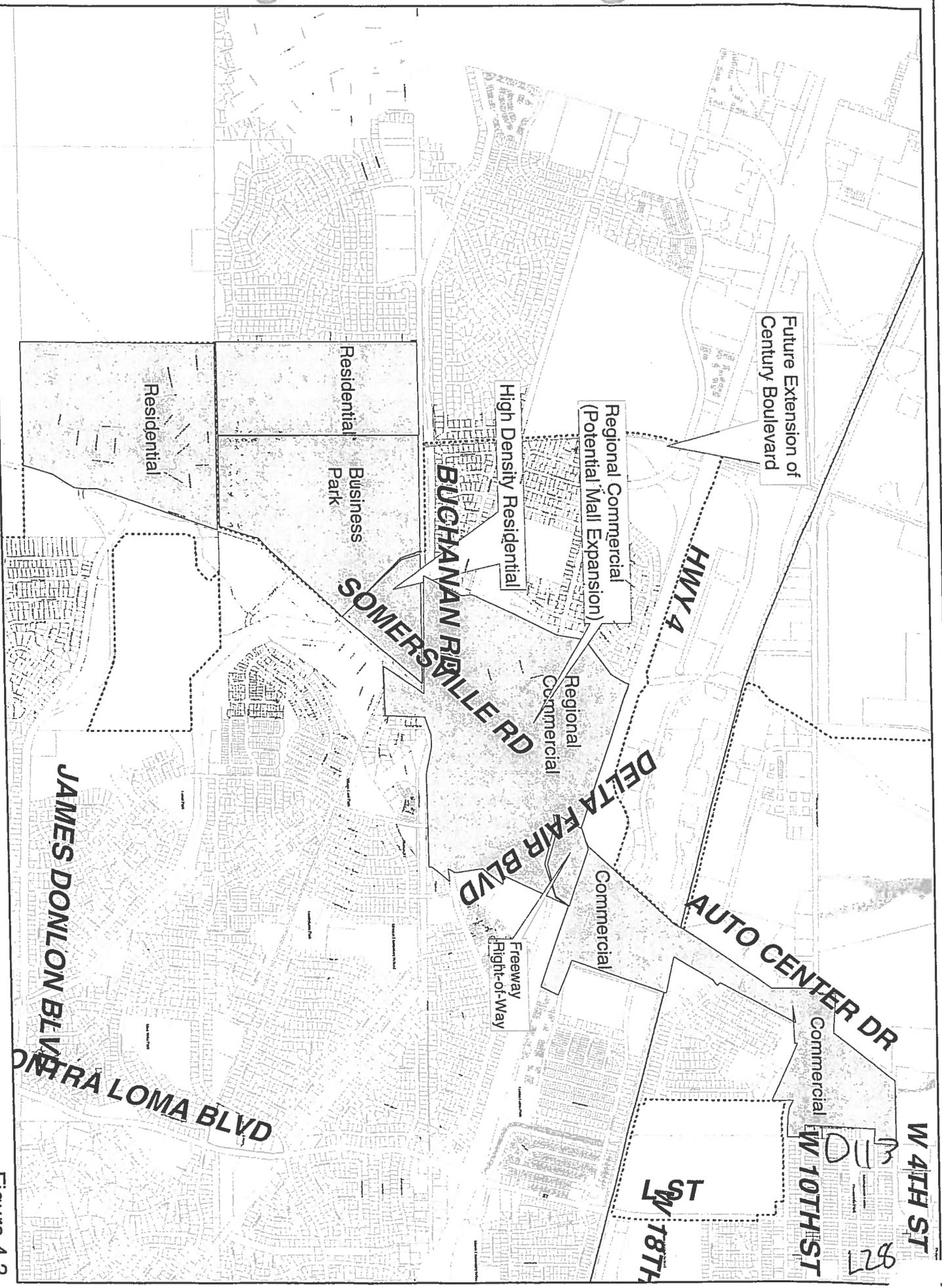
L26

h. A façade improvement program should also be undertaken for existing commercial uses within this Focus Area, with assistance from the Antioch Redevelopment Agency.

g.i. In order to provide continued support to sales tax generating uses, properties designated residential with the Focus Area will be allowed to maximize development density through the Planned Development process contained within the Zoning Ordinance. As such, the requirements of Sections 4.4.1.1, 5.4.14, and 10.3.2 if applicable, of the General Plan shall be waived if it is shown that development conditions will be safe and in harmony with surrounding development patterns and uses.

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Antioch City Limits

Figure 4.3

RESOLUTION NO. 2013/**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH INITIATING AMENDMENTS TO TITLE 9 OF THE ANTIOCH MUNICIPAL CODE "PLANNING AND ZONING" AND RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE REZONING APPROXIMATELY 21 ACRES COMPRISING THE POINTE PROJECT FROM HILLSIDE PLANNED DEVELOPMENT (HPD) TO PLANNED DEVELOPMENT (PD)

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, the Planning Commission has recommended to the City Council to implement General Plan Section 4.4.6.2b which provides City with the option to waive the requirements of Sections 4.4.1.1, 5.4.14, and 10.3.2 if the project can be shown that development conditions will be safe and in harmony with the surrounding development patterns and uses; and

WHEREAS, the Planning Commission has recommended to the City to approve the amendments to the General Plan; and

NOW, THEREFORE BE IT RESOLVED, based on the oral and written record; the recommendation of adoption of the Final IS/MND and MMRP; and recommendation of the General Plan amendments to the City Council, the Planning Commission makes the following findings:

- a. The Final IS/MND and MMRP determined the Project will have a less-than-significant impact to the environment.
- b. The project is considered infill development and is substantially surrounded by the adjacent Black Diamond Ranch project, a 286-single family detached subdivision and the entitled Sky Ranch II project, a 415-single family detached subdivision within the City of Pittsburg.
- c. The Project is similar in nature to the surrounding development and consists of the same uses therefore the project is not detrimental to the surrounding properties.
- d. The estate/executive housing will help to fulfill the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income.
- e. The estate/executive housing will provide a housing type that has not been readily developed within Antioch and will further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing type.
- f. The rezone is in conformance with the City of Antioch General Plan.

BE IT FURTHER RESOLVED, the Planning Commission hereby recommends to the City Council initiation of an amendment to Title 9 of the Antioch Municipal Code "Planning and Zoning" and recommending adoption of the ordinance to rezone approximately 21 acres, known

0115 L30

RESOLUTION NO. 2013/**

November 6, 2013

Page 3

as the Pointe Project, from Hillside Planned Development (HPD) to Planned Development (PD), generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010).

* * * * *

I **HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

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ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING
A REZONING OF APPROXIMATELY 21 ACRES REFERRED TO AS THE POINTE PROJECT
FROM HILLSIDE PLANNED DEVELOPMENT (HPD) TO PLANNED DEVELOPMENT (PD)**

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

SECTION 1. Findings. The Antioch City Council hereby finds, determines and declares as follows:

- A.** The City of Antioch holds the right to make and enforce all laws and regulations not in conflict with general laws, and the City holds all rights and powers established by state law.
- B.** The Planning Commission conducted a duly noticed public hearing on November 6, 2013 at which it adopted a resolution to initiate and recommend approval to the City Council of this ordinance regarding rezoning approximately 21 acres from Hillside Planned Development (HPD) to Planned Development (PD). The City Council held a duly noticed public hearing on _____ at which all interested persons were allowed to address the Council regarding adoption of this ordinance.
- C.** The City prepared an IS/MND and MMRP to evaluate the potential environmental impacts of the Pointe Project, including this Ordinance, in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). The City Council deemed the Final IS/MND to be adequate on _____.
- D.** The Final IS/MND and MMRP determined the project would have a less-than-significant impact on the environment.
- E.** The City Council implemented General Plan Section 4.4.6.2b which provides City with the option to waive the requirements of General Plan Sections 4.4.1.1, 5.4.14, and 10.3.2 if the project can be shown that development conditions will be safe and in harmony with the surrounding development patterns and uses. The rezone is in conformance with the City of Antioch General Plan.
- F.** The project is considered infill development and is substantially surrounded by the adjacent Black Diamond Ranch project, a 286-single family detached subdivision and the entitled Sky Ranch II project, a 415-single family detached subdivision within the City of Pittsburg.
- G.** The Project is similar in nature to the surrounding development and consists of the same uses therefore the project is not detrimental to the surrounding properties.
- H.** The estate/executive housing will help to fulfill the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income.
- I.** The estate/executive housing will provide a housing type that has not been readily developed within Antioch and will further the General Plan's goals of providing more of

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jobs and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing type.

SECTION 2. The real property described in Exhibit A, attached hereto, is hereby rezoned from Hillside Planned Development District (HPD) to Planned Development (PD) and the zoning map is hereby amended accordingly. The Final Development Plan, with attachments consisting of various maps, written documents, and renderings of the proposed development along with all conditions imposed by the City of Antioch are hereby incorporated by reference and made a part of this zoning change. These documents are on file at the City of Antioch Community Development Department.

SECTION 3. The permitted uses shall be those proposed: 60 single-family homes, a pocket park with a water feature, open space, two storm water basins, and other associated infrastructure improvements as shown on the Vesting Tentative Map date stamped October 17, 2013.

SECTION 4. Development Standards for the Pointe Planned Development District:

Standard	Required for Project
Minimum Lot Size	Lots 1 – 51 and 60: 10,000 sq. ft. 52-59: 6,000 sq. ft.
Minimum Lot Width	Per the vesting tentative map date stamped on October 17, 2013.
Maximum Lot Coverage	40%
Front/Street Side Yard Minimum (shall be reserved for landscaping)	Front: 20 ft setback from the right of way to the face of garage door, or 15 feet to a side entry garage (e.g. accessed by a swing driveway). The front yard dimensions shall be varied by increasing the front yard setback by up to 25 ft. and staggering the varied setbacks. Side: 15 ft setback for the primary structure from the right of way line. Approved architectural elements may encroach 2 ft.
Side Yard – Interior	5 ft. with 4 ft of flat useable area with 25% of the lots having a 10 foot side setback on one side. The 10 feet must remain as unrestricted open area.
Minimum Rear Yard	15 ft minimum of flat usable space and a 20 ft. setback from the rear property line. A single story portion of the main structure shall be allowed 10 ft from the property line provided the width of that portion of the main structure does not exceed 50% of the buildable width of the lot. Approved architectural elements may encroach 2 ft.
Maximum Building Height	35 ft.
Parking	2 spaces per unit in a garage, plus one guest parking space on the street within close proximity to the unit served.
Driveways/Drive Aisles	Per the vesting tentative map date stamped on October 17, 2013.
Roadways	Per the vesting tentative map date stamped on October 17, 2013.
Landscape Requirements	Summit Way – 10 ft landscape median. Parcels A and B.

Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
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SECTION 5. Publication; Effective Date.

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

* * * * *

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

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Exhibit A

LEGAL DESCRIPTION

D120 L35

RESOLUTION NO. 2013/**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A FINAL PLANNED
DEVELOPMENT, VESTING TENTATIVE MAP, AND A USE PERMIT FOR 60 SINGLE-
FAMILY HOMES, TWO OPEN SPACE PARCELS, AND A POCKET PARK**

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, the Planning Commission has recommended to the City Council to approve the amendments to the General Plan; and

WHEREAS, the Planning Commission has recommended to the City Council to implement General Plan Section 4.4.6.2b which provides City with the option to waive the requirements of Sections 4.4.1.1, 5.4.14, and 10.3.2; and

WHEREAS, the Planning Commission has initiated an amendment to Title 9 of the Antioch Municipal Code "Planning and Zoning" and made a recommendation to the City Council to approve an ordinance to rezone the subject parcel from Hillside Planned Development District (HPD) to Planned Development District (PD); and

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

FINDING 1: Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.

EVIDENCE: The Project is located within an area designated for residential development in the General Plan. After approval of the General Plan amendments and the rezone, the project is consistent with the policies of both the General Plan and zoning code. Each unit within the subdivision can exist independently. The project site is surrounded by existing, developing, and entitled residential lands therefore the project will not be detrimental to the surrounding uses, rather it will further the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income. The estate/executive housing product type will also help further the goals of the General Plan by offering a desirable product to executives, therefore decreasing the disparity in jobs and housing balance.

FINDING 2: The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

EVIDENCE: The City commissioned PHA Transportation Consultants to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Pointe Project. A copy of the report is included in the Appendices to the Pointe Final IS/MND. The report evaluated the most recent traffic data and projections for the project area and the region, and found that the project satisfies the standards of the City's Growth Management Program

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RESOLUTION NO. 2013/**

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and meets current design criteria. Adequate utility service, including electricity, water, and sewer service can be supplied to all phases of development by existing utility service providers.

FINDING 3: The commercial components of the Project are justified economically at the location proposed.

EVIDENCE: No commercial components are proposed.

FINDING 4: Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

EVIDENCE: The proposed residential subdivision will continue the residential uses and will be similar in character of the surrounding neighborhood. The approval of the General Plan amendment and rezone will result in densities no higher than permitted by the General Plan.

FINDING 5: Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

EVIDENCE: There are no industrial components to the Pointe Project.

FINDING 6: Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

EVIDENCE: The rezoning of the property from Hillside Planned Development to Planned Development allows for flexibility of the project's design. The project is located on an area with slopes steeper than 25%, which make it difficult to develop. The estate/executive housing could be considered a community amenity because the product type not readily available or commonly built in the City; therefore the project will be offering a wider variety of housing than currently exists and attempting to equal the jobs and housing balance.

FINDING 7: The area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

EVIDENCE: The area surrounding the Project is already developed with homes or has been entitled by the City of Pittsburg.

FINDING 8: The project conforms with the General Plan of the City.

EVIDENCE: The approval of the General Plan amendments will result in a project that conforms with the General Plan.

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

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FINDING 1: That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations.

EVIDENCE: The subdivision proposed by the Vesting Tentative Map is consistent with the Antioch General Plan after approval of the GPAs. The General Plan now designates this parcel as Residential with the Somersville Road Corridor Focus Area, which allows for low density single family residential. Therefore, the subdivision proposed by the Vesting Tentative Map is consistent with the General Plan.

FINDING 2: That the subdivision complies with the Housing Element as it relates to the regional needs and complies with Section 66412.3 of the Subdivision Map Act.

EVIDENCE: The Planning Commission has considered the potential effect of the subdivision proposed by the Vesting Tentative Map on the housing needs of the City and the region, and finds that the subdivision will promote the City's goal of achieving a greater balance between residential and employment-generating uses within the City because the project will be providing estate/executive homes, which will provide a place for executives to locate and in turn bring in businesses. The increase in business will promote the City's goal of achieving a greater balance by providing a catalyst for commercial and employment generating uses to locate in the City of Antioch. Furthermore it will fulfill the need of above moderate income Regional Housing Needs Assessment, which the City has 1,046 allocations for 2007-2014. The project also complies with Section 66412.3 of the Subdivision Map Act.

FINDING 3: That the subdivision proposed by the Vesting Tentative Map has, to the maximum extent feasible, considered and provided opportunities for future passive or natural heating or cooling of the structures within the subdivision, as required by Government Code §66473.1.

EVIDENCE: The subdivision design provides for future passive or natural heating or cooling opportunities to the extent feasible in light of the need to accommodate physical, infrastructure and topography of the site, as well as CEQA mitigation measures and design features. The majority of the site contains slopes in excess of 25% and is surrounded on all four sides by other developed or entitled projects, which limits the design capabilities. The project will meet or exceed the energy efficient requirements and will have conservation features included and available to the public to purchase as upgrades.

FINDING 4: That the subdivision proposed by the Tentative Map complies with the rules, regulations, standards, and criteria of the City's Subdivision Regulations.

EVIDENCE: The subdivision proposed by the Vesting Tentative Map complies with the rules, regulations, standards, and criteria of the City's Subdivision Regulations as conditioned.

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for approval of a Use Permit:

FINDING 1: Granting the use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

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EVIDENCE: The project will create a 60 lot residential subdivision. The project site is located in the Somersville Road Corridor Focus Area, and is designated for residential and open space uses. The surrounding neighborhood is single family residential similar in nature to the project. After approval of the General Plan Amendments and the rezone, the development proposed by the project is consistent with the uses permitted under the General Plan and the proposed zoning for the project site.

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

EVIDENCE: The General Plan designates the area encompassing the project site as Residential within the Somersville Road Corridor Focus Area which allows low and medium low density residential and open space uses as proposed.

FINDING 3: The project site is adequate in size and shape to accommodate its proposed uses, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, without interfering with other uses in the neighborhood.

EVIDENCE: The project is designed to comply with the zoning development standards that were established for the Planned Development (PD) District specifically for this project. The zoning accommodates yard spaces, walls, fences, parking, landscaping and other features without interfering with other uses in the neighborhood.

FINDING 4: The streets and highways that abut the project site are adequate in width and pavement type to carry the kind of traffic generated by proposed use.

EVIDENCE: The City commissioned Fehr and Peers to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Pointe Project. The traffic study concluded that the road improvements either proposed by the developer or required by the City are adequate in width and pavement type to carry the kind of traffic that will be generated by the project.

FINDING 5: The granting of such use permit will not adversely affect the comprehensive General Plan.

EVIDENCE: The Pointe Project is consistent with the General Plan designation for the project area, which is Residential in the Somersville Road Corridor Focus Area and will not adversely affect the comprehensive General Plan.

BE IT FURTHER RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend to the City Council APPROVAL of the Final Development, Vesting Tentative Map, and Use Permit (PD-08-01, PW 608, and UP-08-01) to construct 60 single-family homes including associated infrastructure improvements, an approximately 10,000 s.f. pocket park and two open space parcels, subject to the following conditions:

A. GENERAL CONDITIONS

1. The City of Antioch Municipal Code shall be complied with.
2. Conditions required by the Planning Commission (and the City Council if applicable), which call for a modification or any change to the site plan shall be submitted, and shall be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Planning Commission (and City Council if applicable) and the standards of the City.
3. City staff shall inspect the site for compliance with conditions of approval prior to final inspection approval.
4. Design review approval is required prior to development of any phase of the subdivision.
5. That this approval expires two years from the date of approval (Expires November 6, 2015), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
6. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement or environmental review. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
7. This approval supersedes previous approvals that have been granted for this site.
8. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments and other fees that are due.
9. All required easements or rights-of-way for off tract improvements shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
10. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way.
11. All easements of record, which affect individual parcels within this project shall be removed prior to or concurrently with the recordation of the final map.

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12. The applicant shall establish a Home Owners Association (HOA) for this project in conformance with the regulations set forth by the State Department of Real Estate. The HOA shall be responsible for owning and maintaining all private common areas, streets, street lights, the pocket park with water feature, landscaping, open space areas and amenities including storm water control facilities. The City shall review and approve the CC&Rs for the Homeowners Association prior to the recording of the first final map. The CC&Rs shall include restrictions providing for the development and maintenance of manufactured and landform graded slopes.
13. The CC&Rs shall include a provision indicating that the City of Antioch is named as a third-party beneficiary with the right, but not the obligation, to enforce the provisions of the CC&Rs relating to the maintenance and repair of the property and improvements, including but not limited to landscaping, parking, main utilities, open space, storm water and the prohibition of nuisances. The City shall have the same rights and remedies as the Association, Manager or Owners are afforded under the CC&Rs, including but not limited to rights of entry. This right of enforcement is in addition to all other legal and equitable remedies available to the City, including the right to refuse to issue building permits for any building or structure that is not in compliance with applicable federal, state or local laws, regulations, permits or approvals. Neither action nor inaction by the City shall constitute a waiver or relinquishment of any rights or remedies. In addition, the CC&Rs shall include a provision that any design approvals required by the CC&Rs for construction, reconstruction and remodeling are in addition to any approvals needed from the City as well. Further, the CC&Rs cannot be terminated or amended materially without the prior written consent of the City Manager and City Attorney of the City of Antioch. Material changes are those that would change the fundamental purpose of the development; City approvals of uses or external modifications; property ownership or maintenance obligations including but not limited to common areas, storm water and landscaping; and Community Police Financing District or similar mechanism.

B. TENTATIVE MAP CONDITIONS

1. The Tentative Map approval is subject to the time lines established in the State of California Subdivision Map Act.
2. The lots and improvements within the development shall comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
3. Approval of this tentative map shall not constitute the approval of any improvements shown on the tentative map.
4. All lot areas shall conform to the general lot areas proposed, and approved, on the tentative map.
5. Approval of this tentative map shall not be construed as a guarantee of future extension or re-approvals of this or similar maps, nor is it an indication of future availability of water or sewer facilities or permission to develop beyond the capacities of these facilities.

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6. A lot line adjustment and/or lot merger shall be processed prior to the recordation of the Final Map between the project and Lots 172-174 of the Black Diamond Ranch, Subdivision 8585, to accommodate for Summit Way, as directed by the City Engineer.

C. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall be restricted to weekdays between the hours 8:00 A.M. and 5:00 P.M., or as approved in writing by the City Manager.
2. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and Demolition Debris Recycling.
3. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The applicant shall post dust control signage with a contact number of the applicant, City staff, and the air quality control board.

D. SITE AND PROJECT DESIGN

1. Provisions for mail delivery in the subdivision area shall be reviewed and approved by staff prior to the approval of the final map. Applicant shall install mail box facilities as required by the City Engineer.
2. Any conversion of the homes to allow for a second unit shall be subject to a use permit for such a conversion, in conformance with the City's "Second Unit" provisions of the Zoning Ordinance.
3. Prior to the approval of the final subdivision map, the City Engineer shall determine if it is necessary to engage soils and structural engineers, as well as any other professionals, deemed necessary to review and verify the adequacy of the building plans submitted for this project. If deemed necessary by the City, this may be extended to include field inspections by such professionals to verify implementation of the plans. Costs for these services shall be borne by the applicant.
4. All public street intersections shall meet the requirements of Caltrans Highway Design Manual for Intersection Design Standards (Topic 405), and private streets to the extent practicable, or as approved by the City Engineer.
4. All proposed improvements shall be constructed to City standards.
5. All public streets shall intersect at 90 degrees and private streets to the extent practicable, or as approved by the City Engineer.
6. All driveways shall be perpendicular to the street centerline for a minimum distance of 20 feet behind the curb, or as approved by the City Engineer.

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7. Driveways for three car garages shall flare to the third garage only or as approved by City staff.
8. Full curb cuts shall be used for all three-car driveways on lots that are at least 60 feet in width or as approved by City staff.
9. All driveways shall be a minimum of five feet from curb return.
10. A minimum of a 20 foot tangent shall extend beyond the return at intersections, or as approved by the City Engineer.
11. All lot sidelines shall be perpendicular or radial to the fronting street centerline, or as approved by the City Engineer.
12. The required 50 foot sight distance triangles shall be maintained at all intersections and that no object greater than 3 feet in height shall be placed in that triangle. All fencing, landscaping, signage, and slopes shall also not restrict sight distance.
13. Rear and side yard fencing shall be provided for all units. All fences shall be located at the top of slope, or as approved by staff.
14. In cases where a fence is to be built in conjunction with a retaining wall, and the wall face is exposed to a side street, the fence shall be setback a minimum of three feet (3') behind the retaining wall.
15. The applicant shall install streetlights and landscaping within the project area at no cost to the City. The Homeowners Association shall be responsible for owning and maintaining the streetlights and landscaping. The design of the streetlights, locations, and landscaping shall be reviewed and approved by the Planning Commission prior to the issuance of any building permit for the project.
16. The proposed street names shall be utilized in the development. If the applicant wants to change any of the street names not included in the staff report then the request will have to go back to the Planning Commission for approval.
17. All homes shall be identified by a decorative addressing method easily visible from the roads within the project in order to aid emergency responders. This method shall be reviewed by the Antioch Police Department and the Planning Commission.
18. The applicant shall provide a "checklist" of universal design accessibility features to home buyers as required by Section 17959.6 of the Health and Safety Code.
19. The sidewalk on Summit Place and Altamont court shall be a five foot monolithic.
20. An accessible path of travel shall be provided to the pocket park.

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21. All improvements for each lot (water meters, sewer cleanouts, driveway curb cuts, etc.) shall be contained within the lot and the projection of its sidelines, or as approved by the City Engineer.
22. Cul-de-sac parking shall be provided as required by the City Engineer.
23. One on-street parking space per lot shall be located within close proximity to the unit served or shall process a variance.
24. The applicant and then the HOA, once the CC&Rs are operative, shall maintain all undeveloped areas within this subdivision/unit in an attractive manner, which shall also ensure fire safety.
25. The approximately 10,000 s.f. pocket park, which shall be owned and maintained by the HOA, design including the water feature shall be reviewed and approved by the Planning Commission.
26. The architecture, sound walls, fencing, mailboxes, lighting, any accent paving, addressing, and landscaping for the entire project shall be subject to review and approval by the Planning Commission prior to application for building and/or grading permits for the project.
27. A masonry wall shall be constructed for the entry at Summit Way adjacent to lots 172 and 174. The design shall be reviewed and approved by the Planning Commission prior to the recordation of the final map.
28. The gate to the entrance of the development shall be located a minimum distance of 20 feet from the intersection of Country Side Drive. The gate shall swing into the development. The gate shall be owned and maintained by the HOA.
29. The pedestrian path between Lots 42 and 41; 28 and 29; 26 and 25; and 14 and 15 shall be removed from the plans.

E. UTILITIES

1. All existing and proposed utilities shall be undergrounded (e.g. transformers and PMH boxes) and subsurface in accordance with the Antioch Municipal Code, except existing P.G.& E. towers, if any or as approved by the City Engineer.
2. No fire hydrant or electrolier shall be located in the front yard of a corner lot.
3. Underground utilities shall be designed to flow approximately parallel to the centerline of the street, or as approved by the City Engineer.
4. All proposed drainage facilities, including open ditches, shall be constructed of Portland Concrete Cement.
5. All sewage shall flow by gravity to the intersecting street sewer main or as approved by the City Engineer.

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6. All public utilities shall be installed in streets avoiding between lot locations unless approved by the City Engineer.
7. All facilities collecting or conveying storm water from open space parcels shall be owned and maintained by a Home Owners Association, at no expense to the City.
8. The applicant shall submit hydrology and hydraulic analysis with a storm water control plan to the City for review and approval prior to the recordation of the final and to Contra Costa County Flood Control for review at no cost to the City as directed by the City Engineer.
9. An analysis of the City's Water Supply Zone IV shall be submitted to the City prior to the recordation of the final map to determine whether a hydro pneumatic booster pumping station (BPS) would be required to provide water supply delivery pressure to the project.
10. A public utilities easement that encompasses public utilities shall be provided as directed by the City Engineer.
11. All open space storm water shall be collected via V-ditches prior to being discharged into the City storm drain system.
12. The existing storm drain easement on lot 172 shall be vacated at no cost to the City and the storm drain shall be maintained by the HOA.
13. The storm water basin at the terminus of Crescent Court shall be maintained by the SLLD and the basin located at Metcalf Street and James Donlon Boulevard shall be maintained by the HOA.
14. The applicant shall submit a drainage study, prior to the recordation of the final map, outlining what facilities are to be constructed and how they will function as a part of the Drainage District, and that the improvements to mitigate the increased downstream runoff be constructed as required by the County Flood Control District and the City Engineer.
15. The applicant shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
16. The roof drain collection system shall be connected to an underground drainage system and be discharged through curb drains. The houses shall contain rain gutters and downspouts, with the downspouts and runoff of adjacent water to foundations being collected into an underground conduit, and be discharged, as approved by the City Engineer.

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F. LANDSCAPING

1. The slopes, medians, and any open space areas be developed and managed by the applicant as required by the City Engineer and be maintained at no cost to the City.
2. A 10-foot wide tree planting easement shall be provided across the front of all single family lots and that one 15 gallon tree shall be located within such easement prior to building final. The City Engineer shall determine type and location of tree.
3. The Summit Way median and Summit Way shall be landscaped with design review approval subject to the Planning Commission.
4. The Home Owners Association shall provide for reimbursement of City maintenance of landscaped areas that are not maintained to an acceptable standard by the HOA.

G. FIRE REQUIREMENTS

1. Fire hydrants shall be furnished and installed, of a type and at a location approved by the City Engineer.
2. All weather access roads and a water supply shall be provided prior to commencing any combustible construction, as required by the Fire Chief.
3. Street widths shall be subject to approval by the Contra Costa County Fire Protection District and the City Engineer.
4. The applicant shall comply with the following conditions provided by the Contra Costa County Fire Protection District:
 - a. Access roadways of less than 28-feet unobstructed width shall have NO PARKING – FIRE LANE signs posted or curbs painted red with the words NO PARKING – FIRE LANE clearly marked, which shall be maintained by the HOA. 22500.1 CVC
 - b. The cul-de-sacs or turnarounds shall have an outside turning radius of a minimum of a 45' or as approved by the Fire District.
 - c. A minimum of two emergency apparatus access roadways are required when serving 26 or more dwelling units. The proposed 20-foot wide EVA, located adjacent to lot 60, appears to comply with Fire District requirements. The proposed EVA shall have an all-weather driving surface with a maximum allowable grade of 16%. (503.1.2) CFC
 - d. The applicant shall provide an adequate reliable water supply for fire protection with a minimum fire flow of 1750 GPM. Required flow shall be

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delivered from not more than one hydrant flowing simultaneously for the duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (508.1), (B105) CFC

- e. The applicant shall provide seven hydrants of the East Bay type, which shall be maintained by the City. Hydrant locations will be determined by the Fire District.
- f. Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC. Gravel roads are not considered all-weather roadways for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum sub base materials and capable of supporting the designated gross vehicle weight specified above.
- g. Premises identification shall be provided. Such numbers shall contrast with their background and be a minimum of four inches high with ½-inch stroke or larger as required to be readily visible from the street. (505.1) CFC, (501.2) CBC
- h. The applicant shall submit three copies of site improvement plans indicating all existing or proposed fire apparatus access for review and approval prior to construction. (501.3) CFC
- i. The applicant shall submit three copies of a 300-foot scale parcel map indicating approved fire hydrant locations, street names, and addresses to the Fire District for mapping purposes. These maps are required prior to Fire District signing for final improvement plans. (Mylar)
- j. Plan review and inspection fees shall be submitted at the time of plan review submittal. Checks may be made payable to Contra Costa County Fire Protection District (CCCFPD).
- k. Submit plans to: Contra Costa County Fire Protection District, 2010 Geary Road, Pleasant Hill, CA 94523.

H. FEES

- 1. The applicant shall pay utility connection fees which have been established by the City Council prior to the filing of the final map and as required by the Antioch Municipal Code.
- 2. The applicant shall pay traffic signal fees as adopted by the City Council.
- 3. The applicant shall pay the Regional Traffic Impact Fee as well as all other applicable fees, including any future increase in the Regional Traffic Impact Fee.
- 4. The applicant shall pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance.

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5. Prior to filing of the first final map for recording, the applicant shall pay all costs associated with having an engineer's report prepared and shall annex the property into the existing Landscape and Lighting District 2A-10. The applicant shall agree to accept a level of annual assessments sufficient to maintain improvements including but not limited to street lights, parks, drainage, and landscaping as identified in the Engineer's Report at no cost to the City.
6. The project is subject to the current Community Park Fee and future Community Park Fees as established and levied by the City Council.
7. Improvements and fees that are required by the Contra Costa County Flood Control District shall be implemented, as approved by the City Engineer.
8. The applicant shall pay all required school impact fees, fire facility, and sewer fees.
9. The applicant shall annex the project into the Community Police Financing District once it has been established or if the project is first to build, the applicant shall establish the District or similar land-based financing mechanism approved by the City for police services. The applicant shall agree to accept a level of annual assessments sufficient to maintain police services for the project's direct proportional impact of the General Plan performance standard of a range of 1.2 officers to 1.5 officers, including community service officers assigned to community policing and prisoner custody, per 1,000 population.

I. Model Homes

1. Prior to the placement of any sales trailers, plans shall be submitted to the Engineering Department for review and approval. Any trailer shall be placed out of the public right-of-way and shall have its own parking lot with a minimum of ten (10) full-sized parking spaces.
2. The model home complex parking lot location and design shall be subject to staff approval. This complex shall feature a minimum of ten (10) full-sized parking spaces.
3. The model home landscaping shall be drought tolerant, with total area of spray irrigation for the complex not to exceed 50 percent of the landscaping area. The landscaping shall be reviewed by the Planning Commission.

J. Grading

1. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
2. All lots and slopes shall drain to approved drainage facilities as approved by the City Engineer.

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3. All grading shall be accomplished in a manner that precludes surface water drainage across any property line.
4. All lots shall be graded to drain positively from the rear to the street or as approved by the City Engineer.
5. The swales adjacent to the house structure shall have a minimum of a 2 percent slope or as directed by the City Engineer.
6. All off-site grading is subject to the coordination and approval of the adjacent property owners, and the City Engineer. The applicant shall submit written authorization to "access, enter, or grade" adjacent properties prior to performing any work.
7. Any sale of a portion (or portions) of this project to multiple developers include the necessary agreement and/or grading easements to assure that project-wide grading conforms to the approved map and conditions of this resolution.
8. The grading plan for this development shall be approved by the City Engineer.
9. The final grading plan for this development shall be signed by a California licensed geotechnical engineer and approved by the City Engineer.
10. All elevations shown on the improvement plans shall be on the USGS 1929 sea level datum.
11. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
12. The applicant shall submit a program for preventative maintenance of major manufactured slope areas, which must be reviewed and approved by staff prior to approval of the final map, and shall include homeowner slope maintenance requirements and guidelines.
13. No retaining walls shall be constructed in City right-of-way or other City maintained parcels unless approved by the City Engineer.
14. All retaining walls shall be of masonry construction.
15. All retaining walls shall be reduced in height to the maximum extent practicable and that the walls meet the height requirements in the front yard setback as required by the City Engineer.
16. On Parcels A and B, manufactured slopes in excess of five feet shall be landform graded. The landform grading shall create slopes with curves and various slope ratios in the horizontal and vertical planes to simulate the appearance of natural terrain, as directed by the City Engineer.

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17. Street slopes across intersections shall not exceed 6 percent and street slopes shall not exceed 15% or as approved by the City Engineer.
18. Building pads abutting Sky Ranch II, Subdivision 8475, shall be constructed at an elevation above or equal to the Sky Ranch II subdivision.
19. The back to back or side to side grading transitions from lot to lot shall have a maximum slope of 2:1, and shall be accommodated entirely on the lower lot or as approved by the City Engineer.
20. The minimum concrete gutter flow slope shall be 0.75%.
21. All property lines shall be located at the top of slope.

K. CONSERVATION/NPDES

1. Water conservation measures, including low volume toilets, flow restrictors in showers and the use of drought tolerant landscaping shall be used.
2. The project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the project include storm water treatment and source control measures, as well run-off flow controls, so that post-project runoff does not exceed estimated pre-project runoff. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved. The SWCP shall be submitted simultaneously with the project plans. An Operation and Maintenance Plan (O&M) for the treatment and flow-controls in the approved SWCP shall be submitted and approved before the Building Department will issue Certificate of Occupancy permits and shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
3. That the applicant shall comply with the Storm Water Treatment Plan dated August 30, 2013.
4. The following requirements of the federally mandated NPDES program (National Pollutant DISCHARGE Elimination System) shall be complied with as appropriate, or as required by the City Engineer:
 - a. Prior to issuance of permits for building, site improvements, or landscaping, the applicant shall submit a permit application consistent with the applicant's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.

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- b. The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).
- c. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for review and approval by the City, a final Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&M plan shall incorporate City comments on the draft O&M plan and any revisions resulting from changes made during construction. The O&M plan shall be incorporated into the CC&Rs for the Project.
- d. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute and record any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
- e. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
- f. Collect and convey all storm water entering, and/or originating from, the site to an adequate downstream drainage facility. Submit hydrologic and hydraulic calculations with the Improvement Plans to Engineering Services for review and approval.
- g. Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge Identification Number (WDID#) issued from the Regional Water Quality Control Board.
- h. Submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for review to the Engineering Department prior to issuance of a building and/or grading permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.

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

L. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

- 1. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program.

M. RESIDENTIAL DEVELOPMENT ALLOCATIONS

- 1. All Residential Development Allocation conditions in City Council resolution 2008/11 shall be adhered to except conditions number 9 – 12, which pertain to financial contributions. If at the time of first building permit issuance, the City has not adopted revised and additional development impact fees or those fees have

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been legally challenged and there is not a decision by a final court with jurisdiction, then the applicant shall comply with conditions number 9-12 in City Council resolution 2008/11.

* * * * *

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 6th day of November, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

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ATTACHMENT "C"

RESOLUTION NO. 2013/**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING TO THE CITY COUNCIL DENIAL OF GENERAL PLAN AMENDMENTS FOR THE POINTE PROJECT

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

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WHEREAS, the primary purpose of the General Plan amendments is to ensure consistency between the City of Antioch General Plan and the Pointe project; and

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

WHEREAS, the Planning Commission has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the Planning Commission hereby determines:

1. The General Plan Amendments could potentially result in an area not contiguous within the Somersville Road Corridor Focus Area.
2. The Somersville Road Corridor Area policies and goals do not emphasize lower density residential uses, but rather commercial tax revenue generating uses and the Pointe Project would be the only single family home development in the Somersville Road Corridor Focus Area.
3. The Project undermines the efforts contained in the City's General Plan and Municipal Code to preserve natural ridgelines within the City of Antioch. The removal of 104 vertical feet of hillside does not meet the intent of the hillside development policies or meet the definition of developable land as outlined in the General Plan.
4. The approval of the project would set a precedence of future hillside development in the City of Antioch.

Therefore, the Planning Commission cannot make findings that the proposed General Plan Amendments are in the public interest of the people and hereby recommends to the City Council denial of the amendments to City of Antioch's General Plan.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of November, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

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RESOLUTION NO. 2013/**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH NOT INITIATING AMENDMENTS TO TITLE 9 OF THE ANTIOCH MUNICIPAL CODE "PLANNING AND ZONING" AND RECOMMENDING THAT THE CITY COUNCIL DENY THE ADOPTION AN ORDINANCE REZONING APPROXIMATELY 21 ACRES COMPRISING THE POINTE PROJECT FROM HILLSIDE PLANNED DEVELOPMENT (HPD) TO PLANNED DEVELOPMENT (PD)

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested GPAs; and

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the Planning Commission determines to deny the request to initiate the amendments to Title 9 "Planning and Zoning" and is recommending denial to the City Council of a rezone of the subject project because it would result in the loss 104 vertical feet of hillside, which does not promote the harmonious visual and functional relationship between the natural and built environments; therefore not meeting the intent of the Hillside Planned Development District. In addition, the approval of the project would set a precedence of future hillside development. Further, the Planning Commission cannot make findings that the proposed amendments to the General Plan are in the public interest of the people and thus the zoning amendments would be inconsistent with the General Plan. Therefore the Planning Commission hereby recommends to the City Council denial of the amendments and rezone to City of Antioch's zoning code found in Title 9 of the Antioch Municipal Code.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of November, 2013 by the following vote:

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

TINA WEHRMEISTER,
Secretary to the Planning
Commission

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RESOLUTION NO. 2013/**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING DENIAL TO THE CITY COUNCIL OF A FINAL PLANNED
DEVELOPMENT, VESTING TENTATIVE MAP, AND A USE PERMIT FOR 60 SINGLE-
FAMILY HOMES, TWO OPEN SPACE PARCELS, AND A POCKET PARK**

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

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WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested General Plan Amendments; and

WHEREAS, the Planning Commission has denied initiating amendments to Title 9 "Planning and Zoning" and has recommended denial to the City Council of an ordinance to rezone the subject parcel from Hillside Planned Development District (HPD) to Planned Development District (PD); and

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does hereby make the following findings for a recommendation of denial of a Final Planned Development to the City Council, as set for in Section 9-5.2308 of the Antioch Municipal Code:

FINDING 1: Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.

EVIDENCE: The Project is located in an area designated Hillside Planned Development District, which has policies outlining the goals of developing on a hillside. The project does not meet the majority of these policies therefore does not meet the City's intent and will not have a beneficial effect to the surrounding uses.

FINDING 2: The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

EVIDENCE: The streets associated with the project are supposed to be designed in a way to conform to the natural terrain according to the City's hillside development polices, which was not achieved in this project. The project is proposing to remove 104 vertical feet of hillside, which does not conform to the existing natural terrain. The streets do not meet the City's current standards including the widths, sidewalks on only one side of the street, cul-de-sac design, rolled curbs, and the turning radius for the Fire Department turnaround. Further, the project does not meet the minimum on-street parking requirements.

Adequate utility service, including electricity, water, and sewer service can be supplied to all phases of development by existing utility service providers.

FINDING 3: The commercial components of the Project are justified economically at the location proposed.

EVIDENCE: No commercial components are proposed.

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FINDING 4: Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

EVIDENCE: The project is not designed to be in harmony with the character of the surrounding neighborhood. The project would be removing a substantial portion of a hillside to build 60 homes. The project has not been designed with maintaining the natural terrain and topography of the area. The density does not conform to the General Plan as the General Plan defines density on developable acreage. Developable acreage constitutes slopes 25 percent or less and close to 78 percent of the hillside exceeds the 25 percent slope.

FINDING 5: Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

EVIDENCE: There are no industrial components to the Pointe project.

FINDING 6: Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

EVIDENCE: The project does not conform to the hillside development policies in the General Plan or the Hillside Planned Development District. The project is not offering unusual redeeming features or amenities to warrant deviations from the standard zoning requirements. The project consists of more single family housing on flattened hillside with manufactured slopes that does not promote harmonious development between the natural and the built environment.

FINDING 7: The area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

EVIDENCE: The area surrounding the Project is already developed with homes or have been entitled by the City of Pittsburg. The commercial property to the north does not coordinate with the proposed development.

FINDING 8: The project conforms with the General Plan of the City.

EVIDENCE: The project does not conform with the General Plan's land use designation of Low Density Residential, the hillside development policies, the developable acreage, and the Open Space policies.

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for a recommendation of denial to the City Council of a Vesting Tentative Map as set forth in the Subdivision Map Act and based on Section 9-4 of the Antioch Municipal Code:

FINDING 1: That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations.

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EVIDENCE: The subdivision proposed by the Vesting Tentative Map is not consistent with the Antioch General Plan. The project does not conform with the General Plan's land use designation of Low Density Residential, the hillside development policies, the developable acreage, and the Open Space policies.

FINDING 2: That the subdivision complies with the Housing Element as it relates to the regional needs and complies with Section 66412.3 of the Subdivision Map Act.

EVIDENCE: The subdivision complies with the Housing Element by providing 60 units of the 1,046 required of above moderate income housing for the Regional Housing Needs Assessment for 2007 – 2014. Adhering to Section 66412.3 of the Subdivision Map Act, the Planning Commission has considered the effects of this action and has determined the hillside constitutes an environmental resource and the benefits of the housing do not outweigh the loss of this resource.

FINDING 3: That the subdivision proposed by the Vesting Tentative Map has, to the maximum extent feasible, considered and provided opportunities for future passive or natural heating or cooling of the structures within the subdivision, as required by Government Code §66473.1.

EVIDENCE: The subdivision did not take into account the natural terrain of the existing hillside and could further take opportunities for passive heating and cooling into consideration as part of the development.

FINDING 4: That the subdivision proposed by the Tentative Map complies with the rules, regulations, standards, and criteria of the City's Subdivision Regulations.

EVIDENCE: The subdivision proposed by the Vesting Tentative Map does not comply with the rules, regulations, standards, and criteria of the City's Subdivision Regulations. The City requires the subdivision to be consistent with the General Plan and be consistent with the zoning provisions. The Project, as designed, is not compliant with the General Plan or consistent with the zoning. The project does not adhere to the density requirements of the General Plan, the hillside development policies, open space policies, and grading policies. The project does not comply with the zoning designation of Hillside Planned Development District (HPD) nor does it meet the minimum parking requirements for single family homes.

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for a recommendation of denial to the City Council of a Use Permit based on Section 9-5.27 of the Antioch Municipal Code:

FINDING 1: Granting the use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

EVIDENCE: The proposed project is injurious to the property as it would be removing 104 vertical feet from the existing hillside. The project was not designed in harmony with the natural and built environment as set forth by the hillside development policies.

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

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EVIDENCE: The use does not conform to the General Plan or to the zoning code; therefore is not a use that is authorized.

FINDING 3: The project site is adequate in size and shape to accommodate its proposed uses, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, without interfering with other uses in the neighborhood.

EVIDENCE: The project did not take the Hillside Planned Development District policies into consideration. The project is only providing 54 on-street parking spaces, which is 6 less than the required amount, therefore not meeting the minimum standards, which could affect the surrounding neighborhood.

FINDING 4: The streets and highways that abut the project site are adequate in width and pavement type to carry the kind of traffic generated by proposed use.

EVIDENCE: The streets were not designed with the natural contours of the existing terrain. However, the City commissioned Fehr and Peers to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Pointe project. The traffic study concluded that the road improvements either proposed by the developer or required by the City are adequate in width and pavement type to carry the kind of traffic that will be generated by the project.

FINDING 5: The granting of such use permit will not adversely affect the comprehensive General Plan.

EVIDENCE: The project does not comply with the General Plan; therefore granting the use permit would affect the comprehensive General Plan.

BE IT FURTHER RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend to the City Council DENIAL of the Final Development, Vesting Tentative Map, and Use Permit (PD-08-01, PW 608, and UP-08-01) to construct 60 single-family homes including associated infrastructure improvements, an approximately 10,000 s.f. pocket park and two open space parcels.

* * * * *

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 6th day of November, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

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cards available and requested that speakers come to the podium to speak, mentioning the warning signal light. She said that there may be questions for staff and the applicant, that the hearing would then be closed for the commission to deliberate, and that there would need to be four affirmative votes to recommend approval of the project.

NEW PUBLIC HEARING

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

Senior Planner Gentry provided a summary of the staff report dated October 31, 2013. She went over the options for each action, referenced the letter on the dais received after the staff report was prepared, and indicated that the City's environmental consultant was available for questions.

CA Nerland said that there were copies of the letter in the back for the public.

Commissioner Pinto confirmed with staff that even though the City is not required to submit project information to the State, that there was no negative impact but that this noticing would extend the review time by ten days. SP Gentry said that now that the comment period is closed they would have to reopen the environmental document for thirty days.

Commissioner Baatrup asked staff about the time period between March of 2013 and October of 2013 to which SP Gentry said that City staff was still working with the applicant and then made the decision to go forward in bringing it to the commission for hearing and releasing the initial study. She said the initial study was released electronically to the Commission and that there was a link in the staff report for the document.

Chair Hinojosa said that she feels comfortable with the amenities proposed but given the requested removal of the pedestrian path for privacy issues, she asked staff if more recreation was included on the site to which SP Gentry said that while this is not a huge project, there would be a private pocket park.

Chair Hinojosa then asked staff about the significant issues for the EIR, the recommended language to the General Plan Amendment and changing the zoning designation. SP Gentry responded that the significant issues were land use and

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aesthetics, and the language amendments requested will eliminate any inconsistencies or conflicts with the General Plan and that geotechnical reports would be looked at. She said that for the CEQA document she would defer questions to the consultant.

Consultant Doug Herring said that remedial grading would address the stability concerns and that they would be verifying in the field that they are able to mitigate those issues. He said that if they are unable to remediate the issues, the City would step in and halt development pursuant to the conditions of approval.

Chair Hinojosa confirmed with the consultant that it is very common to have mitigation measures for the report and study in establishing performance standards and that the issues raised in the document were not related to the requirement to prepare an Environmental Impact Report.

OPENED PUBLIC HEARING

Applicant, Louis Parsons, gave a brief PowerPoint presentation showing the proposed Sky Ranch project and the existing Black Diamond project with the remainder parcel which is this project in the middle. He showed maps of the projected lots, the grading plan, a project overview, infill information and definition, design constraints of the project, and terracing. He said that he was here to answer questions and is excited about the project.

Commissioner Motts asked the applicant about the view shed and the grading of Sky Ranch II to which Mr. Parsons said that Sky Ranch II is immediately adjacent to this project and that it is a much larger project with similar grading.

Commissioner Baatrup questioned the applicant about the grading, the flat topography and asked about the greatest cut in Sky Ranch II. Mr. Parsons answered that Sky Ranch II is a big cut and big fill project with the greatest cut being 120 to 130 feet. He said that the Pointe is all a cut, that they have a detailed remedial grading plan and that given this would be a tentative approval, they couldn't get a permit or record a final map until they comply with mitigation measures and conditions of approval.

Commissioner Pinto asked the applicant about the Traffic study conducted in 2010 and grading of the hills to ensure there are no landslides or shifting of the soil. Applicant stated that although no new traffic analysis or studies have been done, any additional traffic increase is negligible.

Albert Seeno spoke to say that the soil conditions on the site have been remediated, that they will be offloading unstable soils, they will take care of the remedial grading and that there will be no slides as it will be very stable.

Commissioner Pinto clarified with Mr. Seeno that although there are existing retaining walls, there will be no impact to those walls because they will have a geo grid in the hillside to stabilize the slopes.

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Chair Hinojosa asked applicant about long term maintenance and repair to which Mr. Seeno said that some things like ditches and retaining walls will be maintained by the property owners and others by the Homeowners Association. He said that none of the HOA funding would be prefunded but that there would be a phasing plan and the maintenance association fee would be very nominal.

Commissioner Westerman questioned Mr. Seeno about the privately owned streets and if the HOA would be responsible for maintenance of the streets, storm water drains, the pocket park and the water retention basin. Mr. Seeno said that these would fall under the HOA but they would attempt to keep the cost under \$100.00 a month. He said that the streets have a thicker section than the City standard warrants, that the life expectancy of the asphalt is at least 25 years with slurry sealing every few years and the City would have an easement to take care of water and sewer lines, and the HOA would maintain the storm drains.

Commissioner Motts expressed concern with the view shed and read a portion of the letter to which Mr. Seeno stated that he is a home builder, that Save Mount Diablo are good custodians of their property, that this project has been in process for almost nine years, and that there will always be opposition.

Michael Mikel, resident on Countryside Way since 2007, said that he bought the house hoping to live in a community and that over the last 7 years he and his neighbors regularly come together for picnics, meetings, and have a social website. He said that approximately 50 people signed the petition, that Seeno Homes wants to put a gated community in the midst of their community, that they had no idea it was coming, that they were told that the hill would remain open space, that some people paid a premium for their lot with a view of the hillside, and that an EIR is a must.

Robert Williams, resident in Black Diamond Ranch, said that safety is a concern and that residents had a meeting and arrived at three questions: where are the fire department, police or any medical facilities there; will the neighborhood wall be a T or an L; and what is the plan for inclusion of sidewalks given some people and animals have been killed. He also said that a community impact study was needed to reflect current population with existing families.

Roy L. Norwood, resident of Black Diamond, said that the request should be denied, that he has heard nothing to suggest that they have done environmental reviews for anything to be built on that hill, and that they have not been given any guarantees that there won't be sliding. He said that there is also the issue of emergencies with only one way in and one way out; that there are traffic issues, no lights, no sidewalks and major accidents.

Nancy Woldering with Save Mount Diablo said that this land was set aside, that this sets a bad precedent, that they are concerned the project has massive grading, and that they highly believe that an EIR should be prepared. She said that the CEQA process allows adoption but they need to mitigate impacts when policies are waived and that mass grading not be allowed. She said that this plan ignores all of the City's direction.

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John Neal said that he has had to invest in ground compaction and drainage issues given that over the past 3 years his property has flooded. He said that if the hill is taken down this will increase runoff and that he has seen no reports as to what they would do to mitigate or control additional runoff from the hillside. He said he is concerned about the construction traffic going in and out directly behind his property and that there have been several accidents with construction vehicles. He said that there are safety concerns for families.

Larry Tong with East Bay Regional Park District said that as indicated in the letter, they believe the City cannot make the findings needed to support this project. He added that the proposed removal of 104 vertical feet of hillside is similar to a 9 to 10 story building which is not consistent with the General Plan. He said that given that this project does not address land use and aesthetic issues, that they feel it should not be approved.

Marty Fernandez said that while he doesn't live close to the area, mornings are a madhouse and that this project is located in their school district without bus service for kids. He said this item should not be considered and they should be turned down.

Chair Hinojosa then read statements from speakers who did not wish to speak:

Radiah Mikel wrote: This is not good. We purchased our home with Discovery and was told the hill would remain open wildlife space. The community does not want this to happen.

Margaret Ellen Verbin wrote: Extreme grading will expose Torgensen Ct to views of factories by California Avenue and Pittsburg Antioch Highway. Not clear what intention is with Torgensen Ct other than EVA; object to grading of hill behind my house. Would like more time to respond in writing to study, etc if appropriate and further action is warranted.

Darryl Parker wrote: When we bought our home the builder told us that the area will be open space. This is the main reason we bought the house.

Regina Norwood wrote: My main concern is safety. We need more lanes on Somersville. A light signal placed at James Donlon and Somersville and buses that run up Somersville to Black Diamond Estates. Enough deaths already. One is too many. Our kids walk to Gentrytown 1 to 2 miles just to take the bus to school. Traffic is horrible during commute hours on Somersville. No more houses until that safety issue is fixed.

Chair Hinojosa asked if it was appropriate to ask questions of speakers and whether CC&Rs have been reviewed as to keeping open space.

Michael Mikel said that at the time they purchased their home, it was never told to them, that some people bought higher premium lots for view of the hills and that if they have more time, they can get a list of people who were told that. That this was a determining factor of them buying their home; that the area gets very windy when it comes down from the mountain and is wondering what affect cutting the hill will have.

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Applicant responded that the remainder property was talked about as not being open space and that this is in CC&Rs.

Robert Williams said that he just bought his home and that the real estate people said nothing will be on this mountain.

Chair Hinojosa asked Mr. Tong to come back up. She asked him to explain the visual study done from the Moller property indicated in the letter to the City.

Mr. Tong said that Exhibit 1 is a visual identifying the view point on the trail; that this project will be highly visible from the park site, and that Exhibit 2 references the parcel was designated as open space.

Chair Hinojosa stated that from the proposed trail the proposed project will disturb a view shed and that has not been adequately considered and needs to be evaluated in an environmental document.

CLOSED PUBLIC HEARING

Recess from 8:15 p.m. to 8:30 p.m.

Staff put up the slide outlining the Commission's options.

Commissioner Motts questioned staff regarding the anticipated expansion of Somersville Road and the completion of James Donlon Road and if this will alleviate some of those issues.

Ron Bernal responded that the Somersville Road widening is scheduled to be completed by the end of 2014 which would involve expansion of Somersville to four lanes with a traffic signal at James Donlon. He said that there will be sidewalk down the west side of Somersville. The James Donlon extension is further out and won't be done for several years. He said that the Chevron property to the north has a road that would connect to this development but that it is a few years out as well.

Commissioner Motts clarified with staff that the original proposal included a parcel dedicated to the City as open space but that in 2008 the applicant requested this be changed to a remainder parcel for executive and estate housing on that parcel.

Commissioner Pinto asked staff if the developer met the 3 year requirement in the original approval. SP Gentry said that they did meet the 3 year requirement but this is a long process and the process has undergone a variety of review processes.

Commissioner Pinto asked if the community had any town hall meetings or community outreach. SP Gentry said that while the City was not involved in any, she is unsure if applicant did any. She added that the City followed proper noticing procedures.

Commissioner Baatrup clarified with staff that the environmental document has to have approval for the Commission to act on project.

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Commissioner Baatrup then discussed with staff the significant impacts and aesthetic issues being a judgment call given the removal of 100 feet of vertical hillside.

Commissioner Baatrup asked staff if one brings forward a General Plan Amendment if it warrants an environmental review to which SP Gentry said that the City can only approve four General Plan Amendments in a year, and that they would look at the project as a whole on a case by case basis.

Commissioner Motts said that given the background and the concerns raised, he can't see where it rises to a place to amend the General Plan. He said that it might be appropriate to recommend an Environmental Impact Report to alleviate concerns and then move forward.

Commissioner Baatrup said that he is not comfortable with the Mitigated Negative Declaration for this project given the severity of the construction necessary. He said that he can't get on board to recommend adoption of what is in front of them tonight; that there are too many significant impacts and too many exceptions. He said that this project was proposed in 2005 and that between 2005 and 2008 the property owner decided on an opportunity to develop the property and that there is a necessity for an Environmental Impact Report. He stated his preference to not recommend adoption of the Mitigated Negative Declaration to the City Council and to deny at this time.

Commissioner Pinto said that while he is all for development and construction which creates jobs, this project is not something he can support because traffic flow one way in and one way out. He expressed concern with the fact that the Air Quality Board did not review, with the hillside grading, and with kids who will be moving in ending up at Mission School. He said that he thinks the project is good but not very well thought out. The community was not involved in the decision making process which is not fair to local residents and that he is not able to support this project.

Commissioner Westerman said that the normal way for a project is to design it to conform to requirements, zoning and guidelines. In this case, the project was designed first and now want to change zoning, design and guidelines to fit the project. With the General Plan dealing with hillsides, this would be setting precedent that would be undesirable. Other projects coming along would put the City in a precarious situation. He said that he is not supportive of this project.

Chair Hinojosa thanked applicant for their interest in the community and said that this type of development would be an asset given the beautiful area. Putting aside massive grading, the project appears to be consistent but we need to step back and look at the bigger picture. She said she likes the idea of planned development but does not agree with all of the policies. She cannot support the outright waiver of policies for hillsides. She said the project has history and the Planning Commission has had concerns. She said with the steep grading and not complying with all of its plans in totality, she would like to give the developer the opportunity to pursue by preparing an Environmental Impact Report, rather than outright denying the project.

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CA Nerland said that there a number of possible resolutions for action but what the Commission does not have is a resolution denying the Mitigated Negative Declaration and direction that an Environmental Impact Report be prepared. But if a number of the Commissioners tonight feel that there really isn't likely going to be more information brought forward to support changing the General Plan and rezoning, an alternative approach would be not to take action in the environmental review and to recommend denials.

Chair Hinojosa asked for clarification that if the Commission denies the MND but determines an Environmental Impact Report is appropriate, applicant would prepare and come back to the Commission but if some feel that after an Environmental Impact being prepared is not going to be much farther, what is the point. She said her concern is that if the Commission recommends denial outright tonight, it will be appealed to the City Council who can overturn the decision by the Planning Commission.

CA Nerland responded that the Planning Commission's action tonight is a recommendation and that City Council will always have the final say.

Commissioner Pinto said that based upon the City Attorney's statement that the applicant may not be satisfied with the decision we make tonight, his recommendation would be to take the second option and deny the project.

CA Nerland said that applicant can respond if they wish for an Environmental Impact Report.

REOPENED PUBLIC HEARING

Applicant said that they do not believe that this project warrants the preparation of an Environmental Impact Report and would not be amenable to funding and preparing that for this project.

RECLOSED PUBLIC HEARING

Commissioner Baatrup made a motion not to take action on the environmental document, a resolution recommending denial of the General Plan Amendments, resolution recommending denial of the initiation of amendments to Title 9 of the Municipal Code, "Planning and Zoning" for a rezone of the subject property from Hillside Planned Development (HPD) to Planned Development (PD), and a resolution recommending denial to the City Council of the Vesting Tentative Map, Final Development Plan and Use Permit for 60 single family units.

RESOLUTION NO. 2013-**

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

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

RESOLUTION NO. 2013-**

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

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

RESOLUTION NO. 2013-**

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

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

NEW ITEMS

3. Election of Vice Chair

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

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

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

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

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

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ATTACHMENT "M"

Keith and Darcy Johnson
3615 Torgensen Court
Antioch, CA 94509
October 27, 2013

Ms. Mindy Gentry, Senior Planner
mgentry@ci.antioch.ca.us
City of Antioch
Community Development Department, Planning Division
P.O. Box 5007
3rd and H Streets
Antioch, CA 94531-5007

RECEIVED

OCT 28 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Re: Project Name: The Pointe Project Subdivision, Antioch ("Project")
 Applicant: Discovery Builders, Inc. ("Applicant")
 Description: 60 Homes on 21-Acre Open Space Hillside
 Public Hearing: November 6, 2013, 6:30 p.m.
 Concerning: Intent to Adopt A Mitigated Negative Declaration

Dear Ms. Gentry:

We live at 3615 Torgensen Court in Antioch California. We are writing today in reference to the proposed project called "The Pointe, Antioch", to be developed by Discovery Builders. While the project will drastically alter the "rolling hills" nature of our neighborhood, development was always anticipated and this project is not entirely objectionable. In the interest of full disclosure, our home is on lot 282 of the Black Diamond Estates, adjacent to Lot 60 of the proposed project. The concerns we have do reflect the fact that this is literally right next door.

Torgensen Court, as part of the Black Diamond Estates development, was proposed and planned to be a residential cul-de-sac with 14 homes. Approved by the City of Antioch Planning Commission and City Council as such, the homes were purchased by families like ours with the understanding that only 14 homes would be built on our street. When we asked if any other homes would be built at the end of our street, we were told no, the hill next to us was outside the development boundary. We were told the hill top might someday be developed, but there would be a buffer between the developments. This was important to us for privacy. As a matter of fact, privacy and the view were the reasons we felt the \$50,000 premium we paid for our lot was justified.

We have no objections to the general plan of The Pointe. We do think that a gated community within an open neighborhood is of questionable taste, but that's just us. However, in talking with our neighbors, it has been pointed out that homeowner's associations do not necessarily guarantee maintenance costs can be met. Infrastructure problems like streets, drainage, landscaping, and slippage will have a direct impact on us. The financial stability of the proposed HOA consisting of only 51 homes is questionable unless the developer pre-funds the association with adequate reserves to assure the HOA is equipped to handle potential issues.

We can understand the necessity of a secondary access road for emergency situations. While we do not think a residential cul-de-sac is the proper location for an Emergency Vehicle Access road, we can see that Torgensen Court is probably the best and only choice for an EVA. That said, the drawing from the EIR shows the EVA to have two 90 degree turns. If you want to get fire engines into a gated community through a back door, why make it a curvy road? We think the planned EVA should be modified be to a straight line from the end of Torgensen Court to Summit Place, passing between lots 10 and 11. As

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drawn, the EVA runs through the present street light. Rerouting the EVA will allow the streetlight to remain in its present (already approved safety) location. Connecting the EVA to Torgensen Court will result in the loss of one on street parking space, but we think the present population can accommodate the loss.

On the other hand, we do have significant concerns and objections to the development of Lot 60. The proposal is to build a 15th house on Torgensen Court. Not only is this a major change from the original plan for 14 homes, it also eliminates the promised buffer between us and any new development. It will create increased traffic flow and the need for additional parking. While increasing the demand for parking, the driveway for the house will cause the loss of at least two "on street" parking spaces. The Torgensen Court frontage for Lot 60 is approximately 50 feet, not much space to accommodate the emergency vehicle access road, the driveway, a fire hydrant (not noted in the EIR renderings of Torgensen Court) and the street light. Because the addition of the house proposed for Lot 60 confuses the route of the EVA, increases the traffic on a residential street, likely removes 3 parking places while increasing the demand for parking, we believe the development of Lot 60 should be removed from the project plan.

Another concern we have is that the developer and his contractors will use Torgensen Court as access into the project and as a delivery and staging area for materials. Torgensen Court has been finished as planned, and is now a quiet residential cul-de-sac for 14 families with kids. While the initial grading and site preparation for The Pointe will create a disturbance, that disturbance will be short lived. The EVA will be installed with the streets, no extra bother there. But, build a house on lot 60 and a whole new level of intrusion is created. Deliveries of supplies and materials, workers and their equipment, lunch trucks and noise will descend on Torgensen Court. Not only for lot 60, but potentially for all the lots at that end of Summit Place, lots 7 through 18. If the project is approved, we ask the Planning Commission to consider work rules that prohibit any and all use of Torgensen Court for construction purposes.

The Pointe is described as a project to build 60 homes, 51 within a gated community, 9 along the project perimeter, integrated into the existing Black Diamond Estates neighborhood. Of the 9, all but Lot 60 are on Countryside Way, and it was evident to all that they would be developed some day. Lot 60 on the other hand is at the end of a "finished" street and was promised never to be built upon. Rather than being integrated into the neighborhood, Lot 60 feels more like it is being imposed upon its neighbors.

We also have concerns in regards to traffic. The EIR references a traffic study conducted in 2010. That study does not reflect the reality of the traffic situation as it exists today at the intersection of James Donlan and Somersville Rd. Since that study was done there has been a significant increase in traffic at that intersection. As a matter of fact the disclosure statement in our purchase agreement from earlier this year states:

"Buchanan Road and James Donlon Boulevard tend to have congestion at certain peak times. Even with the implementation of these planned improvements, current studies forecast that significant traffic congestions will remain in the future."

The current intersection is dangerous especially for those coming from the Terraces. There is no signal light and the road has not yet been widened to four lanes as has been promised. The intersection as currently structured grants right of way to traffic coming from the freeway and Buchanan road through the intersection with no stops required. Traffic from the Terraces must stop before proceeding either directly through or making a turn. Traffic coming from Antioch must stop if going through the intersection and is supposed to yield when making a right turn onto Somersville. What this means is that in the morning, the Antioch traffic blows through the yield sign endangering those making the left from the Terraces. There is no recognition of or compliance with the Yield sign. In fact, friends who commute

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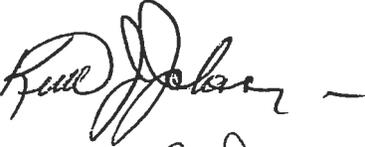
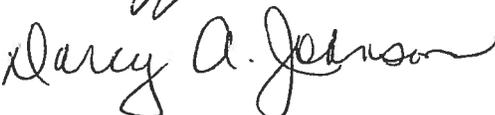
from east Antioch report being harassed when they actually slow down and yield. In the afternoon making a left from the Terraces onto Somersville is next to impossible because there is rarely a break in the oncoming traffic from the freeway/Buchanan Rd. We suggest that improving this intersection and widening the road should be a prerequisite to any further development that would be accessed via James Donlon, specifically either The Pointe or Sky Ranch.

We have read the draft letter being circulated by some of our neighbors and agree with some of the concerns expressed. Specifically, we believe The Pointe may:

- Have an adverse seismic impact to our home and concrete surfaces, cracking inside and out caused by the vibrations during extreme grading.
- Cause a loss of protection from the wind afforded us by existing hills.

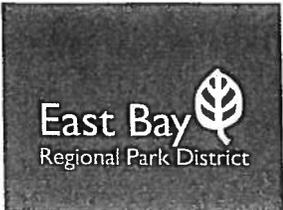
We hope to attend the November 6 Planning Commission meeting. but are submitting this letter to ensure our concerns are presented to you and the Planning Commission. Thank you for your attention to our concerns.

Sincerely,


Paul Johnson -

Nancy A. Johnson

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2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TDD: 510-633-0460 WWW.EBPARKS.ORG

October 28, 2013

City of Antioch
Planning Division
Mindy Gentry, Senior Planner
P.O. Box 5007
Antioch, CA 94531

RE: Black Diamond Mines Regional Preserve. "The Pointe Residential Subdivision"
Mitigated Negative Declaration

Dear Ms. Gentry:

East Bay Regional Park District ("District") has received the proposed Mitigated Negative Declaration (MND) for The Pointe Residential Subdivision ("Project") in the City of Antioch. The District operates Black Diamond Mines Regional Preserve ("Preserve") located south of the Project site. As described in our Master Plan, we support the protection of open space and scenic resources, including the open space now proposed for development.

The District is under contract to acquire the Antioch Unified School District (AUSD) property, also known as Moller Ranch. This property abuts the southern boundary of Black Diamond Ranch. The Project area is approximately 700 feet north of this boundary. See Exhibit 1. The District submitted comments on the Project on January 4, 2007 and July 24, 2007 (see Exhibits 2 and 3) encouraging the City to deny the applicant's request to change land use designations and subdivide the open space dedication parcel associated with the Black Diamond Ranch project.

We submit these comments regarding the proposed general plan amendments and MND. In our opinion the City cannot make the findings required to support the proposed general plan amendments and approve the MND. Our conclusion is based upon the following:

- 1.) Project description lacks sufficient detail for impact analysis
- 2.) Significant impacts to land use, aesthetics and recreation are not considered
- 3.) Does not comply with the requirements of the California Environmental Quality Act
- 4.) Does not comply with the requirements of State General Plan Policies

Proposed General Plan Amendment, Project Description and Land Use Impact Analysis: The project description and land use impact analysis misleads the reader to believe that impacts of the proposed general plan amendments are merely procedural legislative actions for which environmental impact analysis is not required. The MND inappropriately proposes general plan amendments as mitigation measures for significant land use impacts, yet fails to address the individual and cumulative impacts of these amendments on the environment. A general plan is intended to be a self-mitigating document through adopted policies; however, the MND does

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not disclose or analyze how amending the policies will affect the original impact analysis contained in the General Plan EIR.

Pursuant to Government Code Sections 65350-65362 the MND should provide the legislative body with sufficient information to answer the fundamental questions required for a general plan amendment:

- 1.) Is the amendment in the public interest (i.e., it advances community goals, describes a community interest, etc.)
- 2.) Is the amendment consistent with all other parts of the general plan?
- 3.) If the amendment requires other changes to the plan, are those changes considered?
- 4.) Will the amendment necessitate changes in zoning or other ordinances, and are those changes to be considered within a reasonable time?
- 5.) Have adequate mitigation measures been incorporated into the amendment?

In its current form, we do not believe that the MND answers any of the five questions required for a general plan amendment and doesn't comply with State General Plan Policies or CEQA.

Aesthetics: The MND provides two visual simulations of potential impacts that are taken from public roadways. It does not contain a visual impact simulation of views from the Preserve. Instead it provides a narrative description of visual impacts; however, there is no visual impact simulation to substantiate the conclusions in the MND that there would be no potential significant visual impacts to the Preserve.

In the absence of a visual simulation in the MND, the District has prepared its own. The MND contains a statement that the project area will be substantially graded and lowered to approximately 315 feet. This elevation was utilized to calculate a footprint that was used to prepare Exhibit 4 that shows an oblique angle view of the Project area from the Preserve.

The District is developing a trail that will run along the ridgeline of the former AUSD property (see *Exhibit 1*). A key view point looking north from this trail is located at an elevation of 560 feet. As previously noted, project grading may be as low as 315 feet. This means that the view point in the Preserve is 245 feet higher in elevation than the Project area. Approximately 75% of Project grading will be visually prominent from the Preserve and will significantly disrupt views from the Preserve of an undisturbed ridge top (aka "The Pointe"). There are no visual obstructions between the view point and the Project area (~1,500 feet due north). This significant visual impact is not identified, evaluated or mitigated in the MND. We believe that the impact can be mitigated by removing the proposed units from the ridge top. This would protect its scenic qualities, including a spine of rock outcrops and south facing grasslands.

Figure 4 in the MND shows a landscaping plan that contains two major east-to-west terraces that are used to buttress the houses along the ridgeline above. Removal of the housing units above these terraces would substantially reduce the visual impacts as seen from the Preserve. At a minimum this would include elimination of units 19 through 34, as shown on Figure 4 of the MND. This would also require removal of "B Drive" and changing the plant materials in the proposed terraces to native grasses so they blend with the undisturbed slopes above.

Recreation: The MND references a conversation with Ms. Linda Chavez, a retired District planner, stating that Project "would not create a significant impact on the regional park". Written communication from Ms. Chavez does not support this conclusion (see Exhibits 2 and 3). There have been significant changes in circumstances since 2007, including the District's acquisition of the AUSD property. Based on our review of the MND, it appears that the Project will have significant impacts to the Preserve.

CEQA requires project-level analysis of impacts to public parks. The lead agency must determine the extent to which population increases from new housing will impact use of adjacent regional parks (*City of Hayward v. Board of Trustees of the California State University, 2012*). The MND fails to evaluate this potentially significant impact in violation of CEQA.

Any disruption or deterioration of park users experience while engaging in park activities, such as nature appreciation, hiking, biking, equestrian use, camping, picnicking, photography, painting, and birding is of concern to the District. The MND does not analyze these potential impacts. For example, the MND aesthetics analysis does not evaluate or disclose how diminished scenic value resulting from the Project may deteriorate the recreational experience at the Preserve.

For the reasons outlined in this letter we request that the proposed MND for the Project be denied, and that the City either modify the Project to ensure it will have no significant environmental impacts or prepare a full EIR. Thank you for your review and consideration of our comments. Please notify us of any public meetings or hearings for the Project and include us on any distribution list for CEQA notices or associated documents for the Project. If you have any questions, please contact me at (510) 544-2622 or via email at bolson@ebparks.org.

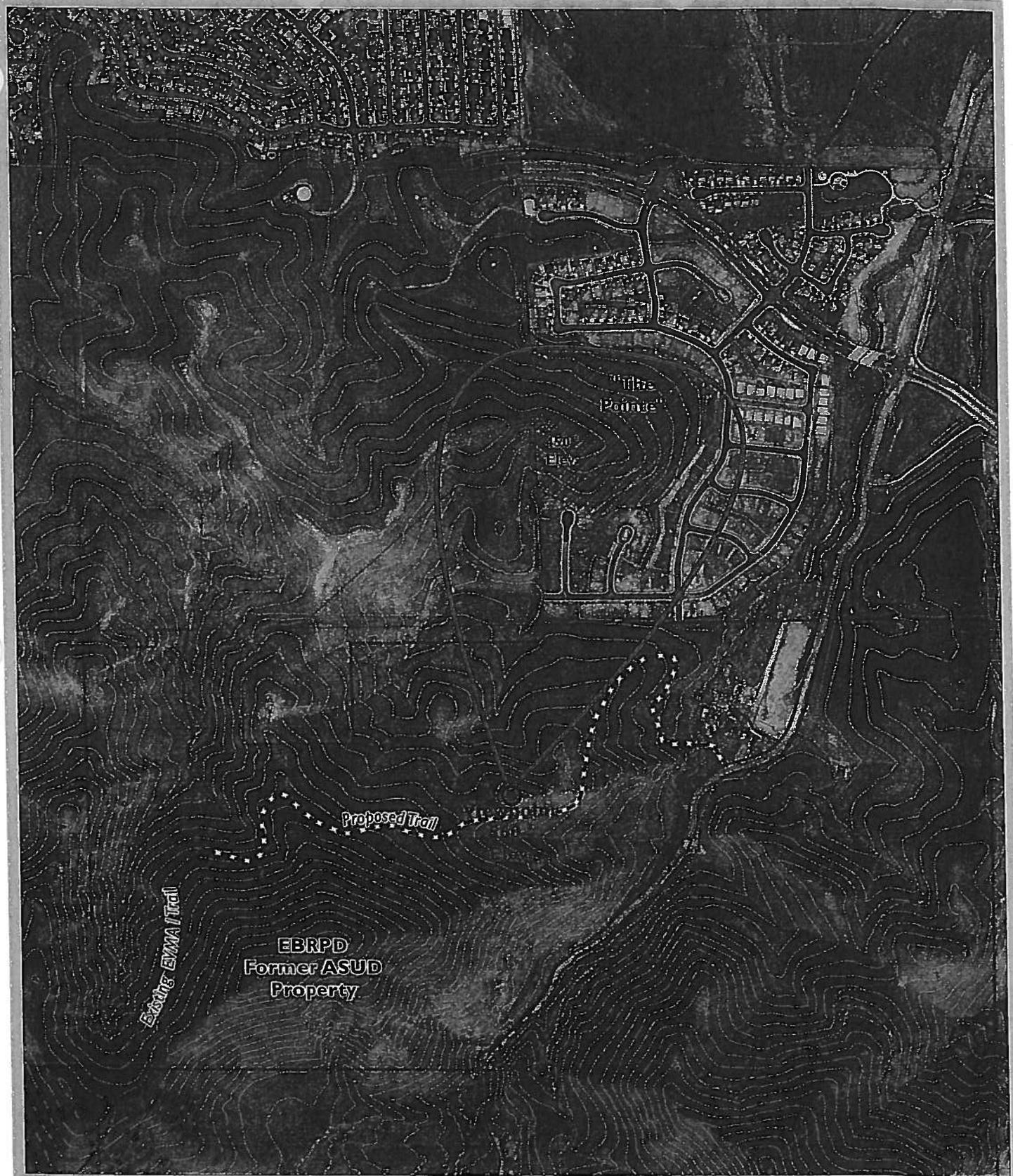
Sincerely,



Brad Olson
Environmental Programs Manager

Attachments: Exhibit 1 – Project Area Map
Exhibit 2 - Letter From Linda Chavez to Mindy Gentry dated January 4, 2007
Exhibit 3 - Letter from Linda Chavez to Victor Carniglia dated July 24, 2007
Exhibit 4 – Visual impact simulation of Project

CC. District Board of Directors
Robert E. Doyle, General Manager
Bob Nisbet, Assistant General Manager





East Bay

 Regional Park District

 Environmental Programs and GIS

 September 18, 2013

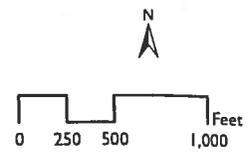
 c:/bstone/mxd/projects/studies/

 bd_AUSD-ThePointeVisualImpacts.mxd

"The Pointe" Subdivision Project

Black Diamond Mines Regional Preserve

View from Northern Boundary



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EAST BAY REGIONAL PARK DISTRICT



January 4, 2007

Ms. Mindy Gentry
City of Antioch
Community Development
P.O. Box 5007
Antioch, CA 94531

RE: **Black Diamond Regional Preserve**
PDP-06-03 Discovery Builders/The Pointe

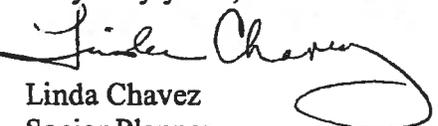
Dear Ms. Gentry,

Sorry for the delay in returning this letter to you and respectfully request that the City consider the Park District's comments. I had expected to respond back by the December 27th deadline, however, my father passed away during my time off and I have just now returned to work.

The Park District is opposed to development of the open space parcel, which resulted from the approved Black Diamond Ranch located west of the Somersville Road / James Donlan Blvd. This parcel was designated as an open space parcel to be dedicated to the City. This open space provided a visual break in the development while protecting the hill tops and the visual back drop that leads up to Kreiger Peak. Why is this open space parcel even being considered for development? If the City is unable to accept the maintenance responsibility of the parcel it should remain with the development as an HOA maintained open space parcel, not fill it in with housing.

The proposal is also a 72-lot cul-de-sac with one way in and out. This is not good planning. It appears to be a last minute idea to place as many housing units on an open space parcel, to fill up an open space, rather than viewing the open space parcel as an asset to the surrounding development.

Thank you for the opportunity to comment on this project.

Very truly yours,

Linda Chavez
Senior Planner

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2950 PERALTA OAKS COURT PO BOX 5381 OAKLAND CALIFORNIA 94605-0381 T 510 635 0135 F 510 569 4319 TDD 510 633 0460 WWW.EBPARKS.ORG

July 24, 2007

Mr. Victor Carniglia
City of Antioch
Community Development Department
P.O. Box 5007
Antioch, CA 94531

RE: Black Diamond Ranch
The Pointe – Preliminary Development Plan

Dear Mr. Carniglia,

The East Bay Regional Park District previously submitted a comment letter dated January 4, 2007 (see attached) regarding this proposed preliminary development plan for 72 units on land that was committed to be an open space dedication to the City within an approved subdivision. The Park District wants to reiterate its opposition to this proposal to put housing within the previously approved open space dedication parcel.

The District is quite concerned that this potential action would set a terrible precedent for developers to make requests to the City to change the designation on approved open space lands in order to increase their housing units. Discovery Builder purchased an approved project with designated land uses and a specific unit count. Modifying the product line to increase or decrease the density within the designated residential land use area to address market demand is not that uncommon. However, to change an open space designation to residential development would not be good community planning and development. They had full knowledge of the approved project with its commitment to keeping this area as open space. The proposal to change the open space dedication parcel to consider additional housing would make a mockery of the public planning process. It would not be consistent with the policies of the City's General Plan and Hillside Planned Development Ordinance. It would not be consistent with the commitment to keep the area as open space.

The Park District urges the City Council to support their City staff's and Planning Commission's recommendation to deny this request.

Park District requests to be on the mailing list to receive referrals, additional information and notices of the public hearing for this proposal.

Very truly yours,

Linda J. P. Chavez
Senior Planner

cc: Mayor Freitas and City Council members

Board of Directors

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Grading to ~315' contour

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Google earth

Imagery Date: 9/1/2012 37°58'58.81" N 121°51'34.39" W elev 317'ft eye alt 757'ft

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October 25, 2013

Ms. Mindy Gentry
Senior Planner
Community Development Department
City Hall
Third and "H" Streets
P.O. Box 5007
Antioch, CA 94531-5007

RECEIVED

OCT 29 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Subject: The Proposed Pointe Project on a 21-acre hillside site located at the western edge of the City of Antioch, conditioned to be dedicated to the City as "Open Space" as part of the adjacent Black Diamond Ranch development

Dear Ms. Gentry:

Thank you for the opportunity to provide additional comments on this application, originally proposed in 2007, and now being resubmitted in 2013.

Save Mount Diablo's Position

Save Mount Diablo is opposed to this project given that it would destroy open space supposedly preserved for public trust benefits—aesthetics, wildlife, recreation, etc. or mitigation-- as a condition of the previous surrounding project, and hand it back to the developer as a windfall profit. It is an extremely bad precedent—the promise of open space or public benefit in any future Antioch projects, such as at FUA#1, will lack credibility.

The removal of the entire hillside associated with the proposed Pointe residential development would result in a wide range of significant environmental impacts that have not been adequately mitigated in the Point Initial Study/Mitigated Negative Declaration (March 2013). Further, Save Mount Diablo believes that approval of General Plan Amendments that allow the applicant to waive compliance with many general plan policies (many of which are written as performance standards to avoid significant impacts), would result in significant environmental impacts. The impacts associated with waiving the City's requirements have not been studied as part of the proposed project. While the general plan amendments might reduce plan-level impacts associated with the project, they would exacerbate the physical environmental impacts that the policies are designed to avoid or mitigate.

The CEQA Analysis is Inadequate

The California Environmental Quality Act (CEQA) requires that an EIR be prepared if there is a "fair argument" that the project would result in significant environmental impacts (Laurel Heights Improvement Assoc. v. U.C. Regents (1993) 47 Cal.4th 376). If a fair argument can be raised on the basis of "substantial evidence" in the record that the project may have a significant

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adverse environmental impact-even if evidence also exists to the contrary – then an EIR is required.

A Mitigated Negative Declaration can only be adopted if (1) “There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” “Or (2) An initial study identifies potential significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (B) there is no substantial evidence, in light of the whole record before the lead agency, that the project, as revised, may have a significant effect on the environment”. (*Public Resources Code, § 21080(c)(1) and (2)*)

Clearly, the whole record related to the Pointe Project documents extreme concern about project impacts related to massive grading of an entire hill and disregard for the city’s general plan and development requirements. “If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared”(Public Resources Code, § 21080(d)).

Removing an entire hillside, in conflict with the City’s General Plan Hillside Design Policies, and Article 24 of the zoning ordinance related to the Hillside Development District, would result in significant impacts related to aesthetics, geology, soils and seismicity, land use and planning, greenhouse gases, transportation, biological resources, hydrology and noise. In this case, developing a property that had been dedicated as Open Space would also result in impacts related to recreation. Impacts identified in the Initial Study/Mitigated Negative Declaration do not reduce impacts related to removal of an entire hill to less-than-significant levels. For many environmental issue areas, the environmental document relies on waiving requirements as part of a general plan amendment, instead of identifying adequate mitigation measures. Waiving the City’s General Plan policy requirements that were generally developed to function as performance standards would in fact result in significant environmental impacts. Examples are included below:

Aesthetics and Visual Quality: In analyzing visual impacts related to removal of the hill, the Initial Study notes that: “While both the Antioch General Plan and the City’s Hillside Planned Development District Ordinance specifically provide for protection of views of the hills in the adjacent project area, with approval of the proposed General Plan and zoning text amendments, the project would be exempt from those policies. (The Pointe Initial Study/Mitigated Negative Declaration, March 2013, p. 22). The potential impact related to a substantial adverse effect on a scenic vista is identified as less than significant, with no mitigation identified.

Land Use and Planning: “Absent approval of the General Plan amendments that are components of the proposed project, the project’s conflict with Low Density Residential designation would be a significant adverse impact. However, with approval of these amendments, there would be no conflicts with the General Plan. For purposes of this analysis, approval of the amendments is assumed. There would be no impact related to a conflict with the City of Antioch General Plan.” (The Pointe Initial Study/Mitigated Negative Declaration, March 2013, p. 71)

Similarly, the need to comply with policies related to Hillsides and the requirement to prepare a Resource Management Plan would be waived with the General Plan Amendment. “Although the project could conflict with Hillside Design Policies 5.414-b, 5.4.14-I, and 5.4.14-o and Open

Space Policy 10.3.2-g, as noted above, approval of the proposed General Plan amendments is assumed for purposes of this analysis, which would grant the project an exemption from the policies. There would therefore be no impact related to a conflict with policies promulgated in the City of Antioch General Plan.”

The CEQA Process is Inadequate

While the Initial Study/Mitigated Negative Declaration is dated March 2013, it was not released for public review until October 8, 2013. A twenty (20)-day public review period is inadequate for a project of this magnitude that warrants close scrutiny by State Agencies. Given issues related to biological resources, geology, soils and seismicity, and hydrology and water quality, it is critical that the project be reviewed by the California Department of Fish and Wildlife, the State Water Quality Control Board/Regional Water Quality Control Board and other State agencies.

Geology and Soils: “Because the project would occur on a large, steep site, and would require significant grading entailing movement of large amounts of soil, the potential for erosion during project construction is extremely high”. Yet, mitigation measures are limited to “restricting grading activities to the summer construction season or compliance with more stringent restrictions imposed by other regulatory agencies such as California Department of Fish and Game if applicable”, and preparation of a Stormwater Pollution Prevention Plan and Stormwater Control Plan. (The Pointe Initial Study/Mitigated Negative Declaration, March 2013, pp. 58-59) With a 20-day review period, it is not clear whether the California Department of Fish and Wildlife or Regional Water Quality Control Board is even being given the opportunity to review the document to determine whether more stringent mitigation is warranted. Plus the mitigation is vague and conditional; there is no guarantee it will in fact decrease impacts to less than significant.

General Plan and Hillside Planned Development Ordinance

Similar to the 2007 proposal, the project would violate grading, slope and contouring requirements created to protect Antioch’s hills. The application is inconsistent with the City of Antioch General Plan and the City’s Hillside Planned Development Ordinance. The plans submitted for review include cuts of up to 125 feet. Nearly the entire site has slopes over 25 percent, and slopes covering much of the area are over 35 percent.

Save Mount Diablo is opposed to this project given that it would destroy open space supposedly preserved as a condition of the previous project, and is an extremely bad precedent—the promise of public benefit in any future Antioch projects will lack credibility.

However, if any development is allowed on this “Open Space” site, we agree with direction provided by staff on the first three submittals in the staff report dated June 4, 2007:

- That the plan be substantially revised so that the form of the existing hill is largely retained. The existing hill may not be reduced in total height.
- Mass grading of the site is not allowed. Grading shall be limited to the creation of building pads, and not for the purpose of creating flat yard areas. Split pads are encouraged to reduce pad grading.
- Slopes between building pads and between lots shall be left ungraded.

- That the environmental review process for any future entitlement application include a detailed visual and slopes analysis to determine how any proposed plan complies with all of the City's General Plan and Zoning hillside development requirements.
- That the site plan shall be redesigned to comply with the General Plan Hillside Design Policies and Article 24 of the zoning ordinance related to the Hillside Development District.

The current plan, evaluated in the March 2013 Initial Study/Mitigated Negative Declaration, completely ignores all of this direction and would result in significant, and possibly, unavoidable impacts related to, at minimum: Aesthetics; Air Quality, Biological Resources, Geology & Soils, Hydrology, Planning and Land Use; and Cumulative Impacts related to Open Space resources. An EIR is clearly required to analyze potentially significant impacts and alternatives that may be available to reduce potential impacts to less than significant levels, as is required by the California Environmental Quality Act (CEQA).

The City has repeatedly expressed its concern with the project's inconsistencies with the General Plan and the Hillside Planned Development Ordinance throughout the application process. Over time, the Planning Commission, Residential Development Allocation Committee, and City Staff have all recommended that the application be denied unless the applicant revises the proposal to be in compliance with the General Plan. Despite such clear direction from the City, the applicant has not modified its plans. In fact, from the visual simulations, it appears that the majority of the hill would be removed to develop the project. The applicant has requested an exemption from provisions of the General Plan that relate to development on steep hillsides.

We have consistently supported both the Staff's and the Planning Commission's unanimous recommendation to deny the proposal. We continue to share the sentiment expressed six years ago by Mayor Don Freitas at the June 12, 2007 City Council meeting that *the proposal—to reward the destruction of promised open space—is an "abomination."*

At this juncture, we encourage the City of Antioch Planning Commission to stand up for its own planning process and development requirements.

Open Space Designation

The 21 acres proposed for development were originally designated as Open Space as part of the applicant's previous Black Diamond Ranch development. The applicant requested re-designation of the Open Space to allow for further development. Allowing re-designation and development of the parcel suggests that any Open Space designated parcel, whether required by a project's conditions of approval as mitigations, or otherwise, can be set aside if a developer requests this change. The proposal would have significant cumulative and growth inducing impacts on the area, because it suggests that all "Open Space" designated parcels in the city are ultimately available for development.

Approval of this application would set a terrible precedent that the General Plan can easily be overridden and that Open Space designations in the City of Antioch are meaningless.

Our Recommendation

Save Mount Diablo urges the Planning Commission not to adopt the Mitigated Negative Declaration and to deny this project which has been designed in a manner that is blatantly

inconsistent with the City's General Plan Hillside Design Policies and Article 24 of the zoning ordinance relating to the Hillside Planned Development District. Save Mount Diablo supports the City of Antioch in standing up to maintain its planning and regulatory framework. If the city chooses to continue consideration of the project, an Environmental Impact Report must be prepared.

Thank you for your consideration.



Seth Adams
Land Programs Director

Cc: Meredith Hendricks, Senior Land Programs Manager

9-5.1719 ADDITIONAL DESIGN STANDARDS.

(A) A parking area may not be used for the vehicle sales, renting, leasing, storage, repair work, dismantling, or outdoor open sales displays. Exceptions may be granted for special outdoor events by the Zoning Administrator.

(B) Surface water shall be controlled in conformance with the storm water control plan prior to being discharged to natural or engineered off-site drainage facilities and may not drain off or across public or private sidewalks, pedestrian walkways, or areas not designed as drainage facilities.

(C) Markings:

(1) Each standard parking space shall be marked with four inch wide double stripes 18 inches on center, as shown in subdivision (6) of this division.

(2) Each parking space and parking facility shall be identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows, lettering on sign and in handicapped-designated areas, and field color.

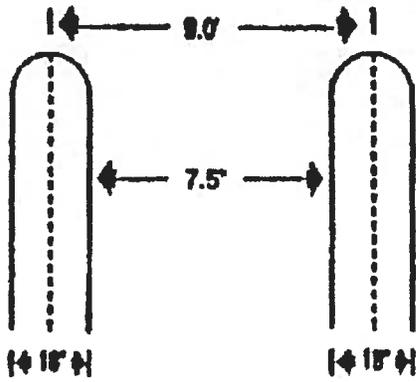
(3) One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90° to a street shall be marked with a traffic separation stripe the length of the access, however this requirement does not extend to the parking aisles.

(4) Compact spaces shall be clearly identified by the word "compact" painted on the paved surface of the space in white block letters.

(5) Where the exit may not be clearly recognizable, directional signage must be provided.

(6) Concrete wheel stops shall be provided where parking spaces are perpendicular to a walkway, so that vehicles do not overhang such a walkway.

FIGURE 8



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BLACK DIAMOND ESTATES HOMEOWNERS
TERRACES AT BLACK DIAMOND HOMEOWNERS
c/o 3535 Country Side Way
Antioch, California 94509
Email: rsjmikel@hotmail.com

October 27, 2013

VIA EMAIL and PERSONAL DELIVERY

Ms. Mindy Gentry, Senior Planner
[mgentry@ci.antioch.ca.us](mailto:mgency@ci.antioch.ca.us)
City of Antioch
Community Development Department, Planning Division
P.O. Box 5007
3rd and H Streets
Antioch, CA 94531-5007

Re: Project Name: The Pointe Project Subdivision, Antioch
Parcel: APN-089-160-010
Applicant: Discovery Builders, Inc.
Description: 60 Homes on 21-Acre Central Open Space Hillside
Public Hearing: November 6, 2013, 6:30 p.m.
Concerning: Intent to Adopt A Mitigated Negative Declaration

Dear Ms. Gentry:

In an effort to save time, a group of Black Diamond Estates Homeowners and Terraces at Black Diamond Homeowners (collectively, "**BDEHs**") are responding in one communication to:

(1) the Initial Study ("**Study**") prepared by Douglas Herring & Associates concerning The Pointe Project Residential Subdivision ("**Project**");

(2) **Oppose** the City of Antioch's proposed **General Plan Amendment ("GPA")** waiving requirements, including but not limited to, any GPA amendments **that pertain to waiving requirements for development on steep sites**, among other things, as follows:

"The proposed project would include General Plan amendments (GPA) to include the project site and surroundings in the Somersville Road Corridor Focus Area and to waive the requirements of General Plan Section 5.4.14 for residential properties within the focus area subject to the Planned Development process. The GPA would also exempt the project from provisions of General Plan Section 4.4.1.1. and Policy 10.3.2-e which both pertain to development on steep sites, among other things."

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(3) **Oppose Zoning Text Amendment to Article 24 of the City of Antioch Municipal Code (Hillside Planned Development District Ordinance)** to allow residential properties located within the Somersville Road Corridor to be processed in accordance with the Planned Development process pursuant to Article 23 of the Antioch Municipal Code rather than processed pursuant to Article 24 as it currently stands concerning Hillside Planned Development.

(4) to submit written comments by October 28, 2013, pursuant to the Public Hearing Notice and Notice of Intent to Adopt A Mitigated Negative Declaration, dated October 8, 2013;

Additional Time to Submit Comments and Updated Pictures

BDEHs would like additional time after the November 6, 2013 meeting to consider and further respond to the Project's Study due to the Study's length and complexity. We would like to submit updated pictures to reflect the current landscapes, skyscapes and views of Black Diamond Estates today. The pictures shown in the study are not current. The simulated pictures do not accurately reflect what the neighborhood will look like after the grading is completed. (see AES1 and AES2, Study, pp. 23-24.)

Applicant's Zoning Designation Application from Low Density Hillside to Owner/Developer Remainder.

The Antioch City Council ("ACC") approved Discovery Builders, Inc.'s ("*Applicant*") application for converting the Black Diamond General Plan zoning designation of "Low Density Residential" and "Hillside Planned Development" into "Owner/Developer Remainder" for the remaining open space at Black Diamond Estates without notice or an opportunity for BDEHs to respond.

BDEHs object to the ACC's approval of Applicant's application for "Owner/Developer Remainder" zoning designation. BDEHs would like to take steps to restore the original zoning designation and to keep our hills as "Remaining Opening Space" as they are now.

Proposed Grading of Hills Eliminates A Natural Shelter from Antioch's High Winds and Extreme Temperatures During Summer Months; We Have No Trees That Provide Shade

"Implementation of the proposed Project would have two rather dramatic effects on the visual character of the site and the scenic vista of which it is a contributing component. First the proposed grading would eliminate the top of the hill."

We are vehemently opposed to transforming the remaining hillside on Countryside and Summit (and surrounding hills) from "open space" to a "residential subdivision. (See Study, p. 20, ¶ 1.) which would change the look of our entire community and expose us to Buchanan Road and the Antioch Focus Corridor, both unattractive.

Removing that 125 feet of the hill would expose homeowners and homes to even higher winds and temperatures during summer months. We have no shade trees currently in our newly-developed neighborhood. The grading would have a detrimental effect on ALL Black Diamond wildlife which most of us enjoy.

0175 M19

Grading these hills will generate negative seismic activity on lots in and around the Project. BDEHs are also concerned with what the seismic effect of the Project's extreme grading will be on retaining walls already in place, we feel it will cause cracks in the dirt, sink holes, cracks to concrete, and general instability of surrounding hills and land, as well as causing our homes to shift and crack.

The exact location, design and grading plans for the remaining nine custom homes that are not in the Project's gated community but will be developed behind Torgensen Court is not clear nor discussed in detail in the Study. We do not want steep grades or any GPA requirements waived, or Zoning Amendments approved for the hill behind Torgensen Ct.

Grading the hill will destroy Black Diamond's skylines and beautiful mountain scapes that BDEHs currently enjoy and that should be protected under Article 24 of Antioch's Municipal Code. *The hill, as it appears now*, is the main reason we all decided to purchase our Black Diamond homes. The hill is a part of the beauty of Antioch, the personality and charm of our neighborhood and needs to remain its current state indefinitely for all to enjoy.

Project's Proposed Gated Community and Emergency Access Road to be Maintained By A Homeowners Association

The Project will have an adverse effect on the neighborhood as a whole because the proposed gated community to be maintained by a homeowner's association ("HOA") lies directly in the center of an established, ungated community that is not maintained by an HOA. BDEHs feels that an HOA of any sort is not a good fit. Many of us purchased our Black Diamond homes *specifically* because there is no HOA. We want our community to remain beautiful with an open feel, not an urban feel. We do not want a fenced community within our established, friendly community.

Additionally, HOAs do not work in today's economy because there are members that do not pay their monthly dues causing the HOA's paying members the burden of carrying non-paying members. There is always animosity amongst neighbors. HOAs are very expensive to maintain because of the legally required yearly reserve studies, operating fees, requisite management company, liability insurance, bank accounts, etc. Lenders will not finance HOA properties with under-funded reserves and most of today's HOAs are under-funded.

If a construction defect is identified within the Project after it is completed, this would be detrimental to the Project's HOA reserves and that would snowball into our community.

The Project's proposed emergency access road will become a negative activity travel path generating unwanted vehicles, graffiti, noise, guests, and loss of quiet enjoyment thus reducing property values and quality of life.

Residents Were Told That The Hill Was To Remain Open Space and Would Be Left That Way

BDEHs were under the impression that the majority of the Project space was to remain Wildlife Remaining Open Space when we purchased our homes. We feel the Project will have

D176 MZO

an adverse effect on the look and personality of our community as a whole, and expose homeowners on Torgensen to views of Buchanan and the Antioch Focus Corridor. It will have a negative impact on the wildlife that most of us enjoy. It will destroy our beautiful hillsides, and could expose us to increased heat and wind damage due to hill grading, resulting in loss of property values.

Pocket Park Is Not An Activity Park

Most of the Project's remaining open space would comprise Parcels A and B, the majority of which is steep sloped and shouldn't be considered any kind of pocket park because it cannot be used for exercise, walking or recreation.

Currently, there is no proposed bicycle routes or friendly walking areas to local shopping and coffee throughout our community or the Antioch Focus Corridor.

The Study's Traffic/Density and Pollution

We feel the ABAG statistics are under-stated so the figures contained in the Study's Explanation under Section XII that the population will only increase by 185 residents is not accurate, Study, p. 90. BDEHs feel this is understated based on occupants per household living in our community now. Traffic is currently a nightmare on Somersville and Buchanan Road. The James Donlon Bypass should be completed to relieve this. Traffic is on overload with no relief in sight.

Environmental Concerns

BDEHs would like to add to the Project Study's list of "Environmental Factors Potentially Affected List" on Study page 16, with additional categories: Greenhouse Gas Emissions, Transportation/Traffic, Population/Housing, and Recreation to the list of factors potentially affected by the Project.

We also have other environmental concerns such as the additional heat and wind our community will endure if the hill on Country Side is graded 125 feet and a road constructed. The only landscaping planned is for low-growing trees and plants. The summers are very hot in Antioch and we also have high winds (like today) that are derailed somewhat by the hills. We do not have any shade trees in our community currently.

Landscaping Concerns

Applicant currently uses ground cover on their homes in the form of brown wood chips that blow right off the lots, into the street gutters, and then into the storm drains because of the high winds in Black Diamond. The Study says that Applicant intends to use this same type of ground cover for landscaping for the Project which is of concern. It is also very unattractive.

The fact that Applicant only wants to plant low growing trees and plants to preserve views for The Pointe homeowners, is unacceptable.

D177 MZ1

Ms. Mindy Gentry, Senior Planner
City of Antioch
October 27, 2013
Page 6 of 6

BDEHs All Thought That After the Final Terraces Release That Construction Would Conclude and Applicant Would Leave Our Community

BDEHs thought construction would be completed after the final Terraces release (construction now in progress) was finished. The Project will generate much noise and inconvenience to homeowners with dust generated from grading causing breathing difficulties to residents with asthma, noise and toxic materials from construction of additional roads.

We are tired of the Builder and want them to leave. Discovery Builders have been doing construction in the neighborhood for a solid five years and BDEHs deserve a break from the noise, dust, dirt and other negative and inconvenient activity constructing homes produces.

Clarification of Notice's Last Paragraph

BDEHs need further clarification on the Notice's last paragraph and hope that further clarification can be provided:

"If you challenge the action of the Planning Commission on this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City concerning the Public Hearing."

Sincerely,

BLACK DIAMOND ESTATES HOMEOWNERS
AND TERRACES AT BLACK DIAMOND
HOMEOWNERS

D178

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BLACK DIAMON ESTATES & TERRACES HOMEOWNERS AT BLACK DIAMOND

D179
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
First Name (Print)	Last Name (Print)	Street Address	Contact Phone Number	Signature													
AUDRES	TEJADA	WINDCHIME ST.	(925)	<i>Audres Tejada</i>													
Patrick	HANAVAN	Markley Creeke Dr.	(925)	<i>Patrick Hanavan</i>													
han	lee	" "	" "	<i>han lee</i>													
Nick	Pandelic	Merley Court D	925	<i>Nick Pandelic</i>													
ARON	CORTEZ	WIND CHIME ST	925	<i>Aron Cortez</i>													
Craig	Kaliski	Windchime St	925	<i>Craig Kaliski</i>													
Andrade	Victor	Windchime St	925	<i>Andrade Victor</i>													
ROY	NORWOOD	Windchime St	415	<i>Roy Norwood</i>													
Regina	NORWOOD	Windchime St	415	<i>Regina Norwood</i>													
Paul	WESTCORN	WINDCHIME ST	925	<i>Paul Westcorn</i>													
Riley	Melvin	Country Side	510	<i>Riley Melvin</i>													
Sonia	ORTEGA	Country Side	(925)	<i>Sonia Ortega</i>													
HONIE	HOANG	Oak Knoll St	925	<i>Honie Hoang</i>													
Kenice	Rossu	Oak Knoll St	925	<i>Kenice Rossu</i>													
Michael	PLATT	Oak Knoll St	(925)	<i>Michael Platt</i>													
BO	FACCHINI	OAK KNOLL ST	925	<i>BO Facchini</i>													
Alice	RAGGIO	Oak Knoll St.	925	<i>Alice Raggio</i>													
EVERESTER	WOODS	Markley Creek Dr.	925	<i>Everester Woods</i>													

Everester woods at: OCT

BLACK DIAMON ESTATES & TERRACES HOMEOWNERS AT BLACK DIAMOND

	First Name (Print)	Last Name (Print)	Street Address	Contact Phone Number	Signature
1	ANGELICO	MIRANDA	EARL HOLLOW WAY	925	<i>[Signature]</i>
2	ANGELA	MIRANDA	COUNTRYSIDE WAY	925	<i>[Signature]</i>
3	MICHAEL	VILLANUEVA	COUNTRYSIDE WAY	925	<i>[Signature]</i>
4	EVA	GARCIA	Bona Hollow Way	925	<i>[Signature]</i>
5	CLIMBY	MIRANDA	Bona Hollow Way	925	<i>[Signature]</i>
6	JESSIE	WIKINS	ROBERTS CT.	925	<i>[Signature]</i>
7	Lakesha	Smith	King Ct	925	<i>[Signature]</i>
8	MAURIO	Alvarez	Countryside Way	925	<i>[Signature]</i>
9	Yanira	Alvarez	Countryside Way	925	<i>[Signature]</i>
10	Shawn	Tim S /	Roberts Ct	925	<i>[Signature]</i>
11	RODRY	KCAL	Roberts	925	<i>[Signature]</i>
12	Ruby	M. Johnson	Roberts Ct	925	<i>[Signature]</i>
13	Sandra Nunez	Parker	Sun Crests	925	<i>[Signature]</i>
14	MCS	Rodriguez	Sun Crest	925	<i>[Signature]</i>
15	Sanku	Ternang	Sun Crest	925	<i>[Signature]</i>
16	Marta	LaGuarda	Sun Crest St	925	<i>[Signature]</i>
17	EDGAR	CRAMOND	SUNCREST ST	925	<i>[Signature]</i>
18					

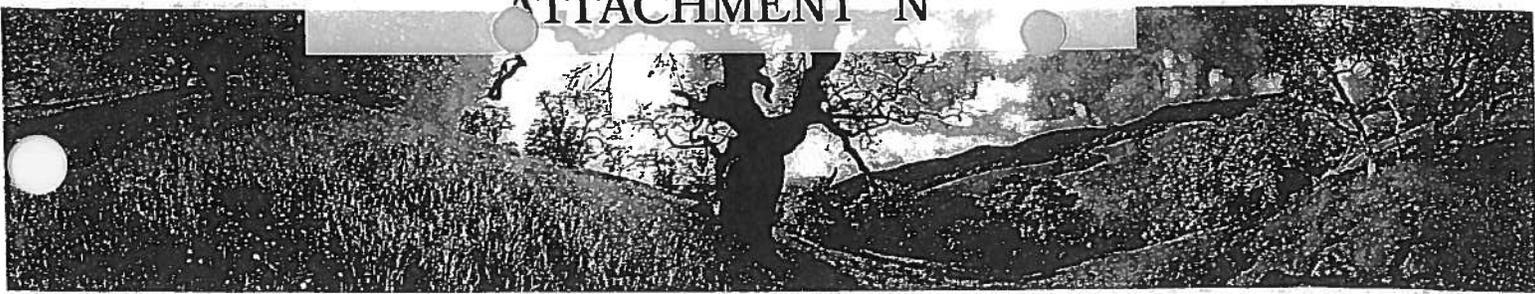
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BLACK DIAMON ESTATES & TERRACES HOMEOWNERS AT BLACK DIAMOND

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M26

	First Name (Print)	Last Name (Print)	Street Address	Contact Phone Number	Signature
19	Alicia	Hayes	Country Side Way Torgensen Ct	925 925-	<i>Alicia Hayes</i>
20	Margaret E.	Nertin			
21	Radhak	Mikel	Country Side Way	(925)	<i>Radhak Mikel</i>
22					
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ATTACHMENT "N"



RECEIVED

NOV 04 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

November 1, 2013

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

Subject: Proposed Pointe Project, Agenda Item No. 2, November 6th Planning Commission Meeting

Dear Chair Sanderson, Vice Chair Hinojosa, and Commissioners Azevedo, Motts, Miller, Baatrup and Westerman:

We have reviewed materials related to the proposed Pointe project. We observe that there are no responses to the comments that have been submitted, and to our knowledge, the document has not been circulated to the State Office of Planning and Research. This means that the California Department of Fish and Game, the Regional Water Quality Control Board, the Area Air Quality Control District and other key agencies appear not to have had the opportunity to review and comment on the project and associated Initial Study/Mitigated Negative Declaration.

We respectfully request that the Agenda Item No. 2 be delayed until Responsible and Trustee Agencies are notified of the project and environmental document, and the environmental consultant is provided the opportunity to respond to the issues raised. We also request notification in advance of the November 6th meeting that the item has been delayed.

All of you as decision makers and the wider public deserve full information, as is required by the California Environmental Quality Act (CEQA), before any action is taken on the project and associated environmental document.

Sincerely,

Nancy Woltering
Land Conservation Associate

Cc: Tina Wehrmeister, Director, Community Development Department
✓ Mindy Gentry, Senior Planner
Seth Adams, Land Program Director, Save Mount Diablo
Meredith Hendricks, Senior Land Programs Manager

D183
N1



ATTACHMENT "O"



4001 Fort Chicago Highway, Suite H
Concord, California 94520
(925) 682-6419
Fax (925) 689-7741

October 11, 2010

VIA HAND DELIVERY

Tina Wehrmeister
Community Development Director
City of Antioch
P.O. Box 5007
Antioch, CA 94531

RE: The Pointe (Subdivision 9017): Appeal of August 2nd, 2010 Administrative Decision by City Staff and City's 3rd Party CEQA Consultant Douglas Herring & Associates

Dear Tina:

Thank you for taking the time to meet with me on September 29, 2010 regarding our pending appeal of the administrative decision by City of Antioch staff that an EIR is the appropriate CEQA document for the Pointe project. I am certain you would agree that our meeting was very productive in discussing the ability of working together and allowing our project to move forward with the full support of City staff.

On August 11, 2010 and pursuant to Antioch Municipal Code section 1-4.01, we exercised our right to appeal a decision made by City of Antioch staff and its Consultant, to the Board of Administrative Appeals. As you acknowledge in your letter dated August 26, 2010, the Mayor or Mayor Pro Tem have the authority to transfer matters from the Board of Administrative Appeals directly to the City Council for their consideration. As the City Manager confirmed in our meeting, the Mayor has made the necessary request of which has been further affirmed, that our appeal is scheduled to be considered by the Council at its regular meeting of October 26, 2010.

I am well aware of the concerns that have been raised in the past by City staff regarding our application and its perceived inconsistencies. It remains our position that the Antioch City Council provided previous direction to City staff on June 12, 2007 and January 22, 2008 determining that this project, as proposed, does not result in an inconsistency with the applicable General Plan and Zoning Ordinance. However, notwithstanding that position, it was mutually agreed in our meeting that perhaps the proper course of action in order to allow this project as proposed, to move forward,

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would be to amend our existing application. This proposed text amendment would include a General Plan Amendment, specific to the entire project site and allow City staff and its Consultant to recommend support for this project based upon its merits and make findings to support this project. For your review please find our proposed General Plan Amendment language with draft supporting findings. Approving this General Plan Amendment would exempt Parcel A of Subdivision 8586 from Section 5.4.14 of the General Plan and Article 24 of the municipal code. This text amendment would allow the City to make findings that this project is consistent with the General Plan.

I am anxious to work with you and City staff in order to address any further questions or concerns that may exist in connection with this text amendment. It is my goal that through this letter and notwithstanding your response, that we may be able to postpone, *but not withdraw*, our pending appeal, in order to allow City staff and its Consultant some additional time to process and support our proposed General Plan Amendment.

As also discussed in our meeting, it is understood that if City staff supports our proposed text amendment, its Consultant would be directed to revise the initial study and determine that with the inclusion of this text amendment, our proposed project would not result in an inconsistency with the applicable General Plan and Zoning Ordinance. With that revised determination, Staff should be able to further direct its Consultant to prepare a Mitigated Negative Declaration as the appropriate CEQA document for this project.

At your earliest opportunity, please review our proposed text amendment and confirm my understanding of our meeting in writing and also confirm that City staff supports our proposed General Plan Amendment so that we may consider postponing our pending appeal. Once again thank you for taking the time to meet with me last week and I look forward to reaching a mutually agreeable solution that will result in allowing us to move forward with our project as proposed.

Sincerely,



Salvatore N. Evola

Attachments (2):

Proposed Application Amendment

Draft General Plan and zoning amendment language with supporting findings

Cc: Jim Jakel
Mindy Gentry
Albert D. Seeno, Jr.
Albert D. Seeno, III.
Louis Parsons

General Plan Amendment Request:

“Parcel A of Subdivision 8586 is exempt from all goals and policies outlined in section 5.4.14 of the Antioch General Plan and also is exempt from Article 24, Hillside Development District, of the Antioch Municipal Code.”

Finding: On the General Plan Land Use Designation Map the Pointe is designated Low Density Residential. *(General Plan Land Use Map & Section 3.2 Goals of Growth Management)*

Finding: The General Plan provides a blue print for community development by designating land for different land uses. In designating uses, the General Plan takes into account what is the current pattern of developed land surrounding a parcel. *(Section 4.1.3 General Plan Land Use Designation and Development Feasibility)*

Finding: Low Density Residential designation for the Pointe provides the property owner an opportunity to develop a marketable product that is comparable to contiguous development. *(Section 4.1.3 General Plan Land Use Designation and Development Feasibility)*

Finding: The proposed Pointe application complies with the policy of maintaining a pattern of land uses that minimizes conflicts between various land uses, and promotes rational utilization of presently undeveloped and underdeveloped land, and supports the achievement of Antioch’s vision for its future. *(Section 4.1 Goals of Land Use Element)*

Finding: Provide adequate land for present and future urban and economic development needs, while retaining a compact, rather than a scattered, development pattern. The Pointe is consistent with this policy of the General Plan because it is an infill project that is surrounded by like development. *(Section 4.3.1 Community Structure Objective)*

Finding: The Pointe is an infill development adding to the intended character of the neighborhood by developing a similar housing type and subdivision. *(Section 5.4.11 Infill Development)*

Finding: The small knoll that this project is proposed on is not listed in the General Plan as a landmark or named as an area where views should be protected. It is not named on topographic maps, and is therefore an insignificant landform. *(General Plan Section 5.2.5.4 Landmarks)*

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Finding: Table 4.A of the General Plan identifies appropriate land use types based on General Plan Land Use designations. This site is designated Low Density Residential. Table 4.A indicates that suburban single family, detached dwellings is an appropriate land use for this site.

Supplemental Information:

1. All proposed roadways within this project meet minimum Contra Costa County Fire Protection Standards for grades (maximum 16%).
2. This project is surrounded by developed and approved single family detached homes on four sides ranging from 5,000-10,000 sq ft.
3. Some grading is necessary in order to achieve the direction of the City Council which is to provide some useable private outdoor open space, a small pocket park and requested RV parking.
4. The terraced grading design enables every lot to have a view of the City and the delta.
5. The project provides a terraced landscape buffer between the existing development and this proposed project.
6. Properties to the south outside of the City limits are at a much higher elevation and planned development to the west is at a higher elevation.

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04

ATTACHMENT "P"



4061 Port Chicago Highway, Suite H

Concord, California 94520

(925) 682-6419

Fax (925) 689-7741

RECEIVED

NOV 08 2010

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

November 5, 2010

VIA EMAIL & HAND DELIVERY

Mr. Jim Jakel
City Manager
City of Antioch
P.O. Box 5007
Antioch, CA 94531

RE: The Pointe (Subdivision 9017)

Dear Jim:

Thank you for your letter of October 28, 2010 regarding our pending appeal of the Pointe project. We definitely agree with the determination made by you and your staff that based on the merits and infill circumstance of our project that a site specific General Plan / Zoning Amendment is an appropriate approach to take in order to proceed with the entitlement process.

As you know and by way of background we submitted an appeal regarding the processing and Staff determination of this project on August 11, 2010. At your suggestion and in an effort to work towards a mutually agreeable process with City Staff, we met on September 29, 2010. At that meeting, we mutually discussed that notwithstanding our pending appeal, we should consider submitting a General Plan Text Amendment in order to eliminate a perceived inconsistency with the applicable General Plan and Zoning Ordinance. On October 11, 2010 a formal Amendment was submitted.

Following the submittal of our General Plan Text Amendment, and at the request of City Staff, we met together with our respective legal counsel on October 18, 2010 to further discuss our proposal. On October 19th, Kristina Lawson (our land use attorney) received an email from Lynn Nerland with some questions pertaining to our proposed application. On October 20, Kristina Lawson responded to Lynn's concerns and indicated that we are comfortable with the City's approach to doing a zoning amendment and we suggested a zoning text amendment to Article 24. As of the date of this letter, our legal counsel still has not received a response from the City Attorney's office as a follow-up. We are

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anxiously awaiting a reply in order to move the process forward, and to continue to mutually work together on these proposed amendments.

In response to your letter dated October 28, 2010, it is still our desire to proceed with our proposed amendments and with "OPTION B" of your letter. Please find the attached items which you have requested in order to continue processing our application.

Notwithstanding the aforementioned efforts of working together with you and your staff, I need to set the record straight on the specific chain of events regarding our pending appeal. It was my understanding that our appeal was scheduled to be considered by the Council at its regular meeting of October 26, 2010 which was based upon your verbal confirmation at our meeting of September 29, 2010, where the Mayor had made the necessary request to transfer our appeal up from the Board of Administrative Appeals directly to the City Council for their consideration. This was also confirmed in writing in a letter dated October 14, 2010 from Tina Wehrmeister. Staff requested in this letter that we postpone this hearing and we responded on October 19, 2010 indicating we would agree to postpone a hearing providing the City make written confirmation to the items mentioned in our letter. We expected to receive a response to our October 19th letter in order to agree to postpone our appeal hearing but we never did. When reviewing the agenda for the October 26th City Council hearing, to our great surprise, our appeal was omitted from the agenda. The response from the City did not come until October 28, 2010 which was after what we thought to be our scheduled hearing. At no time between the last two correspondences did we either verbally, or in writing make a request to postpone the scheduled hearing of October 26, 2010.

It now appears that our pending appeal has been scheduled for discussion at the regular City Council meeting of November 9, 2010. I have read the staff report and possible actions and would respectfully request the Mayor or Mayor Pro-Tem file a notice to have our appeal heard directly by the City Council (Possible Action Item #2). *However*, I would additionally respectfully request the Council to set a hearing date to "a future date uncertain". I would hope you would agree that this is the most prudent course of action given our current mutual understanding and agreement on the direction we are taking with the processing of this project.

It continues to be our goal to work with your City staff, and its Consultant in processing the project and continuing to support our amended application. It also continues to be our understanding that if the City as the Lead Agency supports our proposed amendments, its Consultant would be directed to revise the Initial Study and determine that with the inclusion of these amendments, our proposed project would not result in an inconsistency with the applicable General Plan and Zoning Ordinance. With that revised determination, the City as the Lead Agency should be able to further direct its Consultant to prepare a Mitigated Negative Declaration as the appropriate CEQA document for this project.

Please advise us as to when your staff has had an opportunity to review the requested additional materials necessary in order to move the processing of our project forward and when we can expect to review the draft CEQA documents. We continue and

look forward to staying on track with this mutually agreeable solution that will result in allowing us to move forward with our project as proposed.

Sincerely,



Salvatore N. Evola

Cc: Mayor and City Council
Tina Wehrmeister, Community Development Director
Mindy Gentry, Associate Planner

Albert D. Seeno, Jr.
Albert D. Seeno, III.
Louis Parsons

Attachments (3):

1. Current title report prepared within the last three months
2. Vicinity Map – 10 copies
3. Further written detailed summary describing the characteristics of the proposal

General Plan Amendment Request:

“Parcel A of Subdivision 8586 is exempt from all goals and policies outlined in section 5.4.14 of the Antioch General Plan and also is exempt from Article 24, Hillside Development District, of the Antioch Municipal Code.”

Municipal Code Amendment to Article 24 Section 9-5.2402.

Propose to add subsection 9-5.2402 A (4):

“(4) If the project is infill, the City Council has the discretion to determine if the provisions of this Article need to be applied to the property.”

Rezone Request

We request that this property be rezoned to PD in accordance with Article 23 of the Antioch Municipal Code.

Narrative

This project proposes to subdivide approximately 21 acres into 60 lots. Of these 60 lots, 51 of them are proposed on the minor knoll while the remaining 9 lots will be incorporated into the existing Black Diamond Ranch project. The General Plan provides the blue print for community development by designating land for different uses. This property has a General Plan Land Use designation for Low Density Residential and the 60 lot proposal is consistent with this Land Use Designation and provides the property owner the opportunity to design a project that is similar to contiguous development. This property is surrounded on all four sides with constructed or approved single family residential projects ranging from approximately 5,000 – 10,000 sq ft.

Through previous preliminary hearings the City Council has requested the following:

Create large useable lots providing useable outdoor private open space and large building envelopes; provide a certain amount of RV parking; provide a small private open space area; provide that most lots be designed to enjoy views of the Delta and the City. All of these items have been accomplished through the iterative design process and the present project design is consistent with the direction of the City Council.

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It is very important to review this project proposal in the context of how it relates to existing and planned surrounding development. Again, in this case, this project is entirely surrounded by existing or planned development. The fully constructed 286 lot Black Diamond Ranch subdivision surrounds this project to the north, east and south. To the west, there is an approved 415 lot project called Sky Ranch II. Construction plans for this project are underway. Based on the direction provided by the City Council and based on the fact that this is an infill project, the Hillside Design Policies and the Hillside Planned District are not the appropriate land use designations for this site. Therefore, we have requested that this parcel be exempt from these policies, an exception be added to Article 24 as it pertains to infill parcels, and that the property be rezoned to PD in accordance with Article 23. This small knoll is not a landmark identified by the City nor is it named on any topographic maps. The current proposal provides for a consistent land use pattern with surrounding development and provides for rational utilization of this undeveloped/underdeveloped remainder parcel which is a goal of the General Plan.

All 51 lots on the minor knoll are a minimum of 10,000 sq ft. In addition, the design of this project provides for a landscape buffer between the existing Black Diamond Ranch project and the proposed 51 lots on the minor knoll. This buffer will be landscaped softening the transition between the existing lots and the proposed lots. This project will be gated and private and there will be a Home Owners Association to maintain the private improvements and the proposed colors of the homes will have more neutral earth tones. This infill project will provide a small, upscale private community with tremendous views and high quality housing product. The aforementioned amendments to the General Plan and Municipal Code, along with the Zone Change request to PD, will allow the City to move forward and continue to proceed in processing this application.

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ATTACHMENT "Q"



4061 Port Chicago Highway, Suite H
Concord, California 94520
(925) 682-6419
Fax (925) 689-7741

RECEIVED

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CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

December 21, 2010

VIA EMAIL & US MAIL

Tina Wehrmeister
Community Development Director
City of Antioch
P.O. Box 5007
Antioch, CA 94531

RE: The Pointe (Subdivision 9017): General Plan / Zoning Text Amendment

Dear Tina:

Thank you for taking the time to meet with me on December 16, 2010 regarding the Pointe project and our pending General Plan / Zoning Text Amendments. As we both know, at the regular November 9, 2010 City Council meeting, the Mayor took the necessary action to have our pending appeal heard directly by the City Council, and at our request, the Council also provided the necessary direction setting a hearing to "a future date uncertain" allowing us to continue to work in a positive manner with Staff on our pending Amendments.

As discussed in our meeting, it continues to be my understanding that City Staff both supports our General Plan and Zoning Text Amendment and agreed it is the appropriate approach to take in order to proceed with the entitlement process of our project. It has been my opinion that based on the extraordinary merits and infill circumstance of our project, a site specific General Plan and Zoning Text Amendment, is the best approach to move this project forward. However, I further understand that Staff would like our General Plan Amendment proposal augmented.

Based upon our discussion and the aforementioned concerns, I am proposing to amend and modify our pending General Plan Amendment which was formally submitted to you on October 11, 2010. This will include an Amendment to General Plan Section 4.4.6.2 entitled Somersville Road Corridor Focus Area, and figure 4.3 of this section to include the Black Diamond Ranch and Pointe projects. This focus area concentrates on its importance as one of the City's primary sales tax generating areas which include auto dealers as well as regional retail. I propose that we amend the General Plan and add the following language to Section 4.4.6.2:

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In order to provide continued support to sales tax generating uses, properties designated residential within the focus Area will be allowed to maximize development density through the Planned Development process contained within the Zoning Ordinance. As such, the requirements of Section 5.4.14, if applicable, of the General Plan shall be waived if it is shown that development conditions will be safe and in harmony with surrounding development patterns and uses.

Appropriate findings can be made to demonstrate the relationship between an increased number of upper-scale roof-tops and population, increasing the level of disposable income to spend in this current economically depressed corridor.

I would also propose that we amend the HPD section of the Zoning Ordinance and Code. This would include referencing the Somersville Road Corridor General Plan Focus Area and stating that properties within this Focus Area can process a regular PD in accordance with Article 23.

At your earliest opportunity please confirm in writing that the City will fully support this approach and would concurrently direct its Consultant to finish the Initial Study and determine that with the inclusion of these amendments, our proposed project would not result in an inconsistency with the applicable General Plan and Zoning Ordinance. With that revised determination, the City as the Lead Agency *should* be able to further direct its Consultant to prepare a Mitigated Negative Declaration as the appropriate CEQA document for this project.

As I have stated in the past, it continues to be our goal to work in a positive manner with City staff, and its Consultant in the processing of our project and our amended application. I appreciate your time and consideration in the review of this proposed modified amendment.

Sincerely,


Salvatore N. Evola

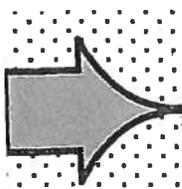
Cc: Jim Jakel, City Manager
Mindy Gentry, Associate Planner
Albert D. Seeno, Jr.
Albert D. Seeno, III.
Louis Parsons

Attachments (3):

1. General Plan Section 4.4.6.2 – Somersville Road Corridor Focus Area
2. Figure 4.3 – Somersville Road Corridor Focus Area
3. Further written detailed summary describing the characteristics of the proposal

area for family-oriented use, including both private development and public open spaces.

- z. The revitalization and redevelopment of Rodgers Point should include improved boat launch facilities, unless provision is made to provide a municipal boat launch at a different location in the community. Along with improved boat launch facilities, opportunities should be provided for the establishment of privately operated stackable dry boat storage.
- aa. Prior to or concurrent with approvals of any development applications at Rodgers Point, a Master Plan for the area shall be prepared and approved by the City. The Master Plan shall provide detailed guidance for environmental review, project-related land use, provision and financing of required public services and facilities, open space preservation, community design, recreational amenities, and community improvements.
- bb. "Anchor" commercial facilities such as restaurants or lodging/visitor services should be developed at Rodgers Point as part of the area's revitalization.
- cc. The distinctive streetscape existing within the downtown area should be expanded to encompass the all of the commercial and residential portions of the Rivertown/Urban Waterfront Focus Area. Entry monumentation, including signage, special landscaping, and, potentially, an overhead structure spanning the street, should be placed at the following locations:
 - Fourth Street at "L" Street
 - "L" Street at 10th Street
 - "A" Street at 6th Street
 - 10th Street at "L" Street.



4.4.6.2 Somersville Road Corridor. This Focus Area encompasses the commercial areas along Somersville Road from SR-4 north to Fourth Street, as well as the commercial areas south of the freeway, up to and including the Chevron property. The General Plan intends that existing auto dealerships be retained and revitalized along Somersville

Road. If the existing dealers ultimately decide to relocate from Somersville Road, the City should work with the dealers to secure alternative locations within the City of Antioch. Potential alternative locations include the Regional Commercial area within the East Lone Tree Specific Plan Focus Area and the SR-4 Frontage Focus Area.

a. Purpose and Issues. The Somersville Road corridor is one of Antioch's primary sales tax generators, encompassing automobile dealerships, the Somersville Towne Center mall, and other retail businesses. Uses along this corridor are aging, and in need of improvement. In addition, the Somersville Road interchange is heavily congested. Interchange capacity will be increased as part of improvements for SR-4. Interchange improvements could impact adjacent existing hotel uses.

- Automobile dealerships exist along Somersville Road. The City has worked in the past to improve the design of Somersville Road, and to assist existing dealerships to modernize their facilities. Relocating the dealerships to another location within Antioch could reduce the amount of land available for industrial use, and may or may not be desirable for the dealerships. The dealerships have generated a customer base in their present location, though they do not have freeway visibility.
- South of the freeway is Somersville Towne Center, formerly known as County East Mall. The center was an open air complex, and was enclosed in the 1970s. The mall has not provided the level of retailers, mix of uses (e.g., restaurants), or design interest that could be supported by the community. In addition, vehicular access to the mall from Somersville Road is difficult due to limited parking. Pedestrian entry along the easterly side of the mall is awkward due to the presence of commercial uses with access directly from the parking lot.

There have been discussions in the past regarding adding another anchor tenant. However, the present design of the mall,

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with a series of tenants having their entries open to the parking lot along Somersville Road, limits simple design solutions. As a result, there have been suggestions that the mall be revitalized as a mixed-use specialty retail, entertainment, office, and residential project.

- The Focus Area's commercial uses are auto-oriented, and its general character is that of a typical older suburban community. Improvements to signage, street-scapes, and building façades are needed throughout the developed portion of this Focus Area, along with improved pedestrian linkages in the mall area.
- At the southern end of this Focus Area is the Chevron property, which is a 193-acre relatively flat, vacant parcel south of Buchanan Road. It is an unincorporated island surrounded by the cities of Antioch and Pittsburg, and is within Antioch's sphere of influence. The site has been extensively disturbed as the result of its previous use as an oil storage facility. With the extension of James Donlon Road, the Chevron property will become an important gateway into west Antioch.

b. Policy Direction. Efforts should be continued to keep existing automobile dealerships in their present locations, and to upgrade their facilities. Somersville Towne Center should be improved and expanded into a cohesive mixed-use retail, retail, entertainment, and residential center. Pedestrian and other urban design improvements need to be provided to increase linkages between the mall and adjacent uses. Special effort should be undertaken to improve access to the mall site from Somersville Road, and to improve the distribution of parking around the mall.

The following policies apply to the Somersville Road Corridor Focus Area.

- a. Areas designated "*Commercial*" on Figure 4.3 shall comply with the provisions of the Somersville Road Commercial land use category (see Table 4.A).

- b. Areas designated "*Regional Commercial*" on Figure 4.3 shall comply with the provisions of the Regional Commercial land use category (see Table 4.A).
- c. Areas designated "*High Density Residential*" in Figure 4.3 shall comply with the provisions of the High Density Residential land use category (see Table 4.A).
- d. Expansion of Somersville Towne Center is encouraged, including new and expanded retail, particularly addition of new anchor tenants (department stores), higher end specialty retail, and sit-down restaurants. As shown in Figure 4.3, the General Plan permits expansion of the mall to the west. Expansion of the mall could also occur vertically by adding a second story of shops. Also permitted is the conversion of the existing mall into a mixed-use commercial, office, and residential complex. Revitalization of the mall into a mixed use concept could occur alongside expansion of the existing mall itself through development of multi-story office buildings, either free-standing or attached to the mall.
- e. In cooperation with the City of Pittsburg, work to extend Century Boulevard to Buchanan Road as a two-lane arterial, with a connection to Los Medanos College.
- f. The development of the "Chevron property," located on the west side of Somersville Road, south of Buchanan Road, shall comply with the following provisions.
 - The primary land use intent for this site is a mix of low-rise business park and medium density residential housing products.

For illustrative purposes, Figure 4.3 shows the property divided into business park and residential portions. The specific development design of the site shall be determined through approval of a planned

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development for the site. A minimum of 40 percent of the site is to be devoted to business park and related commercial and open space uses.

- Business Park and related commercial uses shall front along the entire length of Somersville. Although it would be desirable to have business park and related commercial uses fronting along Buchanan Road at least as far west as the flood control channel, residential uses may front along Buchanan Road. The Business Park areas shall comply with the provisions of the Business Park land use category.
- Development of the site should be heavily landscaped. Business park and related commercial uses should be one or two stories, and clustered in a park-like setting.
- A common design theme for business park and residential uses within the 193-acre site is to be provided, including compatible architectural, landscaping, and signage.
- Residential uses within the Chevron site may consist of a combination of small lot single family detached and multi-family development, and shall be consistent with the provisions of the Medium Density Residential land use category.
- Adequate separation shall be maintained between new office and multi-family uses and existing residential neighborhoods. If parking areas are located along the residential edge, sufficient noise mitigation shall be provided.
- As part of site development, a community gateway monument shall be provided, including distinctive signage and landscaping at the northwest corner of the site, expressing the theme of Antioch as "Gateway to the Delta." Such signage and monumentation must portray a high quality design image for the City.

- The City should work with the owner of the Chevron property to annex it into Antioch.
- g. An urban design plan should be prepared for the entire Somersville Road Corridor. The design plan should define a design theme; set specific architectural, sign, landscape, and streetscape design standards for the corridor; and select specific designs for public improvements such as street lighting, special paving sections at intersections, and street furniture.
- h. A façade improvement program should also be undertaken for existing commercial uses within this Focus Area, with assistance from the Antioch Redevelopment Agency.

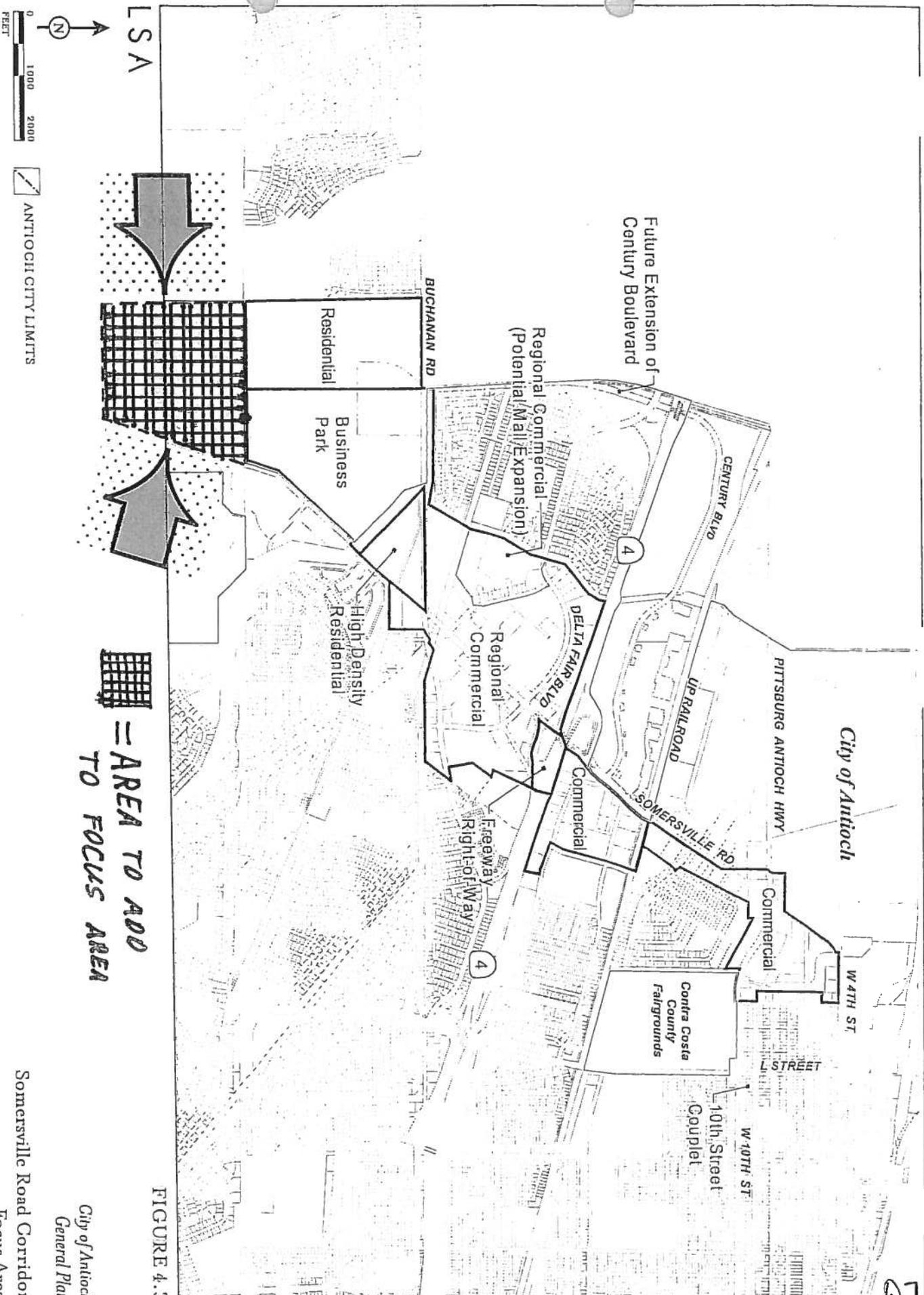
4.4.6.3 Eastern Waterfront Employment Area. This Focus Area encompasses the industrial areas in the northeastern portion of the City and its General Plan study area, south of the San Joaquin River, west of the SR-160 freeway. The Eastern Waterfront Employment Area is approximately 474 acres in size, and lies partly within the City of Antioch and partly within unincorporated territory.

a. Purpose and Primary Issues. As a result of shifts in the national and regional economy, several of the heavy industrial uses located along the San Joaquin River have closed, or have significantly scaled back their operations. Thus, it is necessary to plan for revitalization of former heavy industrial lands along the river, including transition to other uses. This may include environmental clean up of brownfields resulting from years of heavy industrial use. To the east of Fulton Shipyard and south of the Antioch Dunes National Wildlife Refuge is the abandoned City Sewage treatment plant site. The development feasibility of this site may depend in part upon the clean up and improvement of nearby areas.

A large portion of this Focus Area, primarily north of Wilbur Avenue and the BNSF rail line, is within unincorporated territory, and would need to be annexed if Antioch is to have any control over future land use. Portions of this area are rail-served, which provides

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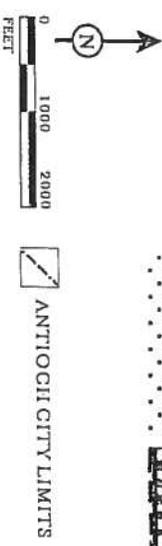


**AREA TO ADD
TO FOCUS AREA**

FIGURE 4.3

City of Antioch
General Plan

Somersville Road Corridor
Focus Area



GENERAL PLAN

Amend the Somersville Road Corridor Focus Area map (figure 4.3) to include both the Black Diamond Ranch and Pointe properties.

This focus area concentrates on its importance as one of the City's primary sales tax generating areas which include auto dealers as well as regional retail. Amend the General Plan adding the following language:

In order to provide continued support to sales tax generating uses, properties designated residential within the focus Area will be allowed to maximize development density through the Planned Development process contained within the Zoning Ordinance. As such, the requirements of Section 5.4.14, if applicable, of the General Plan shall be waived if it is shown that development conditions will be safe and in harmony with surrounding development patterns and uses.

Make appropriate findings to demonstrate the relationship between an increased number of upper-scale roof-tops and population, increasing the level of disposable income to spend in this current economically depressed corridor.

ZONING ORDINANCE

Amend the HPD section of the Zoning Ordinance and Code referencing the Somersville Road Corridor General Plan Focus Area indicating:

Residential properties located within the Somersville Road Corridor General Plan Focus Area shall have the ability to process a regular PD in accordance with Article 23.

General Plan land use map or in Focus Area policies. Overall, residential developments within the Estate Residential land use category should provide large lots, and project a semi-rural character.

Neighborhood entry signage is encouraged to create a sense of community, and define Estate Residential neighborhoods as special places. Within hillside areas, dwelling units should be clustered on land that is relatively flat, and no development should occur on slopes exceeding 20 percent. Due to the unique nature of these areas, a clustering of units may be needed to accommodate the unit yield and still maintain the topographic uniqueness of the area. Developments in these areas should be oriented around a major amenity that increases public exposure to the more hilly terrain. Examples of such amenities include golf courses and equestrian centers.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum Allowable Density:* One dwelling unit per developable acre (1 du/ac) or two dwelling units per developable acre (2 du/ac)
- *Anticipated Population per Acre:* Four (4) to eight (8) persons per acre

Low Density Residential. These areas are generally characterized by single-family homes in traditional subdivisions. Areas designated Low Density Residential are typically located on gently rolling terrain with no or few geological or environmental constraints. The residential neighborhoods of southeast Antioch reflect this residential density.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum Allowable Density:* Four dwelling units per gross developable acre (4 du/ac)
- *Anticipated Population per Acre:* Twelve (12) to Fourteen (14) persons per acre

~~**Medium Low Density.** These areas are generally characterized by single-family~~

~~homes in typical subdivision development, as well as other detached housing such as zero lot line units and patio homes. Duplex development would generally fall into this development density. Areas designated Medium Low Density are typically located on level terrain with no or relatively few geological or environmental constraints. Older subdivisions within the northern portion of Antioch reflect this residential density.~~

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum Allowable Density:* Six dwelling units per gross developable acre (6 du/ac)
- *Anticipated Population per Acre:* Fourteen (14) to Eighteen (18) persons per acre

~~**Medium Density Residential.** A wide range of living accommodations, including conventional single-family dwellings, small lot single-family detached dwellings, mobile homes, townhouses, and garden apartments, characterizes the Medium Density land use designation. Development in these areas can be expected to be a maximum of two (2) stories, and include generous amounts of public or open space for active and passive recreational uses. Lands adjacent to parks, commercial uses, transit routes and rail stations, and arterial roadways would be appropriate for the upper end of the allowable development intensity for this category. Other lands would serve as a buffer or transition between lower density residential areas and higher density residential and commercial areas, as well as areas exhibiting greater traffic and noise levels.~~

~~At the higher end of the density range for this category multi-family townhouse and apartment development is expected to be predominant. Where the Medium Density land use designation serves as a transition or buffer, lower density townhouse and small lot, single-family development would be the predominant uses.~~

- *Appropriate Land Use Types:* See Table 4.A

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area for family-oriented use, including both private development and public open spaces.

- z. The revitalization and redevelopment of Rodgers Point should include improved boat launch facilities, unless provision is made to provide a municipal boat launch at a different location in the community. Along with improved boat launch facilities, opportunities should be provided for the establishment of privately operated stackable dry boat storage.
- aa. Prior to or concurrent with approvals of any development applications at Rodgers Point, a Master Plan for the area shall be prepared and approved by the City. The Master Plan shall provide detailed guidance for environmental review, project-related land use, provision and financing of required public services and facilities, open space preservation, community design, recreational amenities, and community improvements.
- bb. "Anchor" commercial facilities such as restaurants or lodging/visitor services should be developed at Rodgers Point as part of the area's revitalization.
- cc. The distinctive streetscape existing within the downtown area should be expanded to encompass the all of the commercial and residential portions of the Rivertown/Urban Waterfront Focus Area. Entry monumentation, including signage, special landscaping, and, potentially, an overhead structure spanning the street, should be placed at the following locations:
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 - "A" Street at 6th Street
 - 10th Street at "L" Street.

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Road. If the existing dealers ultimately decide to relocate from Somersville Road, the City should work with the dealers to secure alternative locations within the City of Antioch. Potential alternative locations include the Regional Commercial area within the East Lone Tree Specific Plan Focus Area and the SR-4 Frontage Focus Area.

a. Purpose and Issues. The Somersville Road corridor is one of Antioch's primary sales tax generators, encompassing automobile dealerships, the Somersville Towne Center mall, and other retail businesses. Uses along this corridor are aging, and in need of improvement. In addition, the Somersville Road interchange is heavily congested. Interchange capacity will be increased as part of improvements for SR-4. Interchange improvements could impact adjacent existing hotel uses.

- Automobile dealerships exist along Somersville Road. The City has worked in the past to improve the design of Somersville Road, and to assist existing dealerships to modernize their facilities. Relocating the dealerships to another location within Antioch could reduce the amount of land available for industrial use, and may or may not be desirable for the dealerships. The dealerships have generated a customer base in their present location, though they do not have freeway visibility.
- South of the freeway is Somersville Towne Center, formerly known as County East Mall. The center was an open air complex, and was enclosed in the 1970s. The mall has not provided the level of retailers, mix of uses (e.g., restaurants), or design interest that could be supported by the community. In addition, vehicular access to the mall from Somersville Road is difficult due to limited parking. Pedestrian entry along the easterly side of the mall is awkward due to the presence of commercial uses with access directly from the parking lot.

There have been discussions in the past regarding adding another anchor tenant. However, the present design of the mall,

with a series of tenants having their entries open to the parking lot along Somersville Road, limits simple design solutions. As a result, there have been suggestions that the mall be revitalized as a mixed-use specialty retail, entertainment, office, and residential project.

- The Focus Area's commercial uses are auto-oriented, and its general character is that of a typical older suburban community. Improvements to signage, street-scapes, and building façades are needed throughout the developed portion of this Focus Area, along with improved pedestrian linkages in the mall area.
- At the southern end of this Focus Area is the Chevron property, which is a 193-acre relatively flat, vacant parcel south of Buchanan Road. It is an unincorporated island surrounded by the cities of Antioch and Pittsburg, and is within Antioch's sphere of influence. The site has been extensively disturbed as the result of its previous use as an oil storage facility. With the extension of James Donlon Road, the Chevron property will become an important gateway into west Antioch.

b. Policy Direction. Efforts should be continued to keep existing automobile dealerships in their present locations, and to upgrade their facilities. Somersville Towne Center should be improved and expanded into a cohesive mixed-use retail, retail, entertainment, and residential center. Pedestrian and other urban design improvements need to be provided to increase linkages between the mall and adjacent uses. Special effort should be undertaken to improve access to the mall site from Somersville Road, and to improve the distribution of parking around the mall.

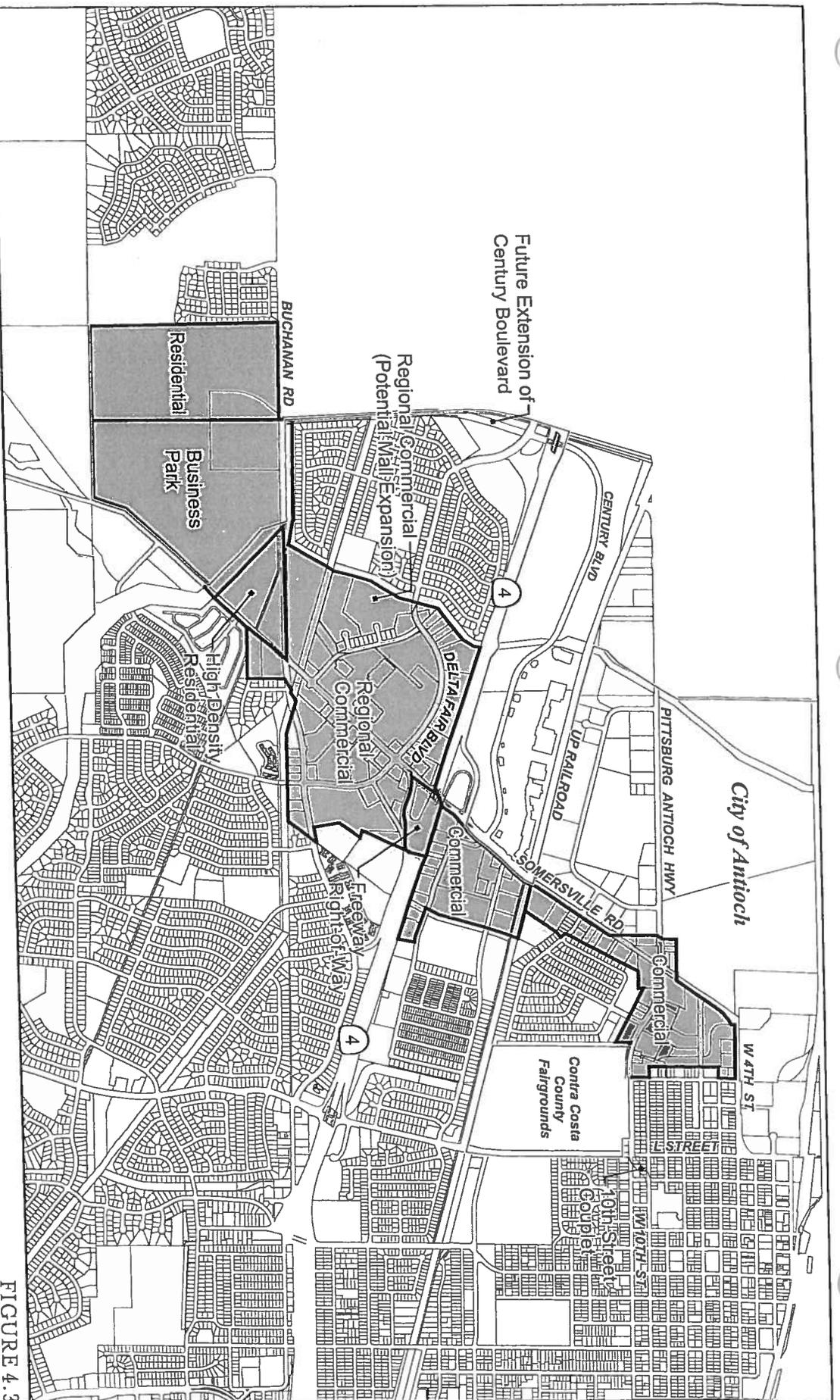
The following policies apply to the Somersville Road Corridor Focus Area.

- a. Areas designated "*Commercial*" on Figure 4.3 shall comply with the provisions of the Somersville Road Commercial land use category (see Table 4.A).

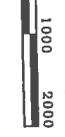
- b. Areas designated "*Regional Commercial*" on Figure 4.3 shall comply with the provisions of the Regional Commercial land use category (see Table 4.A).
- c. Areas designated "*High Density Residential*" in Figure 4.3 shall comply with the provisions of the High Density Residential land use category (see Table 4.A).
- d. Expansion of Somersville Towne Center is encouraged, including new and expanded retail, particularly addition of new anchor tenants (department stores), higher end specialty retail, and sit-down restaurants. As shown in Figure 4.3, the General Plan permits expansion of the mall to the west. Expansion of the mall could also occur vertically by adding a second story of shops. Also permitted is the conversion of the existing mall into a mixed-use commercial, office, and residential complex. Revitalization of the mall into a mixed use concept could occur alongside expansion of the existing mall itself through development of multi-story office buildings, either free-standing or attached to the mall.
- e. In cooperation with the City of Pittsburg, work to extend Century Boulevard to Buchanan Road as a two-lane arterial, with a connection to Los Medanos College.
- f. The development of the "Chevron property," located on the west side of Somersville Road, south of Buchanan Road, shall comply with the following provisions.
 - The primary land use intent for this site is a mix of low-rise business park and medium density residential housing products.

For illustrative purposes, Figure 4.3 shows the property divided into business park and residential portions. The specific development design of the site shall be determined through approval of a planned

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LSA



ANTIOCH CITY LIMITS

City of Antioch
 General Plan
 Somersville Road Corridor
 Focus Area

FIGURE 4.3

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development for the site. A minimum of 40 percent of the site is to be devoted to business park and related commercial and open space uses.

- Business Park and related commercial uses shall front along the entire length of Somersville. Although it would be desirable to have business park and related commercial uses fronting along Buchanan Road at least as far west as the flood control channel, residential uses may front along Buchanan Road. The Business Park areas shall comply with the provisions of the Business Park land use category.
- Development of the site should be heavily landscaped. Business park and related commercial uses should be one or two stories, and clustered in a park-like setting.
- A common design theme for business park and residential uses within the 193-acre site is to be provided, including compatible architectural, landscaping, and signage.
- Residential uses within the Chevron site may consist of a combination of small lot single family detached and multi-family development, and shall be consistent with the provisions of the Medium Density Residential land use category.
- Adequate separation shall be maintained between new office and multi-family uses and existing residential neighborhoods. If parking areas are located along the residential edge, sufficient noise mitigation shall be provided.
- As part of site development, a community gateway monument shall be provided, including distinctive signage and landscaping at the northwest corner of the site, expressing the theme of Antioch as "Gateway to the Delta." Such signage and monumentation must portray a high quality design image for the City.

- The City should work with the owner of the Chevron property to annex it into Antioch.
- g. An urban design plan should be prepared for the entire Somersville Road Corridor. The design plan should define a design theme; set specific architectural, sign, landscape, and streetscape design standards for the corridor; and select specific designs for public improvements such as street lighting, special paving sections at intersections, and street furniture.
- h. A façade improvement program should also be undertaken for existing commercial uses within this Focus Area, with assistance from the Antioch Redevelopment Agency.

~~4.4.6.3 Eastern Waterfront Employment Area. This Focus Area encompasses the industrial areas in the northeastern portion of the City and its General Plan study area, south of the San Joaquin River, west of the SR-160 freeway. The Eastern Waterfront Employment Area is approximately 474 acres in size, and lies partly within the City of Antioch and partly within unincorporated territory.~~

~~a. Purpose and Primary Issues. As a result of shifts in the national and regional economy, several of the heavy industrial uses located along the San Joaquin River have closed, or have significantly scaled back their operations. Thus, it is necessary to plan for revitalization of former heavy industrial lands along the river, including transition to other uses. This may include environmental clean up of brownfields resulting from years of heavy industrial use. To the east of Fulton Shipyard and south of the Antioch Dunes National Wildlife Refuge is the abandoned City Sewage treatment plant site. The development feasibility of this site may depend in part upon the clean up and improvement of nearby areas.~~

~~A large portion of this Focus Area, primarily north of Wilbur Avenue and the BNSF rail line, is within unincorporated territory, and would need to be annexed if Antioch is to have any control over future land use. Portions of this area are rail-served, which provides~~

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- are to be designed to communicate clearly, and are to be integrated into the overall design of the project.
- g. Pole signs are not to be permitted. Signs are to be designed to reflect the general low-rise character of the City. Low monument-type signs are appropriate for identifying freestanding commercial uses, shopping centers, and business/office complexes. Where roof signs are permitted, they are to be architecturally integrated with the overall building design.
- h. Individual tenant signs within centers should be designed as part of an overall sign program, integrating all signs with the architectural design of the project.
- i. "Corporate" and "franchise" signage is discouraged, unless it is blended into the overall design theme of the center within the sign is located.
- j. Gas station canopies with corporate colors, logos, and signs are discouraged unless their design is blended into the overall design of the adjacent structure.

Development and limited grading can occur only if it can be clearly demonstrated that safety hazards, environmental degradation, and aesthetic impacts will be avoided. Structures shall blend with the natural environment through their shape, materials and colors. Impact of traffic and roadways is to be minimized by following natural contours or using grade separations. Encouraged is the use of larger lots, variable setbacks and variable building structural techniques such as stepped or post and beam foundations are required.

- Slopes greater than 50%:
Except in small, isolated locations, development in areas with slopes greater than 50% should be avoided.

- c. Manufactured slopes in excess of five vertical feet (5') shall be landform graded. "Landform grading" is a contour grading method which creates artificial slopes with curves and varying slope ratios in the horizontal and vertical planes designed to simulate the appearance of surrounding natural terrain. Grading plans shall identify which slopes are to be landform graded and which are to be conventionally graded.
- d. The overall project design/layout of hillside development shall adapt to the natural hillside topography and maximize view opportunities to, as well as from the development.
- e. Grading of ridgelines is to be avoided wherever feasible, siting structures sufficiently below ridgelines so as to preserve unobstructed views of a natural skyline. In cases where application of this performance standard would prevent construction of any structures on a lot of record, obstruction of views of a natural skyline shall be minimized through construction techniques and design, and landscaping shall be provided to soften the impact of the new structure.
- f. Hillside site design should maintain an informal character with the prime

5.4.14 Hillside Design Policies

- a. Design hillside development to be sensitive to existing terrain, views, and significant natural landforms and features.
- b. Projects within hillside areas shall be designed to protect important natural features and to minimize the amount of grading. To this end, grading plans shall conform to the following guidelines.
 - Slopes less than 25%:
Redistribution of earth over large areas may be permitted.
 - Slopes between 25% and 35%:
Some grading may occur, but landforms need to retain their natural character. Split-level designs and clustering are encouraged as a means of avoiding the need for large padded building areas.
 - Slopes between 35% and 50%:

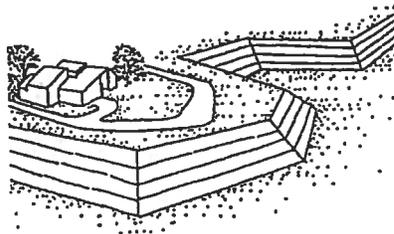
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determinant being the natural terrain. This can be accomplished by:

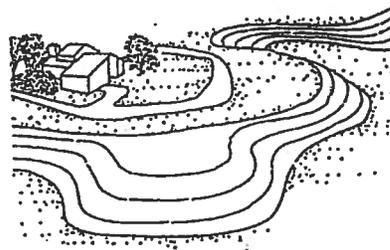
- utilizing variable setbacks and structure heights, innovative building techniques, and retaining walls to blend structures into the terrain, and
- allowing for different lot shapes and sizes.

g. Buildings should be located to preserve existing views and to allow new dwellings access to views similar to those enjoyed from existing dwellings.

h. Streets should follow the natural contours of the hillside to minimize cut and fill, permitting streets to be split into two one-way streets in steeper areas to minimize grading and blend with the terrain. Cul-de-sacs or loop roads are encouraged where necessary to fit the terrain. On-street parking and sidewalks may be eliminated, subject to City approval, to reduce required grading.



Unacceptable



Acceptable

i. Clustered development is encouraged as a means of preserving the natural appearance of the hillside and maximizing the amount of open space. Under this concept, dwelling units are grouped in the more level portions of the site, while steeper areas are preserved in a natural state.

j. Project design should maximize public access to canyons, overlooks, and open space areas by:

- providing open space easements between lots or near the end of streets or cul-de-sacs; and
- designating public pathways to scenic vistas.

k. Permit the use of small retaining structures when such structures can reduce grading, provided that these structures are located and limited in height so as not to be a dominant visual feature of the parcel.

- Where retaining walls face public streets, they should be faced with materials that help blend the wall into the natural character of the terrain.
- Large retaining walls in a uniform plane should be avoided. Break retaining walls into elements and terraces, and use landscaping to screen them from view.

l. Lot lines shall be placed at the top of slopes to facilitate maintenance by the down slope owner, who has the greater "stake" in ensuring the continued integrity of the slope.

m. The overall scale and massing of structures shall respect the natural surroundings and unique visual resources of the area by incorporating designs which minimize bulk and mass, follow natural topography, and minimize visual intrusion on the natural landscape.

- The overall height of a building is an important aspect of how well it fits into

- the existing character of the neighborhood and its hillside environment. Houses should not be excessively tall so as to dominate their surroundings or create a crowded appearance in areas of small lots. Structures should generally be stepped down hillsides and contained within a limited envelope parallel to the natural grade, rather than "jutting out" over natural slopes.
- Building forms should be scaled to the particular environmental setting so as to complement the hillside character and to avoid excessively massive forms that fail to enhance the hillside character.
 - Building facades should change plane or use overhangs as a means to create changing shadow lines to further break up massive forms.
 - Wall surfaces facing towards viewshed areas should be minimized through the use of single story elements, setbacks, roof pitches, and landscaping.
- n. Collective mass rooflines and elements should reflect the naturally occurring ridgeline silhouettes and topographical variation, or create an overall variety, that blends with the hillside.
- o. Based upon the graphic principle that dark colors recede and light colors project, medium to dark colors which blend with the surrounding environment should be used for building elevations and roof materials in view-sensitive areas.
- p. Architectural style, including materials and colors, should be compatible with the natural setting. The use of colors, textures, materials and forms that will attract attention by contrasting or clashing with other elements in the neighborhood is to be avoided. No one dwelling should stand out.
- q. The interface between development areas and open space is critical and shall be given special attention. Slope plantings should create a gradual transition from developed slope areas into natural areas. By extending fingers of planting into existing and sculptured slopes, the new landscape should blend in with the natural vegetation.
- r. Planting along the slope side of a development should be designed to allow controlled views out, yet partially screen and soften the architecture. In general, 50 percent screening with plant materials should be accomplished.
- Trees should be arranged in informal masses and be placed selectively to reduce the scale of long, steep slopes.
 - Shrubs should be randomly spaced in masses.
 - Skyline planting should be used along recontoured secondary ridgelines to recreate the linear silhouette and to act as a backdrop for structures. Trees should be planted to create a continuous linear silhouette since gaps in the planting will not give the desired effect.
 - Trees that grow close to the height of structures should be planted between buildings to eliminate the open gap and blend the roof lines into one continuous silhouette.
 - For fire prevention purposes, a fuel modification zone shall be provided between natural open space and development.
- s. New development within hillside areas shall be conditioned upon:
- the preparation and recordation of a declaration of covenants, conditions and restrictions providing for the development and maintenance of manufactured slopes;
 - in the case of a parcel map or subdivision, the subdivider's supplying a program and/or staff for preventive maintenance of major manufactured slope areas. Such program must be approved prior to approval of a final map, and shall include homeowner slope maintenance requirements and

guidelines to be incorporated into the declaration of covenants, conditions, and restrictions.

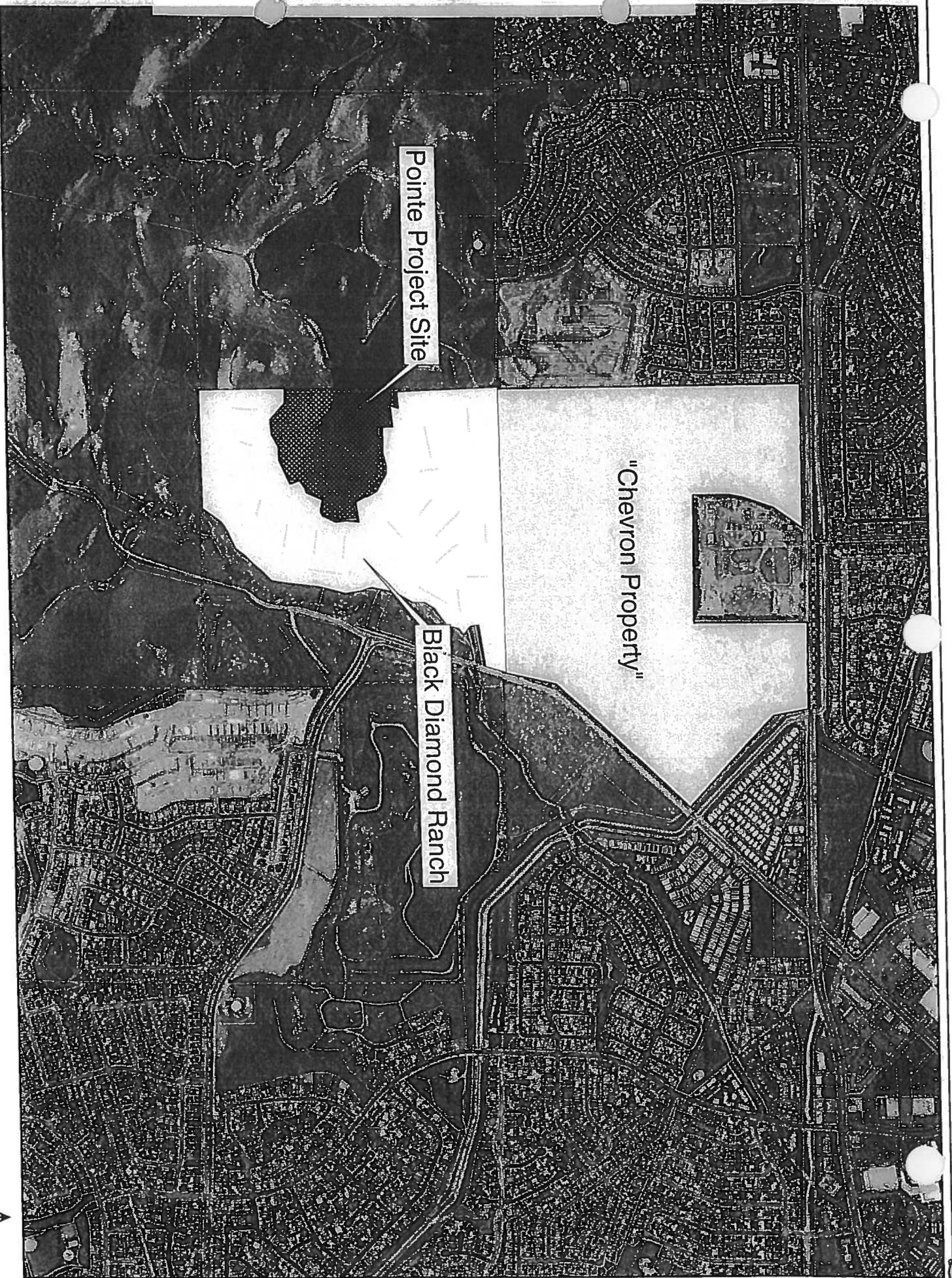
5.4.15 Landscaping

- a. Landscape design should accent the overall design theme and help to reinforce the pedestrian scale of the project. This could be accomplished through the use of structures, arbors, and trellises that are appropriate to the particular architectural style of the project. Pedestrian amenities should be provided throughout the project including benches, trash receptacles, and lighting.
- b. The use of water efficient landscape materials and the installation of appropriate irrigation systems are required. This does not mean that the landscape is brown, displays a "desert" theme, or is devoid of plants. However, it does mean that a well designed landscape shall be provided which produces the same lush appearance as other non-water efficient landscapes, but requires less water and maintenance. Where consistent with the site's design theme, native and naturalized species should be featured in the site's landscape design.
- c. Whenever landscaping of the public parkway is required it should be designed in coordination with the project's on-site landscaping to provide an integrated design concept along street frontages.
- d. Project entries should be designed as special statements reflective of the character of the project in order to establish identity for tenants, and visitors. Accent planting, specimen trees, enhanced paving, and project entry signs should be used to reinforce the entry statement.
- e. Landscaping should be designed as an integral part of the overall site plan design. Landscaping and open spaces should not be relegated to pieces of the site left over after buildings, parking, and circulation have been laid out.

5.4.16 Civic Arts Policies

- a. Support the efforts of the Civic Arts Organization to provide cultural and civic activities to residents and visitors, including such activities as art shows, school competitions, public exhibitions, art in public places, musical performances, dance recitals, plays, film festivals, and artists in residence.
- b. Pursue the establishment of facilities for the arts, including a museum; gallery space; and outdoor amphitheater for community events, musical performances, and plays; storage space for local arts groups; an indoor performance facility in addition to the Antioch community Center; and work space for both professional and amateur artists.
- c. Provide incentives to developments for the provision of outdoor art in public places in a variety of forms, such as stationary and kinetic sculptures, commemorative plaques, and murals. Such incentives could include, but are not necessarily limited to, credits for the provision of open space, density bonuses, or considerations in the City's residential development allocation system.

Chevron Property Location



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4.4.1 Land Use Designations

4.4.1.1 Residential Land Use Designations.

Six residential land use designations are set forth to provide for development of a full range of housing types, in conjunction with residential development within General Plan Focus Areas. Permitted maximum land use and anticipated population densities are described for each designation. Densities are stated as the maximum permissible number of dwelling units per net acre that exists within the project site *prior* to any new dedication requirements. Density is assumed to accrue only to lands that are "developable."

Developable acres are those that are not encumbered by prior dedications of easements or rights-of-way, and are not so steep (generally over 25%), unstable, flood-prone or subject to other hazards as to be unable to support new development.

Achievement of the maximum allowable density is neither guaranteed nor implied by the General Plan. The final density of any particular residential development type is dependent upon development design; any physical, geological, or environmental constraints that might be present within the site; available infrastructure and services; and other factors. The development standards that are established in the Antioch zoning ordinance might also limit attainment of maximum allowable densities.

Second units on a residential lot and home occupations are permitted by local regulation. Provision of density bonuses as allowed by State law and City ordinance may result in development densities in excess of the nominal maximum density for any land use designation.

Estate Residential. Estate Residential land uses are planned as a transition between urban and rural areas, and for areas that are not suited for a more intensive form of development because of topography, geologic conditions, or urban service limitations. Estate Residential areas will also serve to provide "executive" housing on large lots, thereby expanding the community's range of housing types.

On designated lands where topography is not limiting, the representative form of development would be single-family homes on lots that average one acre in size. For properties so designated that are situated in steeper hillside settings, clustering of units and utilization of other hillside development techniques are anticipated and encouraged. The final approved and built density on lands in the Estate Residential land use designation should reflect the location of these lands as low-density residential transition areas between the urbanized Antioch and the undeveloped Mount Diablo Range of hills.

Since this designation is planned at the urban/non-urban interface, the type and level of development may require different construction standards, such as narrower street widths with parking along only one side of the street or no on-street parking, greater setbacks, limited sidewalk areas, etc. Development may require a different level of services than that required for strictly urban land uses. Projects that minimize the demand for urban services and provide major funding for construction of needed service facilities would be appropriate.

Environmental constraints such as steep slopes, riparian habitats, unstable soil conditions, sensitive flora and fauna, and visual prominence are often found on lands with the Estate Residential designation. These constraints may make development of these areas extremely sensitive, and could require creative and imaginative site planning in all projects. The steepness of the slopes and the visual prominence of these areas make many of these resources important public amenities to be preserved for all of the citizens of Antioch. Finally, as these areas will serve as a buffer between the urbanized City of Antioch and the undeveloped open space to the southwest, development must be at a level, which serves as an appropriate transition between urban and non-urban environments.

Development in this category is generally limited to a maximum of one (1) unit per gross developable acre, unless a density of two (2) units per developable acre is specified on the

with views to the north and east. To preserve open space and views along the River, and to attract residents down to the area, the City has developed projects such as the Municipal Public Marina (built in 1988) and the Antioch Riverfront Promenade.

In 1981, the City enacted the Hillside Planned Development (HPD) Ordinance to protect hillsides, ridges, and ridgelines within the City. The Ordinance was revised and adopted in 1994 as part of the Zoning Ordinance and applies to those hillside areas in which one or more of the following apply:

- A predominant portion of the area has slopes in excess of 10 percent;
- A significant area of slopes of 25 percent or greater; or
- A significant ridgeline, hilltop, or exposed slope is located in the area.

The purpose of the Ordinance is to promote a more harmonious visual and functional relationship between the natural and built environments. The HPD Districts are reserved for residential uses that are clustered in a manner that will preserve significant features of hillside areas, such as drainage swales, streams, steep slopes, ridgelines, rock outcroppings, and native vegetation.

As of 1998, the City had three HPD Districts located in the south and southwest portions of the City. This land could be developed or redeveloped at any time with uses as specified in the General Plan or Zoning Ordinance. Areas designated, currently or in the future, as HPD Districts will be developed and should not be considered permanent passive open space. However, these areas will be developed in a manner which preserves valued open space characteristics.

10.3.1 Open Space Objective

Maintain, preserve and acquire open space and its associated natural resources by providing parks for active and passive recreation, trails, and by preserving natural, scenic, and other open space resources.

10.3.2 Open Space Policies

- a. Establish a comprehensive system of open space that is available to the public, including facilities for organized recreation; active informal play; recreational travel along formal, natural, and riverfront trails; passive recreation; and enjoyment of the natural environment.
- b. Implement the design standards of the Community Image and Design Element so as to maintain views of the San Joaquin River, Mount Diablo and its foothills, Black Diamond Mines Regional Preserve and other scenic features, and protect the natural character of Antioch's hillside areas as set forth in the Community Image and Design Element¹.
- c. Maintain the shoreline of the San Joaquin River as an integrated system of natural (wetlands) and recreational (trails and viewpoints) open space as set forth in the Land Use Element and Public Services and Facilities Element.
- d. Where significant natural features are present (e.g., ridgelines, natural creeks and other significant habitat areas, rock outcrops, and other significant or unusual landscape features), require new development to incorporate natural open space areas into project design. Require dedication to a public agency or dedication of a conservation easement, preparation of maintenance plans, and provision of appropriate long-term management and maintenance of such open space areas.
- e. Require proposed development projects containing significant natural resources (e.g. sensitive or unusual habitats, special-status species, habitat linkages, steep slopes, cultural resources, wildland fire hazards, etc.) to prepare Resource Management Plans to provide for their protection or preservation consistent with the provisions of the Antioch General

¹ Policies related to viewshed protection are set forth in Section 5.4.2, General Design Policies. Hillside design polices are found in Section 5.4.14.

Plan, other local requirements, and the provisions of State and Federal law. The purpose of the Resource Management Plan is to look beyond the legal status of species at the time the plan is prepared, and provide a long-term plan for conservation and management of the natural communities found onsite. Resource Management Plans shall accomplish the following.

- Determine the significance of the resources that are found onsite and their relationship to resources in the surrounding area, including protected open space areas, habitat linkages and wildlife movement corridors;
 - Define areas that are to be maintained in long-term open space based on the significance of onsite resources and their relationship to resources in the surrounding area, and
 - Establish mechanisms to ensure the long term protection and management of lands retained in open space.
- f. Encourage public access to creek corridors through the establishment of trails adjacent to riparian resources, while maintaining adequate buffers between creeks and trails to protect sensitive habitats, special-status species and water quality to the maximum extent feasible.
- g. Where feasible, incorporate preserve and protect significant existing natural features as part of the design of new development projects rather than removing them. Where preservation of natural features is not feasible, introduce natural elements into project design. Impacts to significant natural features that cannot be preserved or reintroduced into the project design on-site shall be mitigated off-site.

and worthy of consideration in the California Natural Diversity Database:

- Native grasslands
- Vernal pools
- Stabilized interior dunes
- Seasonal wetlands
- Freshwater seeps
- Freshwater marshes
- Coastal brackish marshes
- Alkaline floodplains
- Alkali seeps
- Valley oak woodlands
- Riparian woodland

Grassland. Native grasslands have been reduced to 90 percent of their former area in California. Native grassland in the Antioch Planning Area would be dominated by purple needlegrass (*Nassella guchra*). A variety of spring wildflowers are also found in native grasslands. Because of the rarity of this once abundant vegetation type, the California Department of Fish and Game may request mitigation for projects that impact native grasslands. Additionally, special-status plants are more likely to be found in undisturbed native vegetation. Native grasslands are most likely to be found scattered in the southern part of the Antioch Planning Area. A number of special-status species has been identified in certain native and non-native grassland habitats within and adjacent to Antioch, including San Joaquin kit fox (*Vulpes macrotis*), California tiger salamander (*Ambystoma californiense*), American badger (*Taxidea taxus*), western burrowing owl (*Athene cunicularia hypugea*), and golden eagle (*Aquila chryseatos*).

Vernal Pools. Vernal pools are seasonal wetlands typically occurring in depressions in grasslands. These depressions collect water during the winter and spring rains, and dry once the rains cease. As the ponds dry in the spring, a succession of different plant species bloom around the edges of the pool. A high-quality vernal pool will display concentric rings

~~10.4 BIOLOGICAL RESOURCES OBJECTIVE AND POLICIES~~

~~Although it is largely urbanized, portions of remaining undeveloped lands contain vegetation and habitat types the California Department of Fish and Game considers rare~~

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ATTACHMENT "X"

ARTICLE 24: HILLSIDE PLANNED DEVELOPMENT DISTRICT

§ 9-5.2401 PURPOSE.

(A) The Hillside Planned Development District (HPD) is intended to promote a more harmonious visual and functional relationship between the natural and built environments.

(B) The district shall provide for the following:

(1) The preservation of significant features of hillside areas, such as drainage swales, streams, steep slopes, ridgelines, rock outcroppings and native vegetation;

(2) The encouragement in hillside areas of an alternative and varied development approach that would provide the maximum in safety and human enjoyment while utilizing the opportunities presented by the natural terrain;

(3) The concentration of dwelling units and other structures through clustering so as to preserve the most sensitive terrain in its natural state;

(4) A mixture of housing stock so as to provide variation in appearance;

(5) Compliance with the land use densities specified in the General Plan with the understanding that in areas featuring steeper slopes, densities shall diminish as the slope of the terrain increases;

(6) Consistency with the Open Space Element of the General Plan and evidence that detailed and effective arrangements for the preservation, maintenance and control of open space and recreational lands are provided;

(7) The minimization of grading and cut and fill operations consistent with the retention of the natural character of the terrain; and

(8) The minimization of water runoff and soil erosion problems in the modification of the terrain to meet on-site and off-site development needs.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2402 GENERAL PROVISIONS.

(A) This section shall apply to those hillside areas in which one or more of the following apply:

(1) A predominant portion of the area has slopes in excess of 10%;

(2) A significant area of slopes of 25% or greater are located in the area; or

(3) A significant ridgeline, hilltop, or exposed slope is located in the area.

(B) Applicability for a particular area shall be determined by the Zoning Administrator and may be appealed to the Planning Commission and City Council. The provisions of this section shall not apply to those parcels of record for which a tentative map or final development plan has been approved and for which a plan or map has not expired. All such parcels of record shall be

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permitted at least one dwelling unit unless such right is or has been previously waived by scenic easement, deed of development rights, or other device.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2403 RELATIONSHIP TO LAND SUBDIVISION.

In situations where a subdivision of land (e.g., a tentative map) is undertaken in conjunction with the establishment or implementation of a P-D District, such subdivisions shall be processed concurrently and approved under the same resolution of approval.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2404 USES PERMITTED.

An HPD District shall generally be reserved for residential uses; however, other uses may be permitted in accordance with the General Plan or any approved Specific Plan and provided such uses are shown on the approved final development plan for that district.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2405 RELATIONSHIP TO EXISTING PLANS.

All standards, requirements, densities, land use designations and other contents of an approved final development plan shall be in substantial conformance with the General Plan and any applicable Specific Plan.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2406 ESTABLISHMENT AND DEVELOPMENT.

(A) A Hillside Planned Development District may be established upon an application of the property owner or owners or upon the initiative of the city.

(B) Prior to the extensive preparation or submittal of detailed plans and information the applicant is required to submit a preliminary proposal to the Community Development Department so that the applicant may be informed of possible environmental concerns, General Plan and engineering requirements, circulation, siting and design criteria and other factors that may affect the proposal.

(C) A preliminary development plan for a proposed HPD District shall be submitted for Planning Commission approval. In considering the preliminary development plan at its public hearing, the Commission shall determine its appropriateness based on its ability to meet the purpose of this article. In no case shall approval of the preliminary development plan constitute an endorsement of the proposal's precise location, extent of uses, configuration of parcels or engineering feasibility.

(D) Once a preliminary development plan has been approved by the Planning Commission a final development plan may be submitted to the city. The review and approval procedure and findings for a final development plan for a HPD District shall be the same as that for a P-D

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District. If approved the property shall be rezoned as an HPD District and so indicated on the zoning map of the city.

(E) A use permit shall be required prior to the construction of any phase of an approved HPD District and shall follow the same review and approval procedure as outlined for P-D Districts.

(F) The required submittal materials for HPD District approval shall be as listed in the application package available from the Community Development Department.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2407 DEVELOPMENT STANDARDS AND CRITERIA.

(A) The development standards and criteria set forth in this section are the minimum necessary to insure that the intent of this article is achieved. Such standards and criteria recognize the unique nature of hillside areas and are designed to provide greater flexibility so that more innovative development schemes are possible. Despite the intended flexibility, there may arise unique circumstances in which the development standards and criteria set forth in this section may result in severe hardship or produce results counter to the stated intent of this chapter. Where these circumstances are proven to exist, exceptions to such standards may be permitted coincidental with the approval of the Hillside Planned Development District.

(B) It is the expressed intent of this section that innovative development techniques be utilized in hillside areas, therefore flexible lot standards shall be allowed. To this end, minimum yard or lot areas, lot widths, lot depths, distances between buildings, maximum lot coverage and/or rear yard access requirements shall be specific for each HPD District and approved with the final development plan and use permit for each project. This provision shall be consistent with any and all fire, building or other safety codes.

(C) In approving an HPD, the degree to which the proposed lot specifics meet the intent of this chapter shall be evaluated based on the following:

- (1) The manner in which the proposal relates to the natural topography;
- (2) The degree to which grading and cut and fill operations are minimized;
- (3) The stability of the soil and underlying geology;
- (4) The degree to which unique natural features, such as rock outcroppings, ravines, creeks, and steep hill faces, are preserved;
- (5) The effect on native vegetation and the extent to which landscaping enhances the characteristics of the area;
- (6) The vehicular accessibility;
- (7) The extent to which parking areas are well-designed and functional;
- (8) The degree to which dwelling units relate to recreational and natural areas;
- (9) The degree to which individual privacy is provided for; and

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(10) The degree to which the project relates to adjacent existing and future developments.

(D) The design of building, fences, and other structures shall be in harmony with and enhance natural site characteristics in regard to height, massing, texture, color, reflective properties, roof characteristics, and setbacks. Fences shall not extend vertically into any areas where the visual quality of a hillside would be disrupted nor shall the roofing of any structure be situated so as to visually extend above any significant ridgeline when viewed from off-site.

(E) (1) Hillside streets should reflect a rural rather than an urban character. Curbs and gutters will be required, unless it can be shown that an alternative pavement treatment will permit adequate drainage and will not adversely impact the roadway base.

(2) Horizontal and vertical street alignments should relate to the natural contours of the site. Proposed street designs shall minimize grading to the extent feasible and shall account for the following:

- (a) The steepness of the terrain;
- (b) The depth of the cut, the amount of cut and fill required and the height and appearance of required retaining walls;
- (c) The ability to grade required cut and fill areas to give the appearance of natural slopes;
- (d) The provision of off-street parking to compensate for any inability to provide on-street parking;
- (e) The provision of adequate turnouts;
- (f) The adequacy of site distances provided;
- (g) The safety of driveway entrances;
- (h) The maximum number of dwelling units which can ultimately be served by the streets;
- (i) The length of the street and its potential to become a through street; and
- (j) The provision of access for emergency vehicles.

(3) To better match a project's streets with its natural setting, varied right-of-way widths, off-street rather than on-street parking, split level streets and a variety of street designs (e.g., cul-de-sac, hammerheads, short loop streets) may be considered. Private streets or lanes may be allowed where they will create a more desirable living environment and result in a more effective use of hillside amenities.

(4) Street lighting used in an HPD District shall be low profile, unobtrusive, and designed to enhance the rural character of the area while providing adequate safety and security.

(F) (1) A pedestrian circulation plan shall be provided to ensure adequate separation between vehicular and pedestrian traffic. The need for public sidewalks shall be determined by their expected levels of use and may be waived where appropriate. Private walkways/paths connecting dwelling units with each other and with various components of the HPD District may

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be utilized and shall be the responsibility of a homeowners' association or other maintenance mechanism.

(2) Bicycle and equestrian trails, if provided, shall be integrated into an overall plan for the HPD District and, where possible, provide linkage to a city-wide and/or regional trail system.

(G) (1) Where the General Plan and/or an adopted Specific Plan designates any portion of an area as open space, it shall be reflected in the proposed development plan. Any area not previously designated as open space but which lends itself to such use should be similarly identified on the development plan. Areas proposed as open space should include irreplaceable natural features such as stream beds, significant stands of trees, individual trees of significant size, age and/or appearance, exposed or steep slopes, significant ridgelines and rock outcroppings. Natural features of lesser significance which nonetheless are aesthetically important shall be preserved.

(2) Dedication of open space as a part of a public open space or park system may be required. Where such offer of dedication is not accepted, the development shall provide for the maintenance and preservation of such open space through covenants or other legal arrangements acceptable to the Council. Common private open space which is permanently maintained as a landscaped park or recreational area may be eligible for credit toward the development's park dedication requirements.

(H) All new utilities shall be installed under-ground and shall conform to the rules and regulations of the State Public Utilities Commission. Drainage and flood control devices shall be integrated into the landscape and, where feasible, natural-appearing drainage ways shall be used.

(I) A Stormwater Control Plan shall be prepared by an engineer, or equally qualified professional as determined by the City Engineer. The City Engineer may require that the Stormwater Control Plan be prepared by a licensed civil engineer. All architectural, civil engineering, and landscape site plans shall be consistent with the storm water control plan.

(Ord. 897-C-S, passed 10-25-94; Am. Ord. 1064-C-S, passed 12-13-05) Penalty, see § 9-5.2904

§ 9-5.2408 GRADING.

(A) Any parcel of land subject to this article shall not be graded unless such grading is specifically shown on an approved final development plan. Grading shall be planned so that it blends into the natural landscape of the site and lessens any associated negative visual impacts from such grading. The use of 2:1 slopes shall be avoided, as shall the use of benches. Where allowed, 2:1 slopes and benches shall be of limited height and designed so that they are situated and/or screened by structures to minimize visibility from public rights-of-way and off-site properties. While mass grading is generally prohibited, the grading of less significant land forms is allowable, as is the grading of more significant natural features, provided such modifications will result in an improvement of the overall project and are in keeping with the overall intent of this article.

(B) In steeper areas and areas of greater visibility, grading should generally be limited to that portion of the site required for the structure and limited associated outdoor area. The use of retaining walls, terracing, platform structures, and stepped or post and beam construction shall be used to minimize the impacts of grading on steeper slopes. In areas of lesser slopes, limited

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padding may be allowed where it could provide for the clustering of development and would otherwise promote the intent of this article.

(C) Grading plans shall be reviewed to ensure that any land form modifications will not adversely impact adjacent property owners and that proposed grading will be able to blend into any existing and future development on adjacent parcels.

(Ord. 897-C-S, passed 10-25-94) Penalty, see § 9-5.2904

§ 9-5.2409 LAPSE OF APPROVAL.

A final development plan shall expire two years after date of approval or at an alternate date specified as a condition of approval, unless there has been any activity in that HPD District (e.g., a use permit has been approved or a building permit issued for any development phase of the HPD) or an extension has been granted.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2410 EXTENSION AND RENEWAL.

A final development plan approval may be extended by the Planning Commission for a two-year period without notice or public hearings, if the findings required remain valid. The Planning Commission may modify the final development plan and/or add conditions of approval at this time based on this review.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2411 CHANGED PLANS AND NEW APPLICATIONS.

(A) A request for modifications to the conditions of approval for a final development plan shall be treated as a new application, unless the Zoning Administrator finds that the changes proposed would be non-controversial, minor, do not involve substantial alterations or additions to the plan, and are consistent with the intent of the original approval.

(B) If an application for a final development plan is denied, no new application for the same, or substantially the same, final development plan shall be filed within one year of the date of last denial, unless the denial was made without prejudice.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2412 HPD DISTRICTS APPROVED PRIOR TO ADOPTION.

Final development plans approved by the City Council prior to adoption of this chapter shall not be subject to these provisions.

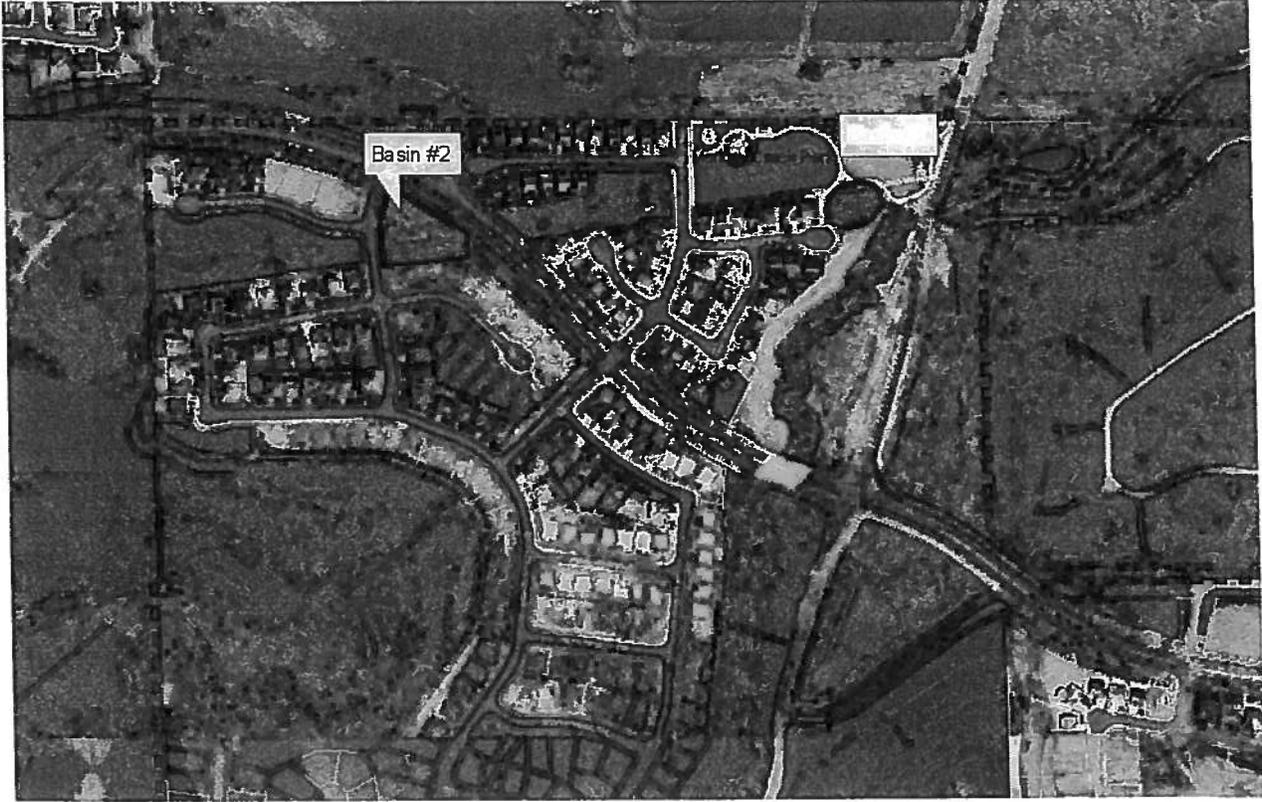
(Ord. 897-C-S, passed 10-25-94)

D219

XL

ATTACHMENT "Y"

Basin Aerial



D220
Y1

ATTACHMENT "Z"

RESOLUTION NO. 2011/18

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH

CONFIRMING THE NOTICE OF DEFAULT AND BREACH SENT FEBRUARY 24, 2011 TO SEENO HOMES/SECON FINANCIAL AND CONSTRUCTION CO., INC. AND DISCOVERY BUILDERS/BLACK DIAMOND LAND INVESTORS LLC AND APPROVING THE DEED RESTRICTION ON THE BLACK DIAMOND OPEN SPACE PROPERTY

WHEREAS, the City Council approved the Black Diamond Ranch Subdivision (formerly known as Sky Ranch) on November 12, 1996 pursuant to Resolution No. 96/188, which was extended on November 10, 1998 pursuant to Resolution No. 98/164; on July 8, 2003 the City Council approved a Residential Development Allocation for this project; on August 6, 2003 the Planning Commission approved a Use Permit pursuant to Resolution No. 03-29; on October 14, 2003 the City, Discovery Builders and Secon Financial and Construction Co. entered into a Development Agreement, which was approved pursuant to Ordinance No. 1008-C-S and extended on October 10, 2006 pursuant to Ordinance No. 1079-C-S; and

WHEREAS, the conditions of approval for the Black Diamond Ranch Subdivision required the developer – at that time Secon Financial and Construction Co. and Discovery Builders -- to widen Somersville Road and to pay all costs for the design, permitting and City construction of a culvert crossing for Markley Creek; and

WHEREAS, pursuant to an Improvement Agreement dated March 17, 2004, Discovery Builders Inc. agreed to pay for the design, construction, environmental permitting and mitigation for the Markley Creek Culvert Crossing at Somersville Road with a surety bond in the amount \$1,100,000 for the Markley Creek Culvert Crossing submitted with the Improvement Agreement; and

WHEREAS, a Deferred Improvement Agreement dated May 1, 2007 was executed by the City and Black Diamond Land Investors LLC detailing the developer's requirement to widen James Donlon Boulevard and to commence construction within 60 days of the City's approval of the plans for the work and all other agency approval with a surety bond in the amount of \$4,202,670 submitted with the Deferred Improvement Agreement; and

WHEREAS, in order to resolve a lawsuit filed on June 24, 2004 by Seeno Homes entities SPPI-Somersville, Inc. and Somersville-Gentry Inc. regarding contamination of property adjacent to the old Contra Costa Landfill, the City of Antioch entered into a Settlement Agreement with SPPI-Somersville, Inc. and Somersville-Gentry Inc. dated September 15, 2009 and agreed to defer construction of the Markley Creek Culvert Crossing project for one year after all of the environmental permits were obtained then the Somersville Road Widening project for one year after the Culvert crossing was installed but no earlier than May 2011 for the Somersville Road Widening project; and

WHEREAS, the Markley Creek Culvert Crossing can only be constructed during the dry season (typically April 15th to October 1st) and should be constructed before the Somersville Road Widening project; and

D221

Z1

WHEREAS, all of the environmental permits for the Markley Creek Culvert Crossing project and Somersville Road Widening project were in place on July 31, 2009 and the Markley Creek Culvert Crossing should have been constructed in 2010 and the Somersville Road widening should be constructed in 2011; and

WHEREAS, due to the continued failure to construct the Markley Creek Culvert Crossing project within one year of all of the environmental permits being obtained on July 31, 2009 and to then proceed with the construction of the Somersville Road Widening project within 2 years of July 31, 2009, a Notice of Default and Breach dated February 24, 2011 was sent to Seeno Homes/Seecon Financial and Construction Co., Inc. and Discovery Inc./Black Diamond Land Investors LLC under the Development Agreement dated October 14, 2003; Improvement Agreement dated March 17, 2004; Improvement Security bond from Travelers dated March 19, 2004 (no. 104285182); Subdivision bond from Safeco dated April 20, 2007 (bond no. 6482641); Deferred Improvement Agreement dated May 1, 2007; and Settlement Agreement dated September 15, 2009; and

WHEREAS, at 4:00 p.m. on March 8, 2011, the City received a letter from an attorney for Seecon Financial and Construction, Inc. Discovery Builders, Black Diamond Land Investors LLC and affiliated entities indicating that it was their position that the City of Antioch is responsible for permitting, design and construction of the Markley Creek Culvert Crossing project at the cost of the Discovery Builders; and

WHEREAS, Discovery Builders failed to grant a required deed restriction to the California Department of Fish and Game on open space property in the Black Diamond Ranch project before conveying the property to the City and the Department of Fish and Game is now requiring the City to grant the deed restriction;

NOW, THEREFORE, BE IT RESOLVED that due to the continued failure to construct the Markley Creek Culvert Crossing project within one year of all of the environmental permits being obtained on July 31, 2009 and to then proceed with the construction of the Somersville Road Widening project within 2 years of July 31, 2009, the City Council confirmed the February 24, 2010 Notice of Default and Breach putting the parties on notice of the need to cure defaults and breaches under the following agreements:

- a. Black Diamond Land Investors, LLC (successor in interest to Seecon Financial and Construction Co., Inc. and Discovery Builders, Inc.) is not complying in good faith with the terms of the Development Agreement dated October 14, 2003 and executed by Albert D. Seeno Jr. and Albert D. Seeno III and is in default of that Agreement;
- b. Discovery Builders Inc. has defaulted on the Improvement Agreement dated March 17, 2004 and executed by Albert D. Seeno III;
- c. Black Diamond Land Investors LLC has defaulted on the Deferred Improvement Agreement dated May 1, 2007 and executed by Albert D. Seeno III;

D222
Z2

- d. SPPI-Somersville, Inc. and Somersville-Gentry Inc. have breached the Settlement Agreement dated September 15, 2009 and executed by Albert D. Seeno Jr.;

BE IT FURTHER RESOLVED, given the letter that the City received at 4:00 p.m. on March 8, 2011, from an attorney for Seecon Financial and Construction, Inc. Discovery Builders, Black Diamond Land Investors LLC and affiliated entities indicating that it was their position that the City of Antioch is responsible for permitting, design and construction of the Markley Creek Culvert Crossing project at the cost of the Discovery Builders, then there are a number of different tasks that Seeno Homes/Discovery Builders will need to undertake to ensure that there is no continuing default or breaches in their obligations under the Development Agreement dated October 14, 2003; Improvement Agreement dated March 17, 2004; Improvement Security bond from Travelers dated March 19, 2004 (no. 104285182); Subdivision bond from Safeco dated April 20, 2007 (bond no. 6482641); Deferred Improvement Agreement dated May 1, 2007; and Settlement Agreement dated September 15, 2009, including but not limited to the following:

Taking any steps necessary to transfer the environmental permits for the Culvert Crossing project in the name of Discovery Builders to the City;

Providing electronic and hard copies of all design plans and specifications for the Culvert project and assigning the City the right to use them to construct the project;

3. Reimbursing the City for costs incurred in obtaining the environmental permits, design and construction of the project.
4. Taking any other actions necessary to allow the City to proceed with the Culvert Crossing project.
5. Upon completion of the Markley Creek Culvert Crossing project, to undertaken construction of the Somersville Road Widening project.

BE IT FURTHER RESOLVED that the City Council approves the deed restriction on Black Diamond Ranch open space property located immediately west of Somersville Road that Discovery Builders failed to provide the Department of Fish and Game before deeding the property to the City (Exhibit 1) and authorizes the City Manager to execute and record the deed restriction when he deems it appropriate.

* * * * *

D 223
23

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 8th day of March 2011 by the following vote:

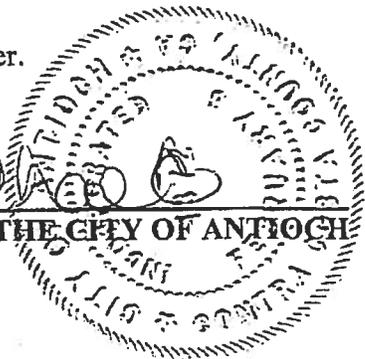
AYES: Council Members Kalinowski, Rocha, Agopian and Mayor Davis.

NOES: None.

ABSENT: None.

RECUSED FOR CONFLICT OF INTEREST: Council Member Harper.

[Handwritten Signature]
CITY CLERK OF THE CITY OF ANTIOCH



0224
24

ATTACHMENT "AA"

Gentry, Mindy

From: Peggy Vertin [moonwork_04@comcast.net]
Sent: Saturday, October 12, 2013 10:03 AM
To: Gentry, Mindy
Subject: Objection to The Pointe Development Rezoning Request and Mitigated Negative Declaration

Dear Mindy:

I am receipt of your notice of intent to amend the negative declaration concerning The Pointe developed and file a mitigated negative declaration. I strongly object that Discovery Builders is allowed not comply with environmental policies and requirements that we voters have in place out here. I just bought my home and was told no one would be building above or I would not have bought my home. I was those were part of Black Diamonds wildlife refuge and no one would be building above. This will seismic issues for all of us which some people are already experiencing with their new homes.

Someone posted on nextdoor.com that Mr. Seeno plans to completely bulldoze our hills and I see he wants the zoning changed so it is for a Planned Community instead of a Hillside Community.

I will hire an attorney. My purchase was misrepresented and I will be down there to read the papers and attend the meeting. Mr. Seeno should not be given carte blanche to kill the environment out here. I was really disgusted to see all that grading at Blue Ridge they did. I've lived Contra Costa County since 1965 and Antioch should be ashamed at what it is letting these developers do. We need to maintain the beauty of Contra Costa while doing some development too but like out what they did at Blue Ridge.

I will be down there to review those papers at my earliest opportunity. I'm not going down without a fight on this.

Peggy Vertin

0225
AA1

Gentry, Mindy

From: kathy roberson [kardpr@att.net]
Sent: Sunday, October 27, 2013 7:34 PM
To: Gentry, Mindy
Subject: the pointe by discovery builders

Hello I'm writing you to tell you my concerns about this development, there is already enough congestion on somersville rd, pretty much enough in antioch as it is, the roads are not very good, when we bought our house this was not mentioned to us, if we would of known this we would have definitely purchased our home else where, it is sickening to think that the city would ok with something like this just to make a buck, and not take care of the people who pay their paycheck. our little community has already been a victim of many crimes and still not enough protection from the police because to little of them are to busy with the scum on the other side of antioch, which then brings me to the other development that discovery plans on doing again we would not have purchased our home if knowing that we would have "low income" which most of the time translates to welfare, drug dealers, which than brings their friends from other crappy neighborhoods than leads to crime because what else do they have to do but steal from hard working tax paying abiding citizens like myself ,my family, and my neighbors in the terraces. if this was disclosed in the paperwork at the time of purchasing our home (it wasn't) we would have gone to another city to purchase our home. it's really sad to feel this way but i wish we wouldn't have purchased here and gone somewhere else...I thought the city of antioch was trying to revive the city to make it a better place??? chopping down hillsides to cram more people in, to congest the roads even more than what they are, or have crime spike WAY more than it already is, is not my ida of making antioch a better place. i have told my friends who were potentially wanting to purchase here in antioch not to because you aren;t being told the truth you think you are purchasing a beautiful home in a quiet community and than they're disregarding it to pile more people on top of you.

Thank you for your time
kathy roberson

Gentry, Mindy

From: Radiah Mikel [rsjmikel@hotmail.com]
Sent: Wednesday, December 04, 2013 8:59 AM
To: Harper, Wade; Rocha, Mary; Agopian, Gary; Wilson, Monica; Tiscareno, Tony; Council
Cc: Gentry, Mindy; Michael Mikel
Subject: ** HOMEOWNERS ARE OPPOSED TO THE POINTE (Discovery Builders)
Attachments: Picture #1.docx; Picture #2.docx; Picture #3.docx; Signatures.pdf

**BLACK DIAMOND ESTATE and THE TERRACE HOMEOWNERS ARE OPPOSED TO
THE POINTE**

Hello City of Antioch Council Members:

Mayor Wade Harper

Mayor Pro Tem Mary Helen Rocha

Council Member Gary Agopian

Council Member Monica E. Wilson

Council Member Tony G. Tiscareno

On Dec 10th there will be a public hearing in regards to the Discovery Builders proposed development call The Pointe. This gated community would be located in the middle of two existing developments, The Estates at Black Diamond and The Terraces. The majority of the homeowners of these two existing communities strongly oppose the building of The Pointe in the midst of our neighborhood. As a community we have many concerns about the Discovery Builders plan, but for brevity we want to draw your attention to four issues:

1. When purchasing our homes we were never told of the plan to develop the Country Side Way hillside. In fact the staff at the Black Diamond Estate sales office assured us that the hill would remain wildlife open space. As the accompanying photo will reveal two home sites were for sale where the builder now plans a road. Two home sites were for sale where the builder now plans a road. (See picture #1)

2. We are very concerned about the environmental impact of the planned development. Given that the plan calls for the removal of over 100 vertical feet of hill (equal to a 10 story building) as well as the massive grading, it's hard to believe anyone would argue that major impact to the geology, hydrology and air quality should not be determined. The fact that the project requires exemptions to the Antioch General Plan and the City Hillside Planned Development Ordinance are evidence of the potential environmental impact. There will be major impacts to the aesthetics and visual quality of not only our neighborhood, but the surrounding area. We believe the California Environmental Quality Act (CEQA) mandates that an Environmental Impact Report be prepared before this project can proceed. (See picture #2)

3. Traffic in the area around this planned development is already horrendous. The intersection between Somersville and James Donlon is a nightmare to traverse, and with the development of this project it will only get worse. In addition, we have lived with major construction in our neighborhoods for over eight years. All the while looking forward to the day when our community would at last be complete. With that day finally in sight, we are now begin told we can look forward to a whole new round of major construction with the accompanying noise and congestion for years to come? Enough is enough!

4. Over the last eight years, we have worked hard to create not just a neighborhood, but a community. A community of diverse families working to have our homes places anyone would be proud to call their own. We have a vibrant and growing social network in this neighborhood. We make a strong effort to meet one another with block parties and neighborhood watch meetings, we lookout for our neighbors homes when their on vacations. In short, we have the kind of community the city of Antioch should encourage and support, the kind of neighborhood Discovery Builders aspire to build. So why then would you insert in the middle of this community, a large gated community that by its very nature will cause division? (See picture #3)

Why create this artificial separation in the midst of our homes? This gated development, if allowed to go forward would not only sit in the center of our community, but above it.

We would not be able to meet these new neighbors without access to their keypad entrance, and would likely only see them as they pass in and out of their gate. This planned development would have a devastating impact on our community.

As we stated in the beginning, we have many objections to this proposed development by Discovery Builders, but we think these issues listed above should be enough for the council to adopt the recommendation of the planning commission to deny Discovery Builders General Plan Amendment of re- zoning the hillside.

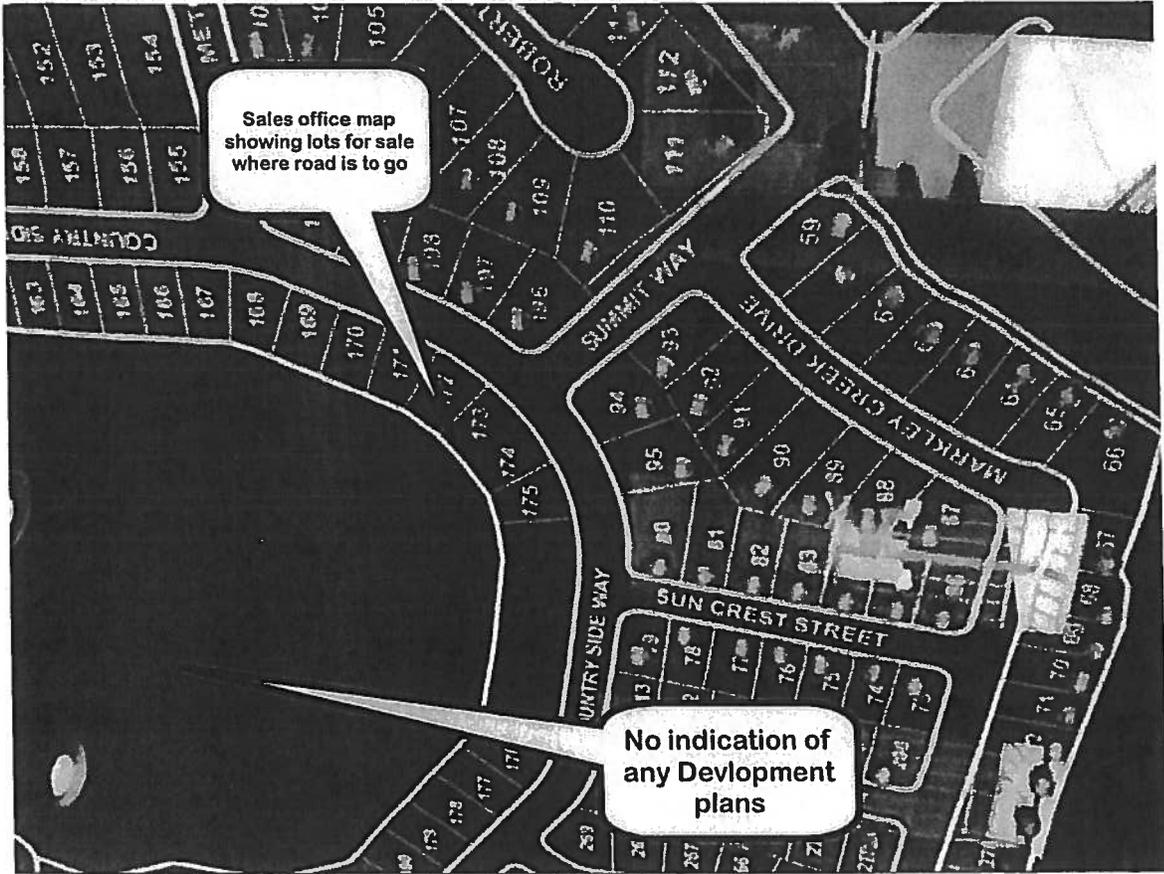
Thank you for your consideration,

Black Diamond Estates Homeowners and The Terraces Homeowners,

1. Angelico Miranda – 4045 Barn Hallow Way
2. Angela Miranda – 3551 Country Side Way
3. Michael Villanueva – 3551 Country Side Way
4. Eva Garcia – 4045 Barn Hallow Way
5. Charity Miranda – 4045 Barn Hallow Way
6. Jesse Wang – 4030 Roberts Ct
7. Lakesha Smith – 3616 King Ct
8. Mario Alvarez – 3531 Country Side Way
9. Yanira Alvarez – 3531 Country Side Way
10. Shawn Tims – 4027 Roberts Ct
11. Rocky Hast – 4020 Robert Ct
12. Randy Mortunrco – 4024 Roberts Ct
13. Samuel Maurice Porter – 4020 Sun Crest
14. M Rodriguez – 4012 Sun Crest
15. Sanh Troung – 4027 Sun Crest
16. Victor Lizardi – 4016 Sun Crest
17. Edgar Cacanindin – 4004 Sun Crest
18. Andres Tejada – 4004 Wind Chime St
19. Patrick Hanavan – 3557 Markley Creek Dr.
20. Lan Lee – 3557 Markley Creek Dr.
21. Nick Panchlis – 3565 Makley Creek Dr.

22. Arnel Cortez – 4008 Wind Chime St
23. Craig Kaleiki – 4012 Wind Chime St
24. Androde Victor – 4015 Wind Chime St
25. Roy Norwood – 4019 Wind Chime St
26. Regina Norwood – 4019 Wind Chime St
27. Paul Westlund – 4011 Wind Chime St
28. Riley Melvin – 3598 Country Side Way
29. Sonia Ortega – 3602 Country Side Way
30. Annie Hoang – 4023 Oak Knoll St
31. L. Russo – 4028 Oak Knoll St
32. Michael Platt – 4024 Oak Knoll St
33. Bo Ruczyn – 4007 Oak Knoll St
34. Arne Ragario – 4012 Oak Knoll St
35. Elvester Woods – 3569 Markely Creek Dr.
36. Alicia Hays – 3541 Country Side Way
37. Margaret Vertin – 3620 Torgensen Ct
38. Radiah Mikel – 3555 Country Side Way
39. Michael Mikel – 3555 Country Side Way
40. Hosien Amirfatahi – 3614 Torgensen Ct
41. Golnar Parvizi – 3614 Torgensen Ct
42. Robert Williams – 3518 Country Side Way
43. Dalvin Hayes – 3541 Country Side Way

44. T. Bimbona – 3521 Country Side Way
45. David & Susie Talcoth – 3530 Country Side Way
46. Erica Curry – 3534 Country Side Way
47. Barbara Mikel – 3541 Country Side Way
48. Raman Viorh – 3510 Markely Creek
49. Aeyrah Suito – 4011 Sun Crest St
50. Lemuel Jonson – 4011 Sun Crest St

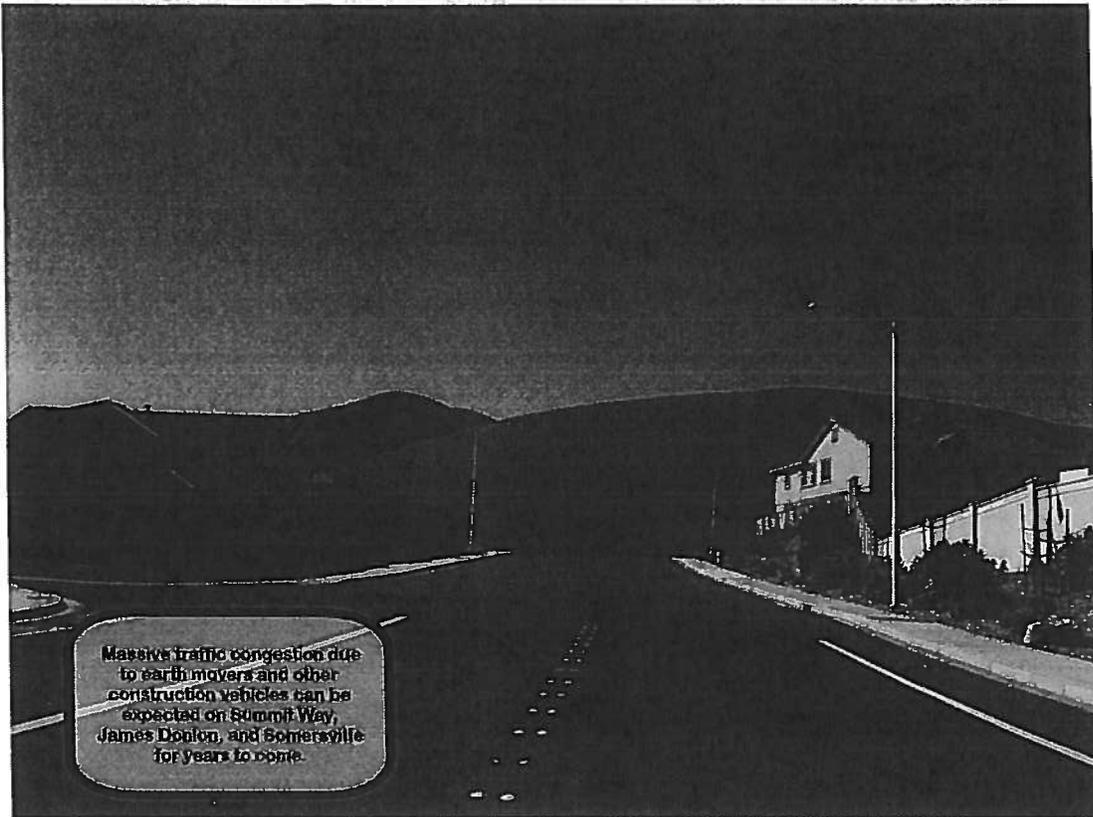


Sales office map showing lots for sale where road is to go

No indication of any Development plans

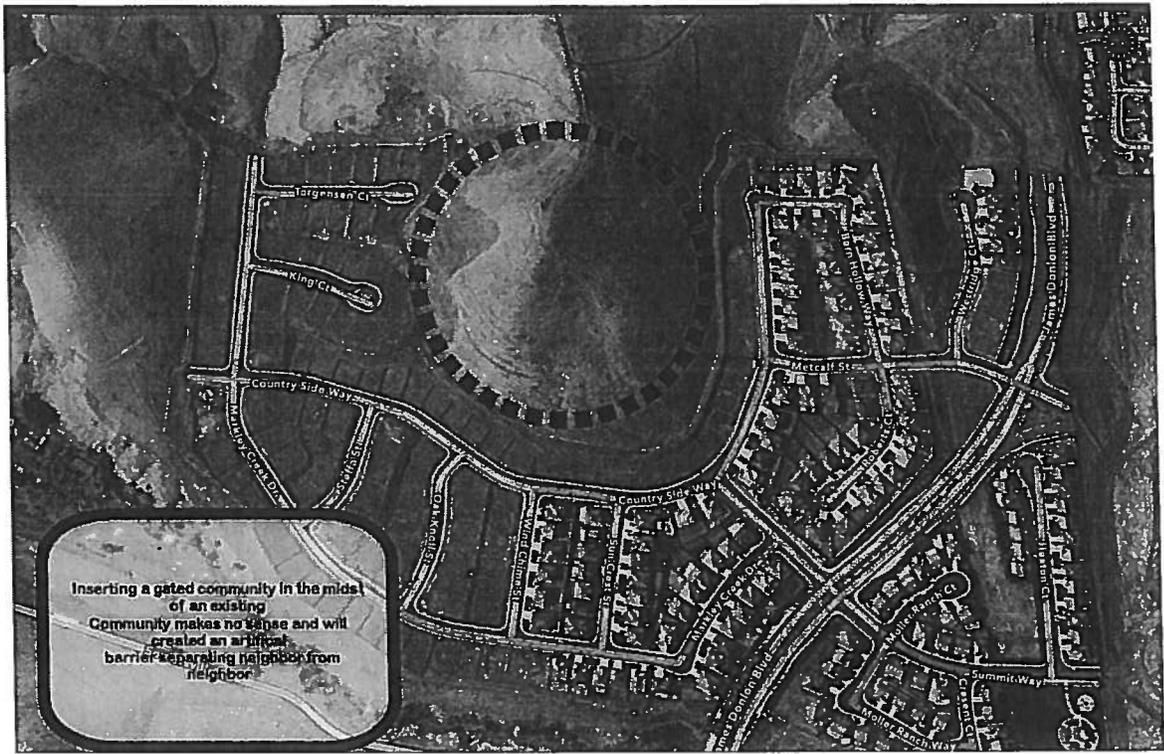
0233

AA9



Massive traffic congestion due to earth movers and other construction vehicles can be expected on Summit Way, James Doolen, and Somersville for years to come.

0234
AA10



0235

AA11

ATTACHMENT "E"

ANTIOCH CITY COUNCIL
Regular Meeting
December 10, 2013

Page 4 of 10

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the City Council unanimously approved the Council Consent Calendar with the exception of Items A and C, which were removed for further discussion.

Item A – Councilmember Rocha requested the approval of minutes be continued to seek clarifications on the attachment containing the conditions of approval for Kelly's Card Room.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council unanimously continued Item A.

Item C – Councilmember Agopian pulled Item C for a separate vote.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno, the Council approved Item C. The motion carried the following vote:

Ayes: Wilson, Rocha, Tiscareno, Harper

Noes: Agopian

PUBLIC HEARING

- 2. GP-13-02, Z-13-07, PD-08-01, PW 608, UP-08-01: THE POINTE – DISCOVERY BUILDERS REQUESTS THE APPROVAL OF A GENERAL PLAN AMENDMENT (GPA) FROM LOW DENSITY RESIDENTIAL TO INCLUSION IN THE SOMERSVILLE ROAD CORRIDOR FOCUS AREA AND TO ADD LANGUAGE TO THE GENERAL PLAN WAIVING THE REQUIREMENTS OF CERTAIN APPLICABLE SECTIONS OF THE GENERAL PLAN RELATED TO HILLSIDE DEVELOPMENT; A REZONE FROM HILLSIDE PLANNED DEVELOPMENT (HPD) DISTRICT TO PLANNED DEVELOPMENT (PD) DISTRICT; AN AMENDMENT TO THE ZONING ORDINANCE TO PROVIDE THE CITY COUNCIL WITH THE DISCRETION TO DETERMINE IF THE HILLSIDE PLANNED DEVELOPMENT POLICIES APPLY TO A PROJECT; A VESTING TENTATIVE MAP; A FINAL PLAN DEVELOPMENT; AND A USE PERMIT IN ORDER TO CREATE 60 LOTS INTENDED FOR SINGLE FAMILY HOMES. THE PROJECT IS GENERALLY LOCATED WEST OF THE INTERSECTION OF SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD (APN: 089-160-010). AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION ARE ALSO BEING CONSIDERED FOR ADOPTION. THE PLANNING COMMISSION DID NOT ACT ON THE IS/MND AND BY WAY OF A 5-0 VOTE, WITH ONE VACANCY AND ONE COMMISSIONER ABSENT, RECOMMENDED THE CITY COUNCIL DENY THE GENERAL PLAN AMENDMENT, REZONE, FINAL DEVELOPMENT PLAN, VESTING TENTATIVE MAP, AND USE PERMIT.**

Director of Community Development Wehrmeister provided the regulatory context background for land use and the California Environmental Quality Act (CEQA).

Senior Planner Gentry presented the staff report dated December 5, 2013 recommending the City Council: 1) Motion to adopt the resolution denying the General Plan amendments. 2) Motion to adopt the resolution denying the rezone of the subject property from Hillside Planned

E1

Development (HPD) to Planned Development (PD). 3) Motion to adopt the resolution denying the Final Planned Development, Tentative Map, and Use Permit.

Mayor Harper opened the public hearing.

City Attorney Nerland reviewed the manner in which the Public Hearing would be conducted.

APPLICANT

Louis Parsons, Discovery Builders Inc./Seeno, gave a brief PowerPoint presentation showing the proposed project. He showed the site and grading plan and the design constraints of the project. He stated they believed a project within the Urban Limit Line should be encouraged. Speaking in regards to Save Mount Diablo's opposition to the project, he noted it would not impact any of their land. He provided the Council with copies of the Conditions Covenants & Restrictions which indicated the project was disclosed to existing homebuyers in the area.

OPPONENTS

Mayor Harper read written comment from Antioch resident, Darryl Parker, who indicated he opposed the project and urged the City Council to uphold the Planning Commission recommendation to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit.

Robert Williams, Antioch resident, voiced his opposition to the project and expressed concern regarding the project generating increased traffic in the area. He questioned if there were sufficient emergency services for the area. He expressed concern that he had paid a supplemental tax bill for road improvements that had not been completed for the area.

Roy Norwood, Antioch resident, spoke in opposition to the project and urged the City Council to uphold the Planning Commission's decision to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit.

Radiah Mikel spoke in opposition to the project. She stated she was told when they purchased their home, the property would remain open space and they had paid a premium for their lot based on that information. She expressed concern that fencing was not built to meet the current environmental conditions and the removal of the hills would further impact those conditions. She expressed concern that a gated community would create an artificial separation in the midst of their homes.

Michael Mikel spoke in opposition to the project. He stated when they purchased their home, they were told the property would remain open space and they paid a premium on their lot based on that information. He stated ethically the developer had a responsibility to disclose that there were plans for it to be developed. He expressed concern that the developer does not want to keep the project within the guidelines of the General Plan and the Hillside Planned Development policy.

Rosa Jaureque, Antioch resident, expressed concern for the negative impact the project would have on traffic and habitat for the wildlife in the area.

Rocky Neal, Antioch resident, expressed concern that the current street design in the area does not allow for emergency vehicle access to cul-de-sacs. He reported several residents had grading issues with their properties and expressed concern that significant grading proposed, would create erosion issues to nearby properties. He reported that they were not allowed sufficient time to review the Conditions Covenants & Restrictions and they were misled as to what was in the document.

Larry Tong, East Bay Regional Park District, stated they believe the City can not make the findings needed to approve the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit. He noted the General Plan provisions for community image and design are critical components of quality of life and should be followed.

Kurt Woodland, Antioch resident, stated he was in agreement with Mr. Tong and the Planning Commission's recommendation to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit. He commented that the noise study was outdated and not sufficient for current conditions in the area.

Hans Ho, Antioch resident, stated he felt the developer was ignoring the quality of life of residents in the neighborhood and urged the City Council to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit.

Mayor Harper read written comments from Antioch residents, Darcy Johnson, John Koontz, Margaret Ellen Vertin, and Charity and Jake Meiranda, in opposition to the project.

Paul Hyams, Pittsburg resident, spoke in opposition to the project and urged the City Council to uphold the Planning Commission's recommendation to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit.

Seth Adams, Save Mount Diablo, reviewed written comments submitted and attached to the staff report which indicated their support for staff's recommendation to deny the General Plan amendment, rezone, Final Development Plan, Vesting Tentative Map and Use Permit.

REBUTTAL

Albert Seeno, Discovery Homes, commented that a Mitigated Negative Declaration was consistent with what was being used for other projects and the amendment requested was discretionary approval, consistent with other cities. He reiterated that the possibility of developing the property had been disclosed to the homebuyers in the Black Diamond Ranch project and development in the area was created to allow access to the hillside for future development. He noted this remainder parcel went through the proper process, was converted from open space, and now they are seeking the City's final approval. In response to concerns from residents, he commented that there would be no hillslides or mudslides, as a result of grading the hillside.

In response to Council, Director of Community Development Wehrmeister stated she was not aware of any other projects in which the hillside zoning ordinance was amended or a variance was granted. She commented that the zoning ordinance was adopted in 1994 and was intended to address development throughout the City. She stated that by not requiring the dedication of open space, the City Council, at the time, left an option open for an applicant to request future development for the area.

In response to Councilmember Wilson, Mr. Parsons clarified ConFIRE had approved a rolled curb for their turnaround access and they would have sign off on their improvement plans.

In response to Mayor Harper, Mr. Seeno clarified the only difference between the Mitigated Negative Declaration and an Environmental Impact Report (EIR) was the EIR would require a significant increase in time, costs and noticing requirements.

In response to Mayor Harper, Director of Community Development Wehrmeister agreed that much of the work had been completed with the Mitigated Negative Declaration and the only issue would be analyzing any changes since the original Mitigated Negative Declaration was prepared.

Councilmember Agopian expressed concern regarding access for emergency vehicles and the pocket park area proposed for the development.

In response to Councilmember Agopian, Director of Community Development Wehrmeister responded that doing an EIR would not have substantial benefit in terms of new information. Senior Planner Gentry responded that there were no significant impacts identified in the traffic study done for the project. Director of Community Development Wehrmeister explained that the intersection at James Donlon Blvd. and Somersville Road was required to be improved prior to the end of 2014.

Mayor Harper closed the public hearing.

Mayor Harper stated he had reviewed the information, listened to the residents, and felt that the disclosure agreement was sufficient in notifying the residents of potential future development. He spoke to the need for development in Antioch.

Councilmember Tiscareno stated he felt the residents had legitimate concerns. He stated he was not opposed to the project and felt it needed to be done properly to satisfy all parties.

A motion was made by Councilmember Tiscareno to direct staff to respond to comments received on the CEQA documents and prepare resolutions for approval. Mayor Harper seconded the motion.

Speaking to the motion, Councilmember Agopian stated he felt it was important for Council to hear the testimony given and render a decision on the project. He noted the hillside ordinance was the key issue and the Council was unaware of how it was adhered to since the time it was adopted. He questioned if there were park-in-lieu fees or a park benefit district proposed. He voiced his opposition to placing a gated community on a graded hill. He stated he would be

willing to work with all interested parties on amending the plan so that there was no mass grading and it complies with the City's hillside policies.

Councilmember Rocha stated she agreed with Councilmember Agopian.

Councilmember Wilson agreed with Councilmember Agopian and Councilmember Rocha and noted amending City Policy would set precedent.

Following discussion, Councilmember Tiscareno stated his intent in the motion was to make sure all outstanding issues were addressed prior to Council considering approval of the project. He withdrew his motion.

Councilmember Agopian requested the developer attempt to resolve the issues with the existing homeowners. He stated he would like the public to see a plan that adhered to the City's Hillside Ordinance and based on that information, he would be prepared to make a decision.

On motion by Councilmember Agopian, seconded by Councilmember Rocha, the Council unanimously continued the matter and:

- Directed staff to respond to comments on Mitigated Negative Declaration
- Directed staff to provide information regarding prior application of hillside ordinance in considering development projects
- Encouraged developer to meet with stakeholders and determine if changes to project can be made to better conform with hillside ordinance and General Plan
- When the matter comes back to Council, directed to staff to bring resolutions to approve and deny project

Mayor Harper declared a recess at 10:06 P.M. The meeting reconvened at 10:17 P.M. with all Councilmembers present.

COUNCIL REGULAR AGENDA

4. IMPLEMENTATION OF THE SALES TAX ORDINANCE (MEASURE C)

City Attorney Nerland presented the staff report dated December 3, 2013 recommending the Council approve the following implementation steps recommended: 1) Motion to adopt a Resolution Authorizing the City Manager to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax: a. Agreement for Preparation to Administer and Operate City's Transactions and Use Tax Ordinance; b. Agreement for State Administration of City Transactions and Use Taxes. 2) Motion to adopt a Resolution Establishing Procedures for the Sales Tax Citizens' Oversight Committee. 3) Motion to direct Staff to Solicit Applications for the Sales Tax Citizens' Oversight Committee.

Following discussion, the City Council provided feedback on the structure of the Budget subcommittee and requested the Board and Commission vacancy announcement contain

ATTACHMENT "F"



Douglas Herring & Associates
Environmental, Policy, and Planning Services

MEMORANDUM

January 17, 2014

TO: Antioch City Council
FROM: Doug Herring
SUBJECT: Responses to Comments on *The Pointe Project Residential Subdivision Initial Study/Mitigated Negative Declaration*

This memo provides responses to all of the written comments received by the City of Antioch on *The Pointe Project Residential Subdivision Initial Study/Mitigated Negative Declaration* (Pointe MND), published by the City on October 8, 2013 in compliance with the California Environmental Quality Act (CEQA). These responses are presented for the Council members' consideration prior to making a decision on whether or not to adopt the Pointe MND. Although CEQA does not require a lead agency to prepare written responses to comments received on a proposed MND, it does require the decision-making body of the lead agency to consider any comments received during the public review period (*CEQA Guidelines*, Section 15074). These responses to comments are presented to aid the lead agency in making the findings required for adoption of an MND, i.e., that it finds on the basis of the whole record before it that there is no substantial evidence that the project will have a significant adverse effect on the environment.

List of Comment Letters

Comment letters were received from the following entities (preceded by the letter designation assigned to the letter):

- A East Bay Regional Park District (EBRPD), October 28, 2013
- B Save Mount Diablo, October 25, 2013
- C Black Diamond Estates Homeowners and Terraces at Black Diamond Homeowners (BDEH), October 27, 2013
- D Keith and Darcy Johnson, October 27, 2013
- E Save Mount Diablo, November 1, 2013

Each comment letter has been assigned a letter designation (A, B, C, etc.). The letters have been subdivided (via brackets in the margins) into individual numbered comments (A-1, A-2, etc.). Generally speaking, each specific issue raised in a letter has been designated as a separate comment. Each comment in this document has a unique letter-number identifier for easy reference. The City's responses, keyed to the numbered comments, follow each comment letter.

Consistent with the requirements of CEQA, the responses to comments focus on questions raised related to the adequacy of the environmental analysis of the proposed project that was presented in the Initial Study (IS). Some comments address issues unrelated to the potential environmental impacts of the project or the adequacy of the IS. Although these comments are acknowledged, detailed responses to such comments have not been provided.



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T 1-888-EBPARKS F: 510-569-4319 TDD: 510-633-0460 WWW.EBPARKS.ORG

October 28, 2013

City of Antioch
Planning Division
Mindy Gentry, Senior Planner
P.O. Box 5007
Antioch, CA 94531

RE: Black Diamond Mines Regional Preserve. "The Pointe Residential Subdivision"
Mitigated Negative Declaration

Dear Ms. Gentry:

A-1

East Bay Regional Park District ("District") has received the proposed Mitigated Negative Declaration (MND) for The Pointe Residential Subdivision ("Project") in the City of Antioch. The District operates Black Diamond Mines Regional Preserve ("Preserve") located south of the Project site. As described in our Master Plan, we support the protection of open space and scenic resources, including the open space now proposed for development.

The District is under contract to acquire the Antioch Unified School District (AUSD) property, also known as Moller Ranch. This property abuts the southern boundary of Black Diamond Ranch. The Project area is approximately 700 feet north of this boundary. See Exhibit 1. The District submitted comments on the Project on January 4, 2007 and July 24, 2007 (see Exhibits 2 and 3) encouraging the City to deny the applicant's request to change land use designations and subdivide the open space dedication parcel associated with the Black Diamond Ranch project.

A-2

We submit these comments regarding the proposed general plan amendments and MND. In our opinion the City cannot make the findings required to support the proposed general plan amendments and approve the MND. Our conclusion is based upon the following:

- 1.) Project description lacks sufficient detail for impact analysis
- 2.) Significant impacts to land use, aesthetics and recreation are not considered
- 3.) Does not comply with the requirements of the California Environmental Quality Act
- 4.) Does not comply with the requirements of State General Plan Policies

A-3

Proposed General Plan Amendment, Project Description and Land Use Impact Analysis: The project description and land use impact analysis misleads the reader to believe that impacts of the proposed general plan amendments are merely procedural legislative actions for which environmental impact analysis is not required. The MND inappropriately proposes general plan amendments as mitigation measures for significant land use impacts, yet fails to address the individual and cumulative impacts of these amendments on the environment. A general plan is intended to be a self-mitigating document through adopted policies; however, the MND does

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not disclose or analyze how amending the policies will affect the original impact analysis contained in the General Plan EIR.

Pursuant to Government Code Sections 65350-65362 the MND should provide the legislative body with sufficient information to answer the fundamental questions required for a general plan amendment:

A-3

- 1.) Is the amendment in the public interest (i.e., it advances community goals, describes a community interest, etc.)
- 2.) Is the amendment consistent with all other parts of the general plan?
- 3.) If the amendment requires other changes to the plan, are those changes considered?
- 4.) Will the amendment necessitate changes in zoning or other ordinances, and are those changes to be considered within a reasonable time?
- 5.) Have adequate mitigation measures been incorporated into the amendment?

In its current form, we do not believe that the MND answers any of the five questions required for a general plan amendment and doesn't comply with State General Plan Policies or CEQA.

Aesthetics: The MND provides two visual simulations of potential impacts that are taken from public roadways. It does not contain a visual impact simulation of views from the Preserve. Instead it provides a narrative description of visual impacts; however, there is no visual impact simulation to substantiate the conclusions in the MND that there would be no potential significant visual impacts to the Preserve.

A-4

In the absence of a visual simulation in the MND, the District has prepared its own. The MND contains a statement that the project area will be substantially graded and lowered to approximately 315 feet. This elevation was utilized to calculate a footprint that was used to prepare Exhibit 4 that shows an oblique angle view of the Project area from the Preserve.

The District is developing a trail that will run along the ridgeline of the former AUSD property (see *Exhibit 1*). A key view point looking north from this trail is located at an elevation of 560 feet. As previously noted, project grading may be as low at 315 feet. This means that the view point in the Preserve is 245 feet higher in elevation than the Project area. Approximately 75% of Project grading will be visually prominent from the Preserve and will significantly disrupt views from the Preserve of an undisturbed ridge top (aka "The Pointe"). There are no visual obstructions between the view point and the Project area (~1,500 feet due north). This significant visual impact is not identified, evaluated or mitigated in the MND. We believe that the impact can be mitigated by removing the proposed units from the ridge top. This would protect its scenic qualities, including a spine of rock outcrops and south facing grasslands.

A-5

Figure 4 in the MND shows a landscaping plan that contains two major east-to-west terraces that are used to buttress the houses along the ridgeline above. Removal of the housing units above these terraces would substantially reduce the visual impacts as seen from the Preserve. At a minimum this would include elimination of units 19 through 34, as shown on Figure 4 of the MND. This would also require removal of "B Drive" and changing the plant materials in the proposed terraces to native grasses so they blend with the undisturbed slopes above.

A-6

Recreation: The MND references a conversation with Ms. Linda Chavez, a retired District planner, stating that Project "would not create a significant impact on the regional park". Written communication from Ms. Chavez does not support this conclusion (see Exhibits 2 and 3). There have been significant changes in circumstances since 2007, including the District's acquisition of the AUSD property. Based on our review of the MND, it appears that the Project will have significant impacts to the Preserve.

CEQA requires project-level analysis of impacts to public parks. The lead agency must determine the extent to which population increases from new housing will impact use of adjacent regional parks (*City of Hayward v. Board of Trustees of the California State University, 2012*). The MND fails to evaluate this potentially significant impact in violation of CEQA.

A-7

Any disruption or deterioration of park users experience while engaging in park activities, such as nature appreciation, hiking, biking, equestrian use, camping, picnicking, photography, painting, and birding is of concern to the District. The MND does not analyze these potential impacts. For example, the MND aesthetics analysis does not evaluate or disclose how diminished scenic value resulting from the Project may deteriorate the recreational experience at the Preserve.

A-8

For the reasons outlined in this letter we request that the proposed MND for the Project be denied, and that the City either modify the Project to ensure it will have no significant environmental impacts or prepare a full EIR. Thank you for your review and consideration of our comments. Please notify us of any public meetings or hearings for the Project and include us on any distribution list for CEQA notices or associated documents for the Project. If you have any questions, please contact me at (510) 544-2622 or via email at bolson@ebparks.org.

Sincerely,



Brad Olson
Environmental Programs Manager

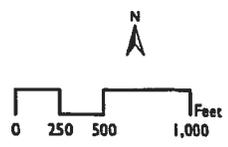
- Attachments: Exhibit 1 – Project Area Map
- Exhibit 2 - Letter From Linda Chavez to Mindy Gentry dated January 4, 2007
- Exhibit 3 - Letter from Linda Chavez to Victor Carniglia dated July 24, 2007
- Exhibit 4 – Visual impact simulation of Project

- CC. District Board of Directors
- Robert E. Doyle, General Manager
- Bob Nisbet, Assistant General Manager



East Bay 
Regional Park District
Environmental Programs and GIS
September 18, 2013
c:\stone\mxd\projects\studies\
bd_AUSD-ThePointeVisualImpacts.mxd

**"The Pointe" Subdivision Project
Black Diamond Mines Regional Preserve
View from Northern Boundary**



EAST BAY REGIONAL PARK DISTRICT



January 4, 2007

Ms. Mindy Gentry
City of Antioch
Community Development
P.O. Box 5007
Antioch, CA 94531

RE: **Black Diamond Regional Preserve**
PDP-06-03 Discovery Builders/The Pointe

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Dear Ms. Gentry,

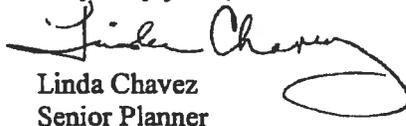
Sorry for the delay in returning this letter to you and respectfully request that the City consider the Park District's comments. I had expected to respond back by the December 27th deadline, however, my father passed away during my time off and I have just now returned to work.

The Park District is opposed to development of the open space parcel, which resulted from the approved Black Diamond Ranch located west of the Somersville Road / James Donlan Blvd. This parcel was designated as an open space parcel to be dedicated to the City. This open space provided a visual break in the development while protecting the hill tops and the visual back drop that leads up to Kreiger Peak. Why is this open space parcel even being considered for development? If the City is unable to accept the maintenance responsibility of the parcel it should remain with the development as an HOA maintained open space parcel, not fill it in with housing.

The proposal is also a 72-lot cul-de-sac with one way in and out. This is not good planning. It appears to be a last minute idea to place as many housing units on an open space parcel, to fill up an open space, rather than viewing the open space parcel as an asset to the surrounding development.

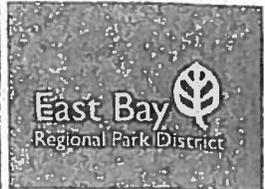
Thank you for the opportunity to comment on this project.

Very truly yours,


Linda Chavez
Senior Planner

A-9





2750 PERALTA PARKS COURT PO BOX 5381 OAKLAND CALIFORNIA 94605-0381 T 510 635 0135 F 510 569 4319 TDD 510 632 0460 WWW.EBPARKS.ORG

July 24, 2007

Mr. Victor Carniglia
City of Antioch
Community Development Department
P.O. Box 5007
Antioch, CA 94531

RE: Black Diamond Ranch
The Pointe – Preliminary Development Plan

Dear Mr. Carniglia,

The East Bay Regional Park District previously submitted a comment letter dated January 4, 2007 (see attached) regarding this proposed preliminary development plan for 72 units on land that was committed to be an open space dedication to the City within an approved subdivision. The Park District wants to reiterate its opposition to this proposal to put housing within the previously approved open space dedication parcel.

The District is quite concerned that this potential action would set a terrible precedent for developers to make requests to the City to change the designation on approved open space lands in order to increase their housing units. Discovery Builder purchased an approved project with designated land uses and a specific unit count. Modifying the product line to increase or decrease the density within the designated residential land use area to address market demand is not that uncommon. However, to change an open space designation to residential development would not be good community planning and development. They had full knowledge of the approved project with its commitment to keeping this area as open space. The proposal to change the open space dedication parcel to consider additional housing would make a mockery of the public planning process. It would not be consistent with the policies of the City's General Plan and Hillside Planned Development Ordinance. It would not be consistent with the commitment to keep the area as open space.

The Park District urges the City Council to support their City staff's and Planning Commission's recommendation to deny this request.

Park District requests to be on the mailing list to receive referrals, additional information and notices of the public hearing for this proposal.

Very truly yours,

Linda J. P. Chavez
Senior Planner

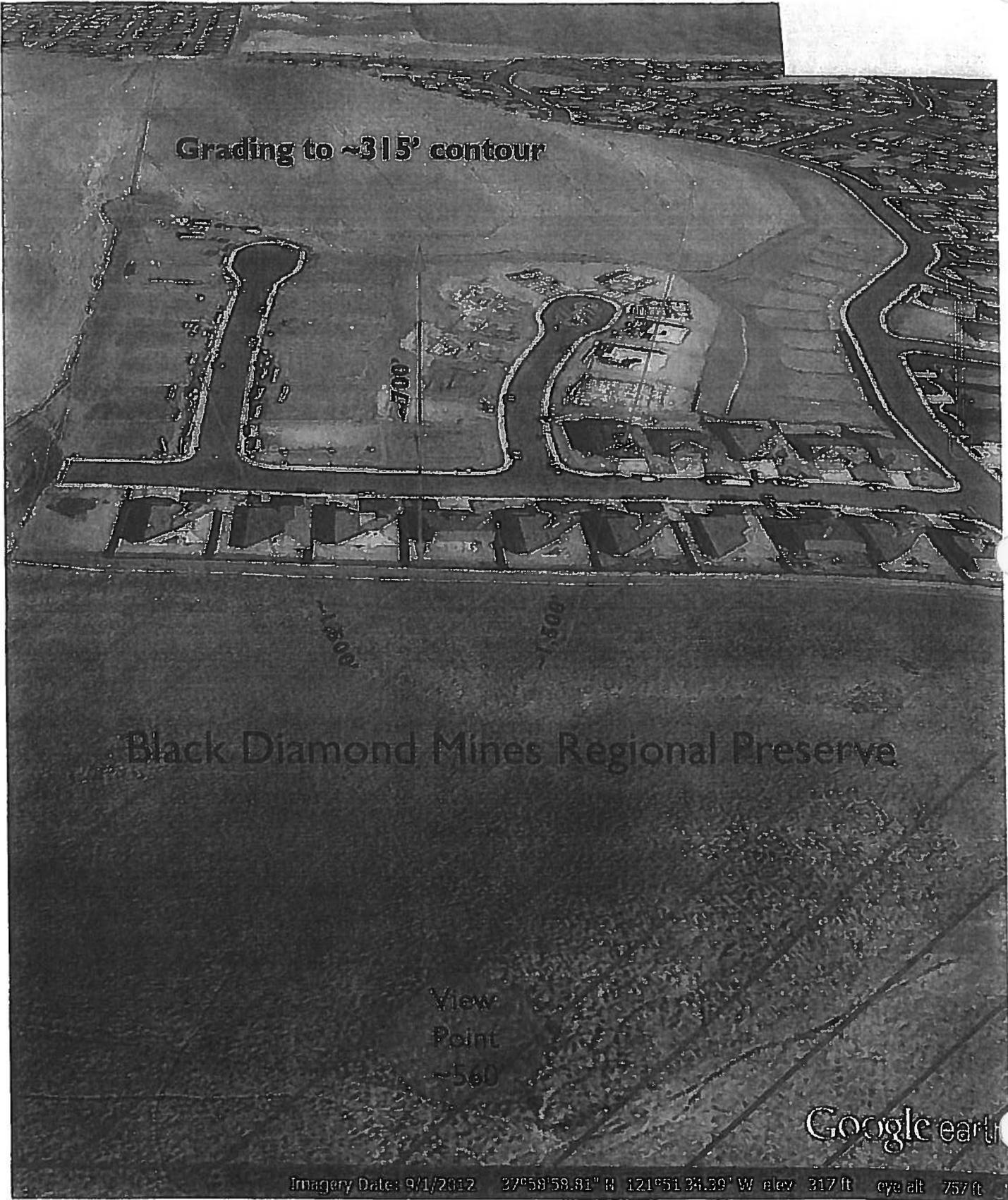
cc: Mayor Freitas and City Council members

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F8

A-10



Letter A

East Bay Regional Park District (EBRPD)

A-1 The comment expresses opposition to development of the project site, which has been designated as open space, and references two letters in opposition to the project submitted by the EBRPD in 2007. The earlier letters are reproduced herein and Responses A-9 and A-10 address the comments proffered in those letters.

Regarding the comment that the project site abuts property planned for acquisition by the EBRPD, that information was not known at the time of preparation of the IS/MND. It should be noted that CEQA does not require a lead agency to “shoot at a moving target,” i.e., continually evaluate changing conditions. The analysis presented in an EIR, for instance, must be based on a “snapshot” in time, defined as environmental conditions as they exist at the time the Notice of Preparation is published or at the time environmental analysis was commenced (*CEQA Guidelines*, Section 15125(a)), which in the case of the Pointe MND, was in November 2009. Even at the time of final publication of the document in October 2013, the Moller Ranch property was not under the control of the EBRPD, and there could therefore be no approved plans for use of the property by the District.

A-2 The comment presents four summary conclusions in support of the assertion that the City cannot make the required findings to support the proposed General Plan amendments and adoption of the MND. As more detailed comments in support of these statements are presented in subsequent comments, the substantive responses are likewise presented to the more detailed comments, below. However, regarding the assertion that the project description lacks sufficient detail for the impact analysis, 15 pages of the IS are devoted to the description and illustration of the project. The discussion describes the specifics of the site layout, lot sizes, home sizes, architectural design, landscaping, open space, roadway network, street design, parking provisions, and stormwater and wastewater facilities. The proposed grading of the site is described and the grading plan is reproduced. All of the required planning and other approvals are identified. These details provide ample detail for the environmental review that was performed. The comment does not provide any evidence to the contrary.

A-3 The IS does not propose general plan amendments (GPAs) as mitigation measures for significant land use impacts; rather, it notes that the GPAs, zoning text amendments, and rezoning are part of the project being proposed by the applicant. As noted in the IS, the GPAs and other amendments would address the project's inconsistency with certain hillside design policies in the City's current General Plan and with the Hillside Planned Development District Ordinance. The amendments would do so by amending the General Plan to ensure that the project is consistent with the General Plan and the Hillside Planned Development District Ordinance. Discussions of the potential physical impacts related to these amendments are presented in the IS discussions of physical impacts. For example, the proposed grading of the site would create a high potential for erosion and sedimentation in stormwater runoff, which is disclosed on page 58 of the IS. Mitigation Measures G-3 through G-5 are identified to reduce this potentially significant impact to a less-than-significant level. The potential construction impacts on water quality are also evaluated on pages 64 through 65 of the IS, with additional mitigation measures identified.

It is also disclosed that lateral spreading, landsliding, and other types of ground failure could occur on the site (pages 50 through 58), particularly in response to seismic shaking. Implementation of Mitigation Measures G-1 and G-2 would reduce these potentially significant impacts to less-than-significant levels.

The aesthetics analysis presented on pages 19 through 26 evaluates the visual changes that would result from approval of the GPAs and development of the project. Similarly, impacts on biological and cultural resources are discussed and evaluated in the IS, with appropriate mitigation identified. A potential impact related to adequate water pressure at the elevated site is also evaluated on pages 120 through 121 of the IS, and a mitigation measure is identified to reduce the impact to a less-than-significant level.

The extensive grading of the site would generate excess soil requiring off-site disposal. However, as noted on page 7 of IS, the excess soil would be disposed of at a vacant site located just 1,200 feet north of the project site. As discussed on page 117 of the IS, trucks would not need to travel on any major arterials for disposal of the soil; trucks are expected to use Metcalf Street and/or Summit Way to dispose of the excess soil. Hauling the soil for off-site disposal would therefore have a less-than-significant impact on traffic, as concluded in the IS. Air emissions from this activity are included in the construction-related emissions evaluated on page 37 of the IS.

The preceding discussion explains how the IS addresses the project-specific impacts that could result from approval of the requested general plan and zoning amendments. With respect to cumulative impacts on the environment, as stated on page 128 of the IS, no significant cumulative impacts were identified for the proposed project. The project would be an infill project, surrounded by similar single-family residential development that is either already built, under construction, or already entitled. Most of the project's impacts are site-specific in nature, and not prone to combine with those of other projects to result in cumulatively considerable impacts. Although some of the impacts, such as erosion and traffic impacts, can combine to result in cumulative impacts, none of the proposed project's impacts would combine with other past, current, or probable future projects to result in significant cumulative impacts. For example, the erosion control measures required in Mitigation Measures G-3 through G-5 and WQ-1 through WQ-3 would ensure that the incremental erosion and sedimentation effects of the project would not be cumulatively considerable. Similarly, the traffic analysis evaluated the project's cumulative impacts under future 2030 conditions; as concluded in the traffic analysis summarized on pages 99 through 120 of the IS, the project would have less-than-significant cumulative impacts on traffic.

Regarding findings, while California Government Code Section 65358(a) does require a legislative body to find a proposed general plan amendment to be in the public interest, the cited sections of the Government Code do not identify the questions listed in the comment or otherwise indicate that these are required findings for a general plan amendment. In any event, such findings as are required must be presented in a resolution passed by the legislative body. It is not the role of the CEQA document to make such findings. That said, it is expected that the City Council would be able to find that the project is in the public interest, as the proposed estate housing would attract business executives with disposable income who would also be likely to bring some of their businesses to the City, which would provide new jobs and help the City fulfill its tax revenue generating goals.

- A-4 The two visual simulations presented in the IS were selected because they portray vantage points where the most dramatic visual changes would be visible to the public and/or because they represent vantage points where the greatest number of people would be exposed to the changes, such as on James Donlon Boulevard approaching Somersville Road (Figure AES-2). Visual simulations of the project as viewed from existing trails in Black Diamond Mines Regional Preserve (BDMRP) were considered unwarranted because of the low potential for significant visual impacts on park users. The detailed analysis summarized on pages 19 through 22

of the IS explains that, despite the proximity of BDMRP, the site is not visible from most hiking trails in the park. In the very limited locations where the site is visible from existing trails, the vantage points are about a half-mile and further away. Where elevated terrain provides a clear view of the site, the vantage points are more than 1.7 miles away, where the changes to an infill site surrounded by other residential development would not be noticeable or objectionable. CEQA requires the level of detail presented in an environmental analysis to be keyed to the degree of impact, with more detail afforded to significant impacts and less detail provided for less-than-significant impacts. For that reason, the City determined that the considerable expense of producing visual simulations from vantage points in BDMRP was unwarranted. The analysis summarized on pages 19 through 22 thoroughly documents that the visual impacts on park users would not be significant.

Regarding the “visual simulation” provided with the comment letter, it depicts a vantage point that is not currently within the BDMRP park boundaries and was not within the park when the analysis presented in the IS was performed. At that time, the potential acquisition by EBRPD of the property that includes the vantage point used for the simulation was unknown. As noted in Response to Comment A-1, CEQA does not require a lead agency to continually evaluate changing conditions. The impact analysis presented in an EIR must be based on a “snapshot” in time, defined as environmental conditions as they exist at the time the Notice of Preparation is published or at the time environmental analysis was commenced (*CEQA Guidelines*, Section 15125(a)), which in the case of the Pointe IS/MND, was in November 2009. Even at the time of final publication of the document in October 2013, the Moller Ranch property was not under the control of the EBRPD, and there could therefore be no approved plans for use of the property by the District. It is worth noting that the District provides a considerable amount of information about BDMRP on its website, but as of January 2, 2014 there is no mention of the planned acquisition of the Moller Ranch property, and the map of BDMRP available on the District’s website does not show the property within park boundaries or depict the proposed trail referenced in the comment.¹

Although the “visual simulation” provided with the comment letter does not actually depict the proposed project, it is acknowledged that the project site would be plainly visible from the location depicted. However, at its closest point, the

¹ East Bay Regional Park District Website, accessed January 2, 2014 at: http://www.ebparcs.org/parks/black_diamond.

project would be about one-third mile from the vantage point depicted, and the project would be viewed in the context of existing and approved residential development surrounding the site on all sides. While hikers on the proposed trail could notice the changes to the project site, the development on the site would be visually consistent with the other existing and approved development in the area. When looking out over an urbanized area, viewers do not have the same expectations that they have when looking out over a natural area of preserved open space, such as BDMRP. Whereas the introduction of residential development to an established area of protected open space would likely constitute a significant visual impact, development of an infill parcel surrounded by single-family homes with additional single-family homes does not rise to the same level of significance. A viewer can expect to see these types of incremental changes within an already developed environment. It should be noted that the General Plan land use designation of the site is Low Density Residential, which anticipates that this area will be developed for residential use.

The IS demonstrates that the visual changes on the project site that could be experienced by hikers on any of the existing trails in BDMRP would not constitute a significant visual impact. The District has not submitted or pointed to any substantial evidence to the contrary. While the City is not required to speculate on impacts to a future baseline condition that could not reasonably be anticipated at the time the IS/MND was prepared (i.e., the now-pending acquisition of new park land), it is the City's position that the visual impacts of the project on future trail users on the Moller Ranch property would be less than significant.

- A-5 Please see Response to Comment A-4, which explains why the project would not have a significant adverse impact on BDMRP visitors. CEQA does not require mitigation for less-than-significant impacts, and there is therefore no nexus for requiring the significant project changes suggested in the comment.
- A-6 As noted in the comment, the letters submitted by Ms. Chavez on behalf of the EBRPD were submitted three years prior to the personal communication cited in the footnote on page 97 of the IS. The apparent discrepancy may be due to Ms. Chavez not realizing during the phone conversation cited in the footnote that the discussion pertained to this particular site. It may have been a more generic conversation about the effect the residents from 60 new homes could have on the regional park.

The 2007 letters included as attachments to the EBRPD comment letter do not address the potential impacts on BDMRP from new residents generated by the project; they are focused on the conversion of open space that would be caused by the project. As noted in the comment, CEQA requires an evaluation of potential impacts that could result from increased use of nearby parks; that analysis is presented on pages 96 through 97 of the IS. Part of the analysis included the conversation with Ms. Chavez cited in the discussion. However, the discussion also notes that the project would generate a population of approximately 185 new residents. If one very conservatively assumes that a quarter of these residents visited BDMRP once a week (an unlikely scenario), the preserve would experience an increase of approximately 46 additional users per week.

According to the Park Supervisor, BDMRP had more than 190,000 visitors in 2013.² This works out to a weekly average of about 3,654 visitors. In the highly unlikely event that one-quarter of all project residents visited the preserve each week, this would represent an increase of about 1.3 percent of existing visitors. With hiking on the preserve's many trails being the chief activity engaged in by visitors, there is no potential for this minor increase in activity to adversely affect park operations. Indeed, park visitation increased by about 20,000 visitors between 2012 and 2013, for a weekly average of 385 additional visitors.³ This increase did not adversely affect park operations or the EBRPD's ability to maintain acceptable service ratios or park facilities. Therefore, the City believes that the analysis of impacts on park services presented in the IS is correct. The comment does not provide any substantial evidence to the contrary and does not identify any specific recreational impacts that would allegedly be significant.

- A-7 As discussed in more detail in Response to Comment A-4, the IS thoroughly evaluates the project's potential visual impacts on BDMRP visitors and concludes that such impacts would be less than significant. There is no reason to expect that a distant view of the project (when visible at all) would adversely affect park users' experience, and the comment does not provide any evidence to the contrary.
- A-8 The comment is noted and will be considered by the City's decision makers prior to making a decision on whether or not to approve the proposed project. The IS/MND has evaluated all potentially significant impacts of the project and identified mitigation measures to reduce the impacts to less-than-significant levels.

² Rex Caufield, Park Supervisor, Black Diamond Mines Regional Preserve, personal communication, January 6, 2014.

³ *Ibid.*

As a result, the City does not believe it is necessary to prepare a full environmental impact report (EIR) for the project as suggested in the comment.

A-9 The comment was submitted in response to an earlier iteration of the project (with more dwelling units) that was proposed by the applicant in 2006. It does not comment on the adequacy of the IS/MND for the current project proposal, and no response is necessary.

A-10 The comment reiterates the EBRPD's opposition to the earlier iteration of the project that was expressed in their previous January 4, 2007 letter (see Response to Comment A-9). The park district's opposition to development of the project site is noted and will be considered by the City's decision makers prior to making a decision on whether or not to approve the proposed project. The letter does not comment on the adequacy of the IS/MND for the current project proposal, and no further response is necessary.

October 25, 2013

Ms. Mindy Gentry
Senior Planner
Community Development Department
City Hall
Third and "H" Streets
P.O. Box 5007
Antioch, CA 94531-5007

RECEIVED

OCT 29 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Subject: The Proposed Pointe Project on a 21-acre hillside site located at the western edge of the City of Antioch, conditioned to be dedicated to the City as "Open Space" as part of the adjacent Black Diamond Ranch development

Dear Ms. Gentry:

Thank you for the opportunity to provide additional comments on this application, originally proposed in 2007, and now being resubmitted in 2013.

B-1

Save Mount Diablo's Position

Save Mount Diablo is opposed to this project given that it would destroy open space supposedly preserved for public trust benefits—aesthetics, wildlife, recreation, etc. or mitigation-- as a condition of the previous surrounding project, and hand it back to the developer as a windfall profit. It is an extremely bad precedent—the promise of open space or public benefit in any future Antioch projects, such as at FUA#1, will lack credibility.

B-2

The removal of the entire hillside associated with the proposed Pointe residential development would result in a wide range of significant environmental impacts that have not been adequately mitigated in the Point Initial Study/Mitigated Negative Declaration (March 2013). Further, Save Mount Diablo believes that approval of General Plan Amendments that allow the applicant to waive compliance with many general plan policies (many of which are written as performance standards to avoid significant impacts), would result in significant environmental impacts. The impacts associated with waiving the City's requirements have not been studied as part of the proposed project. While the general plan amendments might reduce plan-level impacts associated with the project, they would exacerbate the physical environmental impacts that the policies are designed to avoid or mitigate.

B-3

The CEQA Analysis is Inadequate

The California Environmental Quality Act (CEQA) requires that an EIR be prepared if there is a "fair argument" that the project would result in significant environmental impacts (Laurel Heights Improvement Assoc. v. U.C. Regents (1993) 47 Cal.4th 376). If a fair argument can be raised on the basis of "substantial evidence" in the record that the project may have a significant

F17

adverse environmental impact-even if evidence also exists to the contrary – then an EIR is required.

B-3

A Mitigated Negative Declaration can only be adopted if (1) “There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” “Or (2) An initial study identifies potential significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (B) there is no substantial evidence, in light of the whole record before the lead agency, that the project, as revised, may have a significant effect on the environment”. (*Public Resources Code, § 21080(c)(1) and (2)*)

Clearly, the whole record related to the Pointe Project documents extreme concern about project impacts related to massive grading of an entire hill and disregard for the city’s general plan and development requirements. “If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared”(Public Resources Code, § 21080(d)).

B-4

Removing an entire hillside, in conflict with the City’s General Plan Hillside Design Policies, and Article 24 of the zoning ordinance related to the Hillside Development District, would result in significant impacts related to aesthetics, geology, soils and seismicity, land use and planning, greenhouse gases, transportation, biological resources, hydrology and noise. In this case, developing a property that had been dedicated as Open Space would also result in impacts related to recreation. Impacts identified in the Initial Study/Mitigated Negative Declaration do not reduce impacts related to removal of an entire hill to less-than-significant levels. For many environmental issue areas, the environmental document relies on waiving requirements as part of a general plan amendment, instead of identifying adequate mitigation measures. Waiving the City’s General Plan policy requirements that were generally developed to function as performance standards would in fact result in significant environmental impacts. Examples are included below:

B-5

Aesthetics and Visual Quality: In analyzing visual impacts related to removal of the hill, the Initial Study notes that: “While both the Antioch General Plan and the City’s Hillside Planned Development District Ordinance specifically provide for protection of views of the hills in the adjacent project area, with approval of the proposed General Plan and zoning text amendments, the project would be exempt from those policies. (The Pointe Initial Study/Mitigated Negative Declaration, March 2013, p. 22). The potential impact related to a substantial adverse effect on a scenic vista is identified as less than significant, with no mitigation identified.

B-6

Land Use and Planning: “Absent approval of the General Plan amendments that are components of the proposed project, the project’s conflict with Low Density Residential designation would be a significant adverse impact. However, with approval of these amendments, there would be no conflicts with the General Plan. For purposes of this analysis, approval of the amendments is assumed. There would be no impact related to a conflict with the City of Antioch General Plan.” (The Pointe Initial Study/Mitigated Negative Declaration, March 2013, p. 71)

Similarly, the need to comply with policies related to Hillsides and the requirement to prepare a Resource Management Plan would be waived with the General Plan Amendment. “Although the project could conflict with Hillside Design Policies 5.414-b, 5.4.14-I, and 5.4.14-o and Open

B-6

Space Policy 10.3.2-g, as noted above, approval of the proposed General Plan amendments is assumed for purposes of this analysis, which would grant the project an exemption from the policies. There would therefore be no impact related to a conflict with policies promulgated in the City of Antioch General Plan.”

B-7

The CEQA Process is Inadequate

While the Initial Study/Mitigated Negative Declaration is dated March 2013, it was not released for public review until October 8, 2013. A twenty (20)-day public review period is inadequate for a project of this magnitude that warrants close scrutiny by State Agencies. Given issues related to biological resources, geology, soils and seismicity, and hydrology and water quality, it is critical that the project be reviewed by the California Department of Fish and Wildlife, the State Water Quality Control Board/Regional Water Quality Control Board and other State agencies.

B-8

Geology and Soils: “Because the project would occur on a large, steep site, and would require significant grading entailing movement of large amounts of soil, the potential for erosion during project construction is extremely high”. Yet, mitigation measures are limited to “restricting grading activities to the summer construction season or compliance with more stringent restrictions imposed by other regulatory agencies such as California Department of Fish and Game if applicable”, and preparation of a Stormwater Pollution Prevention Plan and Stormwater Control Plan. (The Pointe Initial Study/Mitigated Negative Declaration, March 2013, pp. 58-59) With a 20-day review period, it is not clear whether the California Department of Fish and Wildlife or Regional Water Quality Control Board is even being given the opportunity to review the document to determine whether more stringent mitigation is warranted. Plus the mitigation is vague and conditional; there is no guarantee it will in fact decrease impacts to less than significant.

General Plan and Hillside Planned Development Ordinance

Similar to the 2007 proposal, the project would violate grading, slope and contouring requirements created to protect Antioch’s hills. The application is inconsistent with the City of Antioch General Plan and the City’s Hillside Planned Development Ordinance. The plans submitted for review include cuts of up to 125 feet. Nearly the entire site has slopes over 25 percent, and slopes covering much of the area are over 35 percent.

Save Mount Diablo is opposed to this project given that it would destroy open space supposedly preserved as a condition of the previous project, and is an extremely bad precedent—the promise of public benefit in any future Antioch projects will lack credibility.

B-9

However, if any development is allowed on this “Open Space” site, we agree with direction provided by staff on the first three submittals in the staff report dated June 4, 2007:

- That the plan be substantially revised so that the form of the existing hill is largely retained. The existing hill may not be reduced in total height.
- Mass grading of the site is not allowed. Grading shall be limited to the creation of building pads, and not for the purpose of creating flat yard areas. Split pads are encouraged to reduce pad grading.
- Slopes between building pads and between lots shall be left ungraded.

B-9

- That the environmental review process for any future entitlement application include a detailed visual and slopes analysis to determine how any proposed plan complies with all of the City's General Plan and Zoning hillside development requirements.
- That the site plan shall be redesigned to comply with the General Plan Hillside Design Policies and Article 24 of the zoning ordinance related to the Hillside Development District.

B-10

The current plan, evaluated in the March 2013 Initial Study/Mitigated Negative Declaration, completely ignores all of this direction and would result in significant, and possibly, unavoidable impacts related to, at minimum: Aesthetics; Air Quality, Biological Resources, Geology & Soils, Hydrology, Planning and Land Use; and Cumulative Impacts related to Open Space resources. An EIR is clearly required to analyze potentially significant impacts and alternatives that may be available to reduce potential impacts to less than significant levels, as is required by the California Environmental Quality Act (CEQA).

B-11

The City has repeatedly expressed its concern with the project's inconsistencies with the General Plan and the Hillside Planned Development Ordinance throughout the application process. Over time, the Planning Commission, Residential Development Allocation Committee, and City Staff have all recommended that the application be denied unless the applicant revises the proposal to be in compliance with the General Plan. Despite such clear direction from the City, the applicant has not modified its plans. In fact, from the visual simulations, it appears that the majority of the hill would be removed to develop the project. The applicant has requested an exemption from provisions of the General Plan that relate to development on steep hillsides.

We have consistently supported both the Staff's and the Planning Commission's unanimous recommendation to deny the proposal. We continue to share the sentiment expressed six years ago by Mayor Don Freitas at the June 12, 2007 City Council meeting that *the proposal—to reward the destruction of promised open space—is an "abomination."*

At this juncture, we encourage the City of Antioch Planning Commission to stand up for its own planning process and development requirements.

B-12

Open Space Designation

The 21 acres proposed for development were originally designated as Open Space as part of the applicant's previous Black Diamond Ranch development. The applicant requested re-designation of the Open Space to allow for further development. Allowing re-designation and development of the parcel suggests that any Open Space designated parcel, whether required by a project's conditions of approval as mitigations, or otherwise, can be set aside if a developer requests this change. The proposal would have significant cumulative and growth inducing impacts on the area, because it suggests that all "Open Space" designated parcels in the city are ultimately available for development.

Approval of this application would set a terrible precedent that the General Plan can easily be overridden and that Open Space designations in the City of Antioch are meaningless.

B-13

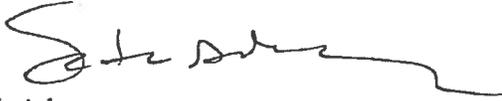
Our Recommendation

Save Mount Diablo urges the Planning Commission not to adopt the Mitigated Negative Declaration and to deny this project which has been designed in a manner that is blatantly

B-13

inconsistent with the City's General Plan Hillside Design Policies and Article 24 of the zoning ordinance relating to the Hillside Planned Development District. Save Mount Diablo supports the City of Antioch in standing up to maintain its planning and regulatory framework. If the city chooses to continue consideration of the project, an Environmental Impact Report must be prepared.

Thank you for your consideration.



Seth Adams
Land Programs Director

Cc: Meredith Hendricks, Senior Land Programs Manager

Letter B

Save Mount Diablo (October 25, 2013)

B-1 The project site has been designated as Low Density Residential or Medium Low Density Residential on the City's General Plan Land Use Map at least since the 1980s, signaling the City's early intention to develop the area with single-family homes.⁴ When the Black Diamond Ranch Subdivision (originally "Sky Ranch") was approved in 1996, the project site was designated on the Tentative Map as Open Space, and it was intended to be deeded to the City. However, in 2005 the City approved the applicant's request to re-designate the site as "Owner/Developer Remainder Parcel." Under this reclassification of the project parcel, the applicant was not required to dedicate it to the City. The property owner was instead required to make an irrevocable offer of dedication to the City, which the City could decline in the event it approved future development of the parcel. Such a proposal for development is now before the City for consideration. Save Mount Diablo's opposition to development of the site is noted and will be considered by the City's decision makers prior to making a decision on whether or not to approve the proposed project.

B-2 The comment asserts that the proposed project "would result in a wide range of potentially significant environmental impacts that have not been adequately mitigated" in the IS/MND, but does not cite specific examples or provide any evidence in support of the statement. In fact, the IS has disclosed, evaluated, and mitigated a wide range of significant impacts, including impacts on biological and cultural resources, public utilities, police protection services, and water quality. Impacts related to site and structural stability are also identified. Mitigation measures have been identified to reduce each impact to a level of less than significant. Experts in the relevant resource areas have determined that the required mitigation measures would be adequate to reduce the impacts below the significance threshold. Please also see Response to Comment A-3 for additional information on the impact assessment summarized in the IS.

⁴ In 2005 the designation was changed from Medium Low Density Residential to Low Density Residential to be consistent with the Hillside Planned Development (HPD) zoning.

The comment also states that approval of the requested general plan amendments would result in significant physical environmental impacts that have not been studied in the IS. This issue is also addressed in Response to Comment A-3.

- B-3 The comment correctly states that, as established in the cited Laurel Heights precedent, if a “fair argument” can be made, based on “substantial evidence” in the record, that a project may have a significant adverse effect on the environment, then the lead agency must prepare an EIR evaluating the project’s impacts. However, and as indicated in the Public Resources Code language cited, when changes to a project are identified in an Initial Study that would mitigate any potentially significant impacts to a point where no significant effect on the environment would occur, the lead agency may adopt a Negative Declaration or a Mitigated Negative Declaration, as long as the applicant agrees to the project changes. These changes may be in the form of mitigation measures, such as the ones identified in the IS/MND for the proposed Pointe project. In other words, the Laurel Heights decision applies to significant impacts that cannot be mitigated to a level of less than significant; where all impacts can be reduced to insignificance through adoption of mitigation measures and the applicant agrees to implement those mitigation measures, a lead agency may adopt an MND. As documented in the IS and these responses to comments on the IS/MND, all potentially significant impacts of the project would be reduced to a level of less than significant with implementation of the mitigation measures identified in the IS. Therefore, it is the City’s position that preparation of an EIR for the project as currently proposed is not required by CEQA.
- B-4 The conclusions asserted in the comment are not supported by any substantial evidence in the record. While the IS does identify potentially significant impacts related to geology, soils, and seismicity; biological resources; hydrology/water quality; and noise, it determined that impacts related to aesthetics, land use and planning, and transportation would be less than significant. Please also see Responses to Comments A-3 and B-2 for additional discussion on this point. Save Mount Diablo does not provide any evidence to support its assertion that impacts related to aesthetics, land use and planning, and transportation would be significant, whereas the IS discussions pertaining to these resource areas provide substantial evidence to support the conclusions that impacts would be less than significant. As previously noted, experts in the relevant resource areas have determined that the required mitigation measures would be adequate to reduce the significant impacts below the significance threshold, and in the City’s independent judgment, these conclusions are correct.

As explained in Response to Comment B-1, the project site is designated for Low Density Residential, not open space. Although it was identified as open space on the Tentative Subdivision Map for the Black Diamond Estates Subdivision, this designation was changed in 2005.

The IS acknowledges that the project would conflict with some current General Plan policies. However, the IS correctly explains that these conflicts would be eliminated by the proposed General Plan Amendments that are part of the proposed project. The IS notes that, absent approval of the requested GPAs, the project would have a significant impact related to conflicts with the applicable policies. However, the IS does not ignore the fact that the project would still have physical environmental impacts. Rather, as discussed in more detail in Response to Comment A-3, the IS describes these physical impacts and explains why any potentially significant impacts would be mitigated to a less-than-significant level through adoption of proposed mitigation measures or changes to the project.

B-5 The comment repeats findings presented in the IS regarding the project's visual impact on a scenic vista, but does not provide any information or evidence to demonstrate that the IS's conclusions are incorrect. The comment is cited as an example of the points made in Comment B-4. Please see Response to Comment B-4 for the response to that comment.

B-6 The comment repeats findings presented in the IS regarding the project's visual impact on a scenic vista, but does not provide any information or evidence to demonstrate that the IS's conclusions are incorrect. The comment is cited as an example of the points made in Comment B-4. Please see Response to Comment B-4 for the response to that comment.

B-7 The City deemed the project to be of local, not regional, significance, and as a result did not send the document to the State Clearinghouse. As provided in Section 15073(a) of the *CEQA Guidelines*, a lead agency may circulate a proposed MND for 20 days if the document is not submitted to the State Clearinghouse for review by State agencies.

The potential geology, soils, and seismicity impacts identified in the IS are entirely site-specific and localized in nature, and there are no State agencies that would assert jurisdiction over the site for these issues or have a desire to review the IS/MND. With respect to the biological impacts of the project, although no significant biological resources under the purview of the California Department of

Fish and Wildlife (CDFW; formerly Department of Fish and Game) were encountered on the site, pre-construction surveys by a qualified biologist are required for species that could potentially be found on the site, including the round-leaved filaree, burrowing owl, and migratory and passerine birds. In each case, as stipulated in Mitigation Measures BR-1 through BR-3, if any of these species are encountered during the surveys, appropriate notification of or consultation with CDFW is required, which would provide this State agency the opportunity to review and comment on the project. It should be emphasized that, with the exception of a red-tailed hawk, no protected species were encountered on the site during the biological field study of the site conducted by Olberding Environmental, Inc. The hawk was observed foraging on the site, but the site provides no potential nesting habitat for this species.

Regarding the hydrology and water quality impacts of the project, with implementation of the mitigation measures identified in the IS, the project would not adversely affect water quality in downstream receiving waters, and required compliance with C.3 stormwater requirements would also ensure that the project would not contribute to downstream flooding.

Based on the foregoing, the City determined that the project does not have regional significance, and that a 20-day public review period was adequate pursuant to CEQA. Please also see Response to Comment E-1.

- B-8 As noted in Response to Comment B-7, CDFW will be given an opportunity to review the project if any protected species are encountered during the pre-construction surveys required by Mitigation Measures BR-1 through BR-3. If none of the surveyed species are encountered, there would be no potential for the project to have a significant impact on biological resources, and input from CDFW would not be warranted or required.

It is not accurate to say that mitigation for grading of the site is limited to restricting grading to the summer season and preparation of a Stormwater Pollution Prevention Plan (SWPPP). Mitigation Measure G-1 requires a licensed geotechnical engineer or similar appropriate licensed geotechnical professional to prepare a design-level geotechnical investigation that, among other things, identifies appropriate specifications for site grading, including landslide mitigation and engineering of cuts and fills to provide adequate slope stability under seismic loads. Further, Mitigation Measure G-2 requires a licensed geotechnical engineer or engineering geologist to be present at the site during grading and landslide

remediation to observe and approve all keyway excavations, as well as removal of fill and/or landslide materials down to stable bedrock or in-place material, and the installation of all subdrains, including connections and outlet structures. The project engineering geologist or geotechnical engineer must also observe and map all cut slopes and provide recommendations for slope modifications (if any) based on the actual conditions encountered during grading. Similarly, the placement of fill must be observed and tested by the project engineer and the test results included in a final report for the project.

Finally, the comment implies that the protections afforded by Mitigation Measures G-3 and G-4 are inadequate, and asserts they are vague and conditional, with no guarantee they will reduce the impacts to a less-than-significant level. The City respectfully disagrees. Erosion and its deleterious effects on water quality are greatly exacerbated by stormwater, so restricting grading activities to dry months (Mitigation Measure G-3) substantially reduces the potential for erosion and sedimentation impacts. Similarly, the best management practices (BMPs) that must be implemented as part of the SWPPP required by Mitigation Measure G-4 have been proven to substantially reduce the potential for erosion and sedimentation. These measures are widely used by public agencies throughout California as effective mitigation for erosion-related impacts during and after construction. In the City's independent judgment, Mitigation Measures G-1 through G-4 will adequately mitigate the impacts related to grading of the site.

- B-9 The comment states Save Mount Diablo's opposition to the project, particularly the proposed mass grading and substantial reduction and alteration of the existing hill. Save Mount Diablo's opposition to the project is noted and will be considered by the City's decision makers prior to making a decision on whether or not to approve the proposed project. However, the comments do not address the adequacy of the IS. As asserted in previous responses, in the City's judgment the IS/MND has evaluated all significant impacts of the project and identified mitigation measures to reduce the impacts to less-than-significant levels.
- B-10 The comment reiterates comments previously made in Comments A-3, A-4, B-2, B-3, B-4, and B-8; please refer to the responses to those comments. The comment also raises two issues not specifically addresses in prior responses. It asserts that the project would result in significant, and possibly unavoidable, impacts on air quality, and would have a significant cumulative impact on open space resources. As discussed on page 30 of the IS, the regulatory climate for evaluating air quality impacts pursuant to CEQA has been in flux in the Bay Area in recent years. As a

result of a legal challenge to the Bay Area Air Quality Management District's (BAAQMD) CEQA guidelines updated in 2010, the City elected to rely on the District's previous 1999 CEQA guidelines for the analysis of the proposed project, an approach taken by many public agencies in the Bay Area during this period of regulatory uncertainty. Accordingly, the project's air emissions were modeled using the URBEMIS 2007 Version 9.2.4 model to quantify the project's emissions of criteria air pollutants and compare them to BAAQMD's 1999 thresholds of significance. The results are presented in Table AQ-3 (page 39) of the IS and, as shown in the table, the project's operational emissions of all criteria air pollutants would be well below the applicable significance thresholds. Furthermore, the project emissions would also be well under the more stringent thresholds of significance adopted by BAAQMD in 2010 but subsequently set aside by order of an Alameda County Superior Court judge in March 2012. The project would clearly not have a significant operational impact on air quality, and the comment does not provide any evidence to the contrary. With respect to construction air emissions, consistent with BAAQMD CEQA guidelines (both the 1999 guidelines and the more recent guidelines), the IS identifies dust control measures required for all ground-disturbing construction impacts, and concludes that with implementation of the measures the project's construction-related impacts on air quality would be less than significant. Again, this is consistent with the guidance provided by the BAAQMD and the comment does not provide any evidence to demonstrate a fallacy in this approach.

Regarding a cumulative impact on open space resources, as stated on page 128 of the IS, no cumulative impacts were identified for the proposed project. As explained in Response to Comment B-1, the project site has been designated for residential development for many years. Nonetheless, it does currently consist of undeveloped land. The proposed development would not constitute a significant cumulative impact on open space resources, due to two considerations. First, it would be infill development in an area already developed or entitled for development with single-family homes, and as already noted, the development would occur on a parcel designated for such development in the General Plan. Secondly, the project site is located at the edge of existing urban/suburban development bordered by extensive open space, much of it preserved in perpetuity by deed. Black Diamond Mines Regional Preserve alone currently protects over 6,000 acres of open space and plans to add another 575 acres to the preserve in the near future. An additional extensive area of protected open space extends to the south, east, and west of the City; it includes Mt. Diablo State Park, which protects

more than 90,000 acres of open space. The proposed project would develop 17 of the site's 21 acres and preserve 4 acres as open space. Although the open space would largely function as a visual amenity rather than a recreation resource, that is true of the site in its current condition. With the vast acreage of nearby protected open space, a significant portion of it visible from the areas surrounding the project site, the loss of 17 acres of open space from an infill parcel designated for residential development would not constitute a significant cumulative impact on open space resources in the City's opinion.

B-11 The comment expresses Save Mount Diablo's opposition to approval of the proposed project, but does not raise issues related to the adequacy of the analysis presented in the IS, and no response is necessary. However, the group's opposition to the project is noted, and will be considered by the City's decision makers prior to making a decision on whether or not to approve the proposed project.

B-12 As discussed in more detail in Response to Comment B-1, the project site was never designated for open space in the General Plan; it has been designated for residential development at least since the 1980s. Therefore, the project would not ignore or alter the General Plan land use designation or zoning of the site for open space. There is no reason to expect that approval of the project would or could lead to widespread re-designation of Open Space parcels in the City of Antioch to allow residential or other types of development. The issue of the project setting a precedent is not a CEQA issue, which is the purview of the IS and of these responses to comments.

With regard to cumulative and growth-inducing impacts on the area, these issues are addressed on pages 128 and 90, respectfully, of the IS. Please also see Responses to Comments A-3 and B-10.

B-13 The comment reiterates Save Mount Diablo's opposition to approval of the proposed project and restates comments on the project's General Plan and zoning consistency presented in Comment B-6. It does not address the adequacy of the IS, and no response is necessary. However, the group's opposition to the project is noted, and will be considered by the City's decision makers prior to making a decision on whether or not to approve the proposed project.

BLACK DIAMOND ESTATES HOMEOWNERS
TERRACES AT BLACK DIAMOND HOMEOWNERS
c/o 3555 Country Suite Way
Antioch, California 94509
Email: rsjmikel@hotmail.com

LETTER C

October 27, 2013

VIA EMAIL and PERSONAL DELIVERY

Ms. Mindy Gentry, Senior Planner
mgency@ci.antioch.ca.us
City of Antioch
Community Development Department, Planning Division
P.O. Box 5007
3rd and H Streets
Antioch, CA 94531-5007

Re: Project Name: The Pointe Project Subdivision, Antioch
Parcel: APN-089-160-010
Applicant: Discovery Builders, Inc.
Description: 60 Homes on 21-Acre Central Open Space Hillside
Public Hearing: November 6, 2013, 6:30 p.m.
Concerning: Intent to Adopt A Mitigated Negative Declaration

Dear Ms. Gentry:

In an effort to save time, a group of Black Diamond Estates Homeowners and Terraces at Black Diamond Homeowners (collectively, "**BDEHs**") are responding in one communication to:

(1) the Initial Study ("**Study**") prepared by Douglas Herring & Associates concerning The Pointe Project Residential Subdivision ("**Project**");

(2) **Oppose** the City of Antioch's proposed **General Plan Amendment ("GPA")** waiving requirements, including but not limited to, any GPA amendments **that pertain to waiving requirements for development on steep sites**, among other things, as follows:

"The proposed project would include General Plan amendments (GPA) to include the project site and surroundings in the Somersville Road Corridor Focus Area and to waive the requirements of General Plan Section 5.4.14 for residential properties within the focus area subject to the Planned Development process. The GPA would also exempt the project from provisions of General Plan Section 4.4.1.1. and Policy 10.3.2-e which both pertain to development on steep sites, among other things."

C-1

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C-1 (3) **Oppose Zoning Text Amendment to Article 24 of the City of Antioch Municipal Code (Hillside Planned Development District Ordinance)** to allow residential properties located within the Somersville Road Corridor to be processed in accordance with the Planned Development process pursuant to Article 23 of the Antioch Municipal Code rather than processed pursuant to Article 24 as it currently stands concerning Hillside Planned Development.

(4) to submit written comments by October 28, 2013, pursuant to the Public Hearing Notice and Notice of Intent to Adopt A Mitigated Negative Declaration, dated October 8, 2013;

Additional Time to Submit Comments and Updated Pictures

C-2 BDEHs would like additional time after the November 6, 2013 meeting to consider and further respond to the Project's Study due to the Study's length and complexity. We would like to submit updated pictures to reflect the current landscapes, skyscapes and views of Black Diamond Estates today. The pictures shown in the study are not current. The simulated pictures do not accurately reflect what the neighborhood will look like after the grading is completed. (see AES1 and AES2, Study, pp. 23-24.)

Applicant's Zoning Designation Application from Low Density Hillside to Owner/Developer Remainder.

C-3 The Antioch City Council ("ACC") approved Discovery Builders, Inc.'s ("Applicant") application for converting the Black Diamond General Plan zoning designation of "Low Density Residential" and "Hillside Planned Development" into "Owner/Developer Remainder" for the remaining open space at Black Diamond Estates without notice or an opportunity for BDEHs to respond.

BDEHs object to the ACC's approval of Applicant's application for "Owner/Developer Remainder" zoning designation. BDEHs would like to take steps to restore the original zoning designation and to keep our hills as "Remaining Opening Space" as they are now.

Proposed Grading of Hills Eliminates A Natural Shelter from Antioch's High Winds and Extreme Temperatures During Summer Months; We Have No Trees That Provide Shade

"Implementation of the proposed Project would have two rather dramatic effects on the visual character of the site and the scenic vista of which it is a contributing component. First the proposed grading would eliminate the top of the hill."

C-4 We are vehemently opposed to transforming the remaining hillside on Countryside and Summit (and surrounding hills) from "open space" to a "residential subdivision. (See Study, p. 20, ¶ 1.) which would change the look of our entire community and expose us to Buchanan Road and the Antioch Focus Corridor, both unattractive.

Removing that 125 feet of the hill would expose homeowners and homes to even higher winds and temperatures during summer months. We have no shade trees currently in our newly-developed neighborhood. The grading would have a detrimental effect on ALL Black Diamond wildlife which most of us enjoy.

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C-5 Grading these hills will generate negative seismic activity on lots in and around the Project. BDEHs are also concerned with what the seismic effect of the Project's extreme grading will be on retaining walls already in place, we feel it will cause cracks in the dirt, sink holes, cracks to concrete, and general instability of surrounding hills and land, as well as causing our homes to shift and crack.

C-6 The exact location, design and grading plans for the remaining nine custom homes that are not in the Project's gated community but will be developed behind Torgensen Court is not clear nor discussed in detail in the Study. We do not want steep grades or any GPA requirements waived, or Zoning Amendments approved for the hill behind Torgensen Ct.

C-7 Grading the hill will destroy Black Diamond's skylines and beautiful mountain scapes that BDEHs currently enjoy and that should be protected under Article 24 of Antioch's Municipal Code. *The hill, as it appears now*, is the main reason we all decided to purchase our Black Diamond homes. The hill is a part of the beauty of Antioch, the personality and charm of our neighborhood and needs to remain its current state indefinitely for all to enjoy.

Project's Proposed Gated Community and Emergency Access Road to be Maintained By A Homeowners Association

C-8 The Project will have an adverse effect on the neighborhood as a whole because the proposed gated community to be maintained by a homeowner's association ("HOA") lies directly in the center of an established, ungated community that is not maintained by an HOA. BDEHs feels that an HOA of any sort is not a good fit. Many of us purchased our Black Diamond homes *specifically* because there is no HOA. We want our community to remain beautiful with an open feel, not an urban feel. We do not want a fenced community within our established, friendly community.

Additionally, HOAs do not work in today's economy because there are members that do not pay their monthly dues causing the HOA's paying members the burden of carrying non-paying members. There is always animosity amongst neighbors. HOAs are very expensive to maintain because of the legally required yearly reserve studies, operating fees, requisite management company, liability insurance, bank accounts, etc. Lenders will not finance HOA properties with under-funded reserves and most of today's HOAs are under-funded.

If a construction defect is identified within the Project after it is completed, this would be detrimental to the Project's HOA reserves and that would snowball into our community.

C-9 The Project's proposed emergency access road will become a negative activity travel path generating unwanted vehicles, graffiti, noise, guests, and loss of quiet enjoyment thus reducing property values and quality of life.

Residents Were Told That The Hill Was To Remain Open Space and Would Be Left That Way

C-10 BDEHs were under the impression that the majority of the Project space was to remain Wildlife Remaining Open Space when we purchased our homes. We feel the Project will have

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C-10 an adverse effect on the look and personality of our community as a whole, and expose homeowners on Torgensen to views of Buchanan and the Antioch Focus Corridor. It will have a negative impact on the wildlife that most of us enjoy. It will destroy our beautiful hillsides, and could expose us to increased heat and wind damage due to hill grading, resulting in loss of property values.

C-11 **Pocket Park Is Not An Activity Park**
Most of the Project's remaining open space would comprise Parcels A and B, the majority of which is steep sloped and shouldn't be considered any kind of pocket park because it cannot be used for exercise, walking or recreation.

Currently, there is no proposed bicycle routes or friendly walking areas to local shopping and coffee throughout our community or the Antioch Focus Corridor.

C-12 **The Study's Traffic/Density and Pollution**
We feel the ABAG statistics are under-stated so the figures contained in the Study's Explanation under Section XII that the population will only increase by 185 residents is not accurate, Study, p. 90. BDEHs feel this is understated based on occupants per household living in our community now. Traffic is currently a nightmare on Somersville and Buchanan Road. The James Donlon Bypass should be completed to relieve this. Traffic is on overload with no relief in sight.

Environmental Concerns

C-13 BDEHs would like to add to the Project Study's list of "Environmental Factors Potentially Affected List" on Study page 16, with additional categories: Greenhouse Gas Emissions, Transportation/Traffic, Population/Housing, and Recreation to the list of factors potentially affected by the Project.

C-14 We also have other environmental concerns such as the additional heat and wind our community will endure if the hill on Country Side is graded 125 feet and a road constructed. The only landscaping planned is for low-growing trees and plants. The summers are very hot in Antioch and we also have high winds (like today) that are derailed somewhat by the hills. We do not have any shade trees in our community currently.

Landscaping Concerns

C-15 Applicant currently uses ground cover on their homes in the form of brown wood chips that blow right off the lots, into the street gutters, and then into the storm drains because of the high winds in Black Diamond. The Study says that Applicant intends to use this same type of ground cover for landscaping for the Project which is of concern. It is also very unattractive.

The fact that Applicant only wants to plant low growing trees and plants to preserve views for The Pointe homeowners, is unacceptable.

Ms. Mindy Gentry, Senior Planner
City of Antioch
October 27, 2013
Page 6 of 6

BDEHs All Thought That After the Final Terraces Release That Construction Would Conclude and Applicant Would Leave Our Community

C-16

BDEHs thought construction would be completed after the final Terraces release (construction now in progress) was finished. The Project will generate much noise and inconvenience to homeowners with dust generated from grading causing breathing difficulties to residents with asthma, noise and toxic materials from construction of additional roads.

C-17

We are tired of the Builder and want them to leave. Discovery Builders have been doing construction in the neighborhood for a solid five years and BDEHs deserve a break from the noise, dust, dirt and other negative and inconvenient activity constructing homes produces.

Clarification of Notice's Last Paragraph

C-18

BDEHs need further clarification on the Notice's last paragraph and hope that further clarification can be provided:

"If you challenge the action of the Planning Commission on this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City concerning the Public Hearing."

Sincerely,

BLACK DIAMOND ESTATES HOMEOWNERS
AND TERRACES AT BLACK DIAMOND
HOMEOWNERS

Letter C

Black Diamond Estates Homeowners and Terraces at Black Diamond Homeowners (BDEH)

- C-1 The comment expresses BDEH's opposition to approval of the requested General Plan Amendment and zoning text amendment. It does not address the adequacy of the IS, and no response is necessary. However, the group's opposition to the project is noted, and will be considered by the City's decision makers prior to making a decision on whether or not to approve the proposed project.
- C-2 The comment requests additional time to review the IS and submit updated photos of the project vicinity. As discussed in more detail in Response to Comment B-7, the 20-day public review period was consistent with the requirements of CEQA. However, it should be noted that more than 60 days have elapsed since closure of the public review period, and no additional comments or photographs have been submitted to the City by BDEH in that time.

Regarding the point that the photographs depicted in the IS are not current, CEQA does not require a lead agency to "shoot at a moving target," i.e., continually evaluate changing conditions. The analysis presented in an EIR (or MND) must be based on a "snapshot" in time, defined as environmental conditions as they exist at the time the Notice of Preparation is published or at the time environmental analysis was commenced (*CEQA Guidelines*, Section 15125(a)), which in the case of the Pointe MND, was in November 2009. The photos shown on IS Figure 7 were taken in March 2010. The baseline photos shown on Figures AES-1 and AES-2 are presumed to have been taken about the same time. The City acknowledges that more of the Black Diamond Estates subdivision has been constructed in the time since the photos presented in the IS were taken, but this does not alter or invalidate the findings regarding the project's environmental impacts presented in the IS.

- C-3 As discussed in more detail in Response to Comment B-1, the City has not changed the zoning district or General Plan land use designation of the site. They have been and currently remain Hillside Planned Development and Low Density Residential, respectively. The change to "Owner/Developer Remainder" was made to the Tentative Subdivision Map, and the change was publicly noticed as required by law in 2005 prior to a public hearing on the re-designation. The City did properly

notice BDEH regarding the GPAs and zoning text amendments that are part of the proposed project, and also noticed its intention to adopt an MND for the project, consistent with the requirements of CEQA. BDEH's opposition to the project is noted, and will be considered by the City's decision makers prior to making a decision on whether or not to approve the proposed project.

- C-4 Again, the opposition to the project is noted and will be considered by the City's decision makers. The visual changes to the neighborhood that would occur with implementation of the project are acknowledged and are described and evaluated on pages 19 through 26 of the IS. However, it is not true that the project would expose the surrounding community to views of Buchanan Road or the neighboring focus corridor. The project site would still be a substantial hill, with elevations over 330 feet. There is no potential for the project to expose surrounding residents to views of the Buchanan Road corridor.

With respect to the statement that the proposed reduction in the existing hill would expose neighboring homes to higher winds and temperatures during summer months, there is no evidence that this would occur. First, the prevailing summer winds in the project vicinity are from the west, and are the result of a "thermal trough" that forms between high atmospheric pressures over the Pacific Ocean and low pressure over California's interior. The high pressure offshore is created by a marine layer of fog generated by warm tropical air flowing over cold coastal waters, creating relatively low surface temperatures (generally, Fahrenheit temperatures in the 50s to low 60s). The pressure difference between the offshore high pressure zones and the inland low pressure zones draws steady and relatively strong northwesterly onshore winds that flow into San Francisco Bay through the Golden Gate and further inland through gaps in the Coastal Range, such as the Carquinez Strait and Delta. The pressure gradient that induces these winds is created by the high inland temperatures and the cold marine layer. Thus, to the extent that the project could increase winds in the project vicinity, the winds would have a decidedly cooling effect; they would not cause higher temperatures.

While any increase in winds would have a cooling effect, rather than a heating effect, the project is not expected to have an appreciable effect on winds in the lee of the hill on which the site is located. Although the movement of wind is very complex and there are a variety of factors affecting the flow of wind over uneven terrain, generally speaking, wind traveling into and over a hill results in increased wind speed on the windward side of the hill as a result of the air having to travel

faster through the partial constriction caused by the terrain. The maximum increase in wind speed usually occurs at or near the crest of the hill.

This effect of higher wind speed on the windward side of a hill increases as the height and steepness of the hill increases. Depending on the height and steepness of the hill, there can also be turbulence in the lee of the hill. The speed-up effects on a hill are less than those that occur to wind traveling over a ridge because in the former case, wind can diverge around the sides of the hill. Where there are multiple hills in an area, the flow of wind over one hill (such as a hill upwind from the project site) affects the flow over the next hill.

The modeling of wind over uneven or mountainous terrain is extremely complex and was not practical to perform in response to this comment. However, less wind separation occurs with gentle topography than with more pronounced topography. To the limited extent that the project would be likely to affect wind flow, it would be expected to reduce the speed-up effect and any associated leeward turbulence because the topography would be reduced in comparison with existing conditions. It should also be noted that the proposed homes will affect air flow, which is the case with any structures, and these effects are likely to be more pronounced than the effects caused by reduction of the hill.

- C-5 Seismic activity is generated deep within the earth; there is no potential for site grading to generate seismic activity, as asserted in the comment. It is true that the proposed homes and their occupants could be exposed to seismically generated ground shaking and/or failure, which is true of any new development within the seismically active San Francisco Bay Area. ENGEO Incorporated, a highly qualified geotechnical engineering firm, performed a site-specific geotechnical analysis of the project site, the results of which are summarized on pages 50 through 61 of the IS. The analysis acknowledges a potentially significant impact associated with earthquakes and identifies mitigation to reduce this impact to a less-than-significant level. Pursuant to Mitigation Measure G-1, the project sponsor will be required to prepare a design-level geotechnical investigation report that, among other things, will include subsurface testing and will identify grading and project design requirements sufficient to ensure slope stability, including ground and retaining walls on adjacent properties. The evaluation and design recommendations will be supported by appropriate static and seismic stability analyses, and will be subject to review by the City of Antioch Engineering Division.

Hillside construction in the Bay Area is extremely common and, with appropriate site preparation and foundation and building design, such development is highly stable. There is no reason to expect that the project will cause cracks, sink holes, or other instability on adjacent properties, and the comment does not provide any evidence to the contrary.

- C-6 As discussed on page 2 of the IS, the nine homes that would be located outside of the gated community would be interspersed within the Black Diamond Ranch subdivision, along Countryside Way (previously mapped as Country Side Way) and Torgensen Court. The homes would be located on Lots 52 through 60, which are shown on the site plan presented as Figure 2 of the IS. Three of the homes would be located at the northwest corner of the site, at the west end of Countryside Way. Five of the homes would be located at the east side of the site on Countryside Way, east of Lots 1 through 3. The ninth home (Lot 60) would be located at the northeast corner of Torgensen Court, just south of Lot 10. The exact locations of these homes are depicted on the site plan (Figure 2) and the grading plan (Figure 5). As noted on page 5 of the IS, the size and design of these nine homes would be consistent and compatible with the existing surrounding Black Diamond Ranch development.

As stated on page 7 of the IS, site grading would create a maximum slope of 2:1 between the proposed homes, while the homes themselves would be on flat graded pads. The homes on Lots 55 through 59 would be on pads with elevations ranging from 217 feet to 222 feet, which is comparable to the elevations of the existing adjacent homes on the opposite side of Countryside Way, whose elevations range from 216 feet to 223 feet. The home on Lot 60 would be at 326 feet, while the homes flanking it on Torgensen Court would be at elevations of about 329 feet and 325 feet, respectively. While the grading plan does not specify the pad elevations on Lots 52 through 54, they are expected to be comparable with those on the adjacent existing lots.

The information on location, design, and grading provided in the IS is at a sufficient level of detail to permit an evaluation of the project's environmental effects pursuant to CEQA. The commenter's opposition to the proposed GPAs and zoning text amendments is noted and will be considered by the City's decision makers prior to making a decision on whether or not to approve the proposed project.

C-7 With a General Plan land use designation of Low Density Residential since at least the 1980s, eventual development of the site has been anticipated for many years. Private property owners have a right to propose development of their property in accordance with the zoning and land use designation assigned to the property. While adjacent property owners may enjoy the nearby open vistas while the property remains undeveloped, they do not have a right to force preservation of the privately owned property. The proposed project would not “destroy” Black Diamond’s skylines. As shown in the visual simulations presented on Figures AES-1 and AES-2, the larger hillsides located to the south and southwest of the project would remain undeveloped. The IS acknowledges that the project will cause visual changes to the site and to viewsheds that encompass the site, but it correctly concludes that the visual changes would not constitute a significant adverse impact. The stated opposition to the proposed project is noted and will be considered by the City’s decision makers prior to making a decision on whether or not to approve the project.

C-8 An HOA will not be imposed on the residents of Black Diamond Estates. However, as noted in Response to Comment C-7, the property owner has a right to propose development of its property and propose an HOA for the maintenance of community facilities. While the comment pertains to a potential social and economic effect that is not within the purview of CEQA, it is worth noting that HOAs are required by law to prepare an annual budget and distribute it to its homeowners for review. At least once every three years the HOA is required to review the major community facilities that it is obligated to maintain and identify any anticipated maintenance, repairs, replacements, or restorations and evaluate the adequacy of the HOA’s reserve account to finance the necessary improvements. If a budget is found to be underfunded, the HOA may increase the annual assessment fee by up to 5 percent per year, and may issue a special assessment for repairs or improvements necessary for public health and safety reasons.

There is no reason for the presence of an HOA in an adjoining development to adversely affect BDEH homeowners.

C-9 The proposed emergency access would not be open to public use; it would be restricted to access by emergency vehicles and would have a locked entry gate to prevent use by other vehicles. There is no reason to expect that the emergency vehicle access (EVA) would attract vagrants, graffiti, or the generation of noise.

The use of the EVA by emergency vehicles would be very infrequent, short-term events that would have no effect on property values or overall quality of life.

- C-10 The commenters' statement that the project site would remain undeveloped is noted. As explained in Response to Comment B-1, however, the project site has been designated for residential development in the City's General Plan since at least the 1980s. Also, it was disclosed in the Covenants, Conditions & Restrictions (CC&Rs) attached to the deeds of the homes sold in Black Diamond Estates that the project site could be developed in the future.

As discussed in detail in the Aesthetics section of the IS (pages 19 through 26), the proposed project would be visually consistent and compatible with existing homes in the vicinity. The neighboring residents may prefer that the site remain undeveloped, but their home ownership does not entitle them to block development of private property. As discussed in Response to Comment C-4, the proposed development would not expose the surrounding community to views of Buchanan Road or the neighboring focus corridor. Although the height of the hillside would be reduced in comparison to existing conditions, elevations on the site would still be higher than the elevations on Torgensen Court.

Regarding potential exposure to heat and wind, please see Response to Comment C-4.

- C-11 The IS does not state that Parcels A and B would function as pocket parks. The IS states on page 5 that these landscaped parcels would be steeply sloped, and would function as a visual amenity rather than providing recreational opportunities. Separate from these parcels, there would be a quarter-acre pocket park with a decorative water feature located near the entrance to the gated homes, between Lots 34 and 35. This park would be maintained by the HOA established as part of the proposed project.

The proposed project would improve the walkability and connectivity of the site in comparison with existing conditions. First, it would reduce the average grade of the very steep hillside, making it more accessible to pedestrians. The hillside would be terraced to provide level building pads with usable back yards, and to minimize the need for steep access roads. Secondly, as discussed on page 7 of the IS, the project would create a pedestrian path that would extend north-south between the three terraced cul-de-sacs, running along the edges of lots 15, 25, 29, and 41, providing a pedestrian short-cut over the top of the hill. Where the path

would cross the landscaped buffers, concrete stairs would be built into the slopes. Finally, sidewalks would be provided on one side of the street alongside all project streets and cul-de-sacs, providing pedestrian access throughout the subdivision. Regarding bicycle routes, bicycle routes are not typically developed or designated on local residential streets, but due to the low traffic volumes and speeds on such streets, they provide for safe shared access by bicycles. Dedicated bike lanes will be provided on Somersville Road with the improvements of the road, which will be complete by December 31, 2014.

- C-12 ABAG statistics are widely used and commonly accepted for population estimates in the Bay Area. Another widely used data source for demographic data is the California Department of Finance (DOF). DOF data for the City of Antioch shows a 2010 household size of 3.15 persons. Using this population generation rate applied to the proposed project would result in 189 persons rather than the 185 persons cited in the IS. While there is no reason to question the accuracy of the ABAG demographic statistics, which are used as a basis for long-range planning by public agencies throughout the region, the difference between 185 people and 189 people would be negligible and not alter any of the conclusions presented in the IS, including those related to the traffic analysis.
- C-13 As documented on pages 31 through 41 of the IS, the project's greenhouse gas impacts would be less than significant. The traffic analysis summarized on pages 99 through 120 demonstrate that the project's traffic and transportation impacts would be less than significant. On page 90 the IS provides a rationale for concluding that the project's impacts on population would be less than significant. The discussions on pages 96 through 98 demonstrate that the project's recreation impacts would be less than significant. The City has developed and presented substantial evidence in support of the conclusions presented in the IS. The commenter has not provided any evidence whatsoever in support of the broad assertions presented in the comment, and the City respectfully disagrees with the comment.
- C-14 Please see Response to Comment C-4.
- C-15 The issues raised in the comment are not CEQA issues and do not address the adequacy of the IS. They are concerns that can be more properly addressed to the Planning Commission during the design review process.

- C-16 As noted in Response to Comment C-10, the CC&Rs attached to the deeds of the homes sold in Black Diamond Estates disclosed that the project site would be developed in the future. The IS requires the applicant to implement Mitigation Measures AQ-1, N-1, N-2, and N-3 during construction, which will ensure that the project's temporary construction impacts on air quality and noise will be less than significant. Please refer to pages 37 through 38, 83 through 84, and 89 of the IS for discussions on how these conclusions were reached.
- C-17 Please see Response to Comment C-16 regarding construction dust and noise. The other point made in the comment is not a CEQA issue, and no response is necessary.
- C-18 The Notice cited in the comment summarizes well-established state law provisions that limit the types of issues that may be raised in any lawsuit subsequently filed to challenge the City's ultimate decision regarding the project. As the Notice states, a party filing such a lawsuit generally may only ask the court to address those issues that the party, or someone else, raised to the City decision maker prior to its decision.

LETTER D

Keith and Darcy Johnson
3615 Torgensen Court
Antioch, CA 94509
October 27, 2013

RECEIVED
OCT 28 2013
CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Ms. Mindy Gentry, Senior Planner
mgency@ci.antioch.ca.us
City of Antioch
Community Development Department, Planning Division
P.O. Box 5007
3rd and H Streets
Antioch, CA 94531-5007

Re: Project Name: The Pointe Project Subdivision, Antioch ("Project")
Applicant: Discovery Builders, Inc. ("Applicant")
Description: 60 Homes on 21-Acre Open Space Hillside
Public Hearing: November 6, 2013, 6:30 p.m.
Concerning: Intent to Adopt A Mitigated Negative Declaration

Dear Ms. Gentry:

D-1

We live at 3615 Torgensen Court in Antioch California. We are writing today in reference to the proposed project called "The Pointe, Antioch", to be developed by Discovery Builders. While the project will drastically alter the "rolling hills" nature of our neighborhood, development was always anticipated and this project is not entirely objectionable. In the interest of full disclosure, our home is on lot 282 of the Black Diamond Estates, adjacent to Lot 60 of the proposed project. The concerns we have do reflect the fact that this is literally right next door.

D-2

Torgensen Court, as part of the Black Diamond Estates development, was proposed and planned to be a residential cul-de-sac with 14 homes. Approved by the City of Antioch Planning Commission and City Council as such, the homes were purchased by families like ours with the understanding that only 14 homes would be built on our street. When we asked if any other homes would be built at the end of our street, we were told no, the hill next to us was outside the development boundary. We were told the hill top might someday be developed, but there would be a buffer between the developments. This was important to us for privacy. As a matter of fact, privacy and the view were the reasons we felt the \$50,000 premium we paid for our lot was justified.

D-3

We have no objections to the general plan of The Pointe. We do think that a gated community within an open neighborhood is of questionable taste, but that's just us. However, in talking with our neighbors, it has been pointed out that homeowner's associations do not necessarily guarantee maintenance costs can be met. Infrastructure problems like streets, drainage, landscaping, and slippage will have a direct impact on us. The financial stability of the proposed HOA consisting of only 51 homes is questionable unless the developer pre-funds the association with adequate reserves to assure the HOA is equipped to handle potential issues.

D-4

We can understand the necessity of a secondary access road for emergency situations. While we do not think a residential cul-de-sac is the proper location for an Emergency Vehicle Access road, we can see that Torgensen Court is probably the best and only choice for an EVA. That said, the drawing from the EIR shows the EVA to have two 90 degree turns. If you want to get fire engines into a gated community through a back door, why make it a curvy road? We think the planned EVA should be modified to a straight line from the end of Torgensen Court to Summit Place, passing between lots 10 and 11. As

F42

D-4

drawn, the EVA runs through the present street light. Rerouting the EVA will allow the streetlight to remain in its present (already approved safety) location. Connecting the EVA to Torgensen Court will result in the loss of one on street parking space, but we think the present population can accommodate the loss.

D-5

On the other hand, we do have significant concerns and objections to the development of Lot 60. The proposal is to build a 15th house on Torgensen Court. Not only is this a major change from the original plan for 14 homes, it also eliminates the promised buffer between us and any new development. It will create increased traffic flow and the need for additional parking. While increasing the demand for parking, the driveway for the house will cause the loss of at least two "on street" parking spaces. The Torgensen Court frontage for Lot 60 is approximately 50 feet, not much space to accommodate the emergency vehicle access road, the driveway, a fire hydrant (not noted in the EIR renderings of Torgensen Court) and the street light. Because the addition of the house proposed for Lot 60 confuses the route of the EVA, increases the traffic on a residential street, likely removes 3 parking places while increasing the demand for parking, we believe the development of Lot 60 should be removed from the project plan.

D-6

Another concern we have is that the developer and his contractors will use Torgensen Court as access into the project and as a delivery and staging area for materials. Torgensen Court has been finished as planned, and is now a quiet residential cul-de-sac for 14 families with kids. While the initial grading and site preparation for The Pointe will create a disturbance, that disturbance will be short lived. The EVA will be installed with the streets, no extra bother there. But, build a house on lot 60 and a whole new level of intrusion is created. Deliveries of supplies and materials, workers and their equipment, lunch trucks and noise will descend on Torgensen Court. Not only for lot 60, but potentially for all the lots at that end of Summit Place, lots 7 through 18. If the project is approved, we ask the Planning Commission to consider work rules that prohibit any and all use of Torgensen Court for construction purposes.

D-7

The Pointe is described as a project to build 60 homes, 51 within a gated community, 9 along the project perimeter, integrated into the existing Black Diamond Estates neighborhood. Of the 9, all but Lot 60 are on Countryside Way, and it was evident to all that they would be developed some day. Lot 60 on the other hand is at the end of a "finished" street and was promised never to be built upon. Rather than being integrated into the neighborhood, Lot 60 feels more like it is being imposed upon its neighbors.

D-8

We also have concerns in regards to traffic. The EIR references a traffic study conducted in 2010. That study does not reflect the reality of the traffic situation as it exists today at the intersection of James Donlan and Somersville Rd. Since that study was done there has been a significant increase in traffic at that intersection. As a matter of fact the disclosure statement in our purchase agreement from earlier this year states:

"Buchanan Road and James Donlon Boulevard tend to have congestion at certain peak times. Even with the implementation of these planned improvements, current studies forecast that significant traffic congestions will remain in the future."

The current intersection is dangerous especially for those coming from the Terraces. There is no signal light and the road has not yet been widened to four lanes as has been promised. The intersection as currently structured grants right of way to traffic coming from the freeway and Buchanan road through the intersection with no stops required. Traffic from the Terraces must stop before proceeding either directly through or making a turn. Traffic coming from Antioch must stop if going through the intersection and is supposed to yield when making a right turn onto Somersville. What this means is that in the morning, the Antioch traffic blows through the yield sign endangering those making the left from the Terraces. There is no recognition of or compliance with the Yield sign. In fact, friends who commute

LETTER D

D-8

from east Antioch report being harassed when they actually slow down and yield. In the afternoon making a left from the Terraces onto Somersville is next to impossible because there is rarely a break in the oncoming traffic from the freeway/Buchanan Rd. We suggest that improving this intersection and widening the road should be a prerequisite to any further development that would be accessed via James Donlon, specifically either The Pointe or Sky Ranch.

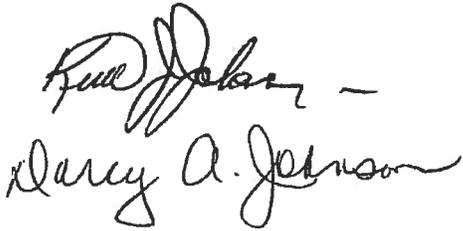
D-9

We have read the draft letter being circulated by some of our neighbors and agree with some of the concerns expressed. Specifically, we believe The Pointe may:

- Have an adverse seismic impact to our home and concrete surfaces, cracking inside and out caused by the vibrations during extreme grading.
- Cause a loss of protection from the wind afforded us by existing hills.

We hope to attend the November 6 Planning Commission meeting, but are submitting this letter to ensure our concerns are presented to you and the Planning Commission. Thank you for your attention to our concerns.

Sincerely,


Darcy A. Johnson

F44

Letter D

Keith and Darcy Johnson

- D-1 The comment notes that the writers live next door to Lot 60 of the proposed project, but does not address the adequacy of the IS/MND. The more substantive comments are addressed below.
- D-2 While the issue raised in the comment is not a CEQA issue, it should be noted that the Conditions, Covenants, and Restrictions (CC&Rs) of the deeds issued to home buyers in Black Diamond Estates disclosed that the project site would be developed in the future. Lot 60 is privately held property with a Low Density Residential land use designation that envisions the property could be developed with a single-family home.
- D-3 Please see Response to Comment C-8, which addresses this comment.
- D-4 Based on preliminary feedback provided to date by the Contra Costa County Fire Protection District (CCCFPD), the proposed EVA does not appear to conflict with Fire Code requirements for site access. However, the CCCFPD will conduct a detailed review of the project as part of the entitlement process, and if the EVA does not comply with the applicable Fire Code requirements, the City would require the applicant to modify the EVA design.
- D-5 The increased traffic from one single-family home would be negligible and would have no impact on traffic flow or level of service at area intersections. The demand for street parking generated by one single-family home would also be negligible. The home would be developed with a two- or three-car garage and, with driveway parking, is expected to provide a minimum of four off-street parking spaces, which will further reduce the limited demand for on-street parking generated by one home. The other issues raised in the comment are not CEQA issues and do not address the adequacy of the IS. They are concerns that can be more properly addressed to the Planning Commission during the design review process.
- D-6 There is no reason to expect the construction contractor to rely on the EVA for delivery of materials, equipment, or construction workers. Following site grading, the utilities and streets would be installed prior to any home construction. The completed streets would provide the construction contractor with easier and more

direct access than the EVA. Nonetheless, staff will recommend as a condition of approval that the construction contractor be precluded from using the EVA during construction as a staging area or for deliveries of materials, equipment, or construction workers.

D-7 Please see Response to Comment D-2.

D-8 CEQA does not require a lead agency to “shoot at a moving target,” i.e., continually evaluate changing conditions. The analysis presented in an EIR must be based on a “snapshot” in time, defined as environmental conditions as they exist at the time the Notice of Preparation is published or at the time environmental analysis was commenced (*CEQA Guidelines*, Section 15125(a)), which in the case of the Pointe MND, was in November 2009.

It is acknowledged in the IS that with completion of recently approved projects the intersection of Somersville Road and Buchanan Road would operate unacceptably at Level of Service (LOS) E, which means the intersection operates with long delays (i.e., 55 to 80 seconds), long cycle lengths, and frequent failure to move through the intersection in a single cycle. However, the incremental additional traffic that would be added to this intersection by the proposed project would not increase the volume-to-capacity (V/C) ratio at this intersection. As discussed on page 112 of the IS, the City of Antioch’s thresholds of significance for traffic impacts at signalized intersections include the following:

- when a project causes a signalized intersection operation to exceed the City’s minimum LOS D with a v/c ratio higher than 0.85 (General Plan Policy 3.4.2.1) or,
- when a project adds more than one percent (.01 v/c) increase in peak hour traffic volume to an intersection already operating at LOS F.

Because project-generated traffic would not increase the V/C ratio at this intersection or cause it to exceed LOS D, the project’s traffic impact at this intersection was correctly determined to be less than significant.

As discussed on page 108 of IS the following road improvements will be completed by December 31, 2014: a traffic signal at the intersection of Somersville Road and James Donlon Boulevard and the widening of Somersville Road between the Markley Creek channel and Black Diamond Mines Regional Park, which include sidewalks down the west side of the street.

The comment addressing compliance with existing signage at the intersection of Somersville Road and James Donlon Boulevard is not a CEQA issue; it is a traffic enforcement issue under the purview of the Antioch Police Department.

- D-9 Regarding grading and seismic impacts, please see Responses to Comments B-8 and C-5. Regarding the concern about wind, please see Response to Comment C-4.

LETTER E



November 1, 2013

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

Subject: Proposed Pointe Project, Agenda Item No. 2, November 6th Planning Commission Meeting

Dear Chair Sanderson, Vice Chair Hinojosa, and Commissioners Azevedo, Motts, Miller, Bastrup and Westerman:

We have reviewed materials related to the proposed Pointe project. We observe that there are no responses to the comments that have been submitted, and to our knowledge, the document has not been circulated to the State Office of Planning and Research. This means that the California Department of Fish and Game, the Regional Water Quality Control Board, the Area Air Quality Control District and other key agencies appear not to have had the opportunity to review and comment on the project and associated Initial Study/Mitigated Negative Declaration.

E-1

We respectfully request that the Agenda Item No. 2 be delayed until Responsible and Trustee Agencies are notified of the project and environmental document, and the environmental consultant is provided the opportunity to respond to the issues raised. We also request notification in advance of the November 6th meeting that the item has been delayed.

All of you as decision makers and the wider public deserve full information, as is required by the California Environmental Quality Act (CEQA), before any action is taken on the project and associated environmental document.

Sincerely,

Nancy Woltering
Land Conservation Associate

Cc: Tina Wehrmeister, Director, Community Development Department
Mindy Gentry, Senior Planner
Seth Adams, Land Program Director, Save Mount Diablo
Meredith Hendricks, Senior Land Programs Manager

Letter E

Save Mount Diablo (November 1, 2013)

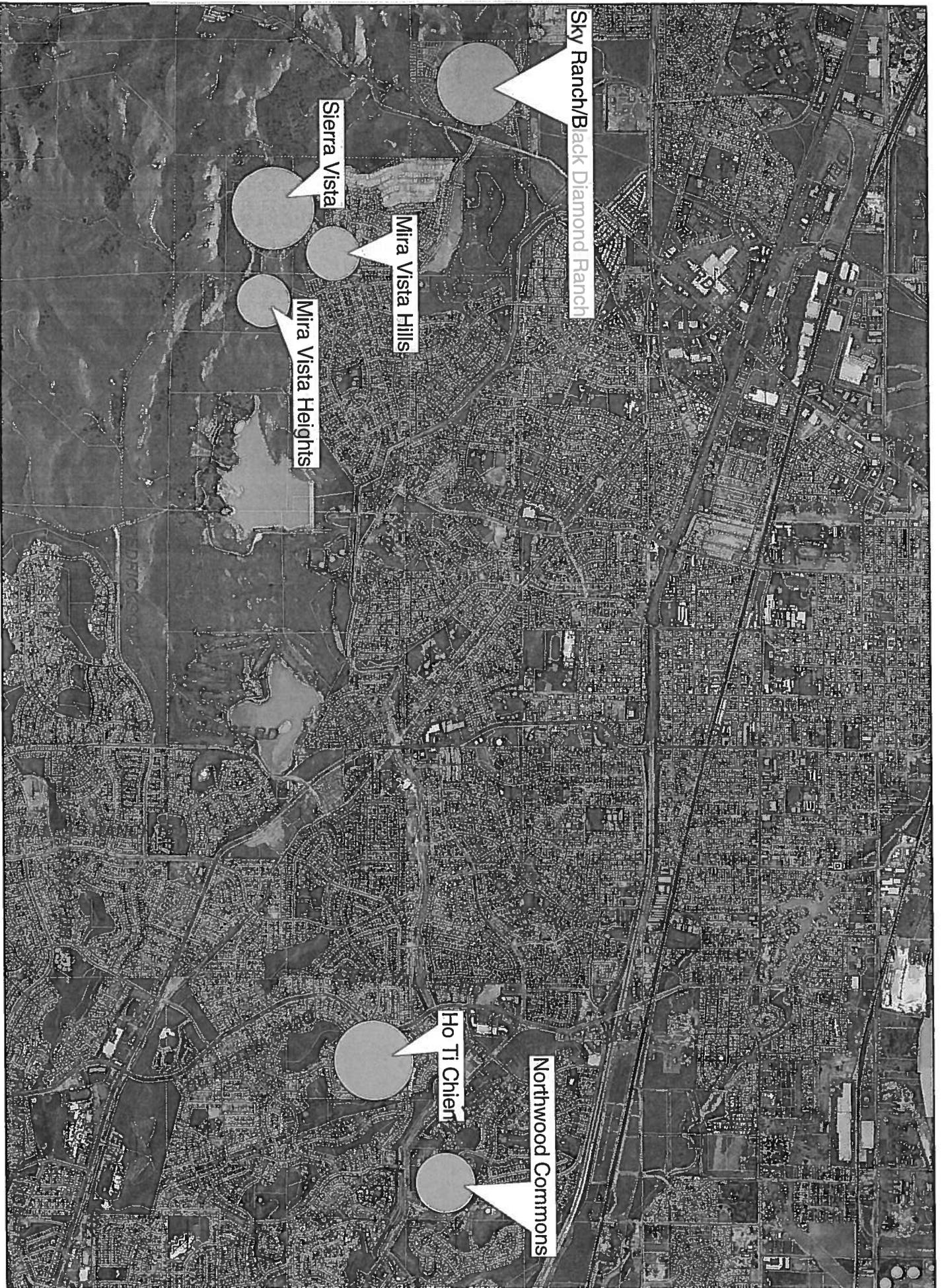
E-1 CEQA does not require a lead agency to prepare written responses to comments received on a proposed MND. However, this document does provide written responses to all of the comment letters on the Pointe MND received by the City.

The Pointe MND was not submitted to the State Clearinghouse (SCH) at the Office of Planning and Research (OPR) because the City deemed the project to be of local, not regional, significance. As provided in Section 15205(b) of the *CEQA Guidelines*, a lead agency must submit a proposed MND to the SCH if the project is identified pursuant to Section 15206 as being of Statewide, regional, or areawide significance. The project does not meet any of the criteria set forth in Section 15206 and, therefore, pursuant to CEQA, the project is not a project of Statewide, regional, or areawide significance.

Nonetheless, as noted in Responses to Comments B-7 and B-8, the California Department of Fish and Wildlife (CDFW) will be given an opportunity to review the project if any protected species are encountered during the pre-construction surveys required by Mitigation Measures BR-1 through BR-3. If none of the surveyed species are encountered, there would be no potential for the project to have a significant impact on biological resources, and input from CDFW would not be warranted or required.

The Bay Area Air Quality Management District (BAAQMD) does not review or comment on small subdivision projects such as the proposed project. With respect to the Regional Water Quality Control Board (RWQCB), the City administers the permitting requirements for the RWQCB's Municipal Regional Stormwater permit, and in that regard functions as the RWQCB's authorized agent, so the project would effectively be reviewed by the RWQCB. In addition, the applicant must submit a variety of Permit Registration Documents (PRDs) to the State Water Resources Control Board to obtain water quality coverage under the Construction General Permit (CGP). Oversight and enforcement of the CGP requirements is performed by the RWQCB, so in this respect as well the RWQCB will have the opportunity to review the proposed project.

ATTACHMENT "G"



City of Antioch - Hillside Developments

ATTACHMENT "H"

ORDINANCE NO. 497-C-S

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADDING PARAGRAPH "Q" TO SECTION 9-5.301 OF THE ANTIOCH MUNICIPAL CODE AND ADDING SECTION 9-5.413.2 TO THE ANTIOCH MUNICIPAL CODE, ESTABLISHING
A. HILLSIDE PLANNED DEVELOPMENT DISTRICT.

THE CITY COUNCIL OF THE CITY OF ANTIOCH DOES ORDAIN AS FOLLOWS:

SECTION 1. Paragraph "Q" is hereby added to Section 9-5.301 of the Antioch Municipal Code, to read as follows:

Sec. 9-5.301. Districts Established.
(q) Hillside Planned Development District.

SECTION 2. Section 9-5.413.2 is hereby added to the Antioch Municipal Code, to read as follows:

Sec. 9-5.413.2. Hillside Planned Development District.

A. Legislative Findings and Intent

The City of Antioch is located upon a narrow plain between the San Joaquin River and the Los Medanos Hills. Two distinct types of hillside areas may be identified. In the southwest, the hillsides form a highly visible backdrop to the community, characterized by steep slopes and significant elevation differences. In the southeast, the hillsides are rolling with more moderate stature and slope. Each area presents an opportunity for thoughtful conservation of unique natural features and innovative urban development. It is necessary to assure the preservation of the predominant hillsides, ridges, ridgelines and other natural features and land-forms by promoting a more harmonious visual and functional relationship between the existing natural environment and the needs of a fast-growing community.

It is, therefore, the declared intent of the City that undeveloped land in hillside areas be identified as Hillside Sensitive Area in order to accomodate one or more of the following:

- (1) To preserve the most visually significant features of the hill areas in as near their natural state as feasible;
- (2) To preserve and enhance the quality of the hill areas by encouraging the maximum retention of natural topographic features such as drainage swales, streams,

steep slopes, ridgelines, rock outcroppings and native vegetation;

(3) To preserve the predominant views both from and of the hill areas and to retain the sense of identity and imageability that these areas impart;

(4) To encourage in hill areas an alternative approach to conventional flat land practices of development that would provide the maximum in safety and human enjoyment while utilizing the opportunities presented by the natural terrain.

(5) To maximize choice in types of environment available in the City by encouraging variety in the development pattern of the hill areas;

(6) To encourage the concentration of dwelling units and other structures by clustering so as to reduce development and service costs and to preserve the more sensitive terrain in its natural state;

(7) To encourage a mixture of housing types so as to provide variation in appearance and a range of housing prices for all income levels;

(8) To achieve land use densities that are in keeping with the General Plan; however, in recognition of the increased sensitivity of steeply sloping lands, densities will diminish as the slope of the terrain increases;

(9) To provide flexibility and land use incentives to aid in ensuring the best possible development while protecting and enhancing hill area resources;

(10) To provide flexible improvement standards for hill area streets, trails, and other improvements which are consistent with the intent of these regulations, recognizing that there are important differences between hill-area and flat land developments;

(11) To insure that the open space as shown on any development plan is consistent with the Open Space Element of the General Plan and that detailed and effective arrangements for the preservation, maintenance and control of open space and recreational lands are provided;

(12) To minimize grading and cut and fill operations consistent with the retention of the natural character of the hill;

(13) To minimize water runoff and soil erosion problems incurred in adjustment of the terrain to meet on-site and off-site development needs.

B. Applicability.

This ordinance shall apply to those hill areas identified on the Hillside Sensitive Area map which is adopted herein and made a part of this ordinance by reference. This map shall be on file in the Department of Development Services. Within the Hillside Sensitive Area the specific policies and standards established herein shall apply to those areas in which:

- (1) A predominant portion of the parcel or area has slopes in excess of 10%; or
- (2) A significant area of slopes of 25% or greater are located on the parcel; or
- (3) A significant ridgeline, hilltop or exposed slope identified on the Hillside Sensitive Area map is located on the parcel.

Applicability shall be determined by the Director of Development Services and may be appealed to the Planning Commission and City Council. Any determination of non-applicability shall be noticed in a newspaper of general circulation and posted in City Hall. Any appeal shall be made within five (5) working days of the published determination notice and may be made by the applicant, general public or staff. All appeals shall be noticed for public hearing in accordance with the above. Fees shall be as established by City resolution.

All parcels of record existing prior to the effective date of this ordinance and which subsequently are subject to this ordinance shall be subject to all the provisions herein. The provisions herein shall not apply to those parcels of record for which a tentative map or final development plan has been approved and which plan or map has not expired. All such parcels of record shall be permitted at least one dwelling unit unless such right is or has been previously waived by scenic easement, deed of development rights or other device.

In the event of conflict between this section and the land use regulations which apply by virtue of the land use classification, this section and the regulations, requirements and conditions imposed under authority of this section control.

C. Establishment of the Hillside Planned Development District or Specific Plan.

Where terrain characteristics clearly define the applicability of these provisions or where a determination of applicability has been made, no development shall occur unless or until such property is zoned Hillside Planned Development District or unless or until a Specific Plan which reflects the policies and standards set forth herein has been adopted for the area.

The Hillside Planned Development (HPD) District may be established upon application of the property owner or owners or upon the initiative of the City. The HPD District may be established without consideration of a preliminary development plan, but will be subject to all approvals required in this chapter before any development may occur.

D. Permitted Uses.

Any and all uses permitted in the Hillside Planned Development District shall require use permit approval.

Any and all uses provided by this Chapter may be permitted in an HPD District as set forth in Section 9-5.413(a), provided such uses are shown on the development plan for the particular HPD District as approved by the City Council and are consistent with the General Plan.

If any land has been zoned Hillside Planned Development but no development plan has been approved thereon, no new use shall be established on such land. Any single-family residential or agricultural building lawfully existing at the time of establishment of HPD zoning on that property may be enlarged, structurally altered, or accessory buildings may be constructed. If such building is damaged or destroyed by fire or other disaster, it may be rebuilt or replaced.

E. Permit Required.

Property zoned pursuant to the provisions of this Section shall neither be developed or shall any grading permit or authorization be issued until a Hillside Development Plan and use permit has been approved pursuant to the provisions of Paragraph K of this Section.

F. Exceptions.

Despite the intended flexibility, there may arise unique circumstances in which these development standards may result in severe hardship or produce results counter to the stated intent of this chapter. Where these circumstances are proven to exist, exceptions to these standards may be permitted coincidental with approval of the Hillside Planned Development District.

G. Definitions.

For the purposes of this chapter, the following words and phrases are defined as follows:

(1) "Associated outdoor area" means that area reasonably required to provide for access, drainage, and the limited

private outdoor recreation and leisure needs of residents. Private outdoor space should ensure privacy, convenience, and utility and may be provided by natural, ungraded areas, decks, or graded patio area. Where private outdoor space at ground level would result in a significant increase in grading, the use of deck or natural area will be necessary. Where ground level area is to be provided, grading for such an area should generally not exceed the following standards:

Efficiency of one bedroom	100 square feet
Two bedrooms	140 square feet
Three bedrooms	180 square feet
Four or more bedrooms	200 square feet

(2) "Cluster development" is considered to be two or more residential structures, attached or unattached which demonstrate some economy of utilities and roads (or driveways) due to proximity of dwelling units built on the most logical, least disruptive sites with large proportions of the remaining area generally left in the appearance of unbroken expanse.

(3) "Contour interval" is the difference in elevation between adjacent contour lines on a topographic or planimetric map.

(4) "Natural state" means all land and water that remains undeveloped and undisturbed. Grading, excavating, filling and/or the construction of roadways, driveways, parking areas and structures are prohibited. Incidental minor grading for equestrian, bicycling or pedestrian trails, picnic areas and planting and landscaping which is in addition to and enhances the natural environment is permitted.

(5) "Open space" is that area suitable for common recreational use or which provides visual relief to developed areas, exclusive of typical trapezoidal type flood control channel rights-of-way, area devoted to parking, vehicular traffic or private use, and any other area which does not significantly lend itself to the overall benefit of either the particular development or surrounding environment. Open space may include area in private lot ownership, provided that such area is not fenced.

(6) "Ridge" means a connected series of major and minor hills.

(7) "Ridgeline" means a ground line located at the highest elevation of the ridge, running parallel to the long axis of the ridge.

H. Density Provisions.

The residential density permitted on property subject to

the provisions of this section shall be within the range determined by the designation shown on the land use element map of the General Plan, or where adopted, a specific plan.

The concept of "density transfer" is encouraged to preserve the steeper, more sensitive areas or other unique features of the site. In those areas where the general slope is between 25% and 30% development shall be clustered unless large lot (one acre or larger) development is proposed. No development is permitted on slopes in excess of 30% unless it can be proven that such development is in keeping with the overall intent of this ordinance. In no instance shall the density permitted exceed that shown on the approved general or specific plan.

F. Development Standards:

(1) General

The development standards in this section are the minimum necessary to insure that the intent of this ordinance is achieved. These standards recognize the inherent difference in hillside lands and are designed to provide greater flexibility so that more innovative development solutions are possible.

(2) Lot Area

It is the expressed intent of this ordinance that innovative development techniques be utilized in the hill areas; however, safety considerations shall be of foremost concern. To this end there shall be no minimum yards, lot area, lot width, lot frontage, distance between buildings, maximum lot coverage or rear yard access requirements except as may be required by an approved HPD permit. This provision shall not take precedence over uniform fire, building, or other safety codes.

Where a proposed development results in lots significantly smaller than that allowed in similar residential zones, the developer shall indicate the justification for such reduction.

(3) Guidelines

In approving an HPD, the degree to which the proposed configuration, area, and dimensions of the building site envelopes, setbacks and coverage meets the intent of this chapter shall be evaluated. The following shall be considered:

- (a) The manner in which the proposal relates to the natural topography;

(b) Degree to which grading and cut and fill operations are minimized;

(c) Stability of soil and underlying geology;

(d) Degree to which unique natural features such as rock outcroppings, ravines, creeks and steep hill faces are preserved;

(e) Effect on native vegetation and the extent to which landscaping enhances the characteristics of the area;

(f) Vehicular, including emergency, accessibility;

(g) Extent to which parking is well designed and functional;

(h) Degree to which view opportunities are maximized;

(i) Degree to which dwelling units relate to recreational and natural areas;

(j) Degree of individual privacy provided for;

(k) Degree to which the proposed development relates to adjacent development as well as probable future development;

(l) Economy of providing utilities.

(4) Structures.

The design of buildings, fences, and other structures shall be in harmony with and enhance natural site characteristics in regard to height, bulk, texture, color, reflective properties, roof characteristics, and setbacks. Fences shall not extend vertically into any area where the visual quality of a hillside would be disrupted.

Building types, placement, height limits and setbacks shall be flexible in order to achieve the objectives of this ordinance; however, safety and the items enumerated in the above-stated guidelines shall be considered when evaluating a proposed HPD.

Where a significant ridgeline has been identified on the Hillside Sensitive Area map no roof line of any structure shall be located within a vertical distance of 75 feet of the ridgeline.

(5) Streets

Hillside streets may reflect a rural rather than urban

character where the proposed intensity of development is low or special conditions warrant. Curbs and gutters will otherwise be necessary unless it can be shown that where other pavement treatments are proposed conditions permit adequate drainage and the roadway base would not be adversely affected.

Horizontal and vertical street alignments should, where possible, relate to the natural contours of the site. Alignments parallel or diagonal to natural contours are encouraged to produce generally upslope and downslope development. Proposed street design shall minimize grading to the extent feasible, following the principle of necessary grading being half cut and half fill.

In each proposal the specific design characteristics of streets in hill areas are to be carefully considered within the context of requiring minimum standards while providing safe access. The following characteristics shall be considered:

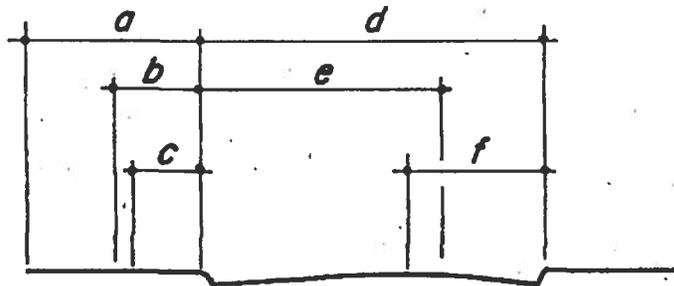
- (a) Steepness of terrain;
- (b) Depth of cut, amount of cut and fill required, height and appearance of required retaining walls;
- (c) Ability to grade required cut and fill areas to give the appearance of a natural slope;
- (d) Provision of off-street parking to compensate for parking not provided on the street;
- (e) Provision of adequate turnouts;
- (f) Adequacy of site distance;
- (g) Safety of driveway entrances;
- (h) Maximum number of dwelling units which can ultimately be served by the street;
- (i) Length of street and whether it is or can become a through street;
- (j) Accessibility for emergency vehicles.

The street design solution proposed should be innovative and in concert with the intent of this ordinance and all of its standards. Proposed variation in the number of travel lanes, right-of-way widths, pavement widths and other design features will be reviewed in this context. Varied right-of-way width to accommodate contours for meandering streets and paths, occasionally steep street grades, elimination of on-street parking lanes when alternative off-street parking is provided and other innovative techniques

are encouraged. Split level streets may be used where they will result in a more sensitive treatment of the natural terrain and minimize hillside scarring. Use of a variety of residential street designs including cul-de-sacs, hammer heads, and short loop streets is encouraged to address special hillside conditions. Private streets or lanes may be permitted where they will create a more desirable living environment and result in a more desirable use of hillside amenities.

The determination of appropriate right-of-way width is dependent upon the specific proposal and whether or not separate right-of-ways for utilities and pedestrian paths are provided. Similarly, appropriate pavement widths should consider peak traffic volume, parking solutions and controls, probable vehicle speeds, and limitations imposed by site distances, terrain and maintenance needs. The following hillside residential street sections are considered minimal in most instances. Where special conditions warrant, innovative design solutions may be approved as part of the development plan.

Local Hillside Residential Street



a = 10' utility right-of-way where required

b = 5' sidewalk where required

c = 4' minimum right-of way

d = 20' minimum one directional pavement with parking lane on one side

e = 14' minimum one directional travel lane with no parking
 = (24' minimum two directional travel lane with no parking)

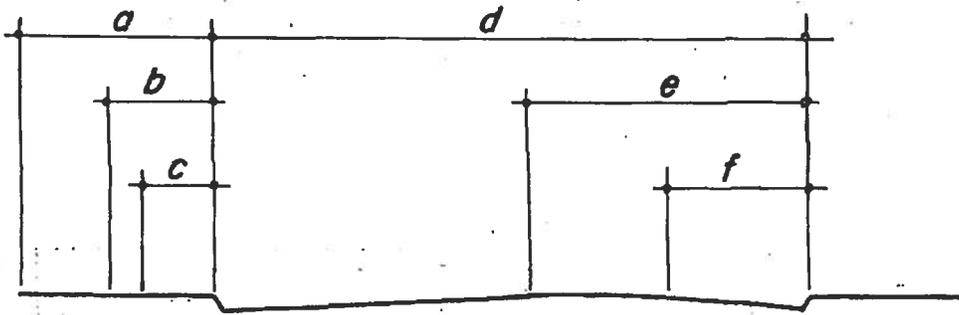
f = 8' parking lane where required

Minimum standards will depend upon service needs and access requirements. Section (d) above may be acceptable for short cul-de-sacs serving seven or fewer dwelling units or one-way looped

street providing adequate off-street parking is assured; total loop length is less than 500 feet or serves no more than ten dwelling units; adequate site distance can be provided; and vehicle speeds are expected to be limited to 10-15 mph. Minimum paved width for private streets or lanes will be judged by project design, however, such streets may have the following minimum paved widths:

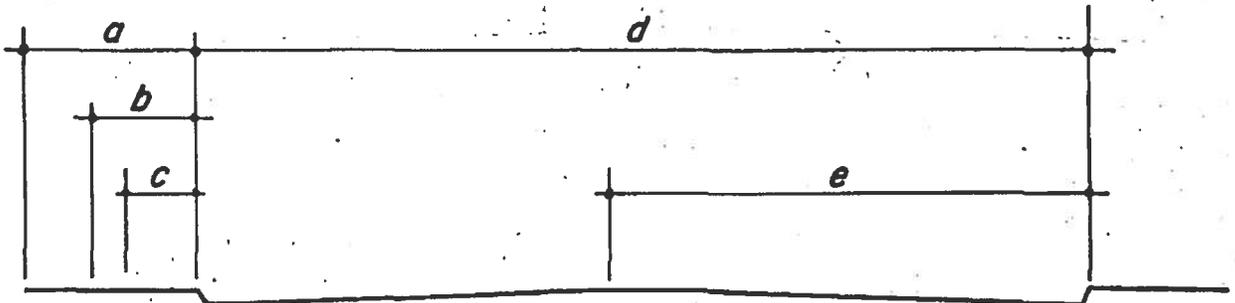
- Serving less than three dwelling units - 12 feet
- Serving three to five dwelling units - 16 feet
- Serving six to fifteen dwelling units - 20 feet

Hillside Collector



- a = 10' utility right-of-way where required
- b = 5' sidewalk where required
- c = 4' minimum right-of-way
- d = 34' minimum pavement width, two directional, parking one side
- e = 16' minimum one directional pavement where split roadway, no parking
- f = 8' parking lane where required

Hillside Arterial



a = 10' utility right-of-way where required

b = 6' sidewalk where required

c = 4' minimum right-of-way

d = 52' minimum pavement, four lanes, no parking

e = 28' minimum pavement, split roadway, two lanes each direction

(6) Street Lighting

Street lighting on public streets provided as part of a hillside development shall be of low profile design, unobstrusive, and designed to enhance the rural character of the area wherever such design is consistent with public safety and economy. Safety, security, convenience, and economy aspects should be considered when proposing the type and location of street and path lighting.

(7) Pedestrian Circulation

A pedestrian circulation plan shall be provided with the general objective being the separation of vehicular and pedestrian traffic. The pedestrian circulation plan may establish different levels of sidewalks/paths to meet varying pedestrian needs. Where private walkways/paths are proposed to connect dwelling units with one another or with parking bays or other activity, they are to be the responsibility of a homeowners association, open space or maintenance district.

The need for sidewalks along residential streets should be determined by expected levels of use and the sidewalk relationship to the functional pedestrian system. Public sidewalks are to be located in a public right-of-way or easement and are generally a width of four feet. The need for sidewalks within the right-of-way or very short cul-de-sac or loop streets servicing only a few dwelling units will be evaluated on a project basis.

Bicycle and equestrian trails, if required, shall be integrated into an overall plan for the development and, where possible, provide linkage to the city-wide trail system.

(8) Parking

(a) Quantity - For single family detached residential uses there shall be not less than two (2) parking spaces, one of which shall be covered or enclosed, designated for the exclusive use of the occupant of every dwelling unit. Tandem parking may be an acceptable means of complying with this requirement. In addition to the above required spaces, there shall be a quantity of open parking spaces equal to or greater than the number of dwelling units located within a maximum of 200 feet of every dwelling unit which they serve.

For attached, condominium, or multi-family residential units there shall be a minimum of two parking spaces, one of which shall be covered or enclosed. These spaces should be located within a maximum of 200 feet of the dwelling units they serve. In addition to any other parking requirements, at least one (1) space per five (5) dwelling units shall be provided for guest parking.

The City may require more parking where topography, special traffic, building, grading or other circumstances warrant.

(b) Provision - Parking should be provided off-street, with the intent of eliminating parking lanes. In areas in excess of 15% slope, parking lanes are not to be provided except as approved by a development plan. Open parking shall be placed in groups if six or more spaces are required, and such groupings may include parking within street right-of-ways, parking bays, small parking lots or any combination thereof.

(c) Non-residential use - Parking for non-residential uses shall also be required in accordance with Section 9-5.709 of the Antioch Municipal Code.

(d) Emergency parking - The intermittent widening of streets for emergency parking and turnarounds at convenient places shall be provided.

(e) Recreational vehicles - Where appropriate well-designed and inconspicuous common parking and storage of recreational vehicles shall be provided at a ratio of one space per each five dwelling units.

(9) Open Space

Up to 25% of every proposed residential development located in a Hillside Planned Development District or Specific Plan subject to the provisions herein shall remain in its natural state or be developed solely for recreational purposes.

Where either the General Plan or an adopted specific plan designates any portion of an area as open space, it shall be reflected in the proposed development plan and the density otherwise permitted may be transferred elsewhere within the project area. In those instances where an approved specific plan has adjusted the gross density, no additional density credit for open space lands shall be provided.

Where a public park or other public open space is proposed within a development, such area shall be offered for dedication pursuant to Antioch Municipal Code Section 9-4.1004. Where the offer for dedication is not accepted, payment of a fee-in-lieu shall be paid pursuant to Antioch Municipal Code Section 9-4.1005.

Where a development provides a common private open space, permanently maintained as landscaped park or recreational area to serve the homeowners of the development, partial credit for such space toward park dedication or payment of fees-in-lieu may be allowed pursuant to Antioch Municipal Code Section 9-4.1009.

(a) Location - Areas proposed for open space should include irreplaceable natural features located in the tract, such as but not limited to, stream beds, significant stands of trees, individual trees of significant size, exposed or steep slopes, significant ridgelines and rock outcroppings. Any area identified for preservation as a natural area on the Hillside Sensitive Area map shall be reflected on any proposed development plan. The area, configuration, accessibility and location of proposed open space shall be subject to review by the appropriate agencies, the Planning Commission and the City Council.

(b) Ownership and Maintenance - Areas to remain as open space may be required to be offered for dedication as part of a public open space or park system. Where such offer of dedication is not accepted, the development shall provide legal arrangements, acceptable to the City Council, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the open space, method of maintenance; responsibility for maintenance; maintenance taxes and insurance; compulsory membership and assessment provisions; guarantees that any association formed to own and maintain common open space will not be dissolved without consent of the City Council; and any specification deemed necessary by the City of Antioch.

(10) Utilities

All new utilities are to be installed underground and shall conform to the rules and regulations of the State Public Utilities Commission. Drainage and flood control devices shall contribute to the planned environment and be integrated with the landscape. Where possible natural appearing drainage ways shall be used.

(11) Landscaping

Significant stands of trees or single large heritage trees such as oak or eucalyptus shall be preserved unless their removal is specifically approved by the development plan.

All development in a Hillside Planned Development District shall include a combination of landscaping consisting of intensely planted and maintained areas and open space preserved in its natural condition. Restoration or enhancement of natural areas by planting of oak or other native vegetation is encouraged. In those areas where approval is given to disturb or remove native vegetation and ground cover, natural ground covers and other landscape materials shall be installed and a system designed for perpetual maintenance and care. All landscaping and surfacing shall be in harmony with the natural site characteristics.

(12) Ridge Views

Off-site and on-site views of significant ridges shall not be impaired and shall be protected in the manner specified in Paragraph I(4). Major ridges are identified on the Hillside Sensitive Area map on file in the Department of Development Services. The retention of ridges of lesser significance which nonetheless provide aesthetic qualities is encouraged.

J. Grading Requirements

(1) Conditions

In order to keep all graded areas and cuts and fills to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty, and to comply with the provisions of this section, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size, height, and angles of cut slopes or fill slopes and the shape thereof. Where engineered slopes are approved, they shall be contoured to blend into the natural topography.

(2) General Restriction and Exceptions

Any parcel of land subject to this section shall not be graded unless specifically approved in a development plan. Such grading shall be approved only after it is shown, to the satisfaction of the Planning Commission and City Council, that the proposed grading will comply with the intent of this section and will not have a substantial visual impact when viewed from other community areas.

Variation in the type of hillside terrain in the planning area requires that a measure of flexibility be provided to permit contour grading or elimination of slopes in excess of 25% where such slopes are isolated, small or otherwise occur as insignificant knolls. This exception is not intended to authorize massive regrading.

(3) Environmental Design

Grading shall consider the environmental characteristics of the land, including but not limited to, prominent geologic features, existing stream beds and significant tree cover. The best engineering practices shall be used to avoid erosion, slides or flooding and to result in a minimal effect on the hillside environment.

(4) Erosion Control

Provisions for the prevention and control of erosion shall be identified. Newly created banks or slopes shall be replaced with native vegetation and adequate plans for their maintenance provided.

(5) Padding and Terracing

The primary objective of this subsection is to minimize grading and to encourage associated structural designs that fit the landform of the site. Massive regrading for

the purpose of providing successive, stepped building pads or terraces is not permitted in areas in excess of 10% slope unless it can be clearly shown that the final treatment of the site will reflect the natural terrain and otherwise support the intent of this section. This limitation is directed primarily at prohibiting padding on streets which run perpendicular or nearly perpendicular to natural contours in areas between 10% and 15% slopes.

In steeper areas, over 15% slope, grading should generally be limited to that portion of the site required for the structure and limited associated outdoor area. The use of retaining walls, terracing, platform structures and stepped or post and beam construction is strongly encouraged in those areas in excess of 15% slope. Limited padding or terracing may be allowed in areas of 15% or greater slope where it could provide for clustering of development and would otherwise be in harmony with and promote the intent of this section.

In areas over 25% slope where development is permitted, grading shall be restricted to that necessary to provide for building foundation and a very limited associated outdoor area, the latter intended primarily for upslope situations. Only post and beam, platform, or similar variation recommended by the soils engineer shall be acceptable.

Grading plans will be reviewed to assure that any drastic or excessive change in elevation created by the development will not adversely affect the welfare of adjacent property owners.

K. Hillside Development Plan

(1) Requirement

No development shall be approved in a Hillside Planned Development District until a final development plan has been submitted and approved by the City Council pursuant to Section 9-5.413 of the Antioch Municipal Code.

(2) Required Information

All applications for approval of a Hillside Planned Development shall be accompanied by the following information prepared by a multi-disciplinary approach consisting of architecture, landscape architecture, city planning, civil engineering, soils engineering, geology and other skills as may be required by the City:

- (a) A preliminary development plan showing general locations of all streets; on-street and off-street parking; pedestrian circulation, equestrian and hiking

trails; buildings, fences, and other man-made structures, typical building elevations; surface drainage and outlets; and a table listing land coverage by percentage and acreage for the following: open space (intensely landscaped and natural), coverage by housing unit roof, parking (covered, open, off-street), streets, sidewalks, paths and recreational facilities;

(b) A topographic map at scale commensurate with the requirements of Section 9-4.305 showing contour lines existing prior to grading; and a slope classification map showing, in contrasting colors, all land in the following categories:

0 - 9.9
10 - 14.9
15 - 19.9
20 - 24.9
25 - 29.9
30 - 34.9
35 - 39.9
40 +

The Director of Development Services may allow a change in map scale or contour interval if the size of a parcel or its terrain requires such change to make the map more meaningful:

(c) A topographic map showing existing contours and proposed subdivision of land and buildings which may be integrated with the site plan described above;

(d) A grading plan showing existing and proposed contours, pad elevations, and the increments of the depths of all cuts and fills in various colors or any similar display;

(e) Graphic representation, either modeled, drawn, photographically produced, or computer drawn, of a before and after grading perspective and the relationship after development of the proposed buildings and the topographic features of the site;

(f) Profiles showing the relationship of the proposed project to any dominant geological or topographical features which may be on or in the vicinity of the proposed project.

(g) Sufficient dimensions to show right-of-way widths, pavement widths, radii of curvature of center lines, street grades, whether streets are to be public or private, and all proposed frontage improvements on new and existing streets;

(h) A current preliminary soils and geologic report prepared by a registered civil engineer, geologist or engineering geologist;

(i) A detailed landscape plan showing the natural open space which will remain upon completion of development, all existing trees (and indicating which trees are scheduled for removal), and the precise boundaries of additional landscaping; the landscape plan shall include container size of all trees and shrubs, species of all plant material, irrigation system plan, street lighting, low level path lighting, street furniture and fencing materials, dimensions and locations;

(j) A statement in writing estimating the total number of bedrooms to be constructed.

(k) A development schedule indicating the approximate date construction will commence, anticipated rate of development, phasing and completion date.

(l) Any additional information as may be required by the Department of Development Services.

(3) Preapplication Conference

The process advanced by this section advocates a close working relationship between City staff and the developer design team. Consultation should begin as early in the conceptual design stage as possible. Prior to the extensive preparation or submittal of detailed plans and information, the applicant is encouraged to submit a preliminary proposal to the Department of Development Services so that he may be informed on possible environmental concerns, general plan and engineering requirements, and circulation, siting and design criteria.

(4) Preliminary Hillside Development Plan

Prior to approval of a development plan and use permit in a HPD District, applicants shall submit a preliminary development plan to the Planning Commission for approval in principle pursuant to the provisions of Subsection 9-5.413(i) of the Antioch Municipal Code. Approval in principle shall be limited to the general acceptability of the proposal as defined in the above-mentioned section.

Information required to be submitted for preliminary development plan approval shall include, in addition to the information required in Subsection 9-5.413(i), general information required by Paragraph K(2) (a through d).

(5) Hillside Development Plan

Submittal of a final development plan shall follow the procedures and requirements set forth in Subsection 9-5.413(j) of the Antioch Municipal Code. Concurrent with approval of the final hillside development plan, the use permit approval required pursuant to this section shall be completed.

In recommending approval, of, or in approving, a final hillside development plan, the findings specified in Subsection 9-5.413(1) shall be made, in addition to the following: The development plan conforms to the purposes, intent, and standards of the Hillside Planned Development District.

(6) Conditions

In recommending approval of or approving a final hillside development plan, conditions may be imposed which are deemed necessary to protect the public health, safety, and general welfare in line with the policies established herein.

SECTION 3: This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and a summary thereof shall be published once within fifteen (15) days upon passage and adoption in the Daily Ledger, a newspaper of general circulation, printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch, held on the 28th day of July, 1981, and passed and adopted at a regular meeting thereof, held on the 11th day of August, 1981, by the following vote:

AYES: Council Members Pierce, Hall and Mayor Roberts

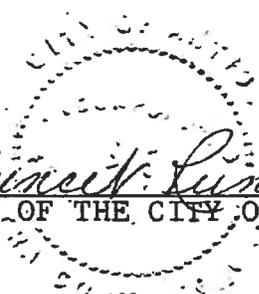
NOES: Council Members Catanzaro and Andrade

ABSENT: None

Vernon L. Roberts
MAYOR OF THE CITY OF ANTIOCH

ATTEST:

Lawrence Lundall
CITY CLERK OF THE CITY OF ANTIOCH



H-19



Sky Ranch/Black Diamond Ranch



PLANNING COMMISSION STAFF REPORT

FILE NO: PD-95-2

PREPARED BY: Ron Bendorff *RCB*

DATE: March 20, 1996

APPROVED BY: Victor Carniglia *VC*

EXECUTIVE SUMMARY

4
3-20-96

APPLICANT: GORDON GRAVELLE/DALLAS RANCH LAND OWNERS, LP

OWNER: SAME AS APPLICANT

REQUESTED ACTION: Preliminary Development Plan Approval

PURPOSE: To consider future development of the property with 289 single-family homes, a 0.8 acre commercial site, a 3.9 acre park site and 43.9 acres of open space.

LOCATION: The westerly side of Somersville Road at James Donlon Boulevard

ASSESSOR'S PARCEL NO.: 089-160-002, -003, -005, -006 and 089-150-001

SIZE: 124.9 acre +/-

ENVIRONMENTAL ASSESSMENT: Not Applicable

GENERAL PLAN DESIGNATION: Low Density Residential (99 acres)
Medium Low Density Res. (25 acres)

EXISTING LAND USE: Vacant

EXISTING ZONING: Hillside Planned Development District (HPD)

ISSUES:

1. Project Overview
2. Comparison with Prior Approvals
3. Grading
4. Park Site
5. Commercial Site
6. Circulation
7. Environmental Documentation

RECOMMENDATION: APPROVAL

REQUEST

The applicant, GORDON GRAVELLE/DALLAS RANCH LAND OWNERS LP, requests the approval of a preliminary development plan for 289 single-family homes, a 0.8 acre commercial site, a 3.9 acre park site and 43.9 acres of open space on 124.9 acres located on the west side of Somersville Road at James Donlon Boulevard ("Sky Ranch") (see Attachment "A" - Vicinity Map).

BACKGROUND

The first preliminary development plan for this property was reviewed in 1983 and included a total of 874 residences, the majority of which were to be multiple-family units. Shortly thereafter, a Final Development Plan for 736 units was approved by the City Council and an Environmental Impact Report (EIR) was certified for this project. This approval expired and a subsequent Final Development Plan containing a total of 609 units was approved in 1984.

In November, 1986 a revised Final Development Plan was submitted for City review which increased the total unit yield to 686 units. The applicant at the time, Kaufman and Broad (K and B), intended to utilize the previously-certified EIR for environmental documentation. The migration of toxic substances from the nearby GBF landfill and design changes to the plan required the preparation of a Supplemental EIR, however, and this Supplement also examined other factors related to increased unit yield, such as traffic and grading.

In 1989, another Final Development Plan was proposed by K and B which showed a total of 597 residences (350 multiple-family units and 247 single-family lots). This plan was subsequently withdrawn and the property remained vacant. The Supplemental EIR for the project was certified, however, and remains in effect. Title to the property has since been conveyed to the applicant, who is proposing to develop the site with 289 single-family homes, a 0.8 acre commercial site, a 3.9 acre park site and 43.9 acres of open space on 124.9 acres. In order to receive the Planning Commission's comments on the plan, the applicant is requesting the consideration of a preliminary development plan at this time.

DESCRIPTION OF PRELIMINARY DEVELOPMENT PLAN PROCESS

A preliminary development plan is generally used when a proposed PD District contains a large residential component. When considering the preliminary development plan, the Planning Commission determines whether or not the land uses suggested and their

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interrelationships are generally acceptable. The approval of the preliminary development plan in no way constitutes a legal endorsement of the proposal's precise location, extent of uses, configuration of parcels, or engineering feasibility. The purpose of the Preliminary Plan Process is to provide the applicant feedback on a development application.

ANALYSIS

Issue #1: Project Overview/Surrounding Uses

The proposed preliminary development plan shows the site subdivided into 289 single-family lots, ranging in size from a 4,000 square foot minimum lot size in the northerly portion of the project site and increasing to a 6,000 square foot minimum to the south. A park site which would be shared with the "Highlands Ranch" project to the north is identified as Parcel "B" and a small commercial site is shown on the Buchanan Road Bypass as Parcel "D". Significant open space areas on the project site include a portion of Markley Creek which runs along the easterly boundary of the property (Parcels "F" and "G"), a powerline easement which traverses the northerly portion of the site (Parcels "C" and "L"), and an approximately 21-acre hillform which lies near the center of the property and rises to a height of approximately 450 feet above sea level (Parcel "A").

Surrounding properties/zoning districts are as follows:

North: The "Highlands Ranch" property, which is currently within the City of Antioch Sphere of Influence, but has yet to be annexed to the City. It was previously an oil company tank farm and is currently used primarily for grazing. A preliminary development plan has been submitted which proposes up to 724 single-family residences and 240 multiple-family units on this property. The ultimate zoning designation for "Highlands Ranch" will be Planned Development District (PD).

South: The "Moller Ranch" property, which is a working cattle ranch operation and was recently purchased by the Antioch Unified School District for use as an interpretive nature center. This property is not within the City's Sphere of Influence and has not been annexed.

East: The prior "Antioch Dump" and GBF Landfill properties. Each of these landfill operations has ceased and remediation of the latter site is currently underway. The "Antioch Dump" is within the Antioch City Limits and is

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designated as "Open Space" on the City's General Plan. The GBF Landfill site, also designated for "Open Space" use, will not be annexed to the City of Antioch until remediation is complete.

West: This vacant property is currently owned by Kaufman and Broad and is within the City of Pittsburg's Sphere of Influence. It is intended that this property be developed with single-family residences.

Issue #2: Comparison with Prior Approvals

The proposed preliminary development plan represents a significant reduction in housing units over prior "Sky Ranch" plans. Comparisons of dwelling unit (du) yields and overall project densities (dwelling units per acre, or du/ac) for the prior plans and the present submittal are as follows:

	<u>Single-Family (4,000s)</u>	<u>Single-Family (5,000s)</u>	<u>Single-Family (6,000s)</u>	<u>Multi-Family Units</u>	<u>Project Total</u>	<u>Overall Project Density</u>
1984 Plan	226 du	0 du	60 du	323 du	609 du	4.8 du/ac
1987 Plan	199 du	0 du	137 du	350 du	686 du	5.4 du/ac
1989 Plan	0 du	130 du	117 du	350 du	597 du	4.7 du/ac
1996 Plan	63 du	116 du	110 du	0 du	289 du	2.3 du/ac

(For visual comparison, a copy of the 1987 "Sky Ranch" plan is provided in the packet. This plan will graphically demonstrate how the unit yield has decreased from the highest to the lowest density.)

Staff feels that the reduction in total unit yield is indeed appropriate, given that this property is situated on the fringe of the City and this location dictates development at a lower residential density.

Issue #3: Grading

The topography of the "Sky Ranch" site features generally flat terrain along the easterly portion of the site, with a central, large hillform rising to a height which is approximately 200-250 feet above the flatter areas. The submitted plan shows that the majority of grading is proposed in the areas along the northerly and southerly slopes of the Parcel "A" hillform. Staff is concerned that the proposed grading could result in a less-than-natural appearing slope, possibly requiring a series of benches to help stabilize the slope. The final grading plan for Parcel "A" should therefore be designed so that a natural-looking hillform with a minimum of benches results. Should benches be required, the project design should either be modified to eliminate these benches or the benches designed so as to be screened from public rights-of-way.

An additional area of concern is the Parcel "C" open space area, which would place an approximately 30-40 foot high downslope between the Great Western Power Company easement and the cul-de-sac serving Lots 127 to 138. The grading plan for the Parcel "C" open space area should be designed so that this slope is flattened to the extent feasible. A final landscape plan for these slopes and all other open space areas shall be required as a part of the Final Development Plan application. A photomontage(s) showing the extent of grading in the Parcel "A" and Parcel "C" areas shall also be required at that time.

Issue #4: Park Site

An approximately 3.9 acre park site is shown at the northeasterly corner of the site and would ultimately link with a park site on the "Highlands Ranch" project to the north. Together these sites would create a park facility that is approximately 10 acres in size and which could more easily be funded by the development of each project. Staff feels that this would be an appropriate arrangement and would provide necessary recreational opportunities for each project's residents.

In order to increase the size of the park site and provide a more usable access point from "Sky Ranch", Staff has suggested the elimination of Lots #33 through #35 from the subdivision. This modification is reflected in the submitted landscape plan.

(Note: The conceptual park design will be submitted for review by the Parks and Recreation Commission at the time that either the "Sky Ranch" or "Highlands Ranch" Final Development Plan is considered.)

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Issue #5: Commercial Site

A proposed commercial site totaling approximately 0.8 acres is shown situated on the "Buchanan Road Bypass". The actual development of this site with an appropriate commercial use is constrained due to its relatively small size and the presence of the powerline easement in the rear of the site. Staff has asked the applicant to prepare a graphic showing how a future commercial building might fit on this site, and this building footprint is shown on the submitted landscape plan for the project. In order to accurately determine whether or not this site is feasible, Staff recommends that a more detailed plan for the parcel be presented at the time the "Sky Ranch" Final Development Plan is reviewed.

Issue #6: Circulation

Primary access to the site is provided by the "Buchanan Road Bypass", which would bring traffic from James Donlon Boulevard through the property and ultimately west through the City of Pittsburg to Kirker Pass. Two collector streets would branch south from the "Bypass" and would carry vehicles to the major portion of the residential development. An additional street would access the smaller-lot residential area and the park site at the northeasterly corner of the project site.

In order to allow the development of the site, the applicant shall be required to build that portion of the "Buchanan Road Bypass" which passes through the site. The applicant shall also be required to provide full-width improvements to both the section of Somersville Road which is contiguous to the project site and the section which runs north to its intersection with Buchanan Road. The latter may be funded by a benefit district which would allow reimbursement for the required off-site construction. Lastly, a supplemental traffic study to determine the impacts of the proposal and to assess its conformance with the standards of Measure "C" will also be required at the time of Final Development Plan consideration.

Issue #7: Environmental Documentation

As noted above, a Supplemental EIR for the 1989 "Sky Ranch" plan was certified in 1990. This document did not include an investigation of the biotic resources in the area, instead relying on the wildlife studies performed as a part of the 1984 EIR. In the interim, concern has arisen that wildlife habitats in this general area (e.g. grasslands) are rapidly being impacted by proposed developments. The U.S. Fish and Wildlife Service has identified a number of protected wildlife species which may be present on the project site, such as

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the California red-legged frog, the California tiger salamander and the San Joaquin kit fox. A supplemental study of wildlife resources on the "Sky Ranch" property may therefore be required. A condition requiring the applicant to work with all affected agencies on this matter has therefore been added. Should a further biotic study be required, this work would have to be performed prior to approval of the Final Development Plan.

RECOMMENDATION

Staff recommends that the Planning Commission APPROVE the application, subject to the conditions contained within the attached resolution.

RCB:jm

Attachments

I-2-7

Associate Planner Bendorff presented the staff report dated March 20, 1996. He outlined two areas of disagreement which included that commercial mini-storage and gasoline service station uses be removed from the Master Use Permit List. He noted that the Commission may wish to consider allowing the gasoline service station on Parcel #5 by "Special Use Permit". Mr. Bendorff reiterated that staff's position had not changed since the February 21, 1996 hearing and that the mini-storage would not be in the City's best interest. He noted reasons which included that the mini-storage would not be a revenue producer, would not contribute to economic development, would produce a limited number of jobs and would take valuable land away that could be better used for a different use. Mr. Bendorff reported that the Police Department had prepared a report on statistics related to incidents of crime associated with mini-storage facilities. The figures were included in attachment "C". He reviewed the Church/School Overview and Parking/Circulation as outlined in the report.

The Commission unanimously concurred that time was needed to review a memorandum provided at the beginning of the meeting from Staff. Vice Chairperson Gibson-Gray recommended that the Commission continue to Agenda Item #4 and resume Agenda Item #3 following a recess at which time the Commissioners could thoroughly review the memorandum.

On motion by Commissioner Martin, seconded by Commission Carey, the Commission agreed to leave Item #3 and continue with Item #4 by the following vote:

- AYES: Martin, Carey, Petersen, Sloan, Gibson-Gray
- ABSTAIN: Lawrence
- ABSENT: Durkin

NEW PUBLIC HEARINGS

- 4. **GORDON GRAVELLE/DALLAS RANCH LAND OWNERS LP, REQUESTS THE APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR 289 SINGLE-FAMILY HOMES, A 0.8 ACRE COMMERCIAL SITE, A 3.9 ACRE PARK SITE AND 43.9 ACRES OF OPEN SPACE ON 124.9 ACRES LOCATED ON THE WEST SIDE OF SOMERSVILLE ROAD AT JAMES DONLON BOULEVARD ("SKY RANCH"). PD-95.2**

Resolution No. 96-3

Associate Planner Ron Bendorff presented the staff report dated March 20, 1996. He reported that the preliminary development plan represented a significant reduction in housing units over the prior "Sky Ranch" plan. Staff felt the reduction in total unit yield was appropriate. He addressed grading, park site, commercial site, circulation and environmental documentation as outlined in the staff report. Relative to grading, Mr. Bendorff expressed concern that the proposed grading could result in a less-than-natural appearing slope. Staff recommended the final grading plan for Parcel "A" be designed so that a natural-looking hillform with a minimum of benches results. He reported that a photomontage showing the extent of grading in the Parcel "A" and Parcel "C" areas shall be required as part of the Final Development Plan application. In conclusion, Associate Planner Bendorff recommended the Commission approve the preliminary development plan, subject to the conditions contained within the resolution.

Associate Planner Bendorff responded to questions from the Commission. He discussed the Buchanan Bypass project. It was noted the Buchanan Bypass was part of the Regional Fee program. The Bypass project was in preliminary stages of the project level EIR. The roadway was at least five years away. Staff further discussed the Mira Vista Hill project. During discussion, it was noted that there were no plans yet for creek crossing, however it would most likely consist of a culvert or bridge. Other issues discussed included infrastructure and schools.

A discussion began relative to grading. Assistant City Engineer Brandt defined "benches". It was noted that a graded slope with a bench would never look natural. Staff recommended that any ideal grading solution for the hill not require benches.

Vice Chairperson Gibson-Gray declared the public hearing open.

Gordon Gravelle thanked the Planning Commission for considering the project. He reviewed the background and informed the Commission that he felt the proposed plan was most appropriate for the property. The total unit yield was reduced and lots were dropped in order to make the park site more viable. He discussed the School District's purchase of 206 acres of the Moller property to be used possibly for an elementary school site, interpretive center and possible estate lots on the south central portion of the property. Mr. Gravelle reviewed the topography of the site and noted that they were working with the School District who approached them requesting access with an easement through his property on the east side of Markley Creek. The access, however, would not be for the future elementary

school or interpretative center but for any residential uses. Mr. Gravelle compared the previous "Sky Ranch" plans with the proposed "Sky Ranch" plans noting the differences included more public access and an opening up of the knoll. He noted their attempt to maintain the natural contours and shapes of the knoll compared to the previous plans and their sensitivity to unsightly "V" ditches and benches on the northern slope. He discussed the circulation plans noting they did not want to create any speedways. It was noted that the project would not be built until Somersville Road was complete. Mr. Gravelle discussed the varied lots sizes noting that by having a mix of lot sizes they would be able to establish a variety of single-family home types.

In response to inquiry, Mr. Gravelle discussed Markley Creek. He noted the southern portion of the creek had unstable walls and he felt it would not be safe to open up that area to the public. Their plans would not disturb the creek. The only area that could potentially be considered as an access point would be in the northeast corner of the site.

Mr. Gravelle informed the Commission that he agreed with all the conditions, however he requested two changes. He distributed information to the Commission regarding a proposed change to Project Specific Condition #2. Mr. Carniglia indicated that staff had no problem with the request.

Mr. Gravelle referred to Project Specific Condition 4c and requested it be amended to read, *"Improvements for the section of Somersville Road which is contiguous to the project site. Should this development precede development to the north, the full-width construction of Somersville Road shall be installed by this developer to the north side of the canal."*

Commissioner Lawrence requested Project Specific Condition #6 be amended requiring the grading to be designed without benches. Mr. Gravelle indicated he would like to keep flexibility when designing the grading plans.

Commissioner Martin began a discussion regarding the proposed commercial site. Mr. Gravelle explained that there should be enough land to build a 4,200 square foot commercial building or service station. He discussed access to the site noting he would like a right turn into the site from Buchanan Road as well as a right turn out onto Buchanan. Mr. Gravelle said that he envisioned a strip mall or service station on the site.

Commissioner Martin referred to the 1990 EIR. He requested further information on the summary which indicated there would be significant impacts to the site topography. One

other item listed as unacceptable was congestion on Buchanan between Railroad and Meadows. Mr. Gravelle indicated that the traffic study had addressed the traffic issues.

* Vice Chairperson Gibson-Gray declared a recess at 9:15 p.m. The Commission reconvened at 9:30 p.m.

Vice Chairperson Gibson-Gray declared the public hearing open. Hearing no comments, the public hearing was closed.

Commissioner Martin noted that there were two dozen homes that were proposed far away from the entrance and expressed concern for emergency response to those properties. Mr. Brandt reported that the project plan was distributed to the Fire and Police Departments. No concern was received from either agency.

The Commission discussed the project. Commissioner Petersen felt the proposed project appeared to be better than the past ones. He noted concern for the commercial site and the small strip of open space between lots 113-120. Commissioner Martin said he was concerned about the traffic that would be generated by the project and subsequent projects in the area. He felt there would be problems getting people out of the area considering the existing traffic on Somersville Road. He said in general he liked the project with the exception that the park was not centrally located. He hoped his concerns could be addressed as a part of the Final Development Plan review.

Commissioner Sloan said she was extremely concerned about traffic and the timing of the Buchanan Bypass. She said the project was a vast improvement over the previous projects. She saw no real problem other than how to get residents in and out of the area.

Commissioner Carey said he liked the project and noted that triggers could be put in to address the traffic problem. He felt the project would enhance the community and was sensitive to traffic. He supported the applicant's requested changes to the Project Specific Conditions.

On motion by Commissioner Petersen, seconded by Commissioner Carey, the Commission unanimously **APPROVED** PD-95-2, Gordon Gravelle/Dallas Ranch Land Owners LP, subject to the conditions contained in the resolution including the following modifications:

Project Specific Conditions:

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2. Prior to the consideration of the Final Development Plan for this project the applicant shall provide additional environmental documentation (e.g., a Supplemental EIR for a wildlife/habitat conservation study) to respond to the concerns expressed in their respective letters commenting on the Final EIR by the U.S. Fish and Wildlife Service (letter dated 11/22/95), the State Department of Fish and Game (letter dated 11/22/95), and the East Bay Regional Park District (letter dated 10/24/95).
- 4c That the project construct improvements for the section of Somersville Road which is contiguous to the project site. Should this development precede development to the north, the full-width construction of Somersville Road shall be installed by this developer to the north side of the canal.
6. That the grading plan for the Parcel "A" open space area be designed so as to result in a natural-looking hillform without benches installed on this slope.

Chairperson Gibson-Gray announced the Commission would return to Agenda Item #3

3. **RICHARD T. LOEWKE**, REQUESTS A USE PERMIT TO: 1. ESTABLISH A MASTER USE PERMIT LIST FOR THE "DEER VALLEY BUSINESS PARK; AND 2. TO ALLOW THE CONSTRUCTION AND OPERATION OF A CHURCH/SCHOOL FACILITY. THE PROPERTY IS ZONED PLANNED DEVELOPMENT DISTRICT (PD) AND IS LOCATED AT THE NORTHWESTERLY CORNER OF DEER VALLEY ROAD AND LONE TREE WAY.

Mr. Bendorff responded to questions from the Commission. He addressed Mr. Loewke's letter dated March 13, 1996. During discussion, it was noted that the administrative housing building was basically temporary housing for visiting clergy and/or church/school staff.

Dick Loewke, Planning Consultant, Triple E Enterprises, presented an overview of the project. He referred to the proposed self storage use and noted that they had gotten a lot of detailed information and toured several facilities which were considerably different from the three operating in Antioch. He informed the Commission that he held meetings with some of the people in the neighborhood and that most of their concerns were regarding the commercial self storage use. In response to the concerns expressed by the neighbors, Mr. Loewke requested the commercial self-storage issue be continued. He said residents were concerned about the use directly abutting their back yard. They were further concerned

PLANNING COMMISSION STAFF REPORT

FILE NO: PD-95-2.1

PREPARED BY: Ron Bendorff *RB*

DATE: August 21, 1996

APPROVED BY: Victor Carniglia *VC*

EXECUTIVE SUMMARY

4
8-21-96

APPLICANT: GORDON GRAVELLE/DALLAS RANCH
LAND OWNERS, LP

OWNER: SAME AS APPLICANT

REQUESTED ACTION: Final Development Plan and Vesting
Tentative Map Approval

PURPOSE: To allow 286 homes, a 0.8 ac. commercial
site, a portion of a 10 ac. park and 43.9 ac.
open space.

LOCATION: The westerly side of Somersville Road at
James Donlon Boulevard

ASSESSOR'S PARCEL NO.: 089-160-002, -003, -005, -006 and 089-150-
001

SIZE: 124.9 acre +/-

ENVIRONMENTAL ASSESSMENT: Mitigated Negative Declaration (MND-96-04)

GENERAL PLAN DESIGNATION: Low Density Residential (99 acres)
Medium Low Density Res. (25 acres)

EXISTING LAND USE: Vacant

EXISTING ZONING: Hillside Planned Dev. Dist. (HPD)

ISSUES: 1. Project Overview/Comparison
2. Proposed Home Sizes
3. Grading/Photosimulations
4. Park Site
5. Commercial Site
6. Traffic Study
7. Environmental Documentation
8. Other Issues

RECOMMENDATION: APPROVAL I-4-1

**PLANNING COMMISSION
GRAVELLE/DALLAS RANCH LAND OWNERS, LP
AUGUST 21, 1996
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REQUEST

The applicant, GORDON GRAVELLE/DALLAS RANCH LAND OWNERS LP, requests the approval of a final development plan and vesting tentative map for 286 single-family homes, a 0.8 acre commercial site, a portion of a 10.0 acre park site and 43.9 acres of open space on 124.9 acres located on the west side of Somersville Road at James Donlon Boulevard ("Sky Ranch") (see Attachment "A" - Vicinity Map).

BACKGROUND

The first preliminary development plan for this property was reviewed in 1983 and included a total of 874 residences, the majority of which were to be multiple-family units. Shortly thereafter, a Final Development Plan for 736 units was approved by the City Council and an Environmental Impact Report (EIR-83-2) was certified for this project. This approval expired and a subsequent Final Development Plan containing a total of 609 units was approved in 1984.

In November, 1986, a revised Final Development Plan was submitted which increased the total unit yield to 686 units. The applicant at the time, Kaufman and Broad (K & B), intended to utilize the previously-certified EIR for environmental documentation. The migration of toxic substances from the nearby GBF landfill and design changes to the plan required the preparation of a Supplemental EIR, however, and this Supplement also examined other factors related to increased unit yield, such as traffic, grading and visual impacts.

In 1989, another Final Development Plan was proposed by K & B which showed a total of 597 residences (350 multiple-family units and 247 single-family lots). This plan was later withdrawn and the property remained vacant. The Supplemental EIR for the project was certified in 1991, however, and remains in effect (EIR-88-2). The applicant subsequently secured title to the property and submitted a preliminary development plan for the site in 1995. This plan proposed the development of up to 289 single-family homes, a 0.8 acre commercial site, a 3.9 acre park site and 43.9 acres of open space. On March 20, 1996, the preliminary development plan was approved by the Planning Commission by a 6-0 vote, with one Commission Member absent (see Attachment "B" - Resolution of Preliminary Development Plan Approval and the minutes of that meeting). The applicant is now requesting that the Commission and City Council consider a final development plan and vesting tentative map for this project.

ENVIRONMENTAL

This project is in conformance with an existing certified Environmental Impact Report (EIR-83-2) and an existing certified Supplemental Environmental Impact Report (EIR-88-2) for this project. In addition, updated biotic and traffic analyses have been undertaken for this project which show that no significant impacts are expected in these areas (see Issues #6 and #7 below). A Mitigated Negative Declaration has therefore been prepared (MND-96-04).

ANALYSIS

Issue #1: Project Overview/Comparison with Preliminary Development Plan

The proposed final development plan shows the site subdivided into 286 single-family lots, ranging in size from a 4,000 square foot minimum lot size in the northerly portion of the project site to a 6,000 square foot minimum to the south. A park site which would be shared with the "Highlands Ranch" project to the north is identified as Parcel "B" and a small commercial site is shown on the Buchanan Road Bypass as Parcel "D". Significant open space areas on the project site include a portion of Markley Creek which runs along the easterly boundary of the property (Parcels "F" and "G"), a powerline easement which traverses the northerly portion of the site (Parcels "C" and "L"), and an approximately 21-acre hillform which lies near the center of the property and rises to a height of approximately 450 feet above sea level, or 200-250 feet above the surrounding grade (Parcel "A").

Surrounding properties/zoning districts are as follows:

North: The "Highlands Ranch" property, which is within the Antioch Sphere of Influence but not yet annexed to the City. It was previously an oil company tank farm and is currently used primarily for grazing. A preliminary development plan was submitted which proposes up to 724 single-family residences and 240 multiple-family units on this property. The ultimate zoning designation for "Highlands Ranch" will be Planned Development District (PD).

South: The "Moller Ranch" property, which was a working cattle ranch operation and was recently purchased by the Antioch Unified School District for use as an interpretive nature center and possible future school site. This property is not within the City's Sphere of Influence and has not been annexed.

PLANNING COMMISSION
 GRAVELLE/DALLAS RANCH LAND OWNERS, LP
 AUGUST 21, 1996
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- East: The prior "Antioch Dump" and GBF Landfill properties. Each of these landfill operations has ceased and remediation of the latter site is currently underway. The "Antioch Dump" is within the Antioch City Limits and is designated as "Open Space" on the City's General Plan. The GBF Landfill site, also designated for "Open Space" use, will not be annexed to the City of Antioch until remediation is complete.
- West: This vacant property is owned by the applicant and is within the City of Pittsburg's Sphere of Influence. It is intended that this property be developed with single-family residences.

The proposed final development plan/vesting tentative map represents a significant reduction in housing units over prior "Sky Ranch" plans. Comparisons of dwelling unit (du) yields and overall project densities (dwelling units per acre, or du/ac) for the prior plans and the present submittal are as follows:

	<u>Single-Family (4,000s)</u>	<u>Single-Family (5,000s)</u>	<u>Single-Family (6,000s)</u>	<u>Multi-Family Units</u>	<u>Overall Project Total</u>	<u>Project Density</u>
1984 Plan	226 du	0 du	60 du	323 du	609 du	4.8 du/ac
1988 Plan	199 du	0 du	137 du	350 du	686 du	5.4 du/ac
1989 Plan	0 du	130 du	117 du	350 du	597 du	4.7 du/ac
1996 Plan	63 du	116 du	110 du	0 du	289 du	2.3 du/ac

(For visual comparison, a copy of the 1989 Kaufman and Broad plan is provided as Attachment "C".)

Staff finds that the submitted final development plan/vesting tentative map corresponds to the preliminary development plan map which the Commission approved in March of this year and reflects the changes requested by the Commission as a part of that approval (e.g. the elimination of three lots adjacent to the park site). Some additional "fine tuning" of the plan will be required and is discussed in the following sections of this report.

Issue #2: Proposed Home Sizes

The applicant has indicated that three different housing products will be offered for "Sky Ranch" in order to attract different segments of the home-buying public. Proposed home sizes for the project are as follows:

<u>Lot Size</u>	<u>Proposed Home Size</u>
4,000 s.f.	1,200 - 1,600 s.f.
5,000 s.f.	1,400 - 2,000 s.f.
6,000 s.f.	1,800 - 2,400 s.f.

No proposed home designs have been made available for review, therefore a condition has been added requiring future review of housing elevations by the Design Review Board. In addition, the condition requires that the final home sizes will generally conform to those conceptually proposed by the applicant.

Issue #3: Grading/Photosimulations

The "Sky Ranch" site features generally flat terrain along the easterly portion of the site, with a central, large hillform rising to a height which is approximately 200-250 feet above the surrounding areas. The submitted plan shows that the most substantial grading would occur in the areas along the northerly and southerly slopes of the Parcel "A" hillform. To address concerns that the proposed grading could result in a less-than-natural appearing slope with intermittent benches, a condition was added to the preliminary development plan approval requiring that the grading plan for Parcel "A" "be designed so as to result in a natural-looking hillform without benches installed on this slope." Also required were photosimulations showing how the Parcel "A" hillform and the nearby Parcel "C" downslope would appear if the proposed grading plan were implemented. These photosimulations have been prepared and will be available for review at the Commission hearing.

Based on the geotechnical report submitted for this project and as illustrated in the photosimulations, benches would be required to help stabilize the slope shown on the plan, otherwise the plan would have to be modified to reduce the slope. This would result in a loss of approximately 25-30 lots along Countryside Way to the north of Parcel "A". Staff notes that the proposed plan already represents a significant decrease in project density, therefore the Commission may wish to consider a limited use of benches with

mitigation measures imposed to reduce the visibility of these benches. These would include the use of colored concrete to blend the benches into the hillside and the use of narrower benches at certain intervals.

An additional concern relates to large slope areas which are proposed in the areas between certain lots. A notable example occurs between Lot 238 and Lots 231 and 232. In this proposed situation, the former lot's building pad would be at an elevation which is approximately 25-27 feet below the other lots. At Staff's suggestion, the applicant has provided a series of "close-up" photosimulations which represent how these lots would appear if graded as shown on the submitted plan. (These graphics will also be made available for the Commission's review at the hearing.) The photosimulations show that the slope would be very visible from the public right-of-way and Staff would like to see it lessened as much as possible. A condition to this effect has been added. Another way to address this visibility issue is to have the developer landscape any slope which is over 20 feet in height, and this has also been made a condition of approval.

Issue #4: Park Site/Final Landscape Plan

An approximately 3.9 acre parcel is shown at the northeasterly corner of the project site and this would ultimately be combined with a park site on the "Highlands Ranch" development to the north to create a park facility that is approximately 10 acres in size. This would be preferable to two smaller parks and would provide recreational opportunities for each project's residents in a more efficient manner. A conceptual design for this shared park is included in the final landscape plan for "Sky Ranch" and reflects comments the applicant received from Leisure Services personnel. This design assumes an extension of "Summit Way" into the "Highlands Ranch" project and the future provision of an east-west street along the northerly boundary of the park site.

Staff had intended to present the conceptual park design at the Parks and Recreation Commission's August meeting, however this meeting was not held and Staff plans to present the item at the September meeting. Nonetheless, a condition has been added requiring that the "design of this park site shall be subject to review by the City's Parks and Recreation Commission and the timing of its development shall be determined during a future use permit stage for this project."

The landscape plan provided by the applicant shows the proposed extent of landscaping for all of the open space areas within the "Sky Ranch" project. Significant features include a "mini-park"/entryway monument feature at the northeast corner of Parcel "A", the addition of Class I (irrigated) and Class II (semi-irrigated) landscaping along the base of the Parcel

"A" hillform and the Parcel "C" downslope, and the landscaping of the triangular median within the Buchanan Road Bypass right-of-way. While Staff is generally pleased with the plan submitted, it should be noted that Parcel "E", shown on the plan as a site for a "Welcome to Antioch" marker, is to be deeded to the property to the north for inclusion in the "Highlands Ranch" project. A preferred location for such an entryway treatment would be the northwesterly corner of the project, and this has been made a condition of approval.

Issue #5: Commercial Site

A proposed commercial site totaling approximately 0.8 acres is shown situated on the "Buchanan Road Bypass" (Parcel "D"). This parcel is relatively small and a powerline easement crosses the rear of the site, therefore its usability is limited. At the preliminary development plan stage, the applicant was conditioned to prepare a graphic showing how a future commercial building might fit on this site. This graphic has been prepared and shows a triangular building footprint containing 3,964 square feet of floor area with a rear parking lot containing 37 spaces (See Attachment "D"). This triangular footprint is probably not the optimal one for this site, given the unusable interior spaces that it would create. The actual building footprint would likely have a more rectangular form with reduced square footage, similar to that shown on the landscape plan.

Use permit and design review will be required for any commercial project on Parcel "D". Given the visibility of the site and the apparent difficulty the applicant may have in marketing the oddly-shaped site, Staff would like to see some interim landscaping installed. This would include the appropriate frontage treatment for the Buchanan Road Bypass. The interim landscape scheme for Parcel "D" will be subject to Staff review and approval and will be shown on the final landscape plan for this project. Staff also notes that the sound wall used along the Bypass should be installed along the rear property line of the site to act as an effective buffer between this use and the adjacent residential properties.

Issue #6: Circulation/Traffic Study

The circulation plan shown on the final development plan is essentially the same as that seen by the Commission at the preliminary development plan stage. Primary access to the site would be provided by the "Buchanan Road Bypass", which would bring traffic from James Donlon Boulevard through the property and ultimately west through the City of Pittsburg to Kirker Pass. Two collector streets would branch south from the "Bypass" and would carry vehicles to the major portion of the residential development. An additional

street would access the smaller-lot residential area and the park site at the northeasterly corner of the project site.

In order to allow the development of the site, the applicant shall be required to build that portion of the "Buchanan Road Bypass" which passes through the site. The applicant shall also be required to provide full-width improvements to both the section of Somersville Road which is contiguous to the project site and the section which runs north to its intersection with Buchanan Road. The latter may be funded by a benefit district which would allow reimbursement for the required off-site construction.

As conditioned at the preliminary development plan stage, a supplemental traffic study was prepared to determine the impacts of the proposal and to assess its conformance with the standards of Measure "C". A copy of the study is provided for your review. The City's Traffic Engineer has reviewed this study and found it to adequately assess the potential circulation impacts of the project.

As noted above, the Antioch Unified School District has purchased the property to the south ("Moller Ranch") in order to utilize that site for an interpretive center and a future school site. Access to that site will primarily come from Somersville Road, however the need to allow for some type of secondary access from the "Sky Ranch" property needs to be explored. To this end, a condition has been added requiring that "deeded access, of width and location satisfactory to the City Engineer, be provided to the Antioch Unified School District parcel to the south of this project."

Issue #7: Environmental Documentation

As noted above, a Supplemental EIR for the 1989 "Sky Ranch" plan was certified in 1990. This document did not include an investigation of the biotic resources in the area, instead relying on the wildlife studies performed as a part of the 1984 EIR. In the interim, concern has arisen that wildlife habitats in this general area (e.g. grasslands) are rapidly being impacted by proposed developments. The U.S. Fish and Wildlife Service has identified a number of protected wildlife species which may be present on the project site, such as the California red-legged frog, the California tiger salamander and the San Joaquin kit fox. A condition was therefore placed on the Preliminary Development Plan approval which requires that "the need for supplemental environmental documentation (e.g. a Supplemental EIR or a wildlife/habitat conservation study) be discussed by the applicant and all affected agencies (e.g. U.S. Fish and Wildlife Service, State Fish and Game, the East Bay Regional Park District). Should additional documentation be required, this work shall be done prior to the consideration of the Final Development Plan for this project."

To address this condition, a supplemental study of wildlife resources on the "Sky Ranch" property has been undertaken (see attached report by Dr. Samuel M. McGinnis). A copy of the supplemental study has been provided to the affected agencies for review and comment. As noted in the study, no adverse impacts are predicted and some rehabilitation within the Markley Creek channel is discussed which will actually benefit certain amphibian special status species. This rehabilitation has been made a condition of this approval, as have all other applicable mitigation measures. The mitigation measures are listed in the attached Mitigated Negative Declaration (MND-96-04).

Issue #8: Other Issues

It is desirable to ensure that new developments "pay their own way" in respect to necessary City services, such as police protection. To address this, the City will be imposing fees for such services. A project specific condition has been added requiring that a funding mechanism be established for this purpose, prior to the approval of any final subdivision maps for this project.

RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council APPROVAL of the application, subject to the conditions contained within the attached resolution.

RCB:jm

Attachments

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PUBLIC HEARING

- 3. **UP-96-3/A/V -- USA PETROLEUM** requests a use permit to allow the construction of a service station with a mini-mart, and a one bay car wash, and a variance that results in the adjoining site (K-Mart Shopping Center) having approximately 28 fewer parking spaces than required by ordinance.

Deputy Director Community Development Carniglia informed the Commission that the applicant had requested a continuance of the public hearing to the September 4, 1996 Planning Commission meeting.

Chairperson Sloan declared the public hearing open.

On motion by Commissioner Petersen, seconded by Commissioner Lawrence, the Commission unanimously **CONTINUED** the public hearing to the September 4, 1996 Planning Commission meeting.

- 4. **PD-95-2.1 -- DALLAS RANCH LAND OWNERS, LP** requests a Final Development Plan and Tentative Map for approval of 286 single -family homes, a 9.8 acre commercial site, a portion of a 10.0 acre park site and 43.0 acres of open space on 124.9 acres of land located on the west side of Somersville Road at James Donlon Boulevard.

Resolution No. 96-18

Associate Planner Ron Bendorff presented the staff report. He reviewed the background and project overview as outlined in the report. He noted that no proposed home designs were available for review, therefore a condition was added requiring future review of housing elevations by the Design Review Board. The condition would also require that the final home sizes generally conform to those conceptually proposed by the applicant. He discussed grading/photosimulations. He reported that based on the geotechnical report submitted for the project, benches would be required to help stabilize the slope shown on the plan, otherwise the plan would have to be modified to reduce the slope. That would result in a loss of approximately 25-30 lots along Countryside Way. Staff noted the proposed plan represented a significant decrease in project density, therefore the Commission might want to consider a limited use of benches with mitigation measures imposed to reduce their visibility. Mr. Bendorff reported that a condition was added requiring that the design of the park site be subject to review by the City's Parks and Recreation Commission and the timing of its development would be determined during a future use permit stage for the project. He further reviewed the commercial site, circulation/traffic study and environmental documentation. A condition was placed on the Preliminary Development Plan approval which required that the need for supplemental

environmental documents be discussed by the applicant and all affected agencies. Should additional documentation be required, the work shall be done prior to the consideration of the Final Development Plan for the project. In conclusion, Mr. Bendorff reported that to ensure that new developments "pay their own way" relative to necessary City services, the City would impose fees for such services. A condition was added requiring that a funding mechanism be established for that purpose prior to the approval of any final subdivision maps for the project. Staff recommended the Planning Commission recommend to the City Council approval of the application.

Deputy Director Community Development Victor Carniglia acknowledged a letter from Contra Costa Waste Services, the Garavente family, opposing the project siting potential health concerns that the closed dump to the east may present to the project. The letter was presented to the Commission. Mr. Carniglia noted that the issue was addressed in the supplemental EIR. He said that Conditions 93 through 97 were added to address issues related to the closed dumps to the east.

Staff responded to questions from the Commission. Mr. Carniglia updated the Commission on Pittsburg's progress relative to the Buchanan Bypass. He stated that the link of the Bypass from the project entry east back towards Somersville would be completed with the project because it would be needed for project access. The completion for the balance of the Bypass and overall link to the west was uncertain, possibly 2005 to 2010.

During discussion, City Attorney Galstan explained that any land within a designated distance from a landfill, whether an active landfill or a closed landfill, must go through a review process with the State. The State will determine whether there is any health risk for that property being developed in a residential manner or for school purposes. Under the proposed conditions, the subject property would have to comply before a building permit could be obtained.

Chairperson Sloan declared the public hearing open.

Gordon Gravelle, applicant, felt the project would be a nice neighborhood and a benefit to the City and community. He said the reduced number of units would allow them to take advantage of the physical features of the site. All units were held back from the hill and the creek. Thirty eight percent of the property would be open space. He reported that he had acquired the property to the west. He said there was a portion in "Sky Ranch Pittsburg" that should be within the City of Antioch and he would probably come back in the near future to address that issue. He reported that the School District acquired the property to the south and requested a secondary access. They have entered into an agreement with the school District to provide a permanent access easement along the eastern boundary line. In exchange for the two accesses, the School District agreed to give them a grading access easement along the southern boundary line.

Mr. Gravelle discussed environmental issues. He reported that a biological study was conducted by an expert in the field who concluded that the site was clean of any endangered or threatened species.

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There was no habitat other than the creek. The study felt the creek should be cleaned up. It could then provide additional habitat for amphibian type species. He referred to the issue of the grading and benches and reviewed the photosimulations. He said if benches are required, they would try to minimize them as much as possible, hide them from public view and work with staff to use a natural color cement. He discussed the dump to the east of the site. He said that information was provided to environmental experts and attorney's, and it was felt if the conditions of approval were followed there would not be any kind of health and safety factor involved with the project. Mr. Gravelle said there were 107 conditions placed on the property and they agree with 106 of them. He objected to Condition of Approval 88 relative to the construction of Somersville Road. He felt the condition was onerous, noting the project was decreased by 50 percent. He asked that the portion of the condition stating they have to build all of Somersville Road to Buchanan be deleted, but leave in the portion that says they will build their half of Somersville Road along the frontage of their property.

Mr. Gravelle referred to a map and discussed site access including the School District issue, and Somersville Road improvements. He pointed out the location of the proposed benches. He clarified that they will not know if benches are needed until they begin grading. Commissioner Lawrence expressed concern that the photosimulations provided did not depict what the hill would look like after grading. During discussion, Commissioner Lawrence clarified that the benches would not be needed if the specific 25 to 30 homes were not built. Mr. Gravelle indicated he was not willing to give up the 25 to 30 homes.

Wayne Thomas, Pittsburg resident, said he wanted to communicate some of his concerns regarding the project and his property. He said the "Sky Ranch" project would bring homes, people, vehicles, pollution, garbage, litter, noise, dogs, violence, hazardous contamination and would increase the number of fires in the area. He asked if the Commission or staff considered or addressed the significant adverse impacts the project would have on his business and on his property. He asked why his property was not included in the "offsite" section of the EIR. He would have appreciated the opportunity to respond during the public review period. He said he was denied basic communication and felt his right to protect his property was taken from him.

In response to inquiry, Mr. Thomas said his property was one mile west of Somersville Road. Mr. Carniglia clarified that the property abuts the portion of the "Sky Ranch" project in Pittsburg and not the property being considered. The City of Pittsburg was notified of the hearing and a notice was placed in the paper. The property is outside the 300 foot radius for legal notification of the public hearing.

Tina Thomas, Pittsburg resident, said the EIR's purpose was to study all impacts that could arise from the project. The animals and live stock would be impacted. She was never notified of the EIR and were not privileged to any communication or public hearings. The property should have been studied and addressed.

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Mr. Carniglia responded that the Thomas' would be given a copy of the EIR. He asked them to notify staff if there were any issues that they felt were not addressed. Conditions relative to fencing and security could be considered by staff and the applicant.

Hearing no further comments, Chairperson Sloan closed the public hearing.

The Commission discussed Project Specific Condition #88. Associate Engineer Joe Brandt explained that there was a mitigation measure to EIR 83-2 that requires either the repaving of Somersville Road from the project to the Contra Costa Canal or widening of that section. When the traffic engineer reviewed the traffic study provided by Mr. Gravelle, it was assumed there would be no objection to the condition for the four lane construction approved as part of the preliminary plan development for the project. The Traffic Engineer was asked to review the matter after Mr. Gravelle submitted his letter of objection. Mr. Gravelle was asked to voice his objection to the condition and allow the traffic engineers time to look at the traffic study and then staff would decide what minimum construction would be appropriate. The matter would then be taken to Council for consideration. City Attorney Galstan noted that another possibility could be the formation of an assessment district. Mr. Brandt discussed deferred improvement agreements.

Commissioner Martin felt the Traffic Study was flawed noting the study graded Delta Fair Boulevard intersection as ".62-B". Mr. Brandt said he would pass the concern to the Traffic Engineer. He noted that the traffic lights on Somersville Road would be synchronized in the near future.

Commissioner Lawrence reiterated his concern that the photosimulations did not depict what the major hill would look like after it was graded and he could not support the project because of that.

Commissioner Petersen said he appreciated the applicant's concern as noted for Project Specific Condition #88. He said he could support the project with the language remaining knowing it would be addressed by the City Council.

Commissioner Martin said he was concerned for traffic and would support the project with Condition #88 as proposed. He indicated that he did not see a problem with the development and the amount of grading that would occur on the hill. He felt the "look" of the hill would be preserved. Whether or not there are cuts and how deep they might be were issues he was concerned with, but the benches would not be that ugly.

Commissioner Nead said he did not object to the project, however he was very concerned with traffic circulation and Somersville Road. He hoped staff could come up with recommendations before the project goes to the City Council.

Commissioner Weber said he did not have a problem with the proposed grading cuts. He indicated that he was in favor of the project.

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Chairperson Sloan said she could support the project and did not have a problem with the hill. She expressed concern for the traffic study and felt there was a serious traffic problem. She did not feel the Bypass would rescue the City from the problems in a timely manner.

On motion by Commissioner Martin, seconded by Commissioner Petersen, the Commission **RECOMMENDED APPROVAL** of PD-95-2.1 Dallas Ranch Land Owners, LP., to the City Council subject to the conditions contained in the resolution, by the following vote:

AYES: Commissioners Martin, Petersen, Weber, Nead and Chairperson Sloan
NOES: Commissioner Lawrence
ABSENT: Commissioner Carey

City Attorney Galstan introduced Assistant City Manager/Economic Development Director Ramsey.

* Chairperson Sloan declared a recess at 9:25 p.m. The Commission reconvened at 9:38 p.m.

5. **PW-488-1R -- GRANT HOMES** requests reapproval of an expired tentative map (Terrace Gardens) to allow construction of 36 single-family homes on approximately six acres generally located south of East Eighteenth Street at Terrace Drive.

Resolution No. 96-19

Associate Planner Bendorff presented the staff report and recommended the Planning Commission recommend approval of the project to the City Council. He reviewed the project overview and home models as outlined in the report. He noted that Attachment "C" of the staff report contained a plan for the "tot lot" facility. It would be improved by the developer and maintained by a homeowners association as outlined in Condition #74. He reported that the applicant, due primarily to the unique situation, was opposing Condition #85 regarding a fee to support police services in the area. He reported that the applicant, due primarily to the unique situation, was opposing the condition.

Mr. Carniglia responded to questions from the Commission. Relative to Condition #85, Mr. Carniglia said that the fee to support police services was undetermined, however it could be done thru a police services district or the levy of a one time fee. The method had not been resolved. That would be a City Council decision.

Chairperson Sloan declared the public hearing open.

Barbara Price, Grant Homes, 8301 Edgewater Drive, Oakland, informed the Commission that while going through the Design Review process, the Tentative Map expired. Grant Homes had gone through negotiations with the City and the Tentative Map was essentially the same. She referred to

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STAFF REPORT TO THE ANTIOCH CITY COUNCIL

FOR CONSIDERATION AT THE COUNCIL MEETING OF NOVEMBER 12, 1996

Prepared by: Ron Bendorff, Associate Planner

Approved by: Douglas R. Ward, Director of Community Development *DRW*

Date: November 12, 1996

Subject: **FINAL DEVELOPMENT PLAN AND VESTING TENTATIVE MAP FOR "SKY RANCH" PROJECT (PD-95-2.1)**

RECOMMENDATION

Staff recommends that the City Council:

1. Motion to adopt the Mitigated Negative Declaration as being adequate (MND-96-04); and
2. Motion to adopt the resolution approving a Final Development Plan and Vesting Tentative Map to allow 286 single-family homes, a 0.8 acre commercial site, a portion of a 10.0 acre park site and 43.9 acres of open space on property located on the westerly side of Somersville Road at James Donlon Boulevard, consisting of 124.9 acres, more or less.

BACKGROUND

This property is currently vacant and has been used as grazing land. The first preliminary development plan for this property was reviewed in 1983 and included a total of 874 residences, the majority of which were to be multiple-family units. Subsequently, a Final Development Plan for 736 units was approved by the City Council and an Environmental Impact Report (EIR-83-2) was certified for this project. That approval expired and a subsequent Final Development Plan containing a total of 609 units was approved in 1984.

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In November, 1986, a revised Final Development Plan was submitted which increased the total unit yield to 686 units. Due to the discovery of toxic substances migrating from the nearby GBF landfill, Staff determined that a Supplemental EIR was needed. This Supplement also examined other factors related to increased unit yield and a revised project design, such as traffic, grading and visual impacts. The Plan was superceded in 1989 by another Final Development Plan which showed a total of 597 residences (350 multiple-family units and 247 single-family lots). This plan was later withdrawn. The Supplemental EIR was certified and remains in effect.

The applicant, Dallas Ranch Land Owners, LP, subsequently secured title to the property and submitted a preliminary development plan for the site in 1995. This plan proposed the development of up to 289 single-family homes, a 0.8 acre commercial site, a 3.9 acre park site and 43.9 acres of open space. On March 20, 1996, the preliminary development plan was approved by the Planning Commission. Subsequently, the applicant submitted an application for a final development plan and vesting tentative map for the project. This item was considered by the Planning Commission on August 21, 1996 and the project was recommended to the Council by a vote of 5-1, with one member absent. The Planning Commission Staff Report and the minutes of the August 21st meeting are attached for your reference.

(Staff notes that a Final Development Plan is not the last stage in the review process for the project. The applicant would hereafter be required to apply for and receive a use permit/final map for any future phases of development prior to construction, as well as design review approval of any model homes or commercial buildings to be proposed for the project.)

ENVIRONMENTAL

A Mitigated Negative Declaration has been prepared for this project, in conformance with the requirements of the California Environmental Quality Act (CEQA) (MND-96-5). This document incorporates the mitigation measures outlined in the existing certified Environmental Impact Reports for this project as well as supplemental documentation.

ANALYSIS

Issue #1: Project Overview/Comparison with Preliminary Development Plan

The proposed final development plan shows the site subdivided into 286 single-family lots, ranging in size from a 4,000 square foot minimum lot size in the northerly portion of the

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project site to a 6,000 square foot minimum to the south. Proposed home sizes would conceptually range from 1,200 - 1,600 square feet for the 4,000 square foot lots to 1,800 - 2,400 square feet for the 6,000 square foot lots. A park site shared with the "Highlands Ranch" project to the north is shown as Parcel "B" and a small commercial site is shown on the Buchanan Road Bypass (Parcel "D"). Larger open space areas include that portion of Markley Creek which runs along the easterly boundary of the property (Parcels "F" and "G"), a powerline easement which runs across the northerly portion of the site (Parcels "C" and "L"), and an approximately 21-acre hillform which lies near the center of the property (Parcel "A").

Surrounding properties/zoning districts are as follows:

- North: The "Highlands Ranch" property, which is within the Antioch Sphere of Influence but not yet annexed to the City. It was previously an oil company tank farm and is currently used primarily for grazing. A preliminary development plan was submitted which proposes up to 724 single-family residences and 240 multiple-family units on this property. The ultimate zoning designation for "Highlands Ranch" will be Planned Development District (PD).
- South: The "Moller Ranch" property, which was a working cattle ranch operation and was recently purchased by the Antioch Unified School District for use as an interpretive nature center and future school site. This property is not within the City's Sphere of Influence and is still within the County's jurisdiction.
- East: The prior "Antioch Dump" and GBF Landfill properties. Each of these landfill operations has ceased and remediation of the latter site is currently underway. The "Antioch Dump" is within the Antioch City Limits and is designated as "Open Space" on the City's General Plan. The GBF Landfill site, also designated for "Open Space" use, will not be annexed to the City of Antioch until remediation is complete and the site given a "clean bill of health." (These sites are further discussed in Issue #7 below.)
- West: This vacant property is owned by the applicant and is within the City of Pittsburg's Sphere of Influence. It is intended that this property be developed with single-family residences.

The proposed final development plan/vesting tentative map represents a significant reduction in housing units over prior "Sky Ranch" plans. Comparisons of dwelling unit (du) yields and overall project densities (dwelling units per acre, or du/ac) for the prior plans and the present submittal are presented in the attached August 21, 1996 Planning Commission Staff Report. These comparisons show that the total number of units has been decreased from a high of 686 to 289 units and the overall density lowered from 5.4 to 2.3 units per acre. Attachment "B" of the Commission Staff Report also illustrates the most recent development plan for this property, which dates from 1989.

Issue #2: Grading

The "Sky Ranch" site is generally flat with a central, large hillform rising to a height which is approximately 200-250 feet above the surrounding areas (Parcel "A"). The submitted plan shows that the most substantial grading would occur along the northerly and southerly slopes of this hillform. To determine how this grading would appear within the completed subdivision, photosimulations were prepared which will be available for review at the Council hearing. These photosimulations and the geotechnical report for this project indicate that benches (i.e. concrete hillside "gutters") would be required to stabilize the slope shown on the plan. In order to minimize the visibility of these benches, a condition was added requiring mitigation measures to help the benches blend into the slope. These measures would include the use of colored concrete and/or a reduction in bench width.

Issue #3: Park Site

An approximately 3.9 acre parcel is shown at the northeasterly corner of the project site and this would ultimately be combined with a park site on the "Highlands Ranch" development to the north to create a park facility that is approximately 10 acres in size. This would be preferable to two smaller parks as it would provide recreational opportunities for each project's residents and allow for more efficient maintenance by City crews. A conceptual design for this shared park is included in the final landscape plan for "Sky Ranch" and reflects comments the applicant received from Leisure Services personnel. This design assumes an extension of "Summit Way" into the "Highlands Ranch" project and the future provision of an east-west street along the northerly boundary of the park site. This plan will require approval by the City's Parks and Recreation Commission, with the timing of its development to be determined during a future use permit stage for this project."

Issue #4: Commercial Site

A proposed commercial site totaling approximately 0.8 acres is shown situated on the "Buchanan Road Bypass" (Parcel "D"). This parcel is relatively small and a powerline easement crosses the rear of the site, therefore its usability is limited. A graphic has been prepared which shows how a future 3,964 square foot commercial building might fit on this site. Staff notes that this triangular footprint is probably not the optimal one for this site and that the actual building footprint would likely have a more rectangular form with reduced square footage, similar to that shown on the landscape plan. Use permit and design review will be required for any commercial project on Parcel "D". In the interim, the site will be landscaped subject to Staff review and approval. Staff also notes that the sound wall used along the Bypass should be installed along the rear property line of the site to act as a buffer between this use and the adjacent residential properties.

Issue #5: Circulation/Traffic Study

The circulation plan shows that primary access to the site would be provided by the "Buchanan Road Bypass", which would bring traffic from James Donlon Boulevard through the property and ultimately west through the City of Pittsburg to Kirker Pass. The applicant shall be required to build that portion of the "Buchanan Road Bypass" which passes through the site. The applicant shall also be required to provide full-width improvements to both the section of Somersville Road which is contiguous to the project site and the section which runs north to its intersection with Buchanan Road. The latter may be funded by a benefit district which would allow reimbursement for the required off-site construction.

As conditioned at the preliminary development plan stage, a supplemental traffic study was prepared to determine the impacts of the proposal and to assess its conformance with the standards of Measure "C". A copy of this study is attached to the August 12, 1996 Planning Commission report. Upon review by the City's Traffic Engineer, the study was found to need modifications. Attached is a memo from the Traffic Engineer which states that these concerns have been addressed (Attachment "A").

Issue #6: Wildlife Study

As noted above, a Supplemental EIR for the 1989 "Sky Ranch" plan was certified in 1990 and is used as the basis for the Mitigated Negative Declaration for this project (MND-96-5). The Supplemental EIR did not update the wildlife/habitat section of the prior EIR and, in the interim, concern has arisen that wildlife habitats in this general area (e.g. grasslands) are being adversely affected by new development. The U.S. Fish and Wildlife Service has identified a number of protected wildlife species which could be present on the project site, such as the California red-legged frog, the California tiger salamander and the San

Joaquin kit fox. A supplemental study of wildlife resources on the "Sky Ranch" property was therefore undertaken and provided to the affected agencies for review and comment (see attached report by Dr. Samuel M. McGinnis). As noted in the study, no adverse impacts are anticipated and some rehabilitation within the Markley Creek channel is discussed which will actually benefit certain amphibian special status species. This rehabilitation has been made a condition of this approval.

Issue #7: Proximity to Landfill Sites

The project site is in the vicinity of four (4) former landfill sites which lie to the east beyond Markley Creek and the Somersville Road right-of-way (i.e. the "Antioch Dump", the "Lynch Site", the "Pittsburg Landfill", and the "GBF Landfill"). As noted in the Supplemental EIR for this project (EIR-88-2), a Remedial Action Plan (RAP) is being prepared for the GBF/Pittsburg Landfills to address groundwater contamination which has occurred beneath these sites and which is migrating underground away from the landfills. The Supplemental EIR notes that this contamination is taking place at a great depth beneath the property and would be far removed from the future residents of "Sky Ranch", therefore no negative impacts are expected. Furthermore, a 1994 Public Health Assessment prepared by the U.S. Department of Health and Human Service for the GBF/Pittsburg Landfill concludes that "[t]he site currently poses no apparent public health hazard, and conditions are not expected to change in the future." Nonetheless, the remediations planned will stop any contamination from continuing and will result in the polluted water being extracted from the ground, purified, and discharged appropriately.

The State Law specifies that the "Sky Ranch" property's location within 2,000 feet of the landfills may qualify it as a "border zone" property. This designation could possibly impact the proposed residential development if a significant existing or potential health hazard to present or future health and safety exists. While the environmental documentation states that such a significant risk likely does not exist, the applicant must nonetheless apply to the State Environmental Protection Agency (Cal/EPA) for determination of border zone status at least one year prior to project construction. This has been made a condition of this approval, as have requirements regarding the continued monitoring of ground water to determine the potential further migration of waste contaminants from the landfills, a requirement that a gas sample analysis be performed and approved by the County Department of Environmental Health prior to recordation of any final map, and a general requirement that the developer provide City Staff with documentation from Cal/EPA evidencing that the site is suitable for the proposed development. (Note: Staff has spoken with Cal/EPA Staff and the likelihood of the "Sky Ranch" property being declared a border

SKY RANCH PD-96-2.1

November 12, 1996

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zone is minimal. Cal/EPA has also confirmed that the landfill sites would present no public health risk to future residents of the "Sky Ranch" project.)

Staff has received correspondence from Contra Costa Waste Service (CCWS) objecting to the proposal. This letter dated August 21, 1996 is attached for your information. (Note: The correspondence erroneously identifies the "Sky Ranch" site as the former "Los Medanos Tank Farm", which is in actuality the "Highlands Ranch" property to the north.) CCWS is the former operator of the Contra Costa Sanitary Landfill (i.e. the GBF/Pittsburg landfill sites) and expresses concerns regarding the off-migration of toxics and the possibility that the "Sky Ranch" site may be a "border zone" property. As explained above, these issues have been addressed in the conditions of approval for this Final Development Plan.

Issue #8: Police Fee

At the Planning Commission hearing the need to impose a "police fee" on this development was required in order to provide funding for any increases in police services required by this development. Such a fee was first discussed during the review of the East Lone Tree Specific Plan and, in July, 1996, the City Council approved a work scope and schedule for the implementation of the fee. This work is now underway and Staff will return with a proposed fee in January, 1997. The applicant is agreeable to the imposition of this future fee on this project and a condition has been placed on the approval requiring participation in this fee program.

RCB:js

Attachments

I-6-7

ANTIOCH CITY COUNCIL
ANTIOCH DEVELOPMENT AGENCY
Regular Meeting
November 12, 1996

On motion by Council Member Rocha, seconded by Council Member Soliz, the Council adopted the resolution approving Boundary Map; adopted resolution appointing Engineer of Work; adopted resolution approving Agreement for Legal Services, by the following vote:

AYES: Rocha, Soliz, Herendeen

NOES: Hernandez

ABSENT: Payton

3. APPROVAL OF ANTIOCH BOATWRIGHT MARINA LEASE SPACE EXPANSION (PW 523-14) #1402-06

Director of Public Works Davis presented the staff report dated November 6, 1996 for Council consideration of a 400 square foot expansion to the 600 square foot rental space and two key access shower rooms at the Harbor Master Building at the Antioch Boatwright Marina. He noted if no action was taken for expansion, the City would lose a three-year tenant whose business had been a very valuable and compatible operation to the marina and community. Staff therefore recommended approval of the expansion.

In response to inquiry, Mr. Davis reported that a new rental rate would be negotiated with the marine insurance firm before entering into a contract.

Gary Clawson, Transpac Insurance Agency, expressed support for the proposed expansion. He informed the Council that he did not anticipate any problems coming to an agreement with staff relative to the rental rate and term of a new lease.

Regarding funds for the project, Mr. Davis reported that funds would have to be borrowed from another fund and repaid through increased lease payments over a ten to fifteen year period. Funds would not be available from the Department of Boating and Waterways or the Development Agency.

On motion by Council Member Soliz, seconded by Council Member Rocha, the Council unanimously authorized an internal loan not to exceed \$100,000 to the Marina Capital Funds, with interest, to be repaid over a 10 to 15 year period to design and construct a 400-foot expansion of a lease space plus two key showers and authorized the Mayor to sign an agreement for architectural services with TWM Architects.

PUBLIC HEARING

8. DALLAS RANCH LAND OWNERS, LP. REQUESTS A FINAL PLANNED DEVELOPMENT AND TENTATIVE MAP FOR APPROVAL OF 286 SINGLE-FAMILY HOMES, A 0.8 ACRE COMMERCIAL SITE, A PORTION OF A 10.0 ACRE PARK SITE AND 43.9 ACRES OF OPEN SPACE ON 124.9 ACRES OF LAND LOCATED ON THE WEST SIDE OF SOMERSVILLE ROAD AT JAMES DONLON BOULEVARD. (FILE: PD-95-2.1) #202-03

Deputy Director of Community Development Victor Carniglia presented the staff report dated November 12, 1996. He reviewed the background and various issues which included grading, park site, commercial site, circulation/traffic study, wildlife study, proximity to landfill sites and police fee as outlined in the report. He reported that both staff and the Planning Commission recommended approval of the "Sky Ranch" project.

In response to inquiry, staff reviewed the road improvements that the applicant would be required to build which included the portion of the "Buchanan Road Bypass" which would pass through the site. The applicant would also be required to provide full-width improvements to both the section of Somersville Road which is contiguous to the project site and the section which runs north to the intersection with Buchanan Road. Regarding health issues related to the landfill sites, Mr. Carniglia reported that those would be addressed by both the County and State Health Departments. A number of conditions were added that would require the applicant to obtain approval from both agencies before any development could proceed.

During discussion, Council Member Hernandez expressed concern that the Environmental Impact Report was outdated. Mr. Carniglia reported that staff completed a Mitigated Negative Declaration and updated the traffic study and conditioned the project to participate in the new Mello Roos District. The Mitigated Negative Declaration states that all mitigations of the previous EIR would be applicable and apply to the project. In addition, staff updated the traffic analysis to take into account the latest traffic studies.

A discussion began relative to the project's proximity to the landfill sites and possible health hazards. During discussion, Council Member Hernandez suggested that additional studies on toxins in the area be required because the reports provided to the Council were old. She expressed concern for the City's liability, possible hazards and toxins, and public health. Director of Public Works Davis reported that the land was previously a ranch. No garbage or industrial waste was ever buried on the property. Mr. Carniglia explained that the contamination issue was a ground water issue deep below the ground. A well at the north east corner of the site, an area which had not proposed for development, had shown some traces of contamination in the ground water approximately 75 feet below ground. He stated that the intent of the remediation plan was to clean that up. It is not considered to present a health hazard to the residents in the vicinity.

City Attorney Galstan responded to the Council relative to liability and stated that he felt the County and State Health Departments would be more responsible because they would render the opinion about health risks.

Mayor Herendeen declared the public hearing open.

PROPONENT: Gordon Gravelle, applicant, reported that there were two included in the EIR that he felt were weak. Those areas included traffic and wildlife. Further studies were ordered to determine the impacts and propose mitigations to take care of any adverse impacts. He stated that as part of the closure plan for the GBF Landfill, there has been ongoing investigations and field studies with gas and water measurements done on a quarterly or semiannual basis. Mr. Gravelle reviewed the proposed "Sky Ranch" project. He stated that they had redesigned the project to be more consistent with the topography, grading was reduced and the amount of units were reduced to 286. He informed the Council that the applicants agreed with all conditions of approval as proposed. He stated that the project would be safe and not attack or threaten the health and safety of any residents.

OPPONENTS: Mark Mahnke stated that after reviewing documents contained in the Council's packet pertaining to the project, he had not found any evidence that the project would benefit current residents of Antioch. The mitigation measures were not valid and adequate for some of the potential environmental impacts. The project would add harmful cumulative impacts from development in East Contra Costa County without providing benefits to current residents. He reviewed mitigation measures and provided reasons why he felt they were

inadequate.

Angel Sudario expressed concern for public safety and the property's closeness to the landfill sites. She commented on mitigation measures proposed for traffic. She read a letter from Contra Costa Waste Services and recommended the Council continue the public hearing because the hazards had not been adequately studied, the County and State's opinion relative to health issues had not been received and traffic mitigations should be restudied. In conclusion, Ms. Sudario suggested the proposed property be considered as a commercial and not residential site.

Ralph Hernandez expressed concern for the project. He outlined his concerns which included the property's closeness to the landfill sites, possible toxic substances such as asbestos buried in the landfill sites which could become airborne in the dust, Mello-Roos District restructuring, the existing traffic problems and addition of more vehicles. He further stated that the EIR was outdated; that the neighborhood park was not needed; that the City should not accept the additional 43 acres; that there were alleged sightings of the kit fox.

Bill Craig stated that the City would be liable for any health problems. He opposed the project and alleged pollution on the site. He suggested the Council consider the property as a green belt rather than a residential development.

Ken Ramsdell asked if there were any conditions releasing the City from liability if the 43 acres is found contaminated. He recommended the Council continue the public hearing until further investigations could be conducted and the new City Council has a chance to review the project.

Deputy Director Community Development Carniglia responded to public comments.

REBUTTAL: Gordon Gravelle reported that the property had been studied thoroughly. He explained that the project site was not surrounded by landfill sites. There are four sites east or west of Somersville Road. The groundwater migration is to the north and just clips the far northeast corner of the property and was not a health hazard. Relative to circulation and traffic studies, Mr. Gravelle reviewed the various road improvements that would be constructed with the project. In conclusion, Mr. Gravelle stated that the project was viable and would be an asset to the City of Antioch.

Hearing no further comments, Mayor Herendeen closed the public hearing.

Relative to the "police fee", City Manager Rowlands reported that various options would be presented to the City Council in January 1997. The City Council would then determine the rate. The applicant was agreeable to the imposition of the future fee. Council Member Hernandez stated that she could not vote on the matter because she did not know what the police fee would be.

During Council discussion, Council Member Rocha pointed out that the applicant could not develop the property until approval was obtained from the County and State Health Departments; that the public was required to be informed of the landfill sites; that the applicant had agreed to the future police fee. Mayor Herendeen noted that the number of units was reduced from the original project; that there were existing homes off of Gentrytown Drive that were much closer to the GBF Landfill than the specific project; that the applicant agreed to all 106

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conditions and development could not begin until the State and County Health issues were resolved. Council Member Soliz stated that many of his concerns were addressed. He was satisfied that a study was conducted to rule out the existence of endangered species on the property. He was also satisfied that the applicant met all requirements placed by the City.

RESOLUTION NO. 96/188

On motion by Council Member Rocha, seconded by Council Member Soliz, the Council adopted the Mitigated Negative Declaration as adequate; (MND-96-04); adopted the resolution approving a Final Development Plan and Vesting Tentative Map, by the following vote:

AYES: Rocha, Soliz, Herendeen

NOES: Hernandez

ABSENT: Payton

Mayor Herendeen declared a recess at 9:22 p.m. The Council reconvened at 9:35 p.m. and City Clerk Rundall called the roll:

PRESENT: Council Members Rocha, Hernandez, Soliz and Mayor Herendeen

EXCUSED: Council Member Payton

4. RESOLUTION ANNEXING SUBDIVISION INTO THE LONE TREE LIGHTING AND LANDSCAPING DISTRICT(Dallas Ranch, Phase VII, Tract 7377)

#806-03

City Attorney Galstan presented the staff report dated October 29, 1996 recommending adoption of the resolution.

RESOLUTION NO. 96/189

On motion by Council Member Soliz, seconded by Council Member Rocha, the Council adopted the resolution annexing subdivision into the Lone Tree Lighting and Landscaping District (Dallas Ranch, Phase VII, Tract 7377) by the following vote:

AYES: Rocha, Soliz, Herendeen

NOES: Hernandez

ABSENT: Payton

5. ORDINANCE AMENDING SECTION 9-5.1101 OF THE AMC, DEALING WITH CLEAR VISION ZONES

#203-02

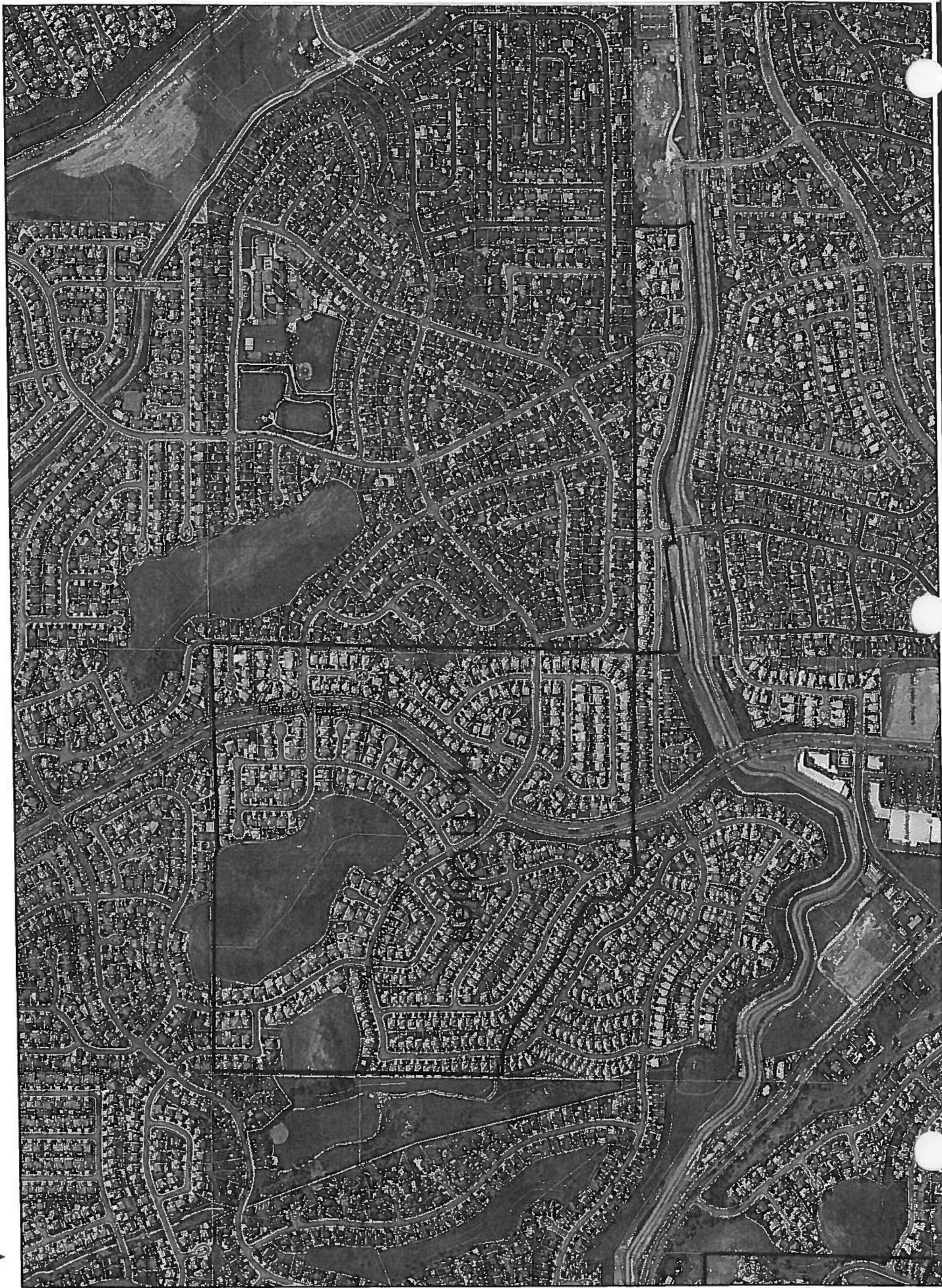
City Attorney Galstan presented the staff report dated October 22, 1996 and recommended the Council introduce the ordinance dealing with site obstructions at intersections. He reported that when the zoning code was updated, the words "vehicle or trailer" were omitted.

ORDINANCE NO. _____

On motion by Council Member Rocha, seconded by Council Member Soliz, the Council introduced the ordinance by title only; introduced the ordinance amending Section 9-5.1101 of the Antioch Municipal Code.

I-7-4

Ho Ti Chien



PLANNING COMMISSION STAFF REPORT

FILE NO.: HPD-86-9.1

PREPARED BY: Corey Simon *CMS*

DATE: September 13, 1989

APPROVED BY: Victor Carniglia *VC*

EXECUTIVE SUMMARY

APPLICANT: NEW CITY DEVELOPMENT COMPANY

OWNER: HO TI CHIEN

REQUESTED ACTION: Approval of Final Development Plan, and Rezone to HPD

PURPOSE: To allow construction of up to 524 single-family units

LOCATION: South of the Contra Costa Canal along Deer Valley Road, midway between Hillcrest Avenue and Lone Tree Way

ASSESSOR'S PARCEL NO.: 053-010-002 and 068-270-003

SIZE: 162.1 acres, more or less

ENVIRONMENTAL ASSESSMENT: An environmental impact report has been certified for this project (EIR-83-4)

GENERAL PLAN DESIGNATION: Low density residential (4 du/acre) and open space

EXISTING LAND USE: Vacant

EXISTING ZONING: Study zone

SITE ISSUES:

- 1) Grading Adjacent to Existing Eagles' Ridge Homes
- 2) Views from Existing Eagles' Ridge Homes
- 3) WAPA Power Line (U.S.A. Easement)
- 4) Grading Adjacent to Future Projects
- 5) Bluerock Drive
- 6) Multi-family Housing Site
- 7) Unit Mix
- 8) Open Space and Park Access

RECOMMENDATION: APPROVAL

REQUEST

The applicant, NEW CITY DEVELOPMENT COMPANY/DK ASSOCIATES, is requesting final development plan approval for HPD-86-9.1, Ho Ti Chien Properties, which would consist of up to 524 single-family units. Approximately 40 acres of the 162 acre project will remain as open spaces.

ENVIRONMENTAL

An Environmental Impact Report was certified for this project in August 1984. That report analyzed the preliminary development plan approved by the Planning Commission in August 1983. While the proposed product types have changed since then, the basic analysis regarding infrastructure and aesthetics remains valid.

BACKGROUND

The Planning Commission initially reviewed the final development plan on March 1, 1989. The Commission continued the item, rehearing it on April 19, and June 7, 1989. Continuances were granted to allow the applicant to better address staff's and Commission's concerns regarding grading adjacent to existing Eagles' Ridge homes and lot size mix. Further concerns were raised by Eagles' Ridge and Ridgerock residents regarding the applicant's original plan to include multi-family housing and the extension of Blue Rock Drive to Deer Valley Road.

Although the applicant had made some progress toward addressing staff and Commission concerns, the Commission voted 6-0 on June 7, 1989 to recommend denial of the final development plan. The City Council then reviewed the Final Development Plan on August 3, 1989. The Council received public comments from existing residents and then voted unanimously to direct the applicant to submit a revised plan for Planning Commission review.

Minutes of the Council meeting, along with copies of the previous Planning Commission reports are attached for reference.

ANALYSIS

As stated earlier, the applicant has prepared a revised plan to address outstanding issues.

Since the general nature and layout of the project has not changed, only those issues which specifically relate to the revised plan or were raised at the Council hearing are addressed below.

Issue #1: Grading Adjacent to Existing Eagles' Ridge Homes

A key issue between the applicant the adjacent homeowners has been the proposal to grade onto existing Eagles' Ridge lots. While much has been discussed as to the extent of the "grading easements" recorded by Centex on those lots, residents have consistently expressed that they would prefer a minimum of grading on their lots. The current proposal attempts to address this concern by lowering the elevation of the proposed pads adjacent to Eagles' Ridge. The lower pad grades allow the applicant to limit grading only to specific lots, rather than grading on all lots as originally proposed. The type of grading proposed can generally be grouped into three types, as discussed below.

A. Fill proposed below existing pads.

The most common scenario places small amounts of fill at the bottom of existing slopes. These areas are often far below the elevation of the existing homes. At no time would the fill affect existing level yard areas (please see Attachment "X").

This approach will be utilized in four general areas as outlined below:

1. Lots 503 through 508, affecting 3916 through 3928 Rockford Drive. At the location of greatest fill, the future pad will be raised seven feet above existing grades, placing the future pads approximately two feet below existing homes.
2. Lots 516 through 519, affecting 3836 through 3840 Rockford Drive. At the location of greatest fill, the future pad will be raised 14 feet above existing grades, placing the future pads approximately nine feet below existing homes.
3. Lots 83 through 87, affecting 4109 through 4117 Limestone Drive. At the location of greatest fill, the future pad will be raised 15 feet above existing grades, placing the future pads approximately six feet below existing homes.
4. Lots 121 through 125, affecting 4217 through 4229 Limestone Drive. At the location of greatest fill, the future pad will be raised 14 feet above existing grades, placing the future pads approximately 14 feet below existing homes.

Note: In cases 1 and 2, all grading will occur in areas outside of fenced yards. For cases 3 and 4, existing fences located below the existing pad would have to be replaced.

B. Cut proposed above existing pads.

The same "minimalistic" approach will be applied in the one area where cut on existing Eagles' Ridge lots is proposed. The hill in back of 3816 through 3828 will be cut only on the top, so existing fences and yards will be unaffected (please see Attachment "Y").

Although the proposed homes will be at a higher grade than those existing, it must be noted that the existing undeveloped land is already at the higher elevation. The extra deep lots, and a condition to restrict the new homes to one-story, should provide adequate privacy (please refer to the discussion on privacy in the following report section).

C. Fill proposed above existing pads.

Only in one situation would the proposed pads be both higher than existing homes and existing grades. At lots 29 through 31, a new slope would be created affecting 3804 through 3812 Rockford Drive. Although this condition is not generally desirable, it is unavoidable here due to drainage requirements on the Ho property. Given that difference in elevation is eight feet at its worst, staff feels the pad elevations are acceptable, but only if the new slope area is offered to the existing homeowners (please see Attachment "Z"). A condition has been added to address this. (Note, this condition will also exist on lots 468 through 472 adjacent to Avila Court in Country Manor.) Furthermore, one-story units will be required on these four lots, as per the discussion in the following section on views and privacy.

The Commission should note that prior to the scheduled September 20 hearing, the applicant is planning to meet with all homeowners on whose lot grading is proposed.

And finally, it should be recalled that the following two conditions, which were added at an earlier Planning Commission hearing, are still applicable and will assure that owner's receive adequate notice before construction.

- o That prior to any grading adjacent to the Eagles' Ridge subdivision, the applicant shall document that all proposed grading on the Eagles' Ridge lots is within the limits of the existing grading easements. No grading may take place on lots, or portions of lots, where no easements have been recorded (unless written permission is given from current owner).
- o That the Eagles' Ridge residents be notified of any grading within the grading easement at least sixty (60) days prior to grading occurring. At that time the residents will also be informed of the duration of the grading and if fences will need to be removed. All fences will be replaced at developer expense.

Issue #2: Views and Privacy Impacts

Throughout the project review process, residents have voiced concerns about "views", and many have indicated that they paid premiums for "view lots". While it is unclear as to exactly what Centex represented to the Eagles' Ridge homebuyers, what is clear is that Centex took no steps to guarantee any sort of view lots. The properties adjacent to Eagles' Ridge have had development entitlements since the early 1980's, long before Eagles' Ridge was developed. Centex did not secure any sort of "view easement" from these properties.

Nevertheless, it is good planning to work to minimize impacts to the extent practical given real world constraints. The applicant's revised plan has lowered pad elevations adjacent to Eagles' Ridge as compared with the previous submittal. The direction to the applicant was to keep pad heights as low as possible given grading and drainage limitations, and to particularly avoid situations where the existing grade would be raised so that it is above the adjacent Eagles' Ridge property. Of the approximately 55 lots proposed adjacent to Eagles' Ridge, 11 lots are higher than the adjacent Eagles' Ridge pads, with 44 lower. Only three of these 11 lots (lots 29, 30, and 31) are being raised above existing terrain so that they are higher than Eagles' Ridge lots. The remaining eight lots (lots 520 through 524, and 26 through 28) are proposed on an existing hill that currently rises substantially above the Eagles' Ridge development. Given that these 11 lots are proposed above adjacent Eagles' Ridge development, staff feels that they should be restricted to a single story unit due primarily to privacy impacts. Additionally, lots 468 through 472, which are adjacent to the Country Manor neighborhood are also proposed to be higher than existing homes. These lots will also be restricted to one-story.

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The development of the other 44 adjacent lots which are at or below (in some cases substantially below) Eagles' Ridge does not present any sort of special hardship, and therefore should be allowed to contain the proposed mix of one- and two-story units.

Issue #3: WAPA Power Line (U.S.A. Easement)

The existing powerline runs along the property line between Ho's narrow parcel adjacent to the canal and the existing Eagles' Ridge lots on Rockford and Boulder Drives. The easement thus straddles both existing rear "yards" and undeveloped lands. The easement through the Eagles' Ridge lots is unfenced to allow access to the poles. Rather than an create an alley between the existing and future houses, staff has conditioned that the line be relocated to open space parcel "A", adjacent to the Contra Costa Canal and Carpinteria Drive (please see Attachment "ZZ"). Communications with WAPA officials (the Federal agency that administers the powerline) indicate that the relocation is feasible. No home construction will be allowed between the Contra Costa Canal and the Eagles' Ridge subdivision until the line is relocated at the applicant's expense.

A minor issue internal to the Ho property is the return of the powerline from the new location at Carpinteria Drive to the old location at the western edge of the project. The line most likely will run in back of lots 478 through 480. This issue will be addressed as part of part of the use permit review process.

Issue #4: Grading Adjacent to Future Projects

The Ho parcel adjoins two subdivisions which have been approved but which have yet to have homes constructed. For both Citation's "Shelbourne" to the north and Homestead's "Deer Park" to the south, the applicant has been conditioned to assure that a) all proposed pads be at equal for lower height than those already approved and/or b) if the proposed pad is higher, the difference in elevation be placed in a slope that is owned by home with the lower elevation.

Issue #5: Bluerock Drive

The applicant has realigned Bluerock Drive so that it curves further to the south. This bend will make the route slightly less direct and will act to slow traffic. This also creates a more desirable intersection at Deer Valley by meeting Deer Valley on a tangent rather than on a curve. Along with this realignment, the applicant has made several refinements to the circulation plan, most all of which were supported by Public Works. Please refer to the report prepared by Engineering for additional discussion on circulation issues.

Issue #6: Multi-family Housing Site

The multi-family housing site has been deleted. The utilization of this area for additional single-family lots accounts for the slight increase in single-family detached units (from 500 to 524).

Issue #7: Unit Mix

The Planning Commission has requested that the mix of traditional "full-size" lots (minimum 6000 square feet) and "patio home" lots (minimum 5000 square feet) be similar to most other Southeast Area projects where a 50/50 percent is the norm. The applicant has agreed to make all lots west of Deer Valley 6000 square foot minimum, along with the lots in the "Rocky Point Drive" and "Bugle Way" areas (which are adjacent to the 6000 square foot lots of Homestead's Deer Park). The revised plan, with 240 5000 square foot minimum lots, and 284 6000 square foot lots provides a 54/46 percent split in favor of larger lots. Staff finds this mix acceptable.

Issue #8: Open Space and Park Access

Although the applicant has generally done a good job of reducing grading adjacent to the existing Country Manor Park and internal open space, some minor refinements are still necessary. While these outstanding issues are outlined below for the Commission's reference, staff has conditioned that issues which may cause minor alterations to lot layout be resolved at the time of use permit submittal.

A. Grading adjacent to Country Manor Park

Lots 309 through 321 are at a higher elevation than the adjacent "park". Since this area of the park has only minor improvements (path and trees), it may be possible to place fill into the park parcel. Furthermore, any slopes going down from the pads which are on the Ho property would be dedicated to the City to added parks area. Final grading plans shall be reviewed by Engineering and Planning as part of the use permit review. It should be noted that any grading onto the park area requires Public Work's approval.

B. Access to Park and Grading of Open Space Parcel "C"

To provide direct access from the project into the improved section of the park, a path should be placed from the corner of Bluerock and Yorkshire through lot 322. In order to provide the path and reduce grading onto parcel "C", lots 322 through 324 should be deleted, with the understanding that pending use permit review the applicant should possibly add back the lots

J-2-7

on the east side of Covelite, behind lot 331. It should be recalled that grading on the east side of the hill on parcel "C" should be kept to a minimum, since this side is highly visible from the park.

C. Grading of and Access to Open Space Parcel "B"

The two to one slopes of private lots that are adjacent to parcel "B" should be no higher than 25 feet. Furthermore, additional visual access should be provided at the open space at the intersection of Bluerock Drive and Galenez Way. Lots in the vicinity should be adjusted to "open up" the view from the corner. Lot 215 may need to be deleted.

The other minor issues relating to parcel "B" are a) grading adjacent to lot 171. Pending review of final grading plans, it is questionable whether this lot can be constructed without creating an awkward "divot" into the hill. It may have to be deleted at time of use permit review; and b) at the time of use permit review, the applicant should study making Quartz Court an open cul-de-sac, providing maintenance access to the southern part of the open space parcel.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution:

Recommending to City Council APPROVAL of the amendment to the zoning map to rezone up to and including Hillside Planned Development District, and approval of the Final Development Plan Subject to the conditions contained within the attached resolution.

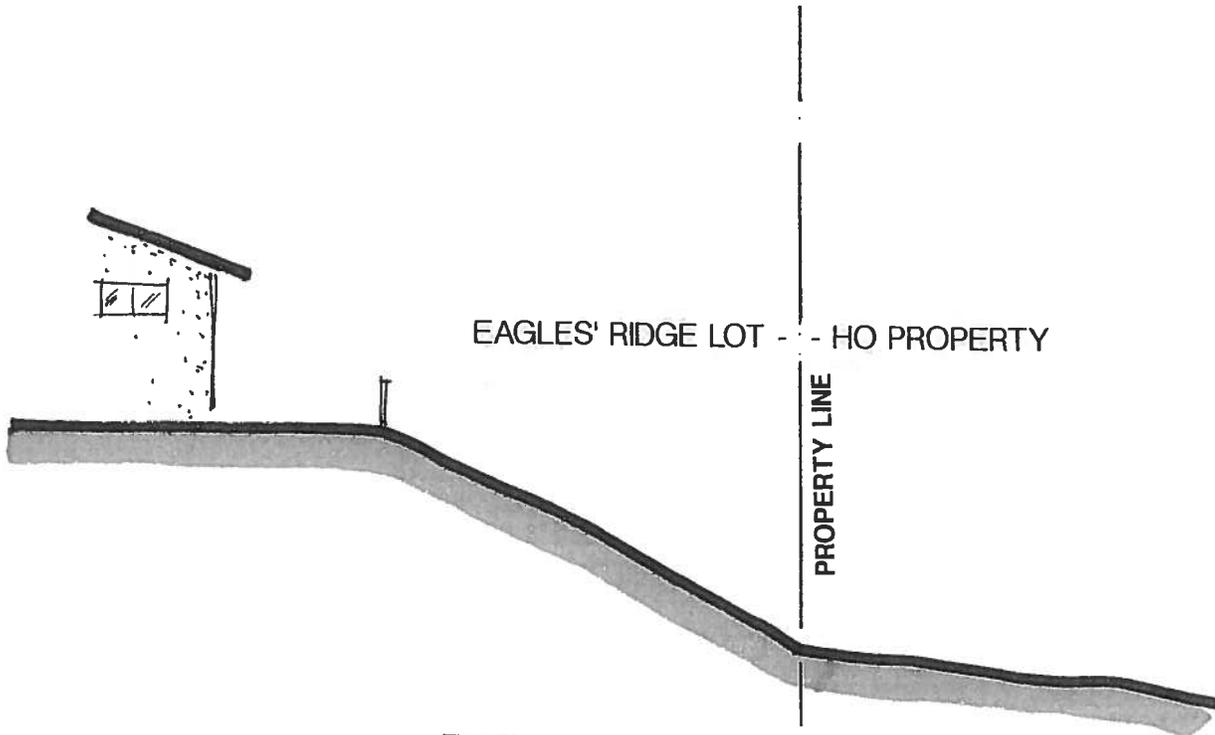
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Attachments

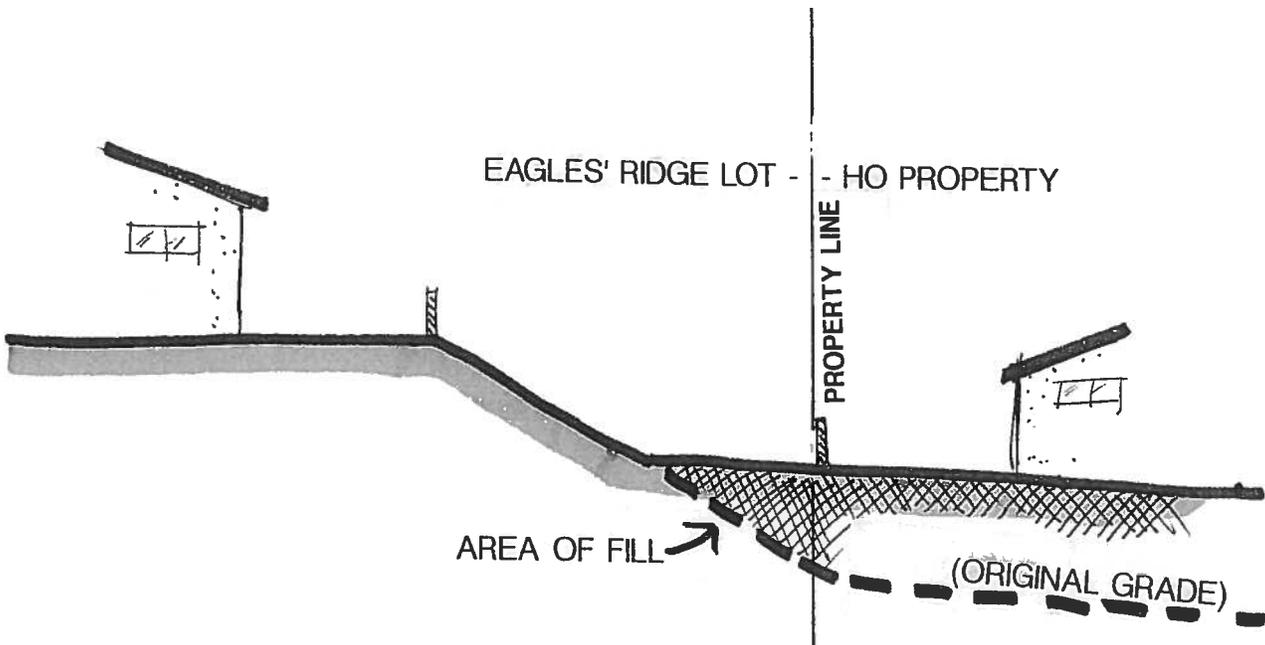
J-2-8

ATTACHMENT "X"

FILL PROPOSED BELOW EXISTING PADS



EXISTING GRADES

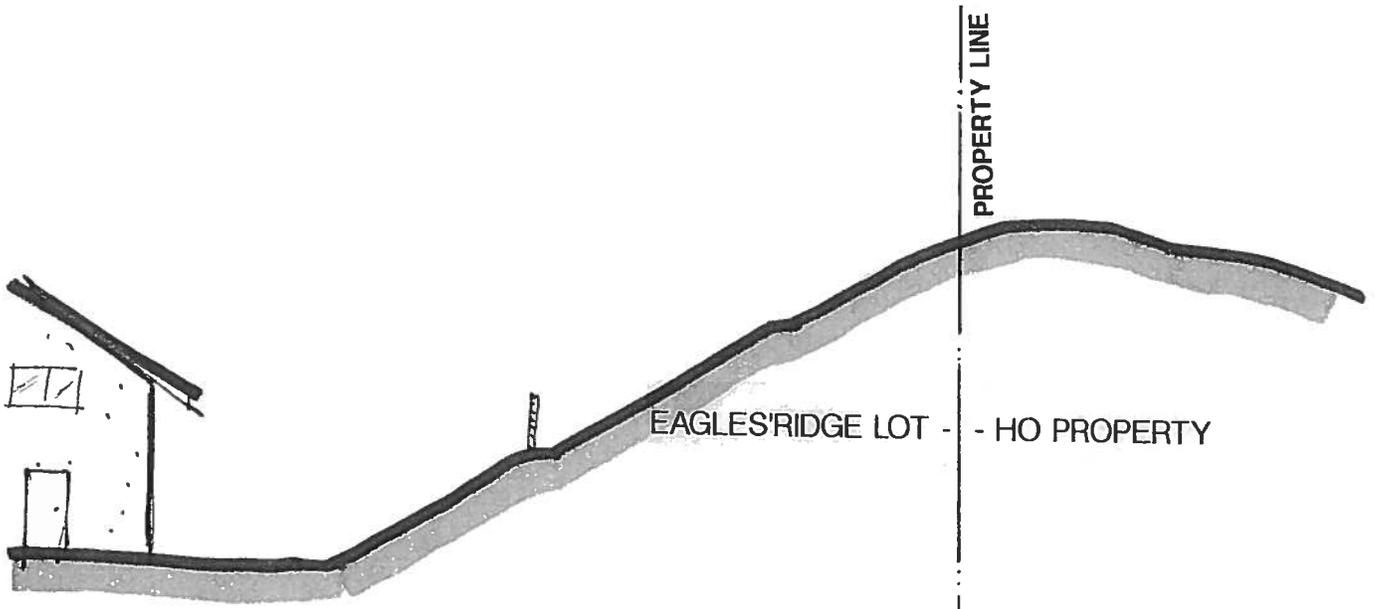


PROPOSED GRADING

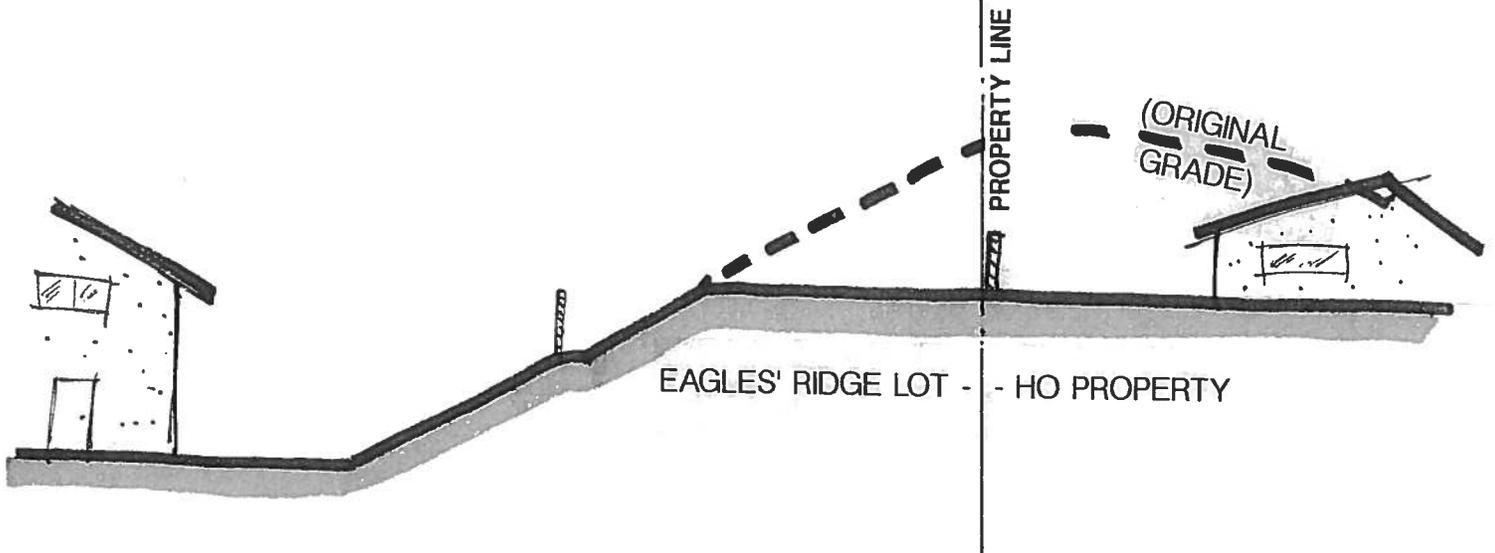
J-2-9

ATTACHMENT "Y"

CUT PROPOSED ABOVE EXISTING PADS



EXISTING GRADES



PROPOSED GRADING

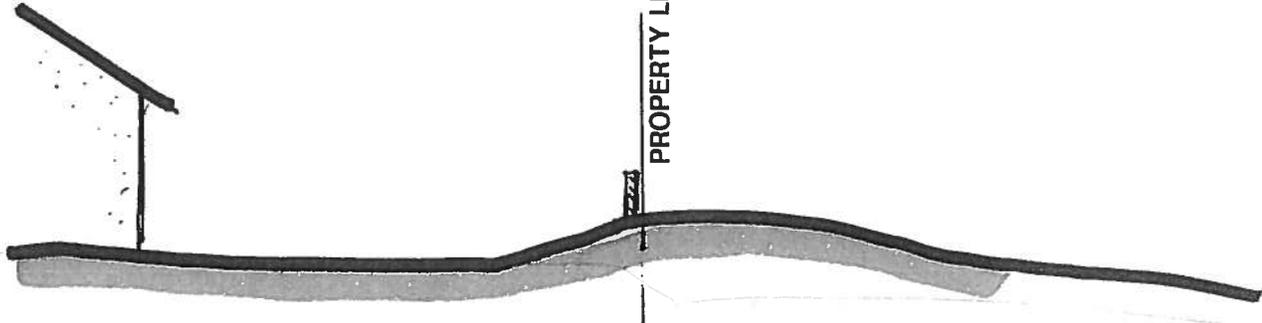
J-2-10

ATTACHMENT "Z"

FILL PROPOSED ABOVE EXISTING PADS

EAGLES' RIDGE LOT - - HO PROPERTY

PROPERTY LINE

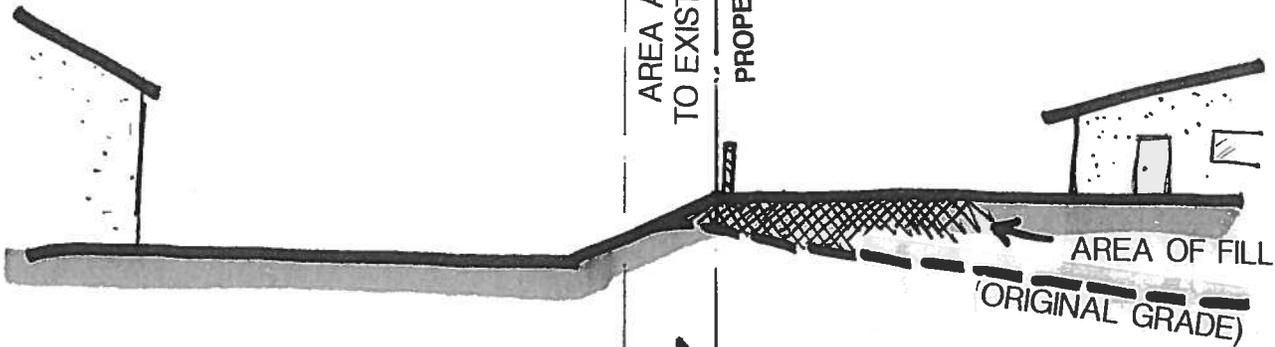


EXISTING GRADES



AREA ADDED
TO EXISTING LOT

PROPERTY LINE



AREA OF FILL
(ORIGINAL GRADE)

PROPOSED GRADING

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ANTIOCH PLANNING COMMISSION

Regular Meeting
September 20, 1989
Page 8

Hearing no further comment, Chairman Sloan closed the public hearing and called for a short recess at 8:35 p.m. Upon reconvening, the Clerk called the roll:

PRESENT: Commissioners Chism, Cosmos, Durkin, Lefebvre, Shahan, Vice Chairman Hall and Chairman Sloan.

ABSENT: None.

TI CHIEN HO/DK ASSOCIATES requests the following approvals to allow development of approximately 525 single-family units on property generally located south of the Contra Costa Canal between Lone Tree Way and Hillcrest Avenue.

- a. HPD-86-9.1--To rezone said property from Hillside Planned Development District (HPD) to Hillside Planned Development District (HPD); and approval of Final Development Plan; and

RESOLUTION NO. 89-74

- b. PW 568--approval of a Tentative Map.

RESOLUTION NO. 89-75

FOR THE RECORD: It should be noted that upon the request of Vice Chairman Hall the title of this item was modified as reflected.

Deputy Director Development Services Carniglia presented the staff report dated September 13, 1989 recommending that the City Council approve the amendment to the zoning map to rezone to Hillside Planned Development District, and approve the Final Development Plan and Tentative Map subject to the conditions contained within the proposed resolution.

Chairman Sloan opened the public hearing, asking if anyone wished to speak.

Paul Kruger, representing DK Associates, reiterated project changes noted within the staff report and provided the Commission with steps taken by DK Associates to better coordinate project efforts with the adjacent residents. He informed the Commission that of approximately 17 lots upon which grading is proposed, only two property owners had yet to be contacted. Mr. Kruger referred to a list of six conditions entitled, Additional Conditions Requested By Applicant, explaining that these were essentially to exhibit "good faith" to the existing property owners and were as a result of meetings with these same property owners. Mr. Kruger voiced agreement to the conditions as proposed with the exception of Engineering Condition 40, to which

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he requested that Lot's 33, 81, 126, 215, 426 and 427 be excluded. Deputy Director Public Works Sexton voiced agreement to this request and recommended the same to the Planning Commission.

Ron Lindstrom, 3812 Rockford Drive, Antioch (one of the two property owners not contacted by Mr. Kruger), voiced concern regarding the unusual circumstances of his lot. He requested that two grade elevations be proposed rather than the three reflected on the tentative map and that a 3-4' retaining wall be installed at the existing property line. Mr. Lindstrom also voiced concern regarding damage/liability relative to improvements made by the existing Eaglesridge property owners.

Both Mr. Kruger and Mr. Lindstrom agreed to meet in the hopes of addressing the concerns voiced by Mr. Lindstrom. City Attorney Galstan informed Mr. Lindstrom that any damages to existing property owners would be the responsibility of the developer.

Both Henry Bouthiller and Ian Dunn, respectively 409 and 401 Boulder Drive, Antioch, requested that single level homes be placed on the lots to the rear of their homes. Mr. Bouthiller specifically made mention to Lots 488, 489 and 490. Mr. Dunn voiced concern regarding the existing power line easement and Deputy Director Carniglia clarified that the proposed units would be placed well beyond the easement.

Dave Hutchinson, 1014 Bluerock Drive, Antioch, voiced concern regarding the matter of a drainage problem on his lot, as a result of grading. Mr. Kruger assured him that the matter would be addressed and resolved.

In rebuttal, Mr. Kruger stated that a builder should not be restricted from constructing a two-story unit simply because someone else was there first. He added that single story homes are proposed where lots are created above existing ground and offered to address questions from the Commission.

Hearing no further comment, Chairman Sloan closed the public hearing and the Commission presented comments. Commission consensus was one of support for the proposed project given the better unit mix, and the efforts made by the applicant toward working with the existing property owners.

Commissioner Cosmos noted that Lot 67 and 68 did not meet the standard 41' frontage and Mr. Kruger stated the same would be modified to meet the applicable Engineering condition.

Vice Chairman Hall referred to Engineering Conditions 17 and 24 and inquired as to whether something more could be done toward dust control. Deputy Director Sexton stated that the project could be conditioned wherein a water truck would be required on

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site at all times. City Attorney Galstan suggested that a recent letter from Deputy Director Public Works Scudero, addressed to Citation Homes, might be helpful in that it conditioned "state of the art dust control" measures. Referring to Engineering Condition 47, Vice Chairman Hall requested that the subject fault zone be noted on the map displayed in the model home sales office. City Attorney Galstan noted that the same is required per State law and Deputy Director Sexton affirmed that the same would be conditioned. In reply to Vice Chairman Hall's inquiry regarding Engineering Condition 51 and the specifics of the equipment, Deputy Director Sexton advised that he would direct the appropriate person to contact Vice Chairman Hall in response to his inquiry for information.

In response to Commissioner Durkin, Deputy Director Carniglia stated that wording could be added during the use permit process to assure that a couple of accesses be made available for use well ahead of the present requirement of 200 units being occupied.

A motion was made by Commissioner Chism, seconded by Commissioner Shahan, and unanimously carried to RECOMMEND that the City Council approve the amendment to the zoning map to rezone up to and including Hillside Planned Development District, and approve the Final Development Plan and Tentative Map subject to the conditions contained within the proposed resolution, including the following modifications:

Planning Project Specific Conditions

INSERT THE FOLLOWING SIX CONDITIONS AS CONDITION 34, 35, 36, 37, 38 AND 39 RESPECTIVELY:

34. If given written request and permission from all of the property owners of the lots at 3812, 3816, 3820, 3824, 3828 and 3832 Rockford Drive, the applicant will regrade their back yards within the grading easement area so that the existing level area will be expanded.
35. If given written request and permission from all the property owners of lots at 3832, 3836, 3840, 3844, 3848, 3852 and 3856 Rockford Drive, the applicant will provide fill within their back yards (outside their current fence area) so that their flat area will be extended to their rear property lines. Extending their side yard fence will be the responsibility of each lot owner.

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36. If given written request and permission from all the property owners of lots at 3900, 3904, 3908 and 3912 Rockford Drive, the applicant will grade the knoll outside their current fence area so as to extend the flat pad to their rear property line. Extending their side yard fence will be the responsibility of each lot owner.
37. If given written request and permission from all the property owners at lots 3916, 3920, 3924 and 3928 Rockford Drive, the applicant will provide fill in their back yards (outside their current fence area) so that their flat area will be extended to their rear property line. In return for permission to grade on these lots, the applicant will restrict Lots 505, 506, 507, 508 and 509 to single story homes. The extension of the side yard fences will be the responsibility of each property owner.
38. If given written request and permission from all the property owners of the lots at 4109, 4113 and 4117 Limestone Drive, the applicant will place fill within their back yards so that their flat area is extended to the rear property lines with the bank placed on the Ho property. The applicant will be responsible for replacing existing fencing.
39. If given written permission from the owners, the applicant will regrade the rear yards of the lots at 4221, 4225 and 4229 Limestone Drive, as approved by all three property owners. In return for this permission to grade on these lots, the applicant will restrict Lots 121, 122, 123 and 124 to single story homes. The applicant will replace any existing fencing.

Engineering Conditions

24. That standard dust-control methods be used to stabilize the dust generated by construction activities. Additionally, a water truck shall be required on site at all times.
40. CONDITION TO REMAIN AS WORDED, WITH THE ADDITION OF THE FOLLOWING WORDING TO THE END OF THE CONDITION: ". . . as approved by the City Engineer, **excluding Lots 33, 81, 126, 215, 426 and 427.**
47. CONDITION TO REMAIN AS WORDED, WITH THE ADDITION OF THE FOLLOWING SENTENCE TO THE END OF THE CONDITION: That the subject fault zone be noted on the map displayed in the model home sales office.

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As general direction to the applicant, the Commission requested that prior to hearing before the City Council, the applicant meet with the two property owners which Mr. Kruger previously noted had yet to be contacted.

ORAL COMMUNICATIONS

- Deputy Director Development Services Carniglia informed the Commission that consequent to interest voiced, both Chairman Sloan and Commissioner Durkin had been signed up to attend the up coming League of California Cities Convention.

With regard to each of the Commissioners receiving correspondence relative to the Waterfront Plan Committee meeting scheduled for Monday, September 25, 1989, Deputy Director Carniglia stated that there had been some confusion as to which Commissioners had offered to serve as members and alternates. The Commission affirmed that Chairman Sloan would serve with Commissioner Durkin as an alternate, were meetings scheduled on Monday evenings; Commissioner Lefebvre would serve were meetings scheduled on Thursday evenings, with Vice Chairman Hall as an alternate for either evening.

- Commissioner Chism informed the Commission that he would be on vacation and would, therefore, not be present for either of the regular meetings scheduled for October, 1989.
- City Attorney Galstan informed the Commission that the East Bay Regional Park District was planning a "VIP" tour on Saturday, September 23, 1989. The tour was arranged for City Council and Planning Commission representatives from throughout Contra Costa County. He requested that any Commissioner wishing to attend please so inform him as soon as possible.

WRITTEN COMMUNICATIONS

Commissioner Lefebvre stated that as a member of the Police Facility Site Selection Committee he had received a memorandum dated September 14, 1989 from Assistant City Manager/Director Vignola informing him of the selection of a location for the new police facility.

There being no further business, the meeting adjourned at 9:50 p.m.

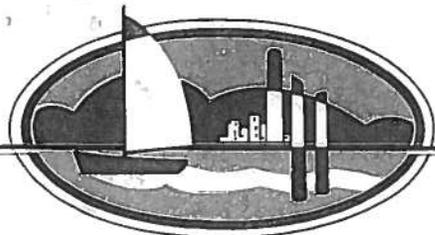
Respectfully submitted,

Pamela R. Rogers

Pamela R. Rogers
Minutes Clerk to the
Planning Commission

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MEMORANDUM



STAFF REPORT TO THE ANTIOCH CITY COUNCIL

FOR CONSIDERATION AT COUNCIL MEETING OF OCTOBER 24, 1989

Prepared By: Corey Simon, Assistant Planner ^{CS}

Approved By: Raymond Vignola, Assistant City Manager/Director *[Signature]*

Date: October 18, 1989

Subject: NEW CITY DEVELOPMENT CORPORATION/DK ASSOCIATES
REQUEST TO REZONE FROM HILLSIDE PLANNED DEVELOPMENT
TO HILLSIDE PLANNED DEVELOPMENT DISTRICT AND AP-
PROVAL OF FINAL DEVELOPMENT PLAN ON PROPERTY GENER-
ALLY LOCATED SOUTH OF CONTRA COSTA CANAL AND
BETWEEN LONE TREE WAY AND HILLCREST AVENUE
(FILE: HPD-86-9.1)

BACKGROUND

The City Council initially reviewed this project on August 8, 1989. The Council's review followed a lengthy series of Planning Commission hearings in which the Commission voted 6-0 to recommend denial of the applicant's original proposal. The Council on August 8, 1989 provided direction to the applicant for the preparation of a revised plan.

The plan as now submitted better addresses the outstanding issues of grading adjacent to existing Eagle's Ridge homes and lot size mix. Further changes in the revised plan include the deletion of the multi-family housing site and a re-alignment of the Blue Rock extension.

The Planning Commission on September 20, 1989 unanimously recommended approval of the revised final development. A copy of the Planning Commission staff report and minutes are attached.

FINDINGS

The current proposal of 524 single-family homes is highly compatible with other Southeast Area projects. The proposed unit mix of 46% 5000 square foot lots and 54% 6000 square foot lots was found acceptable by staff and Planning Commission.

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10-24-89

By minimizing the use of the existing grading easements Eagle's Ridge lot, conflicts with the existing residents have been reduced. As an additional measure to resolve possible grading conflicts, the applicant offered to add six additional conditions to the resolution (34 through 39). These conditions, which were approved by the Commission, will require the applicant to extend the level pad areas of the existing homes if written requests and permission is given by the owners. The six conditions correspond to the six individual locations where grading on Eagle's Ridge lots is proposed. Each "location" consists of a row of approximately three to six lots. The conditions were written so that all owners within a particular row must agree together for the extension of pad area to take place.

A related issue addressed by the Commission concerned view preservation. Many existing Eagle's Ridge residents had expressed a desire to see all future homes adjacent to Eagle's Ridge be restricted to one-story. Given that their builder had taken no action to secure "view easements" across the Ho property, staff and Commission addressed the issue of height restriction as one of privacy rather than views. In cases where the pad elevation of the new homes will be at a lower elevation than the existing, no height restriction was seen as necessary. In these cases, no special hardship to the existing residents will occur, since development will take place at a grade at or lower than existing terrain. In all cases where the new homes will be higher than existing terrain and/or higher than existing homes, a case of hardship due to an unexpected loss of privacy can be made. Project specific condition #6 was approved to restrict these eleven lots to one story.

The Council should recall from its previous hearing of this project that the extension of the Bluerock collector to Deer Valley Road is an integral part of both the General and Southeast Area plans. It should be noted that the alignment of Bluerock Drive has been modified to place the intersection of Bluerock Drive and Deer Valley Road further to the south. The new alignment is slightly less direct and curves to slow traffic. Both Engineering and Planning support the revised layout as it will provide the required roadway link.

RECOMMENDATION

Staff recommends that the City Council introduce the attached ordinance rezoning the property to Hillside Planned Development (HP-D) and approving the revised Final Development plan, subject to the conditions set forth in the attached Planning Commission resolution.

CS/ds
Attachments

5-4-2

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 October 24, 1989 Page 5.

Council Member Price's motion to adopt the resolution with the addition of the Watsonville Disaster Relief Fund, all local Raley's stores and Second Harvest Program was seconded by Council Member Rocha and unanimously approved.

PUBLIC HEARINGS

2. TI CHIEN HO/STEDMAN AND ASSOCIATES REQUEST TO REZONE #730
FROM HILLSIDE PLANNED DEVELOPMENT DISTRICT TO HILLSIDE
PLANNED DEVELOPMENT DISTRICT AND APPROVAL OF FINAL DEVELOP-
MENT PLAN LOCATED S. OF CONTRA COSTA CANAL BETWEEN LONE
TREE WAY AND HILLCREST AVENUE FILE: HPD-86-9.1

By staff report dated October 18, 1989, Assistant City Manager/Development Services Director Vignola reported that the Council and Planning Commission denied the original proposal; that Planning Commission unanimously approved the revised plan that addresses the outstanding issues of grading adjacent to existing Eagle's Ridge homes and lot size mix.

Mayor Keller opened the public hearing and called for proponents. Paul Kruger, DK Associates, reviewed their new plan which eliminates apartment site, that 54% of the lots are 6000 square feet on the west side of Deer Valley Road and 46% on the East side are 5,000 square foot lots; grading has been redesigned; minor changes made to circulation on Bluerock Drive; a major intersection on Deer Valley Road has been eliminated; a power line is to be relocated; that standard notices were mailed by the City as well as additional notices. He requested a change to Planning condition #4 to read "participate in the existing bridge benefit district"; condition #6 "except that lots 28 and 29 be lowered at least 2' lower than shown on the tentative map". In response to Council inquiry, he noted they will be aware of dust control needed in the area and a water truck must be on site.

Mayor Keller called for opponents. Ron Lindstrom, 3812 Rockford Drive, presented written comments dated October 24, 1989, and reviewed the proposed grading as it would affect his property by leaving him no embankment on a large portion of his back yard; that he feels the Citation properties should be lowered. He requested the matter be postponed for 30 days to allow meetings to resolve the matter. Referring to a displayed map, Mr. Kruger reviewed the proposed grading and explained that grading is not necessary behind Mr. Lindstrom's lot but will put in a retaining wall and give him additional lot. Phil Gibeau, 3832 Rockford Drive, expressed appreciation for time spent by Council, Planning Commission and staff working with homeowners on this project; however, there are legal implications due to easements involved; that Mr. Kruger has not contacted him about his concerns; and contrary to Mr. Kruger's statements, he feels everything is not settled.

Director of Public Works Davis reviewed Centex easements noting that property owners bought the lots knowing the grading easement was included allowing grading by the applicant within 10 years. There was discussion of the USA power lines and grading concerns. Loren Egland, 3828 Rockford Drive, questioned proposed grading on his lot and Mr. Kruger agreed the grading level

would bring the rise to the back of his lot. In response to question by Jim Johannes, 425 Boulder, Mr. Kruger noted they are matching existing grade at that point. Mr. Johannes noted he is supporting the others in their opposition.

In rebuttal, Mr. Kruger noted they have made an effort to contact everyone whose lots will be graded; that he anticipates grading will take place in the spring.

Council Member Freitas requested to condition #34 to meet with 6 property owners to make sure everyone has the same understanding which includes two individuals who spoke tonight. Mr. Kruger noted that grading is not necessary on the properties of the two speakers. After further discussion, Mayor Keller closed the public hearing. Staff noted this matter will be back before City Council for use permit.

Council Member Freitas's motion to approve Item #2 as amended, Condition #4 to include participation in Garrow Bridge Benefit District; that the typographical error in Condition #36 be corrected, and to request Mr. Kruger to meet with 6 homeowners on condition #34 and get written permission necessary; Condition #6 to lower lots 28 and 29 at least 2' was seconded by Council Member Rocha and unanimously approved.

ORDINANCE NO.

Council Member Freitas's motion to introduce the ordinance by title only was seconded by Council Member Rocha and unanimously approved.

Council Member Freitas's motion to introduce the ordinance amending Title 9, Chapter 5, Article 3 of the Antioch Municipal Code (Zoning Map) Vicinity of south of the Contra Costa Canal between Lone Tree Way and Hillcrest Avenue (HPD-86-9.1) was seconded by Council Member Rocha and unanimously approved.

3. RESOLUTION APPROVING A TENTATIVE SUBDIVISION MAP FOR #730
TI CHIEN HO, TRACT NO. 7036 (PW 568)

By staff report dated October 17, 1989, Director of Public Works Davis reviewed the request which was discussed during the preceding item. In response to Council inquiry, staff outlined the procedures in handling construction time complaints during evenings and week-ends.

Mayor Keller opened the public hearing and called for comments. Hearing none, the hearing was closed.

RESOLUTION NO. 89/305

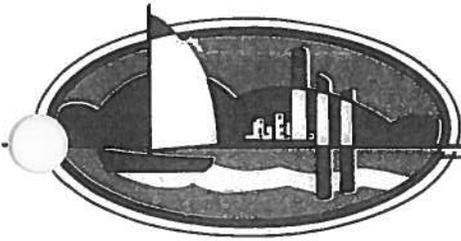
Council Member Rocha's motion to adopt the foregoing resolution was seconded by Council Member Freitas and unanimously approved.

Mayor Keller called for a recess. Upon reconvening at 9:54 p.m., City Clerk Dorothy Marks called the roll:

Northwood Commons



MEMORANDUM



STAFF REPORT TO THE CITY COUNCIL

FOR CONSIDERATION AT THE COUNCIL MEETING ON APRIL 10, 1984

Prepared By: Raymond Vignola, Director of Development Services *W*

Date: April 4, 1984

Subject: NORTHWOOD HOMES, INC. REQUESTS PREZONING TO HILLSIDE PLANNED DEVELOPMENT DISTRICT (HPD) AND APPROVAL OF FINAL DEVELOPMENT PLAN FOR PROJECT. FILE: HPD-83-4.1

BACKGROUND

The developer, Northwood Homes, is proposing to develop a Hillside Planned Development on approximately 47 acres of the Harvey Smith property. The remaining 6 acres will be retained by Harvey Smith for his home and quarry operations. The project consists of 188 detached zero lot line units on a minimum 4000 square foot lot. The developer is also proposing to dedicate 1.8 acres of land to the School District as part of the school site for the area. The balance of the site will come from the Viera property and the Citation property that has been dedicated to the City as Open Space. This should greatly assist the School District financially since they would not have to purchase the land.

The Planning Commission held a public hearing on March 7, 1984. At that time they unanimously recommended the Negative Declaration as adequate for the project based on the fact that the project met all the appropriate mitigation measures of the Southeast Specific Plan EIR. They then unanimously recommended approval of the Hillside Planned Development subject to the conditions that were outlined in the staff report.

FINDINGS

The site is rather unique since it has been used as a quarry for the past several years and thus, there has been a lot of excavation off the top of the hill. Because there are still a lot of steep slope areas, we are processing this under the Hillside Development ordinance. The site plan accommodates the terrain by recontouring the area that has been excavated and building the units on top of the hill, leaving the side slopes in their natural state for the most part. This will be most effectively noticed from the Hillcrest Avenue side of the property.

5(b)

4-10-84
K-2-1

The site plan clusters the 188 units on top of the hill. They will be accessible by the extension of Bellflower Drive from the Citation project to the south, which will be extended through to Hillcrest Avenue. Phasing of the project will start with the area north of Bellflower Drive. As already mentioned, a 1.8 acre parcel will be dedicated to the School District for a portion of their future school site. Parcels A, B, F and G will be landscaped and maintained as open space by a street light and landscape maintenance district (Parcel G may also be given to the School District). Parcel E and Parcel D will be retained by Harvey Smith. It is Harvey Smith's intention to use Parcel E for his own residence and to maintain Parcel D for his contractor's yard. This latter point will be discussed more fully in the memo for ATZ-84-6. As part of the site plan and conditions of approval, Northwood will be required to provide substantial landscape screening along Bellflower Drive where it abuts Parcel D.

The minimum lot size will be 4000 square feet which is in keeping with our previous approval for these types of units. The setbacks will be a minimum of 20 feet for the garage, 10 feet for one side yard, and 20 feet for the rear yard. The units themselves range in size from 807 square feet to 1600 square feet and will be both one and two story buildings. The elevations show an interesting variety of lines that are accentuated by the use of substantial trim. Generally, materials include 1"x8" lap siding with fiberglass roofing shingles. The building colors are in the earth tone categories varying from a pale yellow to a light brown and will include color coordinated fencing. The applicant has offered an alternative to the standard 20'x20' all-clear dimension for the garage by ensuring that all the garages contain at least 400 square feet, though the footprint will not be a 20'x20' square. This has been accomplished by creating side area storage pockets of extra length or varying widths. This seems to meet the intent of the code requirement while still providing some architectural features to the streetscape. Landscaping falls into three categories: individual units, open space area, and Hillcrest Avenue. The individual units will have the standard one tree per lot requirement; the open space areas will be provided with ground cover and native drought-resistant vegetation. There will also have to be a landscaped entry with monument on Bellflower and Hillcrest. More detailed landscaping plans have to be submitted for Bellflower Drive screening Parcels D and E. A detailed landscape plan for Hillcrest Avenue should also be provided which incorporates the landscape concepts of the Southeast Area Plan and for coordination with the landscaping provided by adjacent developments along Hillcrest.

RECOMMENDATION

It is recommended that the City Council:

- 1) Find the Negative Declaration as adequate for the project; and
- 2) Introduce the attached ordinance rezoning subject property to Hillside Planned Development District (HPD) and approving Final Development Plans subject to the conditions found in the Planning Commission resolution.

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4. GARROW/BARMOUTH DRIVE BRIDGE BENEFIT DISTRICT

#1100

By staff report dated April 4, 1984, Director of Public Works Davis noted that subject property owners would not be assessed for the district since the developers only are involved. In response to Council Member Keller's concern of conflict, City Attorney Galstan felt that Council Member Keller would receive no benefit or detriment from the district and therefor no conflict existed.

Mayor Roberts opened the public hearing and called for proponents and opponents. Mike Blomquist, 3350 Barmouth Drive, presented Council with a petition of approximately 67 signatures in opposition to the extension of Barmouth Drive, and noted residents in the area were not told at time of purchase of the extension of the street. He felt the traffic would be hazardous to children living in the area and that the increased traffic would lower their property values.

Director of Public Works Davis reviewed the City's Master Street and Traffic Plan and noted Barmouth is to be a connector street, not a main thoroughfare. During discussion, City Attorney Galstan noted that Council has approved tentative maps south of the canal and are land-locked without the bridge; that there could be legal problems if the City abandoned the project now. Robert Schwermann, 3404 Barmouth Drive, John Cook, 3704 Garrow Drive, Donna Coletta, 3725 Garrow Drive and Bill Reader, 3709 Garrow Drive, requested alternate routes be found to cross the canal; felt the streets are too narrow with parking on both sides for through traffic; that notices of the district were not received by property owners. Mr. Davis noted that the City's traffic circulation was approved in 1975 and the subdivision had a bridge requirement of the developer. Staff reviewed the style of bridges in the community.

Mayor Roberts called for rebuttal; hearing none, the public hearing was closed.

Robert Schwermann, 3404 Barmouth Drive, was granted permission to speak further, and requested Council place stop signs at every intersection. City Manager Walton noted a traffic study will be done on this proposal.

RESOLUTION NO. 84/70

Council Member Fontana's motion to adopt the resolution finding no majority protest, establishing the boundaries of the area of benefit, establishing the costs and method of allocation of costs and fee apportionment for the District was seconded by Council Member Pierce and unanimously approved.

5. NORTHWOOD HOMES, INC. REQUESTS THE FOLLOWING APPROVALS TO ALLOW CONSTRUCTION OF APPROXIMATELY 188 SINGLE FAMILY HOMES ON PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF HILLCREST AVENUE, NORTH OF THE CONTRA COSTA CANAL AND APPROXIMATELY ONE MILE SOUTH OF STATE ROUTE 4. THE PROJECT AREA CONSISTS OF 52 MORE OR LESS ACRES.

A. REQUEST AMENDMENT TO LAND USE ELEMENT OF THE GENERAL PLAN FROM #740 OPEN SPACE TO LOW DENSITY RESIDENTIAL (UP TO 4 DU/AC)
FILE: AGP-84-5 [Second General Plan Amendment - 1984]

Antioch City Council and
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B. REQUEST PREZONING TO HILLSIDE PLANNED DEVELOPMENT DISTRICT (HPD) #730
AND APPROVAL OF FINAL DEVELOPMENT PLAN FOR THE PROJECT
FILE: HPD-83.4.1

By staff report dated April 4, 1984, Director of Development Services Vignola reported that Planning Commission unanimously approved the Negative Declaration and subject items, and noted that the policies of the Southeast Specific Plan apply to this and adjacent parcels; that a neighborhood park designated in the Specific Plan is not necessary as the 14-acre park, constructed as part of Citation Subdivision, will serve the area. Mr. Vignola reviewed that the prezoning request allows a Hillside Planned Development; that 6 acres will be retained by owner Harvey Smith for his home and quarry operations; that 188 detached zero lot line units are being proposed.

Mayor Roberts opened the public hearing and called for proponents and opponents. Wilhelmina Andrade, 125 Hyde Place, spoke in opposition to the small size units being proposed; that schools will be needed as well as freeway off-ramps. Eunice Hunt, 1408 Wisner Drive, felt a copy of the general plan map should be sent to prospective home buyers. Mayor Roberts called for rebuttal. Hearing none, the public hearing was closed.

Council Member Pierce's motion to find the Negative Declaration adequate for the General Plan amendment was seconded by Council Member Keller and unanimously approved.

RESOLUTION NO. 84/71

Council Member Pierce's motion to adopt the resolution amending the Land Use Element of the General Plan (AGP-84-5) was seconded by Council Member Keller and unanimously approved.

Council Member Pierce's motion to find the Negative Declaration as adequate for the Hillside Planned Development was seconded by Council Member Keller and unanimously approved.

ORDINANCE NO. -C-S

Council Member Pierce's motion to introduce the ordinance by title only was seconded by Council Member Keller and unanimously approved.

Council Member Pierce's motion to introduce the Ordinance amending Title 9, Chapter 5, Article 3 of the Antioch Municipal Code (Zoning Map), Vicinity of Antioch City Limits, Hillcrest Avenue, Contra Costa Canal and State Route 4 (HPD-83-4.1) was seconded by Council Member Keller and unanimously approved.

6. HARVEY SMITH REQUESTS PREZONING FOR SITES A AND B GENERALLY #730
LOCATED ON THE NORTH SIDE OF HILLCREST AVENUE, NORTH OF THE
CONTRA COSTA CANAL AND APPROXIMATELY ONE MILE SOUTH OF STATE
ROUTE 4. SITE A IS TO BE PREZONED TO STUDY DISTRICT (S), AND
SITE B IS TO BE PREZONED TO SINGLE FAMILY RESIDENTIAL DISTRICT
(R-1). THE ENTIRE AREA CONSISTS OF 6.0 MORE OR LESS ACRES.
FILE: ATZ-84-6

K-3-2

Antioch, California
June 17, 1981

ANTIOCH CITY PLANNING COMMISSION
REGULAR MEETING

Chairman Gyi called the meeting to order at 7:32 p.m. and the Secretary called the roll:

PRESENT: Commissioners Gatter, Stone, Dameron, Ferguson, Chism, Vice Chairman Cavalli and Chairman Gyi.

ABSENT: None.

STAFF MEMBERS PRESENT: Director of Development Services Raymond Vignola, City Attorney William Galstan, Deputy Director of Public Works William Sexton, Senior Planner D. Ron Ward and Senior Planner Val Alexeeff.

PUBLIC HEARINGS

MS-81-3--AL DEL FAVERO requests tentative map approval of a two lot subdivision at the terminus of Burbank Court (PW 375-3-81).

RESOLUTION NO. 1184

Deputy Director Sexton presented the staff report recommending approval subject to staff conditions listed in the report dated June 9, 1981.

Chairman Gyi opened the public hearing. Sue Andrus, representing the applicant, advised they agree with staff condition and have no problems with the report. Hearing no other comments, Chairman Gyi closed the public hearing.

A motion was made by Commissioner Chism, seconded by Commissioner Dameron and APPROVED by all present to APPROVE the tentative map for the minor subdivision as requested, subject to staff conditions listed in the report dated June 9, 1981.

AMC-81-18--CITY OF ANTIOCH requests an amendment to Title 9, Chapter 5, Article 4 of the Antioch Municipal Code adding Section 9-5.416 creating Hillside Planned Development standards and regulations.

RESOLUTION NO. 1185

Director Vignola advised the first action by the Commission should be on the Negative Declaration prepared for this amendment. After asking if anyone wished to speak to the Negative Declaration and hearing no comments, a motion was made by Commissioner Stone, seconded by Commissioner Ferguson, and APPROVED by all present to find as adequate

the Negative Declaration prepared for this amendment. Senior Planner Ron Ward presented the staff report referring to two communications received regarding the proposed ordinance. He noted that the letter from PBR refers to the draft report; item 2 appears on page 16 of the proposed ordinance; item 3 on page 18; and item 4 on page 15. Since the letter was received after the staff report was written, he would comment on them at this time. He explained that the first three items in the letter were discussed at great length with both the developers' group and the committee. The intent was that contour grading is to reduce grading and preserve the land form; there is a major section in the grading portion of the ordinance dealing with padding and terracing and the generalities suggested in the paragraph are a great deal different; noting the committee has paid a lot of attention to the grading, padding and terracing in the proposed ordinance. Referring to the last item in the letter, the Committee feels that basically this is a minimum used by many cities as a starting point in requiring open space areas and, therefore, should not be deleted. At this time, the letter from Garrow & Cardinale was read into the record recommending approval of the ordinance as presented at this time. Chairman Gyi then opened the public hearing.

Rod Herman, Building Industry Association, appreciated the opportunity of being included in the development of this ordinance, noting it is not often that they are included in this area in such a process. However, they do have some concerns which will be addressed by some of their people.

Jim Stedman, Civil Engineer in Walnut Creek, noted he was a member of the committee as an advisor and still has concerns with two areas of the ordinance. The provision requiring a minimum 25% open space area is arbitrary and too high; that there should be no provision for a minimum as the General Plan addresses open space and the Specific Plans for East Antioch and Southeast Antioch both address open space. Therefore, he would recommend a change which agrees with the recommendation in the letter from PBR that the first paragraph in Section 10 (page 15) be deleted because the remainder of that section still provides for the intent of the entire ordinance.

His second concern is to the padding and terracing section found on page 18 of the proposed ordinance. In reviewing the ordinance, he came to the conclusion that this is probably the area of greatest concern to the people of Antioch but he does not feel it is really getting to the essence of the problem; that limiting or attempting to prohibit and limit padding and terracing is not the answer; if you do not pad and terrace that means you are building on even ground; padding and terracing should not be discouraged completely and the ordinance gives the indication that it is to be discouraged. Again he proposed that the wording used in the PBR letter be substituted for the entire section dealing with padding and terracing.

Vice Chairman Cavalli and Commissioners Ferguson and Stone discussed the wording of this section (padding and terracing) at length with Mr. Stedman. They felt the section clearly states what is required; and specifically with slopes in excess of 10%; that the ordinance only speaks to areas designated within the sensitive hillside area; that when

a subdivision comes in that is located within the sensitive hillside area, it will be looked at very closely; that other cities have accomplished this through their building conditions; that there is an exception clause which can apply to the standards in this section; and in conclusion, felt that the wording proposed by PBR accomplishes the same thing so why change the ordinance; they do feel the ordinance should remain as written.

Mr. Stedman still felt that what is being proposed is essentially prohibiting padding and terracing; that any piece of land that the city chooses to zone HPD will automatically be required to give up 25% of the land; that this section is not flexible and does not enhance the design; that if the ordinance applies to all areas in Southeast Antioch, there will be 1000 acres of undeveloped land that someone will have to take care of and again, he recommends deleting the 25% paragraph. Considerable discussion ensued regarding open space in other cities as well as existing developemnt within the City and how the open space areas are maintained, whether privately or publicly owned.

Barbara Sobalvarro, 415 West 9th Street, spoke on behalf of the ARC Hillside Study Group and citizens of Antioch, urging the Commission to recommend to the City Council adoption of the Hillside Ordinance in its present form. After sitting in on all the study sessions where everyon was given an opportunity to express their views and where compromises have already been made by both sides, if the Commission were to commpromise further, the City would not have an ordinance at all which would give everyone the green light for no open space and there would be massive, wholesale grading in all areas.

Ron Bren, Director of Planning for Centex Homes, spoke to the appearance of the types of homes that would be permitted under this ordinance and suggested taking a close look at homes in the San Leandro area where they are built on beams; that talking about padding and terracing is not talking about something evil as the units can be designed to make them aesthetically pleasing.

Ro Aguilar, 3121 Lindley Court, advised there were a lot of individuals on the committee who would have liked the oridnance to be more definitive and restrictive; that in considering testimony given, the Commission should keep in mind that it is very important to respect the process that has brought this draft to the Commission and strongly recommended against making any changes. She urged the Commission to send the ordinance in its present form to the City Council.

Al Affinito, working on a development in the Hillcrest Corridor, asked if his property was exempt from the ordinance, advising that a lot of work has gone into the project and to impose this ordinance on their project would place them under a double burden. Director Vignola noted the Keenan/Dias properties are going through the Specific Plan process and some of the design standards found in the hillside ordinance may be incorporated and the HPD process suggested. The Linscheid property will not be affected by the hillside ordinance; the Uren property may be impacted in a sense that the Commission would have to determine whether or not the preliminary plan meets the intent of the HPD zoning.

However, standards could apply in terms of the grading, etc. Basically, however, the Keenan/Dias properties are in the Specific Plan area and ultimately will be controlled by that plan. City Attorney Galstan advised those parcels which have tentative maps approved or final development plan approval may be exempt from the hillside ordinance.

Mr. Affinito explained they have been working on this project for two years and now suddenly find that they may have to redesign the subdivision because in someone's opinion there is too much grading or terracing of lots and this could be disastrous to them financially. Further, in his opinion the City does not have any serious hill development problems as most of the land is relatively flat; that consideration should be given to providing homes and a well-rounded community that people can afford; to mandate that all subdivisions will be considered in a certain way is really contrary to what everyone has been hearing since there has been a lot of conversation about relaxing the laws; and in conclusion felt there is absolutely no need for this ordinance.

Barry Whittaker, Broadmoor Development Company, reported they also have property within the Southeast Antioch Area and are under the impression that the Specific Plan would regulate development; that the bulk of the area shown in green is within the Southeast Area; that the standards and objectives specified in the proposed ordinance are not in the Specific Plan so they too make the assumption that this ordinance will apply; that the discussion is about an ordinance and not a policy document and, therefore, does become law; that they are very concerned about this document because of the way it deals with hillside development, specifically the terrain characteristics one of which is less than 10% and one is greater than 10%; there is a definite conflict between the proposed ordinance and the Specific Plan; that he does share the concerns expressed regarding padding and terracing as the Specific Plan for Southeast Antioch calls for development on top of the hills and streets will have to be provided with grading of over 25%; that other agencies use different techniques to develop hills and they are not implemented by an ordinance. He suggested that hillside development be controlled by a hillside policy rather than an ordinance and they are prepared to work with the Specific Plan but feel this is an intent to undermine what they are trying to do through the Specific Plan.

Director Vignola advised that a section dealing with exceptions can be found on page 7 of the proposed ordinance. Further, the Specific Plan itself will be adopted by ordinance and as such, standards will be brought into the ordinance. The hillside ordinance provides standards and some requirements that may or may not be totally incorporated in the Specific Plan.

Mr. Whittaker suggested one vehicle which could be used would be to exempt the specific plan area totally from the hillside ordinance, or to specify that the intent of the ordinance would be to delete the specific plan area.

Hearing no other comments, Chairman Gyi closed the public hearing. During the ensuing discussion, several Commissioners felt the proposed

hillside ordinance should not be changed; that compromises had been made between the citizens group and the developers and, as a result, arrived at a workable ordinance that everyone could live with; that during the process it appeared the developers were in agreement but now seem to be in disagreement; that it does provide a place to start since it does deviate from the standard subdivision ordinance presently being used by the City and does allow flexibility since it will reduce a great deal of grading; that the preparation of this ordinance has been going on for eight months and they have been meeting every week and have begged both the developers and interested citizens to participate in this study and with the exception of one or two, they had very little interest. It was also noted by some of the Commission that they did not feel a hillside ordinance was necessary as development standards could be applied to take care of this type of development, but due to the concerns of some of the citizens as well Council direction, the ordinance was developed. Commissioner Gatter did not feel such an ordinance was needed nor could he see why the developers were so concerned since he could not see where it would cause them any problems as it gives them a great deal of flexibility.

After reviewing the staff report and considering all testimony, a motion was made by Commissioner Stone and seconded by Commissioner Chism to recommend to the City Council ADOPTION of the hillside ordinance as presented on June 17, 1981. Under the question, Commissioner Gatter noted that the City Council did not direct the Commission as to how they should vote on this item. The motion was then APPROVED by the following vote:

AYES: Commissioners Stone, Ferguson, Dameron, Chism,
Vice Chairman Cavalli and Chairman Gyi.

NOES: Commissioner Gatter.

ABSENT: None.

A 10-minute recess was called by Chairman Gyi at 9:05 P.M. and upon reconvening, the Secretary called the roll:

PRESENT: Commissioners Gatter, Stone, Dameron, Ferguson,
Chism, Vice Chairman Cavalli and Chairman Gyi.

ABSENT: None.

Determination of applicability of Hillside Planned Development Regulations to the Seeno/Prewett property on James Donlon Boulevard, east of Somersville Road (S-80-5)---not a public hearing.

Director Vignola presented the staff report advising that based upon the information supplied in the EIR and the mitigation measures calling for development of a hillside ordinance, the criteria in the proposed Hillside Ordinance, and the Council direction to develop a hillside ordinance in response to pending development of this project, staff

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recommends the Commission find that this property is subject to the provisions of the proposed hillside ordinance, if adopted, and should be rezoned to Hillside Planned District (HPD) prior to development.

Al Stanley, representing Seeno Construction Company, explained that during the rezoning hearings it was determined that certain areas of this project would be sensitive to hillside development; they then submitted a tentative map which lotted out the entire area and after several hearings, agreed to withdraw parts of the tentative map until the hillside ordinance was drafted, pointing out he served as an assistant in drafting the ordinance. Now, after all this time, staff is saying that the entire map should fall under the proposed HPD. They do not feel this was the intent of the Council, advising he has copies of Council minutes proving that only the area shown in orange on the map falls within the hillside sensitive area. He urged the Commission to reflect in their recommendation only the actual area shown in Open Space on the General Plan to be subject to the regulations of the proposed hillside ordinance. He also noted certain areas in the green zone are actually developed and, therefore, are not subject to this ordinance.

Responding to Vice Chairman Cavalli's question, Director Vignola explained that the green area shown on the Hillside Sensitive Map was prepared as a matter of consistency and will not affect anything that is built or under development by an approved map; it is merely a way of getting a broad brush approach without specifying each individual parcel; developments such as Citation, Linscheid, etc. can be removed if they feel it is necessary.

Barbara Sobalvarro, 415 W. 9th Street, urged the Commission to go with the staff recommendation; that conditions do apply to this project that would place it within the Hillside Planned Development District and, therefore, the Commission should take the action that this property would fall within the hillside ordinance in order to have the ordinance apply to this project.

Several Commissioners indicated they concurred with the staff recommendations as this is the property that promoted the hillside ordinance and really created an interest to have one developed. If they were to exclude this property at this time then it would permit every developer down the road the opportunity to find an exclusion for compliance with the hillside ordinance. For clarification, Director Vignola reviewed the sequence of events leading up to the Council direction to the Commission regarding the development of a hillside ordinance, in order to have the tentative map for this project and the hillside ordinance processed at the same time. Commissioner Gatter did not feel the ordinance as written would change anything as far as development of this property; he wondered what is meant by massive grading and how the design would change. Vice Chairman Cavalli felt the area should be developed with some protection, but if the Council indicated only one area should be included then the Council should make the distinction. Also, the City should be careful that what they are doing does not create an undo financial burden on those developments which are presently being processed.

Director Vignola recommended that clarification of the Council's intent could be discussed at their meeting of June 23 and it seemed the consensus of the Commission that such clarification was needed.

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Antioch City Council and
Antioch Development Agency
Regular Meeting
July 28, 1981 4.

6. Presentation by Supervisor Tom Torlakson Concerning Redistricting

Supervisor Torlakson re-emphasized the need for Antioch to express to the Board of Supervisors their desire to remain in a district similar to the current one as Antioch does not have regional representation on appointments through the Mayors' Conference; that we are involved in such districts as the Riverview Fire Protection District, Sanitation District 7-A, Tri-Delta Transit District and the Delta Judiciary Court System. Mr. Torlakson requested that citizens, staff and Council Members attend the August 4 meeting at 2:30 p.m. in support of Map A or Map D as proposed by him.

Mayor Roberts adjourned the meeting for dinner recess. Upon reconvening at 7:30 p.m., the Deputy City Clerk/Acting Secretary called the roll:

PRESENT: Council/Agency Members Pierce, Hall, Catanzaro, Andrade and
Agency Chairman/Mayor Roberts

PUBLIC HEARING

7. Hillside Ordinance

By staff report dated July 24, 1981, Director of Development Services Vignola reviewed the development of the proposed ordinance by a subcommittee and the meetings held with building groups and citizens; that the Planning Commission recommends approval. Mr. Vignola noted that the ordinance sets up a variety of standards for development within hillside areas; that areas that meet certain requirements within the ordinance would be zoned hillside planned district and a regular zoning process would be required prior to development. He reported the 2 major points of contention at the Planning Commission hearing were the section dealing with the 25% open space and the section dealing with padding and terracing on the grading requirements. In the 'Exceptions' section on page 7, staff felt it should be included on page 5; that the section would give the Council flexibility to take care of any unique circumstances that arise during review of a design of development plan.

Mayor Roberts called for comments on the Negative Declaration. Council Member Andrade could not find the Negative Declaration adequate because of adverse impacts of no uniform lot standards, transfer of density to congested areas, that it gives the Planner awesome power. In response to question of difference between policy and ordinance, City Attorney Galstan noted an ordinance would be included in the Antioch Municipal Code and thereby a law that had to be complied with; that any changes would have to be done by public hearing; that a policy would be a guideline that would be looked to with each development project; that it would not necessarily be binding upon the developer or the City and could be changed at any time by any Council. Mr. Galstan further noted that the Council would have the final decision as to whether any standards should be waived or not. Council Member Hall's motion to approve the Negative Declaration as adequate for the project, was seconded by Council Member Catanzaro and carried 4:1 with Council Member Andrade dissenting.

Mr. Vignola noted that Council has received letters from McKay and Soms, Stedman Associates and from the Building Industry Association. He reviewed the map that goes with the ordinance that indicates hillside sensitive areas; that parcels within that area would have to be zoned Hillside Planned Development through the public hearing process at the Planning Commission and City Council levels.

Mayor Roberts opened the public hearing and called for proponents. Rev. Roger Lee, 916 Gatter Drive, Don Guenther, 3106 S. Francisco Way, Daryl Seagraves, 3029 Longview Road and Barbara Sobalvarro, 415 West 9th Street, Chairman of Association of Responsible Citizens, spoke in favor of the proposed ordinance and hoped for continued planning involving many groups; that the ordinance be approved for all and not allow any exceptions.

Rod Herman, Building Industry Association, Northern California, referred to a statement presented to the Council supporting the ordinance with the exception of the section on grading that speaks to padding and terracing. Mr. Ron Brent with Centex, presented slides illustrating padding and terracing showing how

padding and terracing can appear, potential drainage problems and lack of yard areas; that production housing cannot work well with the proposed concept. Al Affinito expressed support of the ordinance but also took exception to the section on padding and terracing. He requested an exclusion from the ordinance for their an area in which they already have an approved tentative map.

Jim Stedman, Civil Engineer from Walnut Creek, felt that the on page 15, paragraph 1 in Section 10 concerning 25% of every proposed development shall remain in its natural state and developed solely for recreation purposes, should be deleted; that Section 5 on page 18 be deleted and paragraph 3 of a letter prepared by Phillips, Brant, Reddick, stating rewording be inserted. Terry Murphy, 423 Limewood Drive, requested that the ordinance as presented to the Council be approved in tact. Mayor Roberts called for opponents. Being none present wishing to speak, the public hearing was closed.

Director of Development Services Vignola reviewed the proposed section concerning padding and terracing; that it is not a difinitive 'no', but the developer would have to prove that he could make the development work and still preserve the hill. Council Member Pierce expressed concern that pet owners would have a difficult time constructing fencing with padding and terracing. Mr. Vignola reviewed the open space requirements. Council Member Pierce felt that size of parcels were not addressed. Staff noted that the open space would be maintained either by homeowners' association or landscape and maintenance district, which is only applicable to publicly owned property. Criteria used for reducing street widths were reviewed by Mr. Vignola and Council Member Andrade felt it would not be workable.

Referring to page 4 of the proposed ordinance, Council Member Hall felt that it should include that rebuilding can occur even if 100% damage. Mr. Vignola reviewed area for leisure needs, minimum lots, cul-de-sacs, street widths and private driveway standards, parking requirements, post and beam construction where recommended by soils engineers, bedroom tax reference, requests for additional information, open space, bike trails, life and safety codes, native vegetation. Council Member Pierce's motion to remove the word 'native' on page 18, #4, from native vegetation was seconded by Council Member Catanzaro. City Attorney Galstan reminded that there is a waiver section that would take care of technical problems. Council Member Pierce withdrew his motion and Council Member Catanzaro withdrew his second.

Mayor Roberts' motion to accept the ordinance as presented and make corrections later was seconded by Council Member Hall. It was noted that corrections would be made through the public hearing process. Council Member Hall's motion that open space not exceed 25% of every proposed residential development, was seconded by Council Member Pierce and approved 4:1 with Council Member Andrade dissenting.

Council Member Catanzaro's motion referring to page 7, item #3, Lot Area, to include the intent to include the uniform fire code and uniform building code, was seconded by Council Member Hall and unanimously approved.

Council Member Hall's motion referring to page 4, item D, Permitted Uses, to allow rebuilding even in the event of 100% damage, was seconded by Mayor Roberts and carried unanimously. Council Member Andrade objected to this hillside ordinance. The vote on Mayor Roberts' motion to accept the ordinance as presented and make corrections later was approved 4:1 with Council Member Andrade dissenting.

Mayor Roberts introduced former Council Member Ro Aguilar.
ORDINANCE NO.

Council Member Pierce's motion to introduce the ordinance by title only was seconded by Council Member Hall and carried 4:1 with Council Member Andrade dissenting.

Council Member Pierce's motion to introduce the ordinance adding Paragraph 'Q' to Section 9-5.301 of the Antioch Municipal Code and adding Section 9-5.413 to

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the Antioch Municipal Code, Establishing a Hillside Planned Development District was seconded by Council Member Hall and carried 4:1 with Council Member Andrade dissenting.

Council directed that staff pursue further information concerning padding and terracing and schedule it for Council in 90 days.

Mayor Roberts called for a recess at 9:18 p.m. Upon reconvening at 9:31 p.m., the Deputy City Clerk/Secretary called the roll:

PRESENT: Council/Agency Members Pierce, Hall, Catanzaro, Andrade and Agency Chairman/Mayor Roberts

COUNCIL

8. Tentative Map for Mira Vista Hills, Unit 9, Tract 5915 (PW 365-9)

By staff report dated July 24, 1981, Director of Public Works Davis reviewed the request to subdivide 219 acres located outside the City limits into 387 single family lots and elementary school site; that another Parcel, 'A', is proposed for commercial and professional office uses; that parcel 'D' is a study area and will be part of a future submittal by the Developer. Mr. Davis reviewed the realignment of James Donlon Boulevard; that the EIR was certified for this project by the Council on February 26, 1980; that the developer has concern with condition 38 which requires that the Developer design and improve existing Mira Vista Hilla Park site. The Developer would like to have a cost limit set for the park but as there is no master plan for the park site, staff is unable to do this. Mr. Davis reported that the Planning Commission recommends denial. Council Member Hall referred to Planning Resolution 1187, item 4, and noted a change should be made from removed to moved.

Al Seeno, Jr., applicant, agreed with all conditions except #38 and reviewed some of the conditions in more detail that had to do with James Donlon reconstruction, pump and tank facilities; that they have volunteered to place Mira Vista Hilla Units 6, 7 and 8 into the Street Lighting and Landscape Districts. Mr. Seeno elaborated on their objections to totally improve the existing Mira Vista Hills park; that they would agree to pay 25 to 30% more in-lieu fees than the existing ordinance would require. Rod Andrade, Civil Engineers with McKay and Somp, reviewed in detail with maps, existing land uses surrounding the proposed development, site specific diagram, grading and ridge lines.

Barbara Sobalvarro, 415 West 9th Street, representing ARC, noted that in a telephone poll conducted of their members indicated 96% favor the hillside ordinance; that 100% of the members felt the hillside ordinance should be applied equally to all developers. Mrs. Sobalvarro reviewed past Council minutes and felt that the proposed ordinance was prompted with the possible building on the Seeno/Prewett property; that she recommends to deny the tentative map in accordance with Planning Commission decision, and to apply the hillside ordinance to subject property. Linda Guenther, 3106 S. Francisco Way, felt the Antioch General Plan policies on controlled growth and natural contours, grading and visual features were not being followed; that the public trust is being violated.

Ro Aguilar, 3121 Lindley Court, felt Council was not aware that the proposal would makes plateaus out of the hills and valleys; that there many unanswered questions such as LAFCO, dumps and whether or not the State will apply AB 2370 to them, the EIR which was done on another project and portions of the EIR need to be redone. Mrs. Aguilar objected to trade-offs of streets, parks, roads and water systems in exchange for the hills and valleys in sensitive areas; that the citizens want sound development and quality growth; that Council should be sensitive to the feelings of the public; that an exception should not be made for one developer. In response to question by Mrs. Aguilar, City Attorney Galstan noted that there are procedures whereby citizens can challenge in court virtually any action Council takes. Mrs. Hunt, 1408 Wisner Drive, commented on conflict of interest policies.

hillside ordinance should not be changed; that compromises had been made between the citizens group and the developers and, as a result, arrived at a workable ordinance that everyone could live with; that during the process it appeared the developers were in agreement but now seem to be in disagreement; that it does provide a place to start since it does deviate from the standard subdivision ordinance presently being used by the City and does allow flexibility since it will reduce a great deal of grading; that the preparation of this ordinance has been going on for eight months and they have been meeting every week and have begged both the developers and interested citizens to participate in this study and with the exception of one or two, they had very little interest. It was also noted by some of the Commission that they did not feel a hillside ordinance was necessary as development standards could be applied to take care of this type of development, but due to the concerns of some of the citizens as well Council direction, the ordinance was developed. Commissioner Gatter did not feel such an ordinance was needed nor could he see why the developers were so concerned since he could not see where it would cause them any problems as it gives them a great deal of flexibility.

After reviewing the staff report and considering all testimony, a motion was made by Commissioner Stone and seconded by Commissioner Chism to recommend to the City Council ADOPTION of the hillside ordinance as presented on June 17, 1981. Under the question, Commissioner Gatter noted that the City Council did not direct the Commission as to how they should vote on this item. The motion was then APPROVED by the following vote:

AYES: Commissioners Stone, Ferguson, Dameron, Chism,
Vice Chairman Cavalli and Chairman Gyi.

NOES: Commissioner Gatter.

ABSENT: None.

A 10-minute recess was called by Chairman Gyi at 9:05 P.M. and upon reconvening, the Secretary called the roll:

PRESENT: Commissioners Gatter, Stone, Dameron, Ferguson,
Chism, Vice Chairman Cavalli and Chairman Gyi.

ABSENT: None.

Determination of applicability of Hillside Planned Development Regulations to the Seeno/Prewett property on James Donlon Boulevard, east of Somersville Road (S-80-5)---not a public hearing.

Director Vignola presented the staff report advising that based upon the information supplied in the EIR and the mitigation measures calling for development of a hillside ordinance, the criteria in the proposed Hillside Ordinance, and the Council direction to develop a hillside ordinance in response to pending development of this project, staff

recommends the Commission find that this property is subject to the provisions of the proposed hillside ordinance, if adopted, and should be rezoned to Hillside Planned District (HPD) prior to development.

Al Stanley, representing Seeno Construction Company, explained that during the rezoning hearings it was determined that certain areas of this project would be sensitive to hillside development; they then submitted a tentative map which lotted out the entire area and after several hearings, agreed to withdraw parts of the tentative map until the hillside ordinance was drafted, pointing out he served as an assistant in drafting the ordinance. Now, after all this time, staff is saying that the entire map should fall under the proposed HPD. They do not feel this was the intent of the Council, advising he has copies of Council minutes proving that only the area shown in orange on the map falls within the hillside sensitive area. He urged the Commission to reflect in their recommendation only the actual area shown in Open Space on the General Plan to be subject to the regulations of the proposed hillside ordinance. He also noted certain areas in the green zone are actually developed and, therefore, are not subject to this ordinance.

Responding to Vice Chairman Cavalli's question, Director Vignola explained that the green area shown on the Hillside Sensitive Map was prepared as a matter of consistency and will not affect anything that is built or under development by an approved map; it is merely a way of getting a broad brush approach without specifying each individual parcel; developments such as Citation, Linscheid, etc. can be removed if they feel it is necessary.

Barbara Sobalvarro, 415 W. 9th Street, urged the Commission to go with the staff recommendation; that conditions do apply to this project that would place it within the Hillside Planned Development District and, therefore, the Commission should take the action that this property would fall within the hillside ordinance in order to have the ordinance apply to this project.

Several Commissioners indicated they concurred with the staff recommendations as this is the property that promoted the hillside ordinance and really created an interest to have one developed. If they were to exclude this property at this time then it would permit every developer down the road the opportunity to find an exclusion for compliance with the hillside ordinance. For clarification, Director Vignola reviewed the sequence of events leading up to the Council direction to the Commission regarding the development of a hillside ordinance, in order to have the tentative map for this project and the hillside ordinance processed at the same time. Commissioner Gatter did not feel the ordinance as written would change anything as far as development of this property; he wondered what is meant by massive grading and how the design would change. Vice Chairman Cavalli felt the area should be developed with some protection, but if the Council indicated only one area should be included then the Council should make the distinction. Also, the City should be careful that what they are doing does not create an undo financial burden on those developments which are presently being processed.

Director Vignola recommended that clarification of the Council's intent could be discussed at their meeting of June 23 and it seemed the consensus of the Commission that such clarification was needed.

A motion was made by Commissioner Stone and seconded by Commissioner Ferguson to recommend to the City Council that the Seeno/Prewett property is subject to the provisions of the proposed Hillside Ordinance, if adopted, and should be rezoned to Hillside Planned District (HPD) prior to development. Under the question, Commissioner Gatter asked what would happen if the motion failed. City Attorney Galstan explained that a second motion would have to be made and if it also failed, the matter would go to Council without a recommendation from the Commission. After further discussion as to proper procedures, Chairman Gyi called for a vote and the motion was APPROVED by the following vote:

AYES: Commissioners Stone, Ferguson, Dameron, Chism and Vice Chairman Cavalli.

NOES: Commissioner Gatter and Chairman Gyi.

ABSENT: None.

PUBLIC HEARING

CITY OF ANTIOCH/CONTRA COSTA COUNTY request review of East Antioch Creek Drainage Plan and Environmental Impact Report proposed by Contra Costa County Flood Control District.

Director Vignola advised a recommendation should be made to the City Council on both the Environmental Impact Report and the plan itself in order for the Council to make a recommendation to the County Flood Control District as to what they would like to see in the Plan.

Senior Planner Val Alexeeff presented the staff report, advising item 1(a) should be corrected to \$50,000, not \$150,000. Chairman Gyi opened the public hearing.

Al Affinito, 2980 Railroad Avenue, Pittsburg, reported it was very difficult to address the magnitude of statements made in the report; that there are facets of the plan which developers will need an opportunity to review and consider some alternates; they would like to have their engineer sit down with the Flood Control Engineer to see if they agree with their figures and to see if some savings could be made to accomplish the desired results. He did feel this matter should be continued for further review.

Mary Ann Mateas, Route 3, Neroly Road, Oakley, was opposed to the Lindsay basin on or near her property; that someone is permitting something to occur that will create a lot of taxes and cause considerable hardship to a lot of people. Responding to Vice Chairman Cavalli, she advised at one time she had a frog pond built on her property, but at present there is only a natural ditch that flows through the middle of the property.

The Vice President of the Lake Alhambra Homeowners Association spoke in favor of the report, and although the problems with Lake Alhambra are referred to many times in the report, the plan is designed not only to protect the lake, but to also take care of any problems that may arise in the future as development occurs.

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Antioch, California
July 1, 1981

ANTIOCH CITY PLANNING COMMISSION

REGULAR MEETING

Chairman Gyi called the meeting to order at 7:35 p.m. and the Secretary called the roll:

PRESENT: Commissioners Stone, Ferguson, Gatter, Dameron, Chism, and Chairman Gyi.

ABSENT: Vice Chairman Cavalli (excused).

STAFF MEMBERS PRESENT: Director of Development Services Raymond Vignola, City Attorney William Galstan, Deputy Director of Public Works William Sexton and Secretary Lea Nielsen.

A motion was made by Commissioner Stone, seconded by Commissioner Ferguson, and APPROVED by all present to APPROVE the minutes as presented for May 20 and June 3, 1981.

CONTINUED PUBLIC HEARING

S-80-5 - SEENO CONSTRUCTION COMPANY requests tentative map approval for Subdivision No. 5933 generally located south of James Donlon Boulevard and east of Somersville Road (PW 365-9).

RESOLUTION NO. 1187

A motion was made by Commissioner Stone and seconded by Commissioner Chism to continue this item to August 19, 1981 as agreed to by both the applicant and the Commission at an earlier meeting. Commissioner Stone had no objections to hearing from anyone present or from the applicant, but did not feel the people in Antioch have had time to study this project and, therefore, the Commission should not take any action on the project at this meeting. City Attorney Galstan advised the Commission could find they have not had an opportunity to review the proposal which would allow them to defer any action to August 19. Several Commissioners had no problem with acting on the map this evening; Chairman Gyi and Commissioner Ferguson advised they would not be present in August. Commissioner Stone felt the Commission has an obligation and responsibility to the City of Antioch to hold to the original date; that apparently the applicant has changed his mind and he strongly objected to the project being railroaded through the city processes. Chairman Gyi called for a vote; the motion was defeated by the following vote:

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AYES: Commissioners Stone and Chism.

NOES: Commissioners Ferguson, Gatter, Dameron and Chairman Gyi.

ABSENT: Vice Chairman Cavalli.

Commissioner Stone felt the Commission had set a precedent in taking this action and would remind them of this later when other developers make similar requests.

Deputy Director Sexton presented the Engineering staff report indicating that approval, if made, be subject to 43 staff conditions. He advised the developer has made the following recommendations on the conditions listed below:

25. Delete reference to participation in PG&E 100 point conservation home program and add....."participation in PG&E conservation home program. Staff has no objection to the change.
26. Add..."that the school site be rough graded as required by the City Engineer". Again, staff has no objection.
40. Add..."that no building permit be obtained for those lots within 500 feet of the disposal site" instead of present wording. Staff has no problem with this change.
43. Add the word "or" prior to 'as approved by the City Engineer'. Staff has no problem.

For clarification of condition 31, he noted it is their intent to require a masonry pilaster fence only on the residential side north of James Donlon Boulevard, which is on the old dump site property.

Director Vignola then reviewed the 12 conditions found in the planning staff report dated June 26, 1981, noting that some conditions are duplications of the Engineering conditions. Chairman Gyi opened the public hearing.

Al Seeno, Jr., representing the applicant, reviewed in detail some of the significant dates and actions which brought them to this point. Commissioner Stone objected to some of the information noting it was not pertinent to the tentative map but also was not true (referring to a letter presented to the City Council from Seeno Construction Company). Mr. Seeno continued with his presentation and then introduced the project engineer.

Ron Andrade, McKay & Soms, Civil Engineer in Concord, reviewed the exhibits pointing out the area to be developed as well as the area zoned "Study" District which may be sensitive to hillside development. They feel the proposal is consistent with current City policies, the General Plan, the rezoning approved by Commission and Council, good accepted planning practices and what

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they believe are the true sensitive hillside areas. Further, they should not be speaking to the quantity of grading but to the amenities proposed for the site. However, in response to staff they had cross sections prepared which he reviewed and pointed out the existing ground level as well as the proposed grade. Responding to a question from the Commission regarding the proposed school site, he noted there seems to be some indecision between what the school wants and what the City wants. Director Vignola noted that the proposed school site is within the 500-foot area of the landfill site; this is covered in the conditions and it falls on the developer to work this out with the School District.

Mr. Andrade reviewed their concerns with the conditions, advising that with the clarifications made by staff they have no problems with conditions 15, 18, and 20. Since rough grading is all that is needed, they have no problem with condition 26, noting they agree that reimbursement should be a matter between them and the School District. As to condition 31, this is an unfair burden on this project; they feel it is a roadway system of local benefit not just of benefit to their project and goes well beyond the traffic problems which might be generated from the project. Commissioner Stone pointed out that this item was agreed to when the project first came before them. Mr. Andrade noted they were agreeing to a 28-foot road from James Donlon to Somersville but not the development of curb, gutter, sidewalks, landscaping, walls, etc. They object to condition 32 as it should not be their responsibility to improve Somersville Road. Further, they also object to condition 38, noting they would be more than happy to pay their share for park improvements as far as fees are concerned, but it is unfair to ask the developer to improve a park site that is not within the current project. Condition 43, again this is not their responsibility at this time; there is a drainage system that currently drains the property; the property should be drained as it has always been drained and they should not have to develop a new system for this project. Referring to planning conditions, they do object to 1, 2 and 4; they want to keep the existing site plan; that changes of this magnitude would call for a redesign of the project which they do object to. Commissioners Ferguson and Stone noted the streets appear to be straight up the hillside and do not follow the contours of the hills; that after the grading there will be no contours left and were very much concerned with the grades being proposed by the project. Mr. Andrade reported the major grade for this project would be 15%. City Attorney Galstan advised that the intent of condition 38 was to require that the developer participate in the landscape/maintenance district for the maintenance of the park site which would be consistent with City policy in new subdivisions. Al Seeno, Jr. indicated they have agreed to not only include this property but to also include the remaining three subdivisions in Mira Vista Hills in the park maintenance district; this was done voluntarily for both lighting and landscaping.

Barbara Sobalvarro, 415 West 9th Street, spoke on behalf of the ARC Group and a citizen associated with the Hillside study group. She felt the Seeno map was a joke; this subdivision acted as a catalyst and a starting point for

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going through the whole process of developing a hillside ordinance in the first place; it does not conform with respect to the topography and chops off the tops of the hills. She felt the developer acted in bad faith and at no time indicated that they would make an attempt to exempt this project from the hillside ordinance. In all honesty she could not see how this project could be considered exempt and read into the record the conditions placed on the tentative map regarding development of a hillside ordinance prior to any tentative map approval for Seeno Construction Comapny.

Sharon Dykes, Meridith Way, explained what has happened to her home as a result of grading by the Seeno Company when they started building on the hills; at one time she had a view from her backyard and now the only thing she sees is a mound of dirt and when the houses are built their privacy will be totally taken away. She then circulated photos to the Commission for their review.

Linda Gunther, 3106 St. Francis Way, was concerned with the topography of the property and the amount of earth being moved especially since the planning staff indicates the plan should be redesigned to give more attention to the terrain. She did not feel this was the type of development that could be built on the hills; that what the developer is trying to do is to level the land. She then referred to another developer who recently agreed to density transfer and the clustering of homes in order to create open space and deal with development of a hilly area which is the type of development that should be considered for this property.

Estuardo Sobalvarro, 415 West 9th Street, attended several Council meetings and most of the hillside committee meetings where the representative for Seeno Construction, Al Stanley, said he wanted to cooperate with the Council, Planning Commission, subcommittee and the citizens of Antioch in order to develop a hillside ordinance or policy that would be equitable to everyone and that this particular property would be used as an example as to how it can be developed with a hillside ordinance. If this is their idea as to how development should occur in the hills, then there won't be any hills left. He was also concerned sharp grades being proposed by this plan, stating they would be very similar to what is seen in Pittsburg. Also, the map does not address the General Plan with regard to grading, density transfer and they are asking that the school be built on a 17% grade.

Al Seeno, Jr. reported the development as proposed is identical to the Mira Vista Hills project; it is the same type of grading, the same type of housing; the homes do sell well and are popular in the area. Referring to the comments made by Sharon Dykes, their subdivision was approved several years prior to the time her home was built. Also, they are not asking for any variances or exceptions, the tentative map meets all the codes and ordinances as submitted.

Hearing no other comments, Chairman Gyi closed the public hearing. During the ensuing discussion, several Commissioners noted that it was very interesting that no one referred to the EIR, reporting that both Planning and Engineering

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state that this map does not meet the conditions of the EIR and the developer did not address these issues. Further, it does not conform to the General Plan and Commissioner Stone read verbatim from Sections IV, VI, XIV and XV. He felt the project negates all the recommendations in the Plan and for that reason he would recommend that the tentative map be rejected in its entirety. Commissioner Gatter did not feel the General Plan states that we need a hillside ordinance and as long as the map lives within the General Plan he would have no problem with the project. Commissioner Dameron indicated she has been against the project from the beginning because of possible health hazards which would result from development of this project within the site of the dump area; that if the City allows this development to take place they can be held liable at some time in the future; that as long and as often as this project has been before them, nothing has been done to mitigate her concerns for the health and safety of the people living no near a dump site; that the County Health Department recommended in the EIR not to allow development within any proximity of the landfill sites. Deputy Director Sexton explained that condition #40 means they cannot build any residential units within 500 feet of the existing dump site. Commissioner Dameron pointed out that the plan still shows houses in that area. Commissioner Ferguson expressed concern with possible flooding and the developer not wanting to be responsible for any flooding conditions as well as not wanting to be responsible for development of James Donlon Boulevard and Somersville. It was her understanding from the beginning that they had agreed to take care of the development of both streets. Also, she was very concerned with development occurring so close to the dump site and has asked from the beginning whether or not the houses are FHA financed. Commissioner Chism felt he would like to see the Hillside Ordinance adopted before acting on the General Plan. Chairman Gyi noted his main concern had been answered with the developer's statement that the maximum grade would be 15%; that the Council has exempted this plan from the hillside ordinance so this should not be an issue. Several Commissioners were quick to point out that their concerns were not with the hillside ordinance, but with the fact that the conditions of the EIR have not been met nor does it conform to the Antioch General Plan and there is still the question of the health and safety of the residents with development occurring no near the landfill sites.

After reviewing the staff report and considering all testimony offered, a motion was made by Commissioner Stone and seconded by Commissioner Chism to recommend to the City Council DENIAL of the tentative map as it does not meet the conditions of the Antioch General Plan and it does not address the concerns of the Environmental Impact Report prepared for the project. Under the question, Commissioner Gatter asked if by this motion all action stopped? City Attonrey Galstan advised the Commission makes its recommendation to the City Council. The motion was then APPROVED by the following vote:

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AYES: Commissioners Stone, Ferguson, Dameron, and Chism.

NOES: Commissioner Gatter and Chairman Gyi.

ABSENT: Vice Chairman Cavalli.

Chairman Gyi called a 10 minute recess at 9:12 p.m. and upon reconvening, the Secretary called the roll:

PRESENT: Commissioners Stone, Ferguson, Dameron, Chism, Gatter and Chairman Gyi.

ABSENT: Vice Chairman Cavalli.

PUBLIC MEETING

Review of the Southeast Antioch Area General Plan/Specific Plan.

Director Vignola presented the staff report and then turned the meeting over to the consultant.

Rudy Platzek, WPM, consultant on the Southeast Antioch planning study reviewed the circulation plan, the land uses proposed under the Balanced Community approach such as housing, shopping, schools, open space, streets, roadways and both pedestrian and bicycle paths. He advised that the densities range from 4 dwelling units per gross acre to 20 dwelling units per gross acre, which were derived from the existing General Plan. In conclusion, he noted that what they are asking is for the Commission to make a determination for Planning Area II whether or not the preliminary plan and map carries out the intent of the General Plan for a Balance Community concept so that they do have a project in order to proceed with the preparation of a Draft Environmental Impact Report.

Director Vignola then presented the staff report and proceeded to review those individual properties in Area II where differences do occur between the property owners and Specific Plan/General Plan. Chairman Gyi asked if anyone in the audience wished to speak before proceeding further.

Jack Price, representing the owners of the Lynch property, was concerned with the school designation on this particular property which would utilize most of the property and leave them with practically nothing to develop. He strongly urged the Commission to designate the school site in some other area in order to be more equitably shared with other properties. He did not feel that the entire school site should come from this one small parcel.

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the Antioch Municipal Code, Establishing a Hillside Planned Development District was seconded by Council Member Hall and carried 4:1 with Council Member Andrade dissenting.

Council directed that staff pursue further information concerning padding and terracing and schedule it for Council in 90 days.

Mayor Roberts called for a recess at 9:18 p.m. Upon reconvening at 9:31 p.m., the Deputy City Clerk/Secretary called the roll:

PRESENT: Council/Agency Members Pierce, Hall, Catanzaro, Andrade and Agency Chairman/Mayor Roberts

COUNCIL

8. Tentative Map for Mira Vista Hills, Unit 9, Tract 5915 (PW 365-9)

By staff report dated July 24, 1981, Director of Public Works Davis reviewed the request to subdivide 219 acres located outside the City limits into 387 single family lots and elementary school site; that another Parcel, 'A', is proposed for commercial and professional office uses; that parcel 'D' is a study area and will be part of a future submittal by the Developer. Mr. Davis reviewed the realignment of James Donlon Boulevard; that the EIR was certified for this project by the Council on February 26, 1980; that the developer has concern with condition 38 which requires that the Developer design and improve existing Mira Vista Hilla Park site. The Developer would like to have a cost limit set for the park but as there is no master plan for the park site, staff is unable to do this. Mr. Davis reported that the Planning Commission recommends denial. Council Member Hall referred to Planning Resolution 1187, item 4, and noted a change should be made from removed to moved.

Al Seeno, Jr., applicant, agreed with all conditions except #38 and reviewed some of the conditions in more detail that had to do with James Donlon reconstruction, pump and tank facilities; that they have volunteered to place Mira Vista Hilla Units 6, 7 and 8 into the Street Lighting and Landscape Districts. Mr. Seeno elaborated on their objections to totally improve the existing Mira Vista Hills park; that they would agree to pay 25 to 30% more in-lieu fees than the existing ordinance would require. Rod Andrade, Civil Engineers with McKay and Soms, reviewed in detail with maps, existing land uses surrounding the proposed development, site specific diagram, grading and ridge lines.

Barbara Sobalvarro, 415 West 9th Street, representing ARC, noted that in a telephone poll conducted of their members indicated 96% favor the hillside ordinance; that 100% of the members felt the hillside ordinance should be applied equally to all developers. Mrs. Sobalvarro reviewed past Council minutes and felt that the proposed ordinance was prompted with the possible building on the Seeno/Prewett property; that she recommends to deny the tentative map in accordance with Planning Commission decision, and to apply the hillside ordinance to subject property. Linda Guenther, 3106 S. Francisco Way, felt the Antioch General Plan policies on controlled growth and natural contrours, grading and visual features were not being followed; that the public trust is being violated.

Ro Aguilar, 3121 Lindley Court, felt Council was not aware that the proposal would makes plateaus out of the hills and valleys; that there many unanswered questions such as LAFCO, dumps and whether or not the State will apply AB 2370 to them, the EIR which was done on another project and portions of the EIR need to be redone. Mrs. Aguilar objected to trade-offs of streets, parks, roads and water systems in exchange for the hills and valleys in sensitive areas; that the citizens want sound development and quality growth; that Council should be sensitive to the feelings of the public; that an exception should not be made for one developer. In response to question by Mrs. Aguilar, City Attorney Galstan noted that there are procedures whereby citizens can challenge in court virtually any action Council takes. Mrs. Hunt, 1408 Wisner Drive, commented on conflict of interest policies.

Considerable discussion ensued concerning the James Donlon Boulevard improvements that the developer will be making and condition #38 concerning the Mira Vista Hill park site improvements. Mr. Seeno felt he would like to pay the majority of in-lieu fees with the second or third unit due to large amount of funds needed for capital improvements up front. As it concerns matching grading with existing developments, Mr. Seeno noted an easement has been provided and note will be made on deposit receipts on Units 6 and 8 which gives future home buyers notice that there will eventually be a development next door.

RESOLUTION NO. 81/163

Council Member Andrade's motion to adopt the resolution approving Mira Vista Hills, Unit 9 Tentative Map including findings of overriding consideration and that the developer provide a park-in-lieu fee of \$200,000, was seconded by Council Member Pierce and approved 4:1 with Council Member Hall dissenting. Council Member Hall felt he could not approve a subdivision next to a dump site. Mayor Roberts noted support because of the added services that this subdivision will provide. Estuardo Sobalvarro, 415 West 9th Street, strongly objected to the approval of the Mira Vista Hills tentative map and felt it should have to adhere to the new hillside ordinance.

9. Review of Revised Plans for Use Permit to Allow Construction of a 67-unit Project for Renwick Russell (The Meadows) Subsequent to Review by the Architectural Review Board FILE: PD-81-8

By staff report dated July 24, 1981, Director of Development Services Vignola reviewed that Council requested Architectural Review Board further consider of two mitigation measures - increase landscaping reduction in units to better define the project; that the Developer went to the ARB, eliminated 2 condominium units, put a 40' distance between the two buildings on the creek side, added an additional lot for the single family homes with a net increase of 1 unit and changed the tree types and added more trees; that the ARB recommended their approval; that the item is before the Council to settle the appeal. Mr. Vignola noted the ARB recommended denial of the appeal and approve the revised plan.

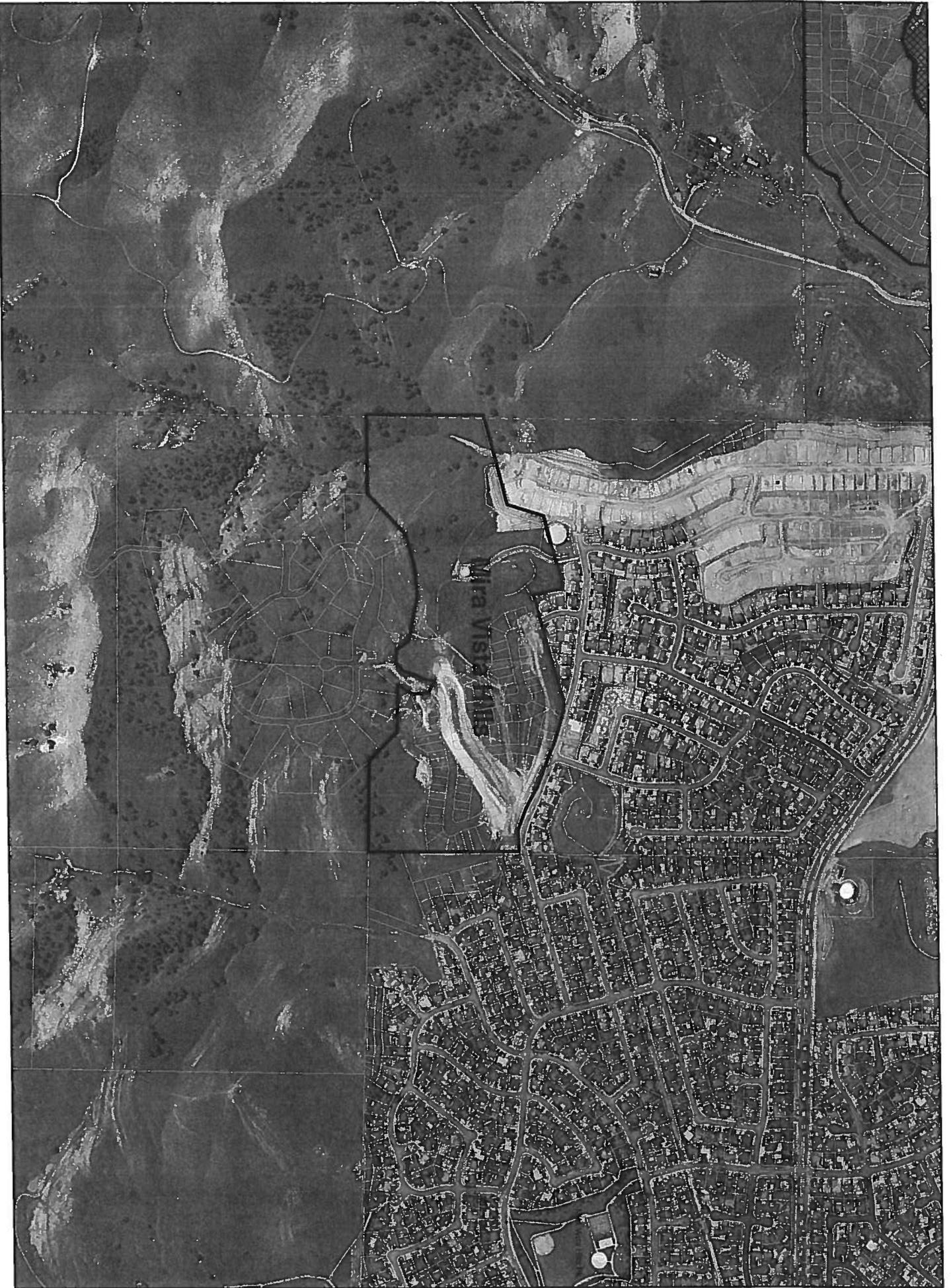
City Attorney Galstan noted that Council has already approved a Tentative Map on subject project and granted a Planned Unit Development Permit; that subject use permit was for final analysis of architectural styles and landscaping; that Council is primarily concerned at this point with cosmetic changes; that if Council intends to require any further changes than what has been recommended by the ARB, that the city's legal position could be in jeopardy.

Helen Meagher, 1904 Blossom Drive, felt the project was still poorly designed and requested the Council approve the appeal. In response to question by Mrs. Meagher, City Attorney Galstan reviewed the appeal of use permit approval on limited issue of cosmetic or architectural changes, that it went back to the ARB and they have made their revised recommendation; that Council does not have any flexibility on the number of units if the builder does not voluntarily make any compromises as the tentative map and density has been approved.

Wally Duncan, Civil Engineer representing Renny Russell, stated they did go before the ARB, received a unanimous decision and there were no comments made. Mrs. Meagher felt that there had been adequate input from the citizens and that public meetings that were to be held by the developer with the residents of the subject area were never held. Council Member Andrade's motion to deny the Use Permit died for lack of a second. Discussion ensued concerning action taken at the May 26, 1981 Council meeting. Council Member Catanzaro's motion to deny the appeal and approve the Use Permit died for lack of a second. Council Member Catanzaro's motion to approve the subdivision died for lack of a second.

Director of Development Services Vignola reviewed conditions of subject Planned Development was that the overriding factor was in the final design of the project and that would dictate the final number of units and PD's require Use Permits to place further conditions on the project; that Council can dictate that there be further design conditions done on the project itself.

Mira Vista Hills Study Area Project



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AYES: Commissioners Draper, Radin, Lefebvre, and
Chairman Gatter.

NOES: None.

ABSTAINED: Commissioner Shahan and Vice Chairman
Chism.

ABSENT: Commissioner Dameron.

Chairman Gatter noted that Commissioner Shahan and Vice
Chairman Chism abstained during both votes. Commissioner
Shahan and Vice Chairman Chism explained they had a conflict
of interest.

Since the required four votes were received by the Negative
Declaration and both Resolutions, they were approved.

Chairman Gatter called a three minute recess at 8:25, while
the spectators cleared the chambers. Upon reconvening the
Secretary called the roll:

PRESENT: Commissioners Draper, Radin, Shahan, Lefebvre,
Vice Chairman Chism, and Chairman Gatter.

ABSENT: Commissioner Dameron.

AGP-84-25--ALBERT D. SEENO CONSTRUCTION COMPANY requests
amendment to the General Plan from open Space to
Low Density Residential (6 units per acre) to
allow residential development of 95 lots in the
Mira Vista Hills Study Area generally located
south of James Donlon Boulevard in the vicinity of
the PG&E easement, and west of Cambridge Drive.

RESOLUTION NO. 85-70

HPD-84-5---ALBERT D. SEENO CONSTRUCTION COMPANY requests
approval of revised preliminary development plans
to allow construction of 95 single-family
residential detached homes in the Mira Vista Hills
Study Area generally located south of James Donlon
Boulevard in the vicinity of the PG&E easement,
and west of Cambridge Drive.

RESOLUTION NO. 85-71

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AGP-85-11--CITY OF ANTIOCH requests amendment to the General Plan deleting a park site generally located at the west end of Barbano Court in Mira Vista Hills Subdivision (Tract 4605) to allow single family residential development.

RESOLUTION NO. 85-64

ALBERT D. SEENO CONSTRUCTION COMPANY requests consideration of a proposed Development Agreement between the City of Antioch and the A. D. Seeno Construction Company. Such Agreement would allow certain residential housing to be constructed in the Mira Vista Hills Study Area; would require the improvement by Seeno Company of Mira Vista Hills park; would allow Seeno Company the option to purchase the Barbano Court park site for single-family residential development; and would require Seeno Company to offer a school site in Mira Vista Hills to the School District in exchange for single-family residential development on the surplus Hacienda school site.

Commissioner Shahan stepped down because of a possible conflict of interest.

Director of Development Services Raymond Vignola presented the staff report. This plan was before the Planning Commission before and received a three to three vote. Certain revisions were made by the developer in the preliminary plan and the Council referred it back to the Commission. Staff recommends that the Planning Commission recommend to the City Council to DENY the present configuration of the request for amendment of the General Plan from Open Space to Low Density Residential with a density of up to 4 units per acre and AP.ROVE a designation of Low Density Residential with a density of up to 2 units per acre for those areas south of the PG&E line below the 350-foot contour, but allow a density of 1 unit for every 5 acres subject to HPD approval. He also stated the Planning Department received a letter in favor of the Seeno proposal. The Staff also recommended denial of the preliminary plan. Chairman Gatter opened the hearing to the public. The request for the Barbano Court General Plan change would be considered separately from the other items.

Bob Rossi of the Albert D. Seeno Construction Company and Rod Andre of the engineering firm of McKay and Soms representing the applicant. They asked the Planning Commission to approve the building of the road to the Prewett property at this

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time. Rod Andre called to the attention of the Commission the change in degree of grading at the end of the stub street. They requested a clarification of condition number 1 of the resolution; exactly what lots on Cambridge Drive are affected. The Staff noted the lots fronting on Cambridge. The applicant objected to condition number 4 requiring landscaping and pointed out that not only would there be irrigation problems but the landscaping in a natural area may be out of place. The applicant also objected to individual use permits being required of each property owner. He suggested a condition precluding building above the 350-foot level rather than requiring permits. Condition number 13 requires an improved trail system. The applicant would like to change the route of the trail due to terrain. The applicant suggested a common drain for the lots that drain to the rear instead of to the street because the rear of the lot is below street level. The applicant agreed to maintain this drain.

Deputy Director of Public Works William Sexton feels strongly that the flag lots proposed in the preliminary plan is a major step backward. He feels the developer is trying to cram as many lots into limited space as possible. He would recommend denial if the flag lots were going to stay.

Commissioner Draper suggested, after talking with the applicants about the ten foot side yard, an R V parking lot to accommodate the campers, R Vs, and boats that would require off street parking.

Tim Donahue, 2412 Cambridge Drive, objected to the flag lots as do many of his neighbors. He is also concerned that the open space if it is deeded to private owners will not be maintained and may prove to be a fire hazard. He also has serious concerns about a variance to the Hillside Ordinance. He and most of his neighbors live where they do because they enjoy the view of the area, which they will lose if structures are built at the higher levels as proposed. He wished to add he owns a Seeno home and has no objection to the builder's practices, with the exception of the current over-crowding of lots.

Other home owners from the area spoke in favor of a variance to the Hillside Ordinance as a trade-off for development of the park site.

Chairman Gatter suggested the Commission review item C. Director of Development Services Raymond Vignola gave the

staff report recommending that the Planning Commission APPROVE the General Plan change deleting the Barbano Court mini-park and changing the Open Space designation to Low Density Residential (up to 6 units/acre). He also brought to the Commission's attention a letter received from home owners whose rear yards abut the park. They object to the proposed deletion because their view would be obstructed.

The applicant agrees to build only single-story houses adjacent to existing lots to prevent obstruction of the view. Hearing no further comments, Chairman Gatter closed the public hearing.

The Planning Commission agreed the flag lots are unacceptable. Vice Chairman Chism motioned item 7 A, B, and D, be approved with 95 lots with the exception of the flag lots. Commissioner Radin seconded the motion. Chairman Gatter noted this is in concept only and subject to the conditions previously mentioned and found in the staff report.

AYES: Commissioners Radin, Lefebvre, Vice Chairman Chism and Chairman Gatter.

NOES: Commissioner Draper.

ABSENT: Commissioners Dameron and Shahan.

A motion was made by Vice Chairman Chism to approve item 7 section C subject to the conditions mentioned, and seconded by Commissioner Lefebvre.

AYES: Commissioners Draper, Radin, Lefebvre, Vice Chairman Chism, and Chairman Gatter.

NOES: None.

ABSENT: Commissioners Dameron and Shahan.

Commissioner Shahan returned to the podium.

Chairman Gatter called a three minute recess at 9:49. Upon reconvening the Secretary called the roll:

PRESENT: Commissioners Draper, Radin, Shahan, Lefebvre Vice Chairman Chism, and Chairman Gatter.

ABSENT: Commissioner Dameron.

AYES: Commissioners Draper, Shahan, Lefebvre, Vice
Chairman Chism.

NOES: Commissioner Radin and Chairman Gatter.

ABSENT: Commissioner Dameron.

* * * * *

ARCHITECTURAL ITEMS

P-85-27--LONE TREE PLAZA/ROSEWOOD PARTNERSHIP requests
architectural approval to allow construction of two
retail buildings at existing shopping center on
property generally located on southwest corner of
West Tragallis Road and north of San Joaquin Avenue.

Director of Development Services Raymond Vignola presented the staff report. Staff recommends APPROVAL of the resolution with the conditions specified.

Frank Bellici addressed conditions number 2, 10, and 19. He indicated he would prefer to review these conditions with Staff before the Resolution is approved.

A motion was made by Commissioner Shahan to continue this item until August 21, 1985, seconded by Vice Chairman Chism and carried by all present.

* * * * *

ORAL COMMUNICATIONS

Chairman Gatter inquired of Staff when is Davison Drive going to be developed to Hillcrest, and "G" Street continued past Putnam. Staff agreed to check on these items.

There being no further business, the meeting adjourned at 10:46 p.m.

Respectfully submitted,



GEORGIA OLVERA
Minutes Secretary to the
Planning Commission

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contract for the service. He noted that during 18 months of negotiating, the company has continued to provide street sweeping services at their cost with the understanding that the city might reimburse for such services.

Mr. Walton felt that as the population increases, feasibility of acquiring equipment and performing the service with city crews will have to be examined. There was discussion of the \$31,975 annual rate and the street sweeping schedule, with Council requesting the public be informed of the schedule. Following Council discussion, City Attorney Galstan recommended removal of paragraph 14 of the contract as the information is covered in paragraph 13.

RESOLUTION NO. 85/141

Council Member Beatty's motion to adopt the resolution with the elimination of paragraph 14, with an annual fee of \$31,975; that the City Manager be instructed to negotiate with the contractor for services rendered without charge during the negotiation period, was seconded by Council Member Price and unanimously approved.

Mayor Keller adjourned the meeting for dinner recess. Upon reconvening at 7:30 p.m., Deputy City Clerk Rundall called the roll:

PRESENT: Council/Agency Members Price, Fontana, Stone, Beatty and Agency Chairman/Mayor Keller

PUBLIC COMMENTS: Council Member Stone referred to a recent newspaper article with comments by a regional air quality official as to risk to a proposed motel, housing and office complex project of developing cancer because of toxic emissions from a nearby chemical plant. Council Member Stone's motion to request immediate information on risks to the citizens from the plant, was seconded by Council Member Beatty and unanimously approved.

PUBLIC HEARINGS

THIRD GENERAL PLAN AMENDMENT - 1985

- 10A. ALBERT D. SEENO CONSTRUCTION CO. REQUESTS AN AMENDMENT TO THE GENERAL PLAN FROM OPEN SPACE TO LOW DENSITY RESIDENTIAL (6 UNITS PER ACRE) TO ALLOW RESIDENTIAL DEVELOPMENT OF 95 LOTS IN THE MIRA VISTA HILLS STUDY AREA GENERALLY LOCATED SOUTH OF JAMES DONLON BOULEVARD IN THE VICINITY OF THE PG&E EASEMENT, AND WEST OF CAMBRIDGE DRIVE FILE: AGP-84-25 (Continued from May 28, 1985) #740

- 10B. ALBERT D. SEENO CONSTRUCTION CO. REQUESTS APPROVAL OF REVISED PRELIMINARY DEVELOPMENT PLANS TO ALLOW CONSTRUCTION OF 95 SINGLE-FAMILY RESIDENTIAL DETACHED HOMES IN THE MIRA VISTA HILLS STUDY AREA FILE: HPD-84-5 #730

- 10D. ALBERT D. SEENO CONSTRUCTION CO. REQUESTS CONSIDERATION OF A PROPOSED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ANTIOCH AND THE A.D. SEENO CONSTRUCTION CO. SUCH AGREEMENT WOULD ALLOW CERTAIN RESIDENTIAL HOUSING TO BE CONSTRUCTED IN THE MIRA VISTA HILLS STUDY AREA; WOULD REQUIRE THE IMPROVEMENT BY SEENO CO. OF MIRA VISTA HILLS PARK; WOULD ALLOW SEENO CO. THE OPTION TO PURCHASE THE BARBANO COURT PARK SITE FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT; AND WOULD REQUIRE SEENO CO. TO OFFER A SCHOOL SITE IN MIRA VISTA HILLS TO THE SCHOOL DISTRICT IN EXCHANGE FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT ON THE SURPLUS HACIENDA SCHOOL SITE #730

By staff reports dated August 23, 1985, Assistant City Manager/Development Services Director Vignola reviewed former Council and Planning Commission hearings noting that the Planning Commission recommended approval of the General Plan amendment and the revised preliminary development plans. He noted the main issue is hillside policy; that the developer proposes to grade a large area at the 400' level and fill a swale area, flatten the area out and build a standard 95 lot subdivision. The developer agreed to eliminate the flag lots, with the exception of lot #26. Mr. Vignola reviewed 14 points from August 1, 1985 Planning Commission staff report that should be included in the final plan.

City Attorney Galstan, by staff reports dated August 1 and 23, 1985, reviewed the trade-offs which result in the company developing the Mira Vista Hills park site pursuant to City approved plans and specifications. The development agreement would also give Seeno the Barbano Court park site for residential development; that Seeno would exchange the Mira Vista Hills school site for the surplus Hacienda School site and construct homes at the Hacienda location. Mr. Galstan noted that access to the Prewett property would not be permitted until an acceptable plan is submitted for that property in order to protect the higher ridgelines.

Mayor Keller opened the public hearing and called for proponents. Rod Andrade, Civil Engineer with McKay & Soms, addressed the new site plan noting it is more efficient use of lot patterns; that flag lots with exception of Lot 26 have been eliminated and it is their intent to try and eliminate that one; that they will work with staff on fencing control of lots backing onto Prewett property and other items such as rear yard size, landscaping in open areas, street and trailway alignment.

Virginia Summey, Seeno Company, discussed the park site, noting they have received verbal bids and will continue to negotiate; that there is some hesitation concerning the landscape maintenance agreement. She noted it is her company's intent to build the park with all alternates included.

Bob Rossi, Vice President/Corporate Counsel, A.D. Seeno Construction Co., noted that the exchange of school sites will take place with or without the development agreement; that any grading costs on the Mira Vista Hill site will be picked up by the School District; that the City held bond will be released. In response to Council inquiry, Mr. Rossi noted the City would receive title to the land the

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existing softball field on the Hacienda School Site. City Attorney Galstan noted he would add appropriate language to paragraph 7 in the Development Agreement covering this.

Council members expressed concern that there be no fences or landscaping at the top of the property lines bordering the Prewett property; that rear of 2/3 of the large lots be dedicated as open space and annexed to the Lighting and Landscaping District. In response to a Council question, Mr. Rossi stated it is not their intention to purchase the Prewett property.

Council felt a paved road leading to the Prewett property is an invitation to build on that property; that the Code does not allow building above the 350' level. Mr. Rossi noted the road is in the plans because Seeno has a contractual obligation with Prewett to provide Prewett with a road to his property in a dedicated right-of-way.

Mr. Figgins, School District Superintendent, noted they are willing to accept a six month agreement on the transfer of school sites; that the AUSD would prefer any agreements to do with grading on school property be null & void. He went on to explain the involvement of State architects, building placement on school sites and the need to coordinate grading with the building plans.

The following also spoke in favor of the Seeno proposal: Gordon Gravelle, 2208 Cordoba Court, Pat Callahan, 2356 Candlestick Court, Ron Self, 2326 Peachtree Circle, Rick Fleming, 3412 Heather Court, Tom Anderson, 2206 Peyton Court, Daryl Mayfield, 2321 Candlestick Drive, Bob Linscheid, 2370 Candlestick, and Beverly Martinez 2331 Peachtree Circle.

They noted many had assisted in formation of the Assessment District for the park and are willing to pay, even though they have already contributed to parks, but Seeno has agreed to build the park as designed with acceptable trade-offs; that the Development Agreement seems to provide viable alternatives to allow the City to grant a variance to the Hillside Ordinance which will benefit the entire community. Letters of support from Mira Vista Hills residents were presented to Council. Some speakers felt the ordinance is a guideline and the most important thing is that development not take place above the 350' level; that those who live near the hills are sensitive to them; that there is currently undeveloped open space with no funds to develop and no funding from heavy industry as in the past to develop schools. There was Council comment that the intent of the ordinance was to preserve the hills; that no grading or building would take place on them as they are now. Virginia Summey of Seeno noted they are prepared to start park construction immediately.

Mayor Keller called for opponents. The following spoke: Jan Abrahams, 2624 Silverado Drive, Ron Bickert, 2409 Grimsby Drive, Hoshang Kurlawalla, 2049 Kensington Court, Tim Donahue, 2412 Cambridge, former Council Member Ro Aguilar, 3121 Lindley Court, Jim McCoey, 2319 Glendale Circle, and Elizabeth Young, 2329 Cambridge Drive.

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Many were opposed to a public park and danger to residents, maintenance problems, that parking for the park will inconvenience residents; that there are already speeding problems in the area. Police Captain Dale Rickford noted citizens participation by calling when there is speeding is needed. It was expressed that the proposal would jeopardize the credibility of the hillside ordinance; that it is a violation of the hillside ordinance and is lacking in innovation; that in 1981 Seeno requested an exemption from the Hillside ordinance moments after the ordinance was passed. It was noted that other areas in the community have been waiting for parks; that there will be money for the Mira Vista Hills park from the Seeno project, Twin Creeks project and from the sale of Barbano Court property. Some felt housing values will decrease with removal of the hills; that a good park can be provided for less monies on 5 acres instead of 10; that children don't need tennis courts. It was questioned if people would be willing to give away the hills if the park issue was not involved

In rebuttal, Mr. Rossi noted in light of Proposition 13, the only way cities will move forward with controlled growth is by partnership between developers and cities. He reviewed the many months of hard work between the developer, the city and homeowners.

Mayor Keller closed the public hearing.

Mayor Keller expressed appreciation to the citizens present and commended Seeno Company for their efforts in this matter. Considerable Council discussion ensued with comments that the request is for zoning change, therefore it must be for the betterment of the city as a whole. It was noted that public funding is not available as in past years; that the Seeno proposal not only provides a park, but solves the issue of the Barbano Park site and the Hacienda School site; that no parks have been developed in Antioch in many years; that this is an opportunity to obtain a park; that the proposal will not totally tear down the hills.

It was also felt that there are no irrelevant hills; that there won't be any hills left if variances continue to be granted; that Antioch's two natural resources are its hills and water; that an adequate park could be built on 5 acres and funding through the Assessment District.

Council Member Stone's motion to deny the applicants request was seconded by Council Member Price and failed by the following vote:

AYES: Price, Stone

NOES: Fontana, Beatty, Keller

Council Member Beatty's motion to approve items 10A, 10B and 10D with addition that long lots abutting Prewett property be reduced to normal size lots and all land be dedicated to open space, flag lots be eliminated, hydroseeding be done, elimination of the paved roadway to the Prewett property; conditions subject to approval by City Engineer within 30 days; that Seeno agree never to buy any of the Prewett property or assist or develop any of the Prewett property. Following discussion, Council Member Betty withdrew the portion of the motion that Seeno agree never to purchase any of the Prewett property or assist in developing it.

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The amended motion was seconded by Council Member Fontana. In response to Council concern, City Attorney Galstan noted staff will communicate to the County Council's concern to access to the Prewett property and any future construction on said property. Mr. Galstan also noted paragraph 7 of the Development Agreement will be amended to include the School District will determine within six months of the date of the agreement whether they will accept the exchange. Council Member Beatty commented that the 14 conditions in the August 1, 1985 memo were also included. Mayor Keller reaffirmed that it is Council's intent that there be some restriction to developing property above the Seeno project.

The vote on the amended motion was as follows:

AYES: Fontana, Beatty, Keller

NOES: Price, Stone

Mayor Keller called for a recess. Upon reconvening at 9:55 p.m., Deputy City Clerk Rundall called the roll:

PRESENT: Council/Agency Members Price, Fontana, Stone, Beatty and Agency
Chairman/Mayor Keller

10C. CITY OF ANTIOCH REQUESTS AMENDMENT TO THE GENERAL PLAN DELETING A
PARK SITE GENERALLY LOCATED AT THE WEST END OF BARBANO COURT IN
MIRA VISTA HILLS SUBDIVISION (TRACT 4605) TO ALLOW SINGLE FAMILY
RESIDENTIAL DEVELOPMENT FILE: AGP-85-11

By staff report dated August 21, 1985, Assistant City Manager/Development Services Director Vignola noted that deletion of the mini-park at the end of Barbano Court for residential development is a part of a proposed development agreement; that such parks have been eliminated in the area in exchange for developing a major neighborhood park. Mr. Rossi of Seeno Construction stated at the Planning Commission hearing he would not build two-story homes on the park site adjacent to any single-family residences.

Mayor Keller opened the public hearing and called for proponents. Mr. Rossi, Seeno Construction, confirmed that they will build only single-story homes adjacent to rear yards. Mayor Keller called for proponents and closed the public hearing.

Council Member Beatty's motion approving the Negative Declaration as adequate for the project was seconded by Council Member Fontana and unanimously approved.

RESOLUTION NO. 85/142

Council Member Beatty's motion to adopt the resolution amending the General Plan allowing deletion of mini-park site located on west end of Barbano Court to allow residential development was seconded by Council Member Fontana and unanimously approved.

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11. MIRA VISTA HILLS PARK - ASSESSMENT DISTRICT NO. 25 #1100
- A. RESOLUTION OVERRULING PROTESTS ON RESOLUTION OF INTENTION NO. 84/249, AS AMENDED
 - B. RESOLUTION ORDERING REDUCTION OF ASSESSMENTS
 - C. RESOLUTION OF INTENTION TO MAKE CHANGES AND MODIFICATIONS
 - D. RESOLUTION AND ORDER ADOPTING ENGINEER'S REPORT, CONFIRMING THE ASSESSMENT AND ORDERING THE WORK AND ACQUISITIONS
 - E. RESOLUTION OF AWARD OF CONTRACT
 - F. RESOLUTION DESIGNATING COLLECTION OFFICER

City Attorney Galstan noted that Bond Counsel requested the public hearing be opened and continued to the September 24 Council meeting; that this would leave the assessment district process in place in the event the Seeno development agreement or park plan does not go forward.

Mayor Keller opened the public hearing, called for proponents and opponents. Council Member Fontana's motion to continue the hearing to September 24, 1985 was seconded by Council Member Price and unanimously approved.

12. ASSESSMENT DISTRICT NO. 24 (ASSESSMENTS 20 AND 23 - EAST ANTIOCH SEWER AND WATER IMPROVEMENTS - PW 511) #1100

By staff report dated August 20, 1985, Director of Public Works Davis reviewed the request to split the assessments in order to spread them to individual lots in Unit 1 of Almondridge Subdivision.

Mayor Keller opened the public hearing and called for proponents and opponents and closed the public hearing.

RESOLUTION NO. 85/143

Council Member Stone's motion to adopt the resolution confirming the amended assessment was seconded by Council Member Beatty and unanimously approved.

13. CITY OF ANTIOCH REQUESTS AMENDMENT TO THE ANTIOCH MUNICIPAL CODE REPEALING AND READOPTING ARTICLE 10 OF CHAPTER 5 OF TITLE 9 DEALING WITH DESIGN REVIEW BOARD #740

By staff report dated August 13, 1985, City Attorney Galstan reported the Planning Commission held a public hearing on the proposed ordinance; that if the ordinance is adopted, it will take effect on October 1, 1985; that two of the Commissioners felt the board was unnecessary and duplicative and that the Commission had time to perform the design review functions.

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HPD-84-5.1--SEENO CONSTRUCTION COMPANY requests rezoning from Study District (S) up to and including Hillside Planned Development District (HPD) and approval of Final Development Plan for development of 95 single family detached residential units in Mira Vista Hills (Tract #6708). The site is generally located approximately 2200 feet south of James Donlon Boulevard at the southerly extension of Warbler Drive, in the vicinity of the PG&E easement, and west of Cambridge Drive.

RESOLUTION NO. 86-46

PW-365-13--SEENO CONSTRUCTION COMPANY requests approval of Tentative Map to allow development of 95 single family detached residential units in Mira Vista Hills (Tract #6708) on property generally located approximately 2200 feet south of James Donlon Boulevard at the southerly extension of Warbler Drive, in the vicinity of the PG&E easement and west to Cambridge Drive.

RESOLUTION NO. 86-47

Vice Chairman Shahan stepped down from the podium due to a possible conflict of interest. Director of Development Services Vignola presented the staff report indicating this project received review at great length during the preliminary planning stages resulting in a development agreement allowing this project to go forward in conformance with the conditions proposed during the preliminary plan time in exchange for the development of the Mira Vista Hills Park. This plan reflects all those conditions with the exception of two. There are 95 lots ranging from 5000 to 12,000 square feet. Parcel "A" is a large open space lot that would be dedicated to the City and placed in a landscape maintenance district. There are two main points in relation to the Prewett parcel. The applicant is legally required to provide access to the Prewett parcel which lies along the southern boundary of the site. The preliminary development plan showed Osprey Drive extending to the Prewett parcel. The City Council, as a condition of approval of the preliminary plan, required that this access be deleted. The final plan shows Osprey Drive dead ending, with the location of an access road to be determined at a later time if and when the Prewett parcel is developed. Staff recommends that a cul-de-sac be used at the end of Osprey Drive, rather than the dead end shown. This would give the project more of a finished look, and would not imply at this time that the City favors the extension of Osprey Drive. It should be noted

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that the Prewett parcel is located in the County, and is shown in the County's General Plan as Agricultural. It is further suggested that the large lots abutting the Prewett property be reduced to a normal size and the remainder of the land dedicated to open space. This was spelled out by the Council when they acted on the project itself. The applicant has submitted a preliminary landscape plan which shows a combination of trees (acacia, oak), shrubs, and hydroseeding for the large cut slope area located in back of lots 29 to 41. Staff recommends that a similar treatment be used for the cut slope located in back of lots 11-15. Staff also recommends that the landscape plan be modified to show scattered trees and shrubs planted throughout Parcel "A", and not just in cut-slope areas. This landscaping of open space areas was a requirement of the preliminary development plan. Staff recommends approval subject to the conditions attached.

Chairman Chism opened the public hearing asking if anyone wished to speak. Bob Rossi, representing Seeno Construction, stated they were in agreement with all but a few conditions. He requested condition 8 specify the landscape be maintained by a landscape maintenance district and 22 be excluded. He requested condition 26 require prior to the issuance of certificates of occupancy, the landscaping shall be approved by staff, not installed. He requested condition 28 allow lots 11 and 12 to extend and not be incorporated into Parcel "A". Mr. Rossi further stated his company had made an agreement to provide Mr. Prewett access to his property through one of these lots. Seeno Construction has no preference as to which lot, but hopefully it will be lot 11 or 12. He requested condition 29 require a tear-drop or knuckle rather than a cul-de-sac. He further requested a condition be added that addresses staff's recommendation that conditions placed on the preliminary development plan requiring that the easement be improved as a trailway is impractical, given the slopes shown, and that pedestrian access can be accommodated on the Cambridge Drive and Finch Court sidewalks.

Mr. Prewett, 730 Rt. 2, Brentwood, stated he is in favor of the proposed project but is adamant that Seeno Construction be allowed to provide him with access to his parcel as the project proceeds rather than a future time when he may develop his property. He presented photographs of the site to the Commission. He presented a brief history of the property beginning with its purchase in 1903. He stated the parcel would remain undeveloped for at least ten years but he did want to be sure he had access and water. He suggested access could be utilized through the access to the water tank on Osprey Drive and

water could be metered through lot 12. He feels that legally he has the right to access and, morally, the Planning Commission is doing the wrong thing by cutting him off from his land.

Hearing no further comments, Chairman Chism closed the public hearing. Director of Development Services indicated conditions 8 and 22 may be modified. However, conditions 26 and 28 should remain, though lots 11 and 16 can be deleted from condition 28. Deputy Director of Public Works Sexton indicated condition 29 may be subject to the City Engineer's approval. He further indicated the road to the water tank could be utilized for access to Mr. Prewett's property. However, a public roadway would be unacceptable because the property is out of the City's Sphere of Influence and zoned by the County for agricultural uses. City Attorney Galstan assured Mr. Prewett that the agreement with Seeno Construction will not be voided by the City Council. Director of Development Services Vignola stated that water could not be metered through lot 12 under the current Municipal Code. Deputy Director of Public Works Sexton suggested Mr. Prewett approach the City about connecting to the water line that goes to the tank, but booster pumps would be required because Mr. Prewett's property is above the water tank. He further indicated that the City provides water outside of the City only by special agreement and Mr. Prewett's property is outside of the City. Mr. Prewett requested the last statement on the map be struck. Director of Development Services Vignola agreed to strike this statement. Stating staff agrees Mr. Prewett should have access, however staff does not want the cul-de-sac extended as a public road.

After further discussion, the Commission modified the following conditions:

Modify condition number 8 by adding..."be permanently maintained by the Landscape Maintenance District."

Delete condition number 22.

Modify condition number 28 by deleting 11 and 12 from the lots.

After reviewing the staff report and considering testimony offered, a motion was made by Commissioner Freitas, seconded by Commissioner Draper and carried by the following vote to recommend to City Council APPROVAL to rezone said property to Hillside Planned Development District (HPD) and APPROVAL of Final Development Plans subject to staff conditions and amended with a recommendation that staff, Mr. Seeno, and Mr. Prewett meet prior to the next City Council meeting.

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AYES: Commissioners Draper, Freitas, Lefebvre, and
Chairman Chism.

NOES: Commissioner Dameron.

ABSENT: Commissioner Gatter.

ABSTAIN: Vice Chairman Shahan.

A second motion was made by Commissioner Freitas, seconded by
Commissioner Draper and carried by the following vote to
recommend to City Council APPROVAL of the tentative map,
(PW-365-13) subject to staff conditions as amended.

AYES: Commissioners Draper, Freitas, Lefebvre, and
Chairman Chism.

NOES: Commissioner Dameron.

ABSENT: Commissioner Gatter.

ABSTAIN: Vice Chairman Shahan.

Commissioner Dameron indicated she has opposed this development
from the beginning and has voted consistently against the
project. Vice Chairman Shahan returned to the podium.

P/ARCH-86-23--KOZBUR & ASSOCIATES/ALLISON request use permit and
architectural design approval to develop a light
industrial park on property generally located
fronting the south side of Wilbur Avenue, approx-
imately 275 feet east of Minaker Drive and north of
Jacobsen Street. MITIGATED NEGATIVE DECLARATION.

RESOLUTION NO. 86-48

Director of Development Services Vignola presented the staff
report indicating this proposal is for an industrial park south
of Wilbur Avenue and east of Minaker Drive that had been zoned in
1979 for industrial usage. During the hearing process on the zoning,
considerable concern was expressed by residents to the south and
west of the site because of noise, odor, dust, etc. they
experience presently from the north side of Wilbur Avenue. After
considering all factors, the Council zoned the property M-1/B-4
which is a combining district providing the Commission with
the power to determine appropriate uses and site design
standards. In placing the B-4 designation on the property, the
Commission considered possible methods to mitigate the impact of
the industrial uses on the adjoining residential zone. To

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Council Member Fontana's motion to find the Negative Declaration adequate was seconded by Council Member Stone and unanimously approved.

RESOLUTION NO. 86/145

Council Member Fontana's motion to adopt the Resolution Amending the Land Use Element of the General Plan (AGP 86-7) was seconded by Council Member Stone and unanimously approved.

ORDINANCE NO. _____

Council Member Fontana's motion to introduce the Ordinance by title only was seconded by Council Member Stone and unanimously approved.

Council Member Fontana's motion to introduce the Ordinance Amending Title 9, Chapter 5, Article 3 of the Antioch Municipal Code (Zoning Map) vicinity of Sycamore Drive and Somersville Road (AZ 86-8) was seconded by Council Member Stone and unanimously approved.

- 14A. SEENO CONSTRUCTION COMPANY REQUESTS REZONING FROM STUDY DISTRICT(S) UP TO AND INCLUDING HILLSIDE PLANNED DEVELOPMENT DISTRICT (HPD) #730 AND APPROVAL OF FINAL DEVELOPMENT PLAN FOR DEVELOPMENT OF 95 SINGLE FAMILY DETACHED RESIDENTIAL UNITS IN MIRA VISTA HILLS (TRACT #6708) FILE: HPD 84-5.1

By staff report dated August 7, 1986, Deputy Director Ron Ward noted this is the final step in the development of Mira Vista Hills hillside area under the development agreement approved in 1985; that Planning Commission recommended approval of the rezoning subject to conditions in their Resolution No. 86/46. He outlined in some detail the primary points dealing with open space area from both a landscaping point of view and the extension of large lots to Prewett property; that Planning Commission's Conditions #25 and #27 were modified and detailed in the staff report. Staff recommended approval of the rezoning to Hillside Planned Development and accept the final development agreement.

In answer to Council Member Beatty's concerns over placement of fences up the hillside behind certain lots, staff noted Condition #27 addressed this issue; that it can be included in the CC&R's. Mayor Keller opened the public hearing.

Mr. Rossi, Attorney for Seeno Development, 4300 Railroad Avenue, Pittsburg, noted he did not know if Mr. Prewett agreed to the access to his property by the tank road and for that reason would object and ask they be allowed to build a public road from the end of Osprey Drive up to Prewett property since they have a contractual relationship to provide that road; however, it was not shown on the map based on Council's procedures. He further commented on the landscaping recommended by staff and detailed in Condition #25; that if the trees do not take, they have an obligation to maintain them for a period of one year or they will hydroseed again. He noted that Condition #27 in the staff report should reflect Lots 25 through 13 instead of 5 through 12 and Director of Public Works Stan Davis addressed this issue for clarification.

Mr. Rossi noted that Condition #14 in the Engineer's tentative map resolution is general and should be superceded by Planning Commission's Condition #25 which is more specific; that Condition #27 speaks to a standard cul-de-sac but it has been agreed to a tear drop-type one. He also advised they have no problem with the landscaping of the tank itself.

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Tim Donahue, 2412 Cambridge, expressed his concern to allow trees by seeding and urged that Council condition this project that if hydroseeding is not successful, the developer be required to plant trees. No further comments, Mayor Keller, closed the public hearing.

In answer to Council, Mr. Rossi noted they would plant the trees if hydroseeding does not work in a year. Council Member Stone noted his opposition when this project was first before the Council but felt it blends in well with the area; however, he would continue in his efforts as it concerns the hillside policy. For the record, modifications to Condition #25 and #27 will be included in the Planning Commission Resolution No. 86/46.

ORDINANCE NO. _____

Council Member Beatty's motion to introduce the Ordinance by title only was seconded by Council Member Fontana and unanimously approved.

Council Member Beatty's motion to introduce the Ordinance Amending Title 9, Chapter 5, Article 3 of the Antioch Municipal Code (Zoning Map) Vicinity of James Donlon Boulevard, Warbler Drive, PG&E Easement and Cambridge Drive was seconded by Council Member Fontana and unanimously approved.

14B. RESOLUTION APPROVING TENTATIVE MAP FOR MIRA VISTA HILLS, #730
TRACT 6708 (PW 365-13)

Discussion of this item was included in the foregoing discussion.

RESOLUTION NO. 86/146

Council Member Beatty's motion to adopt the foregoing resolution including the hydroseeding be tried for one year; that if not successful for one year, then planting of standard 15-gallon trees be required, subject to approval of the City Engineer; that Condition #14 is superceded by Condition #25 in the Planning Commission Resolution. The motion was seconded by Council Member Fontana and unanimously approved.

15A. CITY REQUESTS AMENDING TO ZONING MAP TO REZONE FROM PLANNED #730
DEVELOPMENT DISTRICT (P-D) TO PLANNED INDUSTRIAL DISTRICT
(M-1) SEQUOIA BUSINESS PARK FILE:ATZ 86-13

By staff report dated August 7, 1986, Deputy Director Ron Ward noted this matter was before the Planning Commission and they recommended approval of the rezoning back to Planned Industrial District (M-1). Mayor Keller opened the public hearing. No comments made, the public hearing was closed.

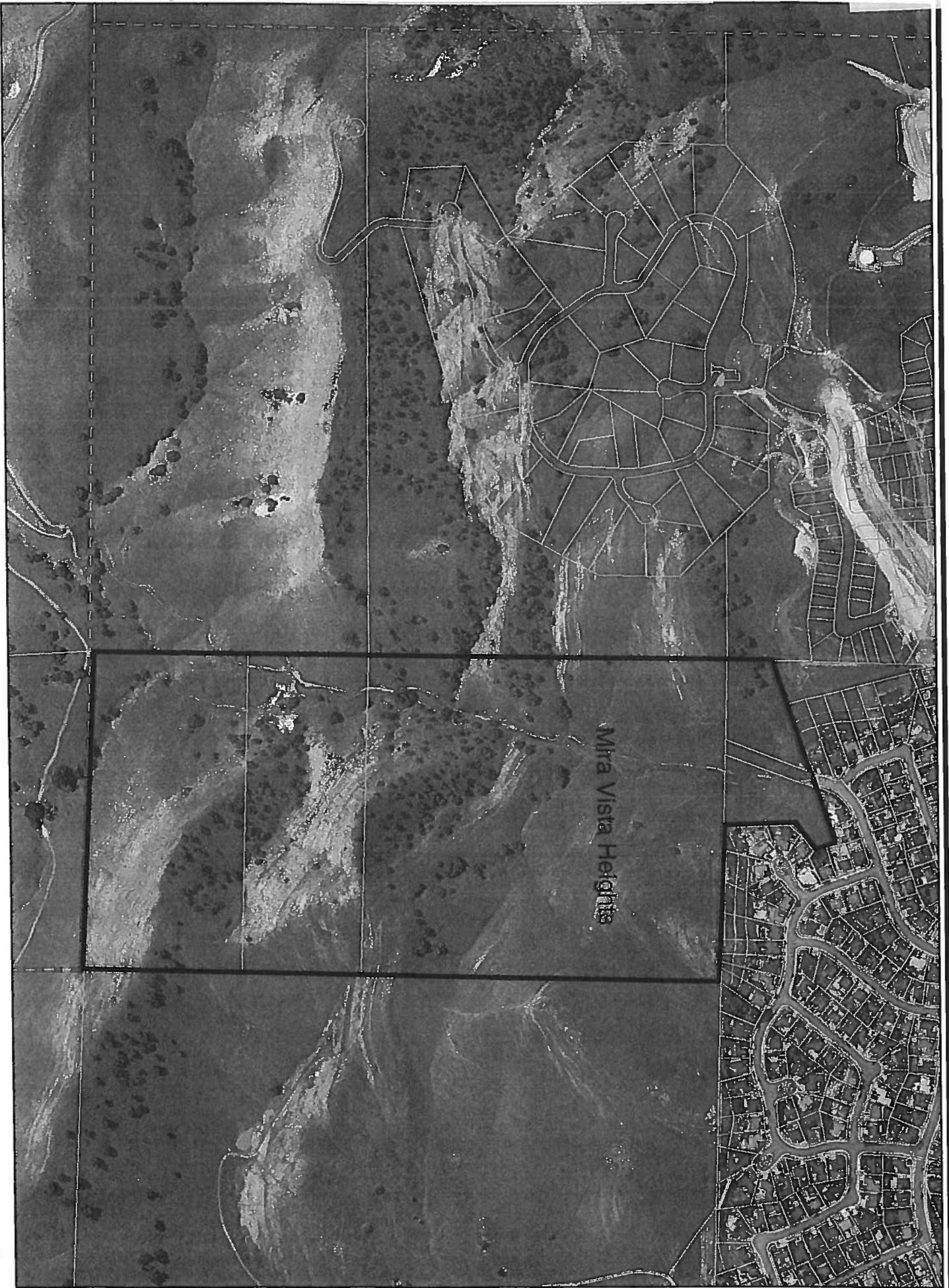
Council Member Fontana's motion to find the Negative Declaration adequate for the request was seconded by Council Member Stone and unanimously approved.

ORDINANCE NO. _____

Council Member Fontana's motion to introduce the ordinance by title only was seconded by Council Member Stone and unanimously approved.

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Mira Vista Heights



Mira Vista Heights



PLANNING COMMISSION STAFF REPORT

9-5-90
"N-2"

FILE NO.: EIR-89-5/GP-89-3/Z-90-2/ GP-89-5/Z-90-3
DATE: August 27, 1990
PREPARED BY: Corey Simon
APPROVED BY: Victor Carniglia

EXECUTIVE SUMMARY

APPLICANT: GORDON GRAVELLE/BLACK DIAMOND LAND & SEENO CONSTRUCTION

OWNER: SAME

REQUESTED ACTION: Approval of a Final Environmental Impact Report (EIR), General Plan Amendments, and Prezones to HPD

PURPOSE: To develop up to 38 single-family units at Mira Vista Heights (Seeno), and up to 50 estate units at Sierra Vista (Gravelle)

LOCATION: Southwest foothills

ASSESSOR'S PARCEL NO.: 075-041-012, 075-052-005

SIZE: 220 acres, more or less

ENVIRONMENTAL ASSESSMENT: EIR

GENERAL PLAN DESIGNATION: Open Space

EXISTING LAND USE: Vacant/grazing land

EXISTING ZONING: Contra Costa County (A-2, Agricultural)

SITE ISSUES:
I. EIR Issues
II. General Plan Issues
III. Prezone to Hillside Planned Development

RECOMMENDATION: APPROVAL

REQUEST

The applicants, GORDON GRAVELLE/BLACK DIAMOND LAND and SEENO CONSTRUCTION, request the following:

- Certification of the Final Environmental Impact Report (EIR) for the Mira Vista Heights/Sierra Vista residential projects
- General Plan Amendment from Open Space to Estate Residential and prezone to Hillside Planned Development District for 160 acres known as Sierra Vista (Gravelle)
- General Plan Amendment from Open Space to Estate Residential and prezone to Hillside Planned Development District for 80 acres known as Mira Vista Heights (Seeno)

The adjacent sites are located in the southwest foothills, south of Foothill Drive (please see attached vicinity maps).

It should be noted that both applicants are concurrently applying for approval of Preliminary Hillside Development Plans. These development plans are addressed in separate reports.

BACKGROUND

Preliminary proposals for development of the Sierra Vista site were submitted to staff early in 1989. After incorporating preliminary feedback from staff, formal applications for the Sierra Vista site were submitted by Gravelle in June 1989. Seeno's application for the Mira Vista Heights project followed in August 1989. Given the sensitive hillside setting, staff found that an environmental impact report was warranted. Requests for proposals were sent out to consultants, with WPM Planning Team being selected and starting work in November 1989.

To facilitate environmental study and comply with legal precedents, the adjoining Mira Vista Heights and Sierra Vista were analyzed in the same EIR. This joint approach was most beneficial for the study of general land use issues, which are the focus of this report.

I. EIR ISSUES

EIR PROCESS OVERVIEW

Once the consultant was selected, a Notice of Preparation was sent to State and local agencies. These agencies responded so that their concerns could be addressed in the EIR. The consultant's first product, called the Draft EIR was completed in June 1990. The Draft EIR was then made available for review by the agencies and public.

PLANNING COMMISSION

EIR-89-5/GP-89-3/GP-89-5/Z-90-2/Z-90-3

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The period for receiving comments on the Draft EIR opened on July 24th and ended on August 31. Oral comments were received by staff at the time of the regularly scheduled (but cancelled) Planning Commission meeting of August 15. These comments were subsequently delivered to the Commission members for review. Since the close of the comment period, responses to comments have been prepared. The Draft EIR, together with the responses to comments, make up the Final EIR, which is enclosed.

PURPOSE OF EIR AND ROLE OF CERTIFICATION

As stated in the introduction to the EIR itself, it is the primary purpose of such documents to provide information to the public and decision-making bodies.

An EIR identifies the impacts the project could have on the environment, and then recommends mitigation measures to reduce negative impacts. The report may also identify impacts that are "unavoidable" should the project be approved. Staff finds that the Mira Vista Heights/Sierra Vista EIR should be certified as it has identified the significant impacts and identified mitigation measures for such impacts.

The Planning Commission may concur with the conclusions provided on page 2-12 of the EIR, which states that:

"There would be no significant adverse impacts due specifically to the project which could not be reduced to a level of insignificance through the application of mitigation measures."

These mitigation measures are summarized on pages 2-3 through 2-12.

As an alternative, should the Planning Commission find that not all impacts can be reduced to "levels of insignificance", a statement of overriding considerations could be adopted for those impacts that remain significant. In either case, it must be stressed that by certifying the Final EIR one is not approving or even recommending approval of either of the two projects. The role of the certification process is solely to judge the "adequacy" of the EIR as an information tool about the project. The EIR thus aids staff, Planning Commission, and City Council in making decisions on the project itself.

As a final note, Commission members should recall that the period for public comments on the Final EIR ended on August 31. All public comments on the draft EIR must have been received by that date.

OVERVIEW OF EIR'S ANALYSIS

As a comprehensive document, the EIR includes analyses on many environmental factors. Chapters are provided on the following topics:

Land Use and Planning	(Chapter 3)
Traffic and Circulation	(Chapter 4)
Visual Impact/Site Design	(Chapter 5)
Vegetation and Wildlife	(Chapter 6)
Public Facilities	(Chapter 7)
Geology	(Chapter 8)
Other Environmental Issues	(Chapter 9)

Excepting the issues of land use and visual analysis, the following overview is provided. (The larger issues of land use are analyzed under this report's section on the General Plan, with the visual impact discussion to follow this overview.)

A. Traffic and Circulation (pages 4-1 through 4-14)

As the discussion in the EIR shows, the small size of both projects will have little impact on existing traffic systems. The most relevant discussion relating to traffic is on the private street system for Sierra Vista (pages 4-8 through 4-9). The concerns raised over street widths and available guest parking are discussed in the Preliminary HPD report.

B. Vegetation and Wildlife (pages 6-1 through 6-15)

Biotic resources are discussed and analyzed. No limitations to development due to the presence of endangered and threatened species were recommended. Additional information is provided on the loss of native oaks. The existing oaks are seen as "the major biologic feature" on both sites and the preservation of oaks shall be a significant site planning concern.

C. Facilities/Services/Fiscal (pages 7-1 through 7-12)

This analysis was largely provided to outline the plans for providing City services to this currently unincorporated site. A cost/revenue analysis on the ultimate fiscal effects to the City is also provided.

D. Geology, Soils, Grading, and Hydrology (pages 8-1 through 8-33)

This chapter presents an analysis of the geological and soil conditions of both project sites and provides an evaluation of existing and potential hazards, such as a slope instability, erosion, fill settlement, expansive and soil. Mitigation measures, which shall be incorporated into conditions of approval for the Final Development Plan, are outlined on pages 8-19 through 8-28.

VISUAL IMPACTS AND PROJECT ALTERNATIVES

A key environmental issue is the visual impacts of these hillside proposals from the existing community. Impacts are analyzed in Chapter 5 of the EIR, with visual simulations provided on pages 5-22 through 5-29. Given the higher elevations of the Sierra Vista proposal (lot elevations from 430 up to 760 feet as opposed to 234 up to 263 feet for Mira Vista Heights), the focus of the visual analysis was on the Sierra Vista site. While many of the details concerning site and building design will be further addressed by the Hillside Development Plan, the overview of visual impacts provided in the EIR shows a scenario that is clearly different than that created by conventional hillside development. Even with the limitation of computer generated "building masses", the simulations show that with the use of custom homes, along with the retention of large undisturbed areas between the units, much of the existing character of the hillside will be preserved. The visual impacts of Sierra Vista can be further reduced by the implementation of the "revised site plan alternative" shown in Chapter 11 of the EIR (pages 11-11 and 11-12). Should this alternative be approved in conjunction with landscape and architectural controls, the visual impacts may actually be quite minimal once the project is mature. The issues of the revised site plan and architectural controls are more fully discussed in the Preliminary Hillside Development Plan report.

In contrast to the Sierra Vista site, the visual impacts of the Mira Vista Heights project are more limited to the project site itself. The key visual and site planning issues for this site concerns the extent of development into Mira Vista Canyon. A related issue is the treatment of Mira Vista Creek. The revised site plan alternative shown on page 11-13 should be compared to the applicant's proposal on page 5-30. The revised plan shows how oak tree removal can be reduced and how Mira Vista Creek could be reconstructed to simulate a natural stream. Again, site planning issues shall be more fully discussed in the report for the Preliminary HPD.

II. GENERAL PLAN ISSUES

One of the most significant aspects of the Sierra Vista/Mira Vista Heights projects is the introduction of residential development into an area that has previously been designated as open space. Although both sites are currently outside the City's Sphere of Influence, they are within the General Plan's planning area boundary. The General Plan currently shows an "Open Space" designation. The applicant's request is to amend the General Plan designation to "Estate Residential". While the request is inconsistent with the existing General Plan map, both projects could provide the opportunity to implement existing General Plan policies. The General Plan amendment should then be seen in the context of: a) other General Plan policies; and b) scale of development.

GENERAL PLAN POLICIES

Significant policy issues are outlined below.

A. Land Use

Aside from the issue of land use designations, both proposals are generally consistent with land use policies. As required, units are "clustered" to allow for the "maximum amount of publicly accessible open space". Furthermore, the Sierra Vista project (and possibly the Mira Vista Heights project) offers an opportunity to "encourage the provision of sites for the development of custom homes in order to enhance the architectural diversity of the housing stock". It should be noted that while Sierra Vista proposal is for custom homes, the current Mira Vista Heights is for a more standardized "semi-custom" production product.

B. Housing

Many in the community have long noted that there are few housing options for high income buyers in Antioch. The General Plan's housing policy is to "Encourage development of estate and executive housing comparable with Central County." Sierra Vista and to a lesser extent Mira Vista Heights would implement this policy by providing housing to address this market niche.

C. Balanced Growth

While the General Plan's policy is to "prevent expansion into environmentally sensitive land and open space areas until it is warranted by lack of available space", one must recall that the Sierra Vista project would provide a new type of housing that is currently unavailable in the City. Given that the introduction of high-end custom product is encouraged by City policy, one can say that space currently is unavailable for this type of development and therefore expansion is warranted. However, the same cannot be said for Mira Vista Heights, where that type of standardized pad construction proposed is and will be available in the Southeast area, most notably on the Goldberg property (Black Diamond Estates).

D. Community Image

The General Plan acknowledges the foothills as an important visual backdrop to the community. The related policy is to preserve these local ridges "by prohibiting the siting of structures or landscaping that would block views." The visual analysis found in Chapter 5 of the EIR shows that with the mitigations recommended, views up to the open hillsides and ridges will be largely preserved.

Another key issue is one related to alteration and construction near Mira Vista Creek. Substantial redesigning of the Mira Vista Heights proposal would be necessary for that project to comply with the policies of preserving and enhancing natural creeks.

It should be noted that summary information on consistency with General Plan policies is available in the EIR, pages 3-5 through 3-7.

SCOPE OF PROJECT RE: GENERAL PLAN AMENDMENT

A further consideration is the limited scale of the development proposals themselves. Although the Estate Residential designation allows up to two dwellings per acre, neither the applicants nor the City has the intention of applying the two dwelling units per acre to the entire 220 acres within the two sites. Given that the preliminary development propose plans less than 50 units for each parcel, the resolution approving the General Plan amendment limits development to approximately that shown on the development plan. Therefore, the maximum residential development in the Sierra Vista/Mira Vista Heights projects will be less than 100 units. This is far less than the 440 units the Estate Residential designation could theoretically allow.

Furthermore, it should be noted that 86% of the Mira Vista site and 71% of the Sierra Vista site would become publicly owned open space, leaving the highest elevations of both sites undisturbed.

PRECEDENT RE: GENERAL PLAN AMENDMENT

The two proposed projects would set a precedent by extending development into the steep foothills of southwest Antioch for the first time. The Commission should judge the effects of this precedent against the potential benefits of the projects. Furthermore, it should be noted that the likelihood of further such proposals for residential developments would be limited. Much of the surrounding foothill area is already owned by East Bay Regional Park District. Furthermore, the Park District is in the process of acquiring the 264 acre Arata Ranch, which is adjacent to the west side of the Sierra Vista project.

III. PREZONE TO HILLSIDE PLANNED DEVELOPMENT

PREZONE RE: ANNEXATION

Given that both sites are currently outside the City's Sphere of Influence, the applicants have applied for a sphere reorganization and annexation to the City. As part of the Annexation process, Contra Costa County LAFCO (which must approve the annexation request) requires that the properties be "prezoned" prior to annexation.

PLANNING COMMISSION

EIR-89-5/GP-89-3/GP-89-5/Z-90-2/Z-90-3

August 27, 1990

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Given that the City's Hillside Ordinance identifies the sites as "sensitive hillside areas", no zoning district other than the Hillside Planned Development District may be applied. The Commission should note that by recommending approval of the rezoning it is not approving a final development plan. The rezoning merely indicates a land use intent, reserving the ultimate project design to the review and approval of the Final Hillside Development Plan.

As a final note, the City Council initiated the annexation process for the Sierra Vista site at its August 28, 1990 meeting.

CONSISTENCY WITH HILLSIDE PLANNED DEVELOPMENT DISTRICT ("Hillside Ordinance")

As stated above, no zoning district other than the HPD may be applied to either site. While the focus of this report is on general land use issues, it should be noted at this time that both plans are generally consistent with the intent and spirit of the Hillside Ordinance, although the site plans may conflict with some of the specifics of the ordinance. These conflicts would be worked out as part of the site plan review process. While specific design details are discussed in the preliminary HPD reports, it is clear that both projects will preserve the "significant ridges and hilltops" required by the ordinance. (A further evaluation of consistency is available in Appendix "H" of the EIR.)

PAST USE OF HILLSIDE DEVELOPMENT DISTRICT

As background information, the Commission should note that the Hillside Ordinance was previously applied to that portion of Seeno's Mira Vista Hills project just north of the Sierra Vista site. Although this portion has yet to be built, it does provide a context as to the applicability and implementation of the ordinance. Seeno's project, with conventional pad construction and 6000 square foot lots, was approved back in 1985. Given that the Seeno proposal was for a standard subdivision that would completely alter the topography, staff found that restricting development to below 350 feet would best implement the ordinance. That way the highly visible hills above 350 feet would remain relatively unchanged while the lower, less visible elevations could be substantially graded.

Some residents who live in the Mira Vista Hills area subsequently assumed that the 350 foot limit was an integral part of the Hillside Ordinance. Residents have commented on the 350 foot "limit" expressing reservations about the Sierra Vista proposal, where building sites will range from 430 to 760 feet. It should be stressed that given the limitations of the conventionally graded subdivision proposed by Seeno in 1985, the 350 foot limit was specifically created to preserve the prominent hillsides of that specific project. In the case of the Sierra Vista proposal, the use

of larger lots, limited grading and custom foundations would allow for development to occur above 350 feet and yet still retain the existing image of the "undeveloped" hillside. Where a "maximum" elevation for development was necessary to preserve the hill form at Mira Vista Hills, sensitive home placement and design standard will accomplish the same goal at Sierra Vista. The 350 feet elevation should thus be seen as the limit for areas of "raised sensitivity", not as an absolute upper limit for development.

RECOMMENDATION

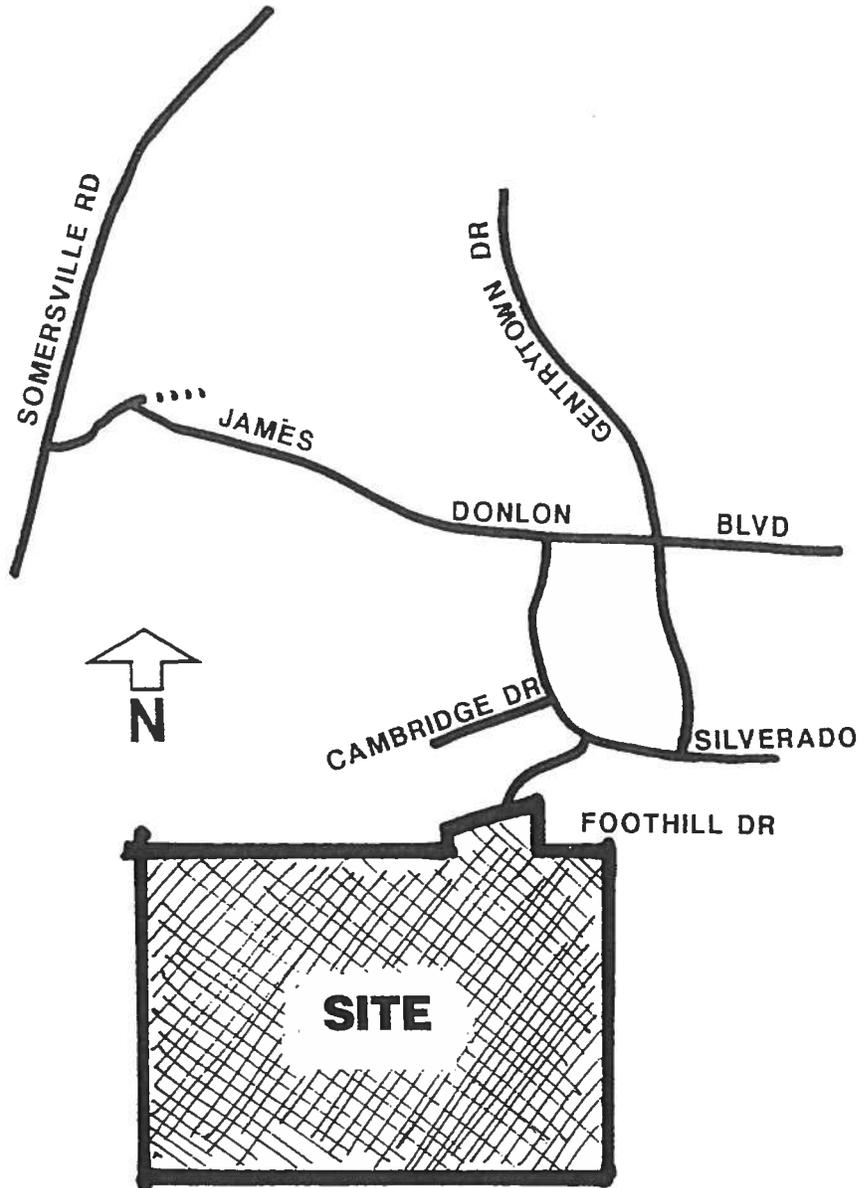
Staff recommends that the Planning Commission recommend to the City Council:

1. Certification of the Final Environmental Impact Report (EIR-89-5) for the Mira Vista Heights/Sierra Vista projects; and
2. a. Amend the General Plan designation from Open Space to Estate Residential for Sierra Vista (GP-89-3); and
b. Prezone to Hillside Planned Development (Z-90-2) the 160 acres known as Sierra Vista (Gravelle); and
3. a. Amend the General Plan designation from Open Space to Estate Residential for Mira Vista (GP-89-5); and
b. Prezone to Hillside Planned Development (Z-90-3) the 80 acres known as Mira Vista Heights (Seeno); and

CMS:sjs

Attachments

VICINITY MAP



EIR-89-5
GP-89-3
Z-90-2
GP-89-5
Z-90-3

ANTIOCH CITY PLANNING COMMISSION

RESOLUTION NO. 90-56

WHEREAS, SEENO CONSTRUCTION did initiate an amendment to the General Plan of the City of Antioch (GP-89-5).

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch, after reviewing the staff report and considering testimony offered, does hereby recommend to the City Council DENIAL of the amendment to the General Plan from Open Space to Estate residential for the property generally located south of Foothill Drive (MIRA VISTA HEIGHTS) in the Antioch foothills.

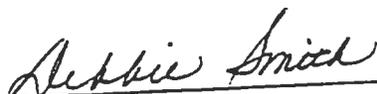
* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 19th day of September, 1990 by the following vote:

AYES: Commissioners Chism, Cosmos, Martin, Seelinger, Sloan, Vice Chairwoman Durkin and Chairman Hall.

NOES: None.

ABSENT: None.


DEBBIE SMITH
Secretary to the Planning Commission

ANTIOCH CITY PLANNING COMMISSION

RESOLUTION NO. 90-57

WHEREAS, SEENO CONSTRUCTION did initiate a request for an amendment to the Zoning Map of the City of Antioch (Z-90-3).

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch, after reviewing the staff report and considering testimony offered, does hereby recommend to the City Council DENIAL of the request to prezone to Hillside Planned Development District that property generally located south of Foothill Drive (MIRA VISTA HEIGHTS) in the Antioch foothills.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 19th day of September, 1990 by the following vote:

AYES: Commissioners Chism, Cosmos, Martin, Seelinger, Sloan, Vice Chairwoman Durkin and Chairman Hall.

NOES: None.

ABSENT: None.

Debbie Smith
DEBBIE SMITH
Secretary to the Planning Commission

PLANNING COMMISSION STAFF REPORT

FILE NO.: HPD-89-5

PREPARED BY: Corey Simon *CS*

DATE: August 29, 1990

APPROVED BY: Victor Carniglia *VC*

EXECUTIVE SUMMARY

APPLICANT:

SEENO CONSTRUCTION

OWNER:

SAME

REQUESTED ACTION:

Approval of Preliminary Hillside Development Plan

PURPOSE:

To develop a 38 single-family homes

LOCATION:

Generally located in the southwest foothills south of Foothill Drive

ASSESSOR'S PARCEL NO.:

075-041-012, 023 and 024

SIZE:

83 acres, more or less

ENVIRONMENTAL ASSESSMENT:

EIR (EIR-89-5)

GENERAL PLAN DESIGNATION:

Low/Medium Density Residential (three acres)

Open Space (80 acres)

EXISTING LAND USE:

Vacant

EXISTING ZONING:

R-1 (three acres)

Contra Costa County - Agriculture (80 acres)

SITE ISSUES:

1. Site Description
2. Site Context
3. Nature of Development
4. Mira Vista Creek
5. Oak Tree Preservation
6. Product Type
7. Storm Water Detention Basin
8. Open Space Dedications
9. Other Agency Review

RECOMMENDATION:

APPROVAL

#3 PC/FILE#/hpd89-5

8
9-5-90

REQUEST

The applicant, SEENO CONSTRUCTION, requests approval of preliminary hillside development plan to allow construction of up to 38 single-family estate homes on approximately 83 acres, generally located in the southwest foothills south of Foothill Drive (see vicinity map HPD-89-5).

ENVIRONMENTAL

An EIR has been prepared for this project (EIR-89-5). An overview of the EIR, along with the applicant's concurrent request for a General Plan amendment and rezoning, are discussed in the preceding report. Since that report addresses both this and the adjoining (Sierra Vista) proposal, comments regarding site planning issues were general in nature. It is the purpose of this report to concentrate on those specific site planning yet to be addressed in the EIR/General Plan/Prezone report.

BACKGROUND

The applicant initiated the review process in August of 1989. The EIR was initiated along with the neighboring Sierra Vista project in November. A planned development conference was held in January 1990.

Commission members should recall that the preliminary development plan is non-binding, and that the "conditions" proposed are intended to serve as direction from the Planning Commission to the applicant. The applicant then should work out these issues with staff prior to the Planning Commission's review of the final development plan.

ANALYSIS

Issue #1: Site Description

The 83 acre site is located at the southern end of the existing Foothill Drive. To better orient oneself to the site, one should refer to pages 1-13 through 1-15 of the EIR. The place names on page 1-14 should be noted as they will be referred to in the report.

The most significant features of the undeveloped site are Mira Vista Canyon and Mira Vista Creek. North of the "Lechuza" and "Deer" canyons the main "canyon" is flat and broad with the creek appearing channelized. North of those minor canyons, Mira Vista Creek and Canyon are in their natural state, with several oak trees at the canyon's base and north facing hills. These oak trees should be seen as a significant visual resource.

Issue #2: Site Context

The canyon is surrounded by undeveloped property on three sides. To the east are lands of East Bay Regional Parks District. To the west is the proposed Sierra Vista project which is being considered for review concurrently with this project. Given the distance between the proposed Sierra Vista units and the canyon floor the Sierra Vista project should have little impact on Mira Vista Heights. To the south is the former Garaventa dump site which now remains agricultural lands within the County.

The only context for residential development is to the north where Foothill Drive stubs out from the existing Mira Vista Hills subdivision. This subdivision was built by Seeno in the early 1980's with 6000 square foot minimum lots and conventional pad grading.

Issue #3: Nature of Development

A total of 38 homes are proposed on 10,000 square foot minimum lots. Production ("semi-custom") homes on either level or split pads would be built on the leveled canyon floor.

As a traditionally "mass graded" site the overall character of the site would be substantially changed. The most significant change would be the 40 feet and deep cuts into Conejo Ridge, and the use of the dirt to fill and level the floor of Mira Vista Canyon. An important related issue is the proposed culverting of Mira Vista Creek to create the level canyon floor (to be further discussed as a separate issue).

While the larger than standard lots and canyon setting would most likely be developed with an "up-scale" character, the overall image would be of a suburban street (please refer to the visual analysis on pages 5-20 through 5-29 of the EIR). It should be recalled that the General Plan policies on the conversion of open space areas to residential uses encourages that conversion only when land for such uses is no longer available within the City. Production homes on 8000 square foot to 10,000 minimum lots will be available in several southeast area products, including the recently approved Black Diamond Estates off Fredrickson Lane. Furthermore, the use of the "Estate Residential" General Plan district was envisioned for project that would create a rural image rather than the suburban on proposed. While staff acknowledges that there is some development potential in Mira Vista Canyon, it questions the use of standard suburban grading and construction practices on such a unique site.

It must be stressed that excepting the northern 2.7 acres which already has an R-1 zone, the site has no existing "rights" to development. There is no pre-existing number of units that the City

must allow the applicant to build. Assuming that the Commission feels it appropriate for development to take place in Mira Vista Canyon, the proposed site plan would need to be substantially redesigned to address existing City policies. As an aid to both the Commission and applicant, these issues are outlined in the following discussions.

Issue #4: Mira Vista Creek

As stated earlier, the placement of Mira Vista Creek in culvert would substantially change the character of the site. General Plan policies require that such natural amenities be incorporated into site development plans. Given the existing culvert at the Foothill Drive stub-out, and the substantially graded character of lower Mira Vista Creek, staff acknowledges that some modification to the existing creek is appropriate and possibly even desirable. But the applicant's plan is unacceptable in that by placing the entire creek in either a culvert or detention basin, its presence is completely negated.

One of many possible alternatives is discussed in the EIR. The "revised site plan alternative" shown on page 11-13 shows how the creek could be used to enhance the character of the project. The most critical improvement would be the use of a single loaded street with homes on one side and a reconstructed and re-vegetated stream bed on the other. An additional improvement is the deletion of lots south of Conejo Ridge (approximately lots 22 through 25). Here the stream could be preserved in its natural state, making an attractive entry to the open space beyond. Making the creek a visually prominent part of the project would largely replace the suburban character with a more desirable rural character.

A condition has been placed on the preliminary plan, requiring a more sensitive creek treatment.

Issue #5: Oak Tree Preservation

While the loss of some trees is inevitable if one is to allow development into the canyon, this loss should still be minimized. The areas of significant tree loss are shown on page 5-30 of the EIR. The deletion of lots 22 through 25, as recommended in the EIR's alternative design, would preserve many trees while removing few lots from consideration. Commission members should refer back to pages 1-14 and 1-15 of the EIR to see that the character of Mira Vista Canyon changes at Conejo Canyon, with the most sensitive area starting upstream from Conejo Canyon. While the Mira Vista Canyon is generally bare and flat north of Conejo, it is narrow and densely wooded south of that point.

Limiting development to those areas north of the "spur" cul-de-sac off of the Foothill Drive extension would preserve the most scenic part of Mira Vista Canyon, with its natural stream and many oaks (please refer again to the alternate plan on page 11-13 of the EIR).

Issue #6: Product Type

The applicant has made preliminary plans to utilize four standardized production "models" but to allow buyers to make minor modifications (thus the term "semi-custom"). As stated earlier, staff recommends that if this site is to be considered for development, it should be a development that offers a product otherwise unavailable in the City. While an approved site plan would work toward that goal by creating a unique neighborhood, additional variety should be required in the type of units offered. The use of custom homes, or the use of a wider variety of models with a wider variety of customizing options, is recommended. The applicant is required to provide detailed information about the proposed product type as part of the final HPD package.

Issue #7: Storm Water Detention Basin

A detention basin will be required to assure that this project does not worsen flooding conditions down-stream. Review and approval of the basin by Contra Costa Flood Control will be required as part of the final HPD review.

Issue #8: Open Space Dedications

The current plan shows all areas outside the proposed lots as "Parcel 'A'". This 69 acre parcel is envisioned to become public open space. As part of the final HPD process, the applicant shall refine which part of the 69 acre parcel shall be dedicated to East Bay Regional Parks District, which has expressed interest in the back portion. Furthermore, a plan for trails linking this space to the existing Contra Loma Park as well as the proposed Sierra Vista project will be required.

Issue #9: Other Agency Review

Comments from other agencies are attached.

RECOMMENDATION

Staff recommends that the Planning Commission give conceptual approval to the proposed Hillside Planned Development subject to consideration of the conditions contained within the attached resolution.

CS:sjs
Attachments

ANTIOCH CITY PLANNING COMMISSION

RESOLUTION NO. 90-58

WHEREAS, the City of Antioch Planning Commission did receive a request by SEENO CONSTRUCTION for preliminary hillside planned development approval (HPD-89-5).

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch, after reviewing the staff report and considering testimony offered, does hereby DENY the request for preliminary development plan approval to allow development of a 38 single-family estate home development on property generally located in the southwest foothills south of Foothill Drive (MIRA VISTA HEIGHTS).

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 19th day of September, 1990 by the following vote:

- AYES: Commissioners Chism, Cosmos, Martin, Seelinger, Sloan, Vice Chairwoman Durkin and Chairman Hall.
- NOES: None.
- ABSENT: None.

Debbie Smith
DEBBIE SMITH
Secretary to the Planning Commission

N-3-6

ANTIOCH PLANNING COMMISSION

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NEW PUBLIC HEARINGS

902-07--THE CITY OF ANTIOCH requests review and comment to a plan to remodel and renovate the Lynn House for a public art gallery and office space for the Civic Arts Commission on property located at 809 First Street.

RESOLUTION NO. 90-49

By staff report dated August 29, 1990 (prepared by Associate Planner Coon), Deputy Director Development Services Carniglia presented a brief informational review recommending that the Planning Commission recommend to the City Council approval of the Lynn House Renovation Plan.

Chairman Hall opened the public hearing. Hearing no comment, Chairman Hall closed the public hearing.

A motion was made by Commissioner Seelinger, seconded by Commissioner Chism and unanimously carried to RECOMMEND to the City Council approval of the Lynn House Renovation Plan.

GRAVELLE/SEENO request the following approvals for two residential developments (SIERRA VISTA and MIRA VISTA HEIGHTS) on property generally located south of Foothill Drive in the Antioch Foothills.

- a. EIR-89-5--Recommend certification of the final Environmental Impact Report as adequate for the proposed projects; and

RESOLUTION NO. 90-50

- b. GP-89-3/Z-90-2--to amend the General Plan Land Use Designation from Open Space to Estate Residential, and prezone to Hillside Planned Development District (HPD) for the Sierra Vista property generally located south of James Donlon Boulevard south of Mira Vista Hills #13; and

RESOLUTION NO. 90-51 (General Plan Amendment)
RESOLUTION NO. 90-52 (Zoning Map Amendment)

- c. GP-89-5/Z-90-3--to amend the General Plan Land Use Designation from Open Space to Estate Residential, and prezone to Hillside Planned Development District (HPD) for the Mira Vista Heights property generally located south of Foothill Drive.

HPD-89-3--GORDON GRAVELLE requests preliminary plan review for approximately 50 single-family residential estate lots (SIERRA VISTA) on property generally located south of James Donlon Boulevard, south of Mira Vista Hills #13.

RESOLUTION NO. 90-53

HPD-89-5--SEENO CONSTRUCTION requests preliminary plan review for approximately 40 single-family residential estate lots (MIRA VISTA HEIGHTS) on property generally located south of Foothill Drive in the Antioch Foothills.

Deputy Director Development Services Carniglia recommended that the Planning Commission address Agenda Item 6a, followed by Agenda Items 6b and 7, and finally Agenda Items 6c and 8. With the Commission in agreement to this order of business, Associate Planner Simon presented the staff report dated August 27, 1990 in portions applicable to this same order.

● Agenda Item 6a (EIR-89-5)

By staff report dated August 27, 1990, Associate Planner Simon recommended that the Planning Commission recommend to the City Council certification of the Final Environmental Impact Report for the Mira Vista Heights/Sierra Vista projects. He noted displayed renderings and informed the Commission that the EIR consultant was present to address any questions.

Chairman Hall opened the public hearing noting that Tom Lindenmeyer, representative for the East Bay Regional Park District (EBRPD), 11500 Skyline Blvd., Oakland, had requested time to speak.

Mr. Lindenmeyer presented comment related to responses pertaining to the matter of grazing. Referring to previously submitted written comment from the EBRPD, he reiterated that the adverse impacts of grazing upon wildlife as presented within the EIR are not documented and should, therefore, be deleted. In support of grazing, Mr. Lindenmeyer noted issues (i.e., altered nature of grasslands, preservation of remaining native vegetation and the need for fire hazard reduction) which a controlled grazing program would most cost effectively meet. Mr. Lindenmeyer cited examples of parks currently experiencing fire hazards and subsequently subject to the "labor and capital intensive" effort of maintaining fuel breaks. Referring to Section 2-2, Mr. Lindenmeyer stated that the EBRPD recommendation would be to delete Mitigation Measure Item 6.8.

ANTIOCH PLANNING COMMISSION

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In response to Chairman Hall, Deputy Director Development Services Carniglia affirmed that comments presented by Mr. Lindenmeyer would go forward to the City Council. Deputy City Attorney Chaumette clarified that the extent of this hearing would afford that the Commission receive any new comments relative to the response to comments currently on record. Chairman Hall requested that anyone addressing the Commission respectively focus their comments accordingly.

Tim Donahue, 2412 Cambridge Drive, Antioch, introduced himself as Chairman of the Sierra Club Delta Group, noting that he had only that same day received response to his written comments. In summary, Mr. Donahue presented comment to what he stated was an inadequate response regarding the issue/impact of the existing wetlands, the Garaventa Landfill site and geological hazards of grading relative to the Mira Vista Heights project. He requested that the Commission not recommend certification of the Final EIR pending a more adequate address of the noted issues.

As applicant for the Sierra Vista project, Gordon Gravelle, 2208 Cordoba Court, Antioch, noted representatives present to address questions from the Planning Commission relative to the Final EIR.

A motion was made by Commissioner Chism, seconded by Commissioner Sloan and unanimously carried to RECOMMEND to the City Council certification of the Final Environmental Impact Report for the Mira Vista Heights/Sierra Vista projects.

● Agenda Items 6b/7 (GP-89-3/Z-90-2 and HPD-89-3)

By staff report dated August 27, 1990, Assistant Planner Simon recommended that the Planning Commission recommend to the City Council amendment of the General Plan Land Use Designation from Open Space to Estate Residential for the Sierra Vista project, prezone to Hillside Planned Development and preliminary plan approval subject to the conditions contained within the proposed resolution. Referring to a packet addendum directed to the Commission, Assistant Planner Simon recommended the addition of a Project Specific Condition requiring that an additional visual study be provided. He also requested wording modification to the proposed resolution applicable to the amendment to the General Plan, wherein the word "contingent" be deleted from Paragraph 11.

In response to Chairman Hall and reference to memorandum dated September 5, 1990 from Deputy Director of Public Works Sexton, Assistant Planner Simon stated that the Planning Department was in agreement that private paved roads should be in excess of 20 feet in width.

N-4-3

ANTIOCH PLANNING COMMISSION

Regular Meeting
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NEW PUBLIC HEARINGS

902-07--THE CITY OF ANTIOCH requests review and comment to a plan to remodel and renovate the Lynn House for a public art gallery and office space for the Civic Arts Commission on property located at 809 First Street.

RESOLUTION NO. 90-49

By staff report dated August 29, 1990 (prepared by Associate Planner Coon), Deputy Director Development Services Carniglia presented a brief informational review recommending that the Planning Commission recommend to the City Council approval of the Lynn House Renovation Plan.

Chairman Hall opened the public hearing. Hearing no comment, Chairman Hall closed the public hearing.

A motion was made by Commissioner Seelinger, seconded by Commissioner Chism and unanimously carried to RECOMMEND to the City Council approval of the Lynn House Renovation Plan.

GRAVELLE/SEENO request the following approvals for two residential developments (SIERRA VISTA and MIRA VISTA HEIGHTS) on property generally located south of Foothill Drive in the Antioch Foothills.

- a. EIR-89-5--Recommend certification of the final Environmental Impact Report as adequate for the proposed projects; and

RESOLUTION NO. 90-50

- b. GP-89-3/Z-90-2--to amend the General Plan Land Use Designation from Open Space to Estate Residential, and prezone to Hillside Planned Development District (HPD) for the Sierra Vista property generally located south of James Donlon Boulevard south of Mira Vista Hills #13; and

RESOLUTION NO. 90-51 (General Plan Amendment)

RESOLUTION NO. 90-52 (Zoning Map Amendment)

- c. GP-89-5/Z-90-3--to amend the General Plan Land Use Designation from Open Space to Estate Residential, and prezone to Hillside Planned Development District (HPD) for the Mira Vista Heights property generally located south of Foothill Drive.

N-4-4

HPD-89-3--GORDON GRAVELLE requests preliminary plan review for approximately 50 single-family residential estate lots (SIERRA VISTA) on property generally located south of James Donlon Boulevard, south of Mira Vista Hills #13.

RESOLUTION NO. 90-53

HPD-89-5--SEENO CONSTRUCTION requests preliminary plan review for approximately 40 single-family residential estate lots (MIRA VISTA HEIGHTS) on property generally located south of Foothill Drive in the Antioch Foothills.

Deputy Director Development Services Carniglia recommended that the Planning Commission address Agenda Item 6a, followed by Agenda Items 6b and 7, and finally Agenda Items 6c and 8. With the Commission in agreement to this order of business, Associate Planner Simon presented the staff report dated August 27, 1990 in portions applicable to this same order.

● Agenda Item 6a (EIR-89-5)

By staff report dated August 27, 1990, Associate Planner Simon recommended that the Planning Commission recommend to the City Council certification of the Final Environmental Impact Report for the Mira Vista Heights/Sierra Vista projects. He noted displayed renderings and informed the Commission that the EIR consultant was present to address any questions.

Chairman Hall opened the public hearing noting that Tom Lindenmeyer, representative for the East Bay Regional Park District (EBRPD), 11500 Skyline Blvd., Oakland, had requested time to speak.

Mr. Lindenmeyer presented comment related to responses pertaining to the matter of grazing. Referring to previously submitted written comment from the EBRPD, he reiterated that the adverse impacts of grazing upon wildlife as presented within the EIR are not documented and should, therefore, be deleted. In support of grazing, Mr. Lindenmeyer noted issues (i.e., altered nature of grasslands, preservation of remaining native vegetation and the need for fire hazard reduction) which a controlled grazing program would most cost effectively meet. Mr. Lindenmeyer cited examples of parks currently experiencing fire hazards and subsequently subject to the "labor and capital intensive" effort of maintaining fuel breaks. Referring to Section 2-2, Mr. Lindenmeyer stated that the EBRPD recommendation would be to delete Mitigation Measure Item 6.8.

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In response to Chairman Hall, Deputy Director Development Services Carniglia affirmed that comments presented by Mr. Lindenmeyer would go forward to the City Council. Deputy City Attorney Chaumette clarified that the extent of this hearing would afford that the Commission receive any new comments relative to the response to comments currently on record. Chairman Hall requested that anyone addressing the Commission respectively focus their comments accordingly.

Tim Donahue, 2412 Cambridge Drive, Antioch, introduced himself as Chairman of the Sierra Club Delta Group, noting that he had only that same day received response to his written comments. In summary, Mr. Donahue presented comment to what he stated was an inadequate response regarding the issue/impact of the existing wetlands, the Garaventa Landfill site and geological hazards of grading relative to the Mira Vista Heights project. He requested that the Commission not recommend certification of the Final EIR pending a more adequate address of the noted issues.

As applicant for the Sierra Vista project, Gordon Gravelle, 2208 Cordoba Court, Antioch, noted representatives present to address questions from the Planning Commission relative to the Final EIR.

A motion was made by Commissioner Chism, seconded by Commissioner Sloan and unanimously carried to RECOMMEND to the City Council certification of the Final Environmental Impact Report for the Mira Vista Heights/Sierra Vista projects.

● Agenda Items 6b/7 (GP-89-3/Z-90-2 and HPD-89-3)

By staff report dated August 27, 1990, Assistant Planner Simon recommended that the Planning Commission recommend to the City Council amendment of the General Plan Land Use Designation from Open Space to Estate Residential for the Sierra Vista project, prezone to Hillside Planned Development and preliminary plan approval subject to the conditions contained within the proposed resolution. Referring to a packet addendum directed to the Commission, Assistant Planner Simon recommended the addition of a Project Specific Condition requiring that an additional visual study be provided. He also requested wording modification to the proposed resolution applicable to the amendment to the General Plan, wherein the word "contingent" be deleted from Paragraph 11.

In response to Chairman Hall and reference to memorandum dated September 5, 1990 from Deputy Director of Public Works Sexton, Assistant Planner Simon stated that the Planning Department was in agreement that private paved roads should be in excess of 20 feet in width.

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Mr. Gravelle voiced agreement to the modification to the proposed resolution applicable to the amendment to the General Plan, as presented by Assistant Planner Simon. He presented general project background information and described actions taken in response to concern relative to adequate noticing. Mr. Gravelle addressed displayed renderings, requested modification to Project Specific Condition 1 to afford the opportunity to further review the impacts of the subject units and to Project Specific Condition 3, to afford the opportunity to explore alternative mitigation.

Mr. Donahue commended Mr. Gravelle for his cooperation and willingness to work with the existing community. He stated that in consensus there was general acceptance of the proposed project as a development sensitive to hillside preservation. He voiced concern, however, regarding proposed units in the Red Rock Ridge area relative to proximity of the "North Landslide" area, stating he would endorse the alternative site plan reflected on Page 11-12 of the EIR.

Dale Manning, 132 Hillside Road, Antioch, voiced support of the project. He described the project as a welcomed "first" for the City of Antioch and one which would bring a new homeowner market to the city. Mr. Manning stated he also supported the "nail in the coffin" which the project would present in relationship to opposition of the Garaventa Landfill site.

Steve Reed, 2401 Alderwood Drive, Antioch, also voiced support of the project. He stated that he appreciated the developer's community cooperation regarding noticing and affording the opportunity to address concerns of the adjacent residents.

Susan Roberts, 2312 Foothill Drive, Antioch, presented comment regarding the Mira Vista Heights project. Ms. Roberts commended the overall project, but voiced concerns relative to traffic and drainage matters. She suggested the need for a stop sign at the corner of Grimsby and Foothill Drives.

In rebuttal, Mr. Gravelle stated he opposed the restriction of a minimum 28 foot street width based upon the flexibility afforded under the Hillside Ordinance and the desire to limit grading. He reiterated his position relative to the North Landslide and the stabilizing effect which the proposed road will afford. Mr. Gravelle stated that he would support further study of the proposed Sunrise Hill area noting, however, the requirement to provide an all-weather paved road for maintenance access to a required water tank.

Hearing no further comment, Chairman Hall closed the floor to public comment.

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Deputy Director Development Services Carniglia stated that staff was in agreement to further review and study of Project Specific Conditions 1 and 3, and to modification of these respective conditions as suggested by the applicant.

Associate Civil Engineer Brandt stated that the Hillside Ordinance allows for 20 foot minimum street width for developments serving a maximum of 15 parcels. He noted that the proposed development would exceed this maximum and, therefore, was not applicable to the Hillside Ordinance. Referring to Page 4-9 of the EIR, Associate Civil Engineer Brandt noted parking and street design would be significantly impacted by a 20 foot street width. He affirmed the position of the Engineering Department in support of a 28 foot street width.

A motion was made by Commissioner Chism, seconded by Commissioner Sloan and unanimously carried to RECOMMEND to the City Council amendment of the General Plan Land Use Designation from Open Space to Estate Residential for the Sierra Vista project, prezone to Hillside Planned Development and preliminary plan approval subject to the conditions contained within the proposed resolution, including the following modifications:

Resolution Wording

That the resolution applicable to the amendment to the General Plan be modified wherein the word "contingent" be deleted from Paragraph 11.

Project Specific Condition (Existing)

1. Lots 19, 23, 31, 32 and 34 are particularly sensitive visually. These lots may possibly be deleted or relocated pending further visual analysis.
3. That additional visual simulations be provided along with the final Hillside Development Plan. These simulations shall:
 - a. Provide an entire refined visual analysis of the project, with special attention to Lots 19, 23, 31, 3 and 34; and
 - b. Show the effect of building materials and building mass on visual impacts.

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● Agenda Items 6c/8 (GP-89-5/Z-90-3 and HPD-89-5)

In compliance to not affording public hearing after 10:30 p.m., Chairman Hall suggested that a continuance of business was in order. In response to Chairman Hall, representative for Seeno Construction indicated such action was acceptable.

A motion was made by Commissioner Seelinger, seconded by Commissioner Sloan and unanimously carried to **CONTINUE** Agenda Items 6c and 8 to the September 19, 1990 meeting of the Planning Commission.

CONTINUED ITEM

RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION to find the five-year Capital Improvement Program consistent with the Antioch General Plan.

RESOLUTION NO. 90-54

By staff report dated August 9, 1990, Deputy Director Development Services Carniglia recommended that the Planning Commission find the five year Capital Improvement Program consistent with the Antioch General Plan. Deputy Director Carniglia responded to general inquiry from the Commission.

A motion was made by Commissioner Seelinger, seconded by Commissioner Cosmos and unanimously carried to **APPROVE** finding the five year Capital Improvement Program consistent with the Antioch General Plan.

NEW ITEM

UP-89-45--REVIEW of a previously approved use permit for retail firewood sales, an office trailer and additional RV storage on property located at 916 and 924 Fitzuren Road.

By staff report dated August 29, 1990, Deputy Director Development Services Carniglia recommended that the Planning Commission initiate revocation proceedings on the existing use permit, with a hearing scheduled for October 3, 1990 to afford necessary public notice.

In response to the Commission, Deputy Director Development Services Carniglia presented an updated report relative to activities pending completion as of 5:30 p.m. that same day.

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A motion was made by Commissioner Seelinger, seconded by Commission Sloan and unanimously carried to **APPROVE** the Consent Calendar as submitted, excluding Agenda Item 1 (approval of minutes).

Agenda Item 1 - Referring to Resolution No. 90-46, Page 2, Project Specific Condition 10, Commissioner Martin noted that wording of the second sentence was incomplete. He requested that staff review and correct this item accordingly. Subsequently, a motion was made by Commissioner Martin, seconded by Commissioner Seelinger and unanimously carried to **APPROVE** Agenda Item 1, including wording correction to Resolution No. 90-46, Page 2, Project Specific Condition 10 as verified by Staff to be correct.

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

CONTINUED PUBLIC HEARINGS

SEENO CONSTRUCTION requests the following approvals for a residential development (MIRA VISTA HEIGHTS) on property generally located south of Foothill Drive in the Antioch foothills.

- a. GP-89-5/Z-90-3--To amend the General Plan Land Use Designation from Open Space to Estate Residential, and prezone to Hillside Planned Development District (HPD) for the Mira Vista Heights property generally located south of Foothill Drive; and

RESOLUTION NO. 90-56
RESOLUTION NO. 90-57

- b. HPD-89-5--preliminary plan approval for approximately 40 single-family residential estate lots (MIRA VISTA HEIGHTS) on property generally located south of Foothill Drive in the Antioch Foothills.

RESOLUTION NO. 90-58

Assistant Planner Simon presented the staff report dated September 12, 1990 noting that as an option the Commission might wish to consider deferring action on this matter pending review of a revised site plan.

In response to Chairman Hall, Deputy Director of Public Works Sexton reaffirmed his position as presented in his September 5, 1990 memorandum relative to the Mira Vista Creek and reducing street width.

For the record, Chairman Hall noted a letter received from Vicki Anderson.

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Chairman Hall opened the public hearing, asking if anyone wished to speak.

Georgia Olvera introduced herself as representative for A. D. Seeno Construction Co. She addressed displayed plans noting respective modifications and introduced Project Engineer Dave Isaacson.

Describing the proposed project as an extension of an existing 50 foot right-of-way and a 36 foot wide street, Mr. Isaacson described the project as an "infill" property rather than a "hillside" development. He addressed concerns relative to street width, the Mira Vista Creek and the visual impact created by the proposed detention basin.

In response to inquiry from Commissioner Chism, Ms. Olvera noted on displayed drawings that an entire cul-de-sac had been removed to address concerns relative to tree damage/removal.

Tim Donahue, 2412 Cambridge Drive, Antioch, introduced himself as Chairman of the Delta Group of the Sierra Club and prefaced his comments by noting an inaccuracy in The Daily Ledger which reflected that the subject hearing had previously been held. Mr. Donahue described the proposed project as "abominable", citing a lack of environmental sensitivity to the proposed site and disregard of the existing residents. Mr. Donahue stated that on the wetlands issue alone this project should be denied. He read aloud portions of the Hillside Ordinance stating that the proposed project was not applicable to the definition of a hillside development. He voiced opposition to the "massive visual" impact, questioned the reference to "custom/semi-custom" in relationship to the subject project, inquired as to the lack of information presented regarding unit square footage and voiced concern relative to poor soil conditions/instability.

Mary Larson, 2337 Foothill Drive, Antioch, voiced opposition to the proposed project. She voiced concern regarding the "view" impact (particularly of a two-story unit to the rear of her home), stating that during the purchase of her home she was repeatedly assured that her view would remain unrestricted. She stated that she questioned the definition of "custom" being applied to the proposed units.

Hoshang Kurlawalla, 2409 Kenningston Court, Antioch, stated he supported the concerns and opposition presented by both Mr. Donahue and Ms. Larson, suggesting that Ms. Larson might have grounds for legal recourse. Mr. Kurlawalla described existing conditions in support of concerns relative to poor soil, urging the Planning Commission to physically inspect the subject site. He stated that he supported the elimination of houses on one side of the street, with respect to adequate fire and police access.

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Opposition was also voiced by residents of 2408 and 2405 Kenningston Court, Antioch. In support of previous testimony, both residents stated they too had been informed on numerous occasions that their respective "view" lots would not be restricted, that the subject area was open space to be designated as park land, with perhaps the exception of a small cul-de-sac at the end of Foothill Drive. One of the residents also stated that based upon the presentation made on behalf of A. D. Seeno Construction Co., he could not support the units proposed as unique or "custom".

In rebuttal, Ms. Olvera took exception to opposition on the basis of "view", stating that the project was only visible from the end of Foothill Drive. In response to concern voiced by Mary Larson (2337 Foothill Drive), Ms. Olvera agreed that construction of a two-story unit to the rear of her home would present a view impact, consequently, the decision to restrict this lot to a single story unit. She noted that the project would afford public access to 70 acres of open space and stated that lot sizes would range from approximately 22,000 to 32,000 square feet.

Subsequent to comment presented by Commissioner Cosmos in question to this project being referred to as an "infill" development, Deputy City Attorney Chaumette stated that she was not prepared to cite documentation. However, based upon her understanding of the matter she was in agreement with the definition of infill as previously presented by Commissioner Cosmos, whereby she could not support the subject project as an infill development.

In response to Commissioner Cosmos stating that he preferred a true custom home in this area or that the same remain open space, both Ms. Olvera and Mr. Isaacson presented reasoning for supporting their respective unit product as custom (i.e., the options of varied elevations and variations in room sizes).

In consensus the Commission supported the suggestion that the applicant continue to work with staff in addressing unresolved concerns. Although there was comment presented in support of the concept of affording "semi-custom" construction/options, the general desire was that something more would be preferred for this particular area. It was also suggested that the applicant work with residents in an attempt to address concerns. Chairman Hall suggested to staff that a video of the area would be helpful to the Commission.

Mr. Isaacson stated that he was not opposed to working with existing residents adding, however, that site constraints did not afford many variables to address.

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In response to Commissioner Chism, Deputy Director of Development Services Carniglia stated that a continuance to October 17, 1990 would afford sufficient time to work with the applicant.

A motion was made by Commissioner Chism to CONTINUE the hearing of this item to the October 17, 1990 meeting of the Planning Commission, this motion was withdrawn consequent to the applicant's representation indicating a continuance was not acceptable.

Subsequently, a motion was made by Commissioner Chism, seconded by Commissioner Cosmos and unanimously carried to RECOMMEND denial to the City Council of the amendment to the General Plan Land Use Designation, prezone to Hillside Planned Development District and the preliminary plan.

UP-90-38/A/V--ANGELICA HEALTHCARE requests use permit approval to allow an addition to their plant facilities, and a variance to Section 9-5.709(h) of the Antioch Municipal Code to allow less than the required amount of parking for an industrial use, on property located at 1409 Fourth Street. (NEGATIVE DECLARATION) (CONTINUE TO OCTOBER 17, 1990)

FOR THE RECORD: Reference is made to staff report dated September 12, 1990.

Chairman Hall noted staff's request for continuance of this item to the October 17, 1990 meeting of the Planning Commission and inquired as to whether the applicant had complied with all previous conditions of the use permit. Deputy Director Development Services Carniglia presented a brief activity update and affirmed that the applicant was in compliance pending the resolution of matters relative to the County Flood Control District. Chairman Hall suggested that staff research the adequacy of employee parking conditions relative to existing fencing.

A motion was made by Commissioner Seelinger, seconded by Commissioner Sloan and unanimously carried to CONTINUE the hearing of this item to the October 17, 1990 meeting of the Planning Commission.

MC-90-3--THE CITY OF ANTIOCH requests amendment to the Antioch Municipal Code modifying Section 9-5.1115(a) dealing with the Sign Ordinance concerning on-site and off-site subdivision directional and marketing signs.

RESOLUTION NO. 90-59

By staff report dated September 7, 1990, Senior Planner Hendrycks recommended that the Planning Commission approve the proposed resolution recommending approval of the proposed ordinance. N-5-4

STAFF REPORT TO THE CITY COUNCIL

FOR CONSIDERATION AT COUNCIL MEETING OF NOVEMBER 13, 1990

Prepared By: Corey Simon, Associate Planner

Approved By: Raymond Vignola, Assistant City Manager/Director

Date: November 6, 1990

Subject: ALBERT D. SEENO CONSTRUCTION COMPANY REQUEST TO AMEND THE GENERAL PLAN FROM OPEN SPACE TO ESTATE RESIDENTIAL AND TO PREZONE TO HILLSIDE PLANNED DEVELOPMENT DISTRICT ON PROPERTY LOCATED SOUTH OF FOOTHILL DRIVE (MIRA VISTA)
(FILES: GP-89-5 AND Z-90-3)

RECOMMENDATION

Given the number of unresolved issues, staff recommends that the City Council provide direction to the applicant and direct the applicant to prepare a revised plan based on the direction received, and refer such a plan back to the Planning Commission for their review.

BACKGROUND AND ENVIRONMENTAL

The applicant, Seeno Construction, initiated proposals for development of the Mira Vista Heights site in August, 1989. Seeno's request followed the request of the adjacent property owner, Gordon Gravelle, who began the development review process for the Sierra Vista site in June of 1989. Given the sensitive hillside setting, staff found that an environmental impact report was warranted. To facilitate environmental study and comply with legal precedents, the adjoining Mira Vista Heights and Sierra Vista projects were analyzed in the same EIR. This EIR was certified by the City Council September 11, 1990. Copies of the EIR summary are attached for reference. The General Plan Amendment and rezoning for the Sierra Vista project was also approved by Council at the September meeting.

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The Planning Commission at the September 19, 1990 hearing voted 7-0 to recommend that the City Council deny the general plan amendment and rezoning for the Mira Vista Heights development. The Preliminary Hillside Development Plan was also unanimously denied by the Planning Commission.

Although the preliminary plan is not to be formally voted on by the Council, it is referenced in the following discussion so the Planning Commission concern's can be fully explained. Also note that the Planning Commission report and minutes are attached for reference.

FINDINGS

As with the adjacent Sierra Vista project, the Mira Vista Heights shares the significant aspect of introducing residential development into an area that has previously been designated open space. But unlike the approved Sierra Vista proposal, which offered a custom estate community that will be unique to Antioch, the applicant offers a design closer to that of a conventional subdivision. The current proposal contains 34 single family lots with 10,000 square foot minimum lot sizes and 80 foot minimum frontages. Approximately 71 out of the 83 acre site would remain open space.

While specific site design issues are outlined below, it was the consensus of the Planning Commission that action on the General Plan Amendment and rezone should not take place until the applicant returns with a site plan that offers something unique to the community.

Issue #1: Nature of Development

As stated earlier, a total of 34 homes are proposed on 10,000 square foot minimum lots. Production ("semi-custom") homes on either level or split pads would be built on the leveled canyon floor. It should be recalled that the General Plan policies on the conversion of open space areas to residential uses encourages that conversion only when land for such uses is no longer available within the City. Production homes on 8,000 square foot to 10,000 minimum lots will be available in several southeast area products. Furthermore, the use of the "Estate Residential" General Plan district was envisioned for project that would create a rural image rather than the suburban one proposed. While staff acknowledges that there is some development potential in Mira Vista Canyon, it questions the use of standard construction practices on such a unique site.

A more desirable approach would be the use of lots with minimum 100 foot frontages. The wider lots would allow for "swing" and/or "circular" drives and provide a streetscape that would be significantly different from a conventional subdivision with 60 to 80 foot frontages. These wider lots will allow for more of a "rambling ranch" style, which is more in keeping with the rural image desired. It should be noted that the use of single story ranch homes will be highly appropriate in the canyon setting where the use of too many two-story homes could unattractively block light and views.

The "rural" or "estate residential" image could be further enhanced by the use of a traditional planting strip between the curb and street. This strip would be placed on both sides of the street and allow for the establishment of a continuous tree canopy. A significant entry statement on Foothill Drive would provide additional identity. The use of decorative paving and a small median (such as was recently done at the Bear Ridge development on Hillcrest Avenue) are suggested.

Issue #2: Mira Vista Creek

General Plan policies require that natural amenities such as the creek be incorporated into site development plans. Although the applicant has made progress from earlier plans, additional design refinement of the retention basin is required. The use of multiple smaller basins could help to minimize their visual impact and preserve the image of a natural stream. It should be noted that the adjacent property owner (Gordon Gravelle of Sierra Vista) has agreed to work with the applicant to accommodate an "upstream" basin. Final designs will require the coordinated effort of the Public Works Department, Flood Control and the applicant's landscape architect.

Issue #3: Product Type

The applicant has yet to provide detailed information about his proposed product type. Since a production "semi-custom" product is proposed, the applicant should provide sufficient information to both Planning Commission and Staff showing how the product would vary from the standard production homes available throughout Southeast Antioch. A distinctive architectural theme is to be considered. The architecture should take full advantage of the 100' wide lots proposed by Staff, stressing the semi-rural ("rambling ranch") image. As noted earlier, the use of side, single-story homes will highlight the canyon's unique setting by preserving views. A wide variety of models along with a detailed program of customizing options, should also be reviewed by the Planning Commission.

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Issue #4: Neighborhood Participation

It should be noted that several residents from the existing Mira Vista Hills neighborhood spoke against the project at the Planning Commission hearing. Most significant of their concerns was that the applicant failed to meet with residents who adjoin the project. The issues of grading impacts and loss of views were raised. The applicant has indicated plans to meet with the residents prior to the Council meeting.

CS/ds
Attachments

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- 3. ALBERT D. SEENO CONSTRUCTION COMPANY REQUEST TO AMEND THE #202-04;05
GENERAL PLAN FROM OPEN SPACE TO ESTATE RESIDENTIAL AND TO
PREZONE TO HILLSIDE PLANNED DEVELOPMENT DISTRICT (MIRA VISTA)
LOCATED SOUTH OF FOOTHILL DRIVE (FILES: GP-89-5; Z-90-3)
(Continued from 9/11 & 10/9/90)

By staff report of November 6, 1990, Assistant City Manager, Director of Development Services Vignola reviewed the request noting the Planning Commission recommended denial of the general plan and zoning amendments; that staff recommends Estate Residential with a cap of 34 homes with the majority of the area remaining open space to East Bay Parks. Mr. Vignola also noted that the Planning Commission had only a brief review of the site plan displayed at this meeting. Following discussion, Mayor Keller opened the public hearing calling for proponents. Minis Patterson, representative of A.D. Seeno Company, expressed his support of the staffs recommendation of a cap of 34 lots; to meet with area residents; that approximately 75% of the property will be dedicated to permanent open space.

Mayor Keller called for opponents. Mary Larson, 2337 Foothill Drive, expressed her displeasure of the project, that she was told by the developers the canyon behind her would never be developed; that there are concerns about the loss of view, drainage problems, and removal of trees.

Tim Donahue, 2412 Cambridge, Chairman of Sierra Club, and a resident of subject area, questioned what is appropriate in canyon area; that he was also told the property belonged to the Park District; that he has concern to the entire area being approved for low density housing; the grading that will be needed and the destruction of the creek bed in this wetland area. Mr. Donahue reiterated the need for the residents to meet with the developer.

Hoshang Kurlawalla, 2409 Kensington Court, noted he disapproved of the development and wished the area to be preserved. In response to question by Fred Larson, 2337 Foothill Drive, staff reviewed the general plan amendment process. Mr. Larson expressed his disapproval of the project. In rebuttal, Minis Patterson, A.D. Seeno representative, noted they were under the impression that Mr. Donahue was designated speaker for the residents. Council Member Price expressed her displeasure of the misrepresentation of the developer to the buyer. Hearing no further comments, Mayor Keller closed the public hearing.

Council Member Rocha opposed the amendments because of hillside issues and the creek bed. Discussion ensued regarding the development of the property, most of which will be in permanent open space; that the Hillside Ordinance will be applied to the project; that the front 50% of the property be developed only; that annexation will be pursued following tentative map approval.

RESOLUTION NO. 90/314

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Council Member Freitas motion to adopt the resolution approving from open space to estate residential with no less than 50% of the area committed to open space, to prezone to HPD located south of Foothill Drive with a cap of no more than 34 units and a requirement of meeting with the property owners, was seconded by Council Member Stone and approved by the following vote:

AYES: Price, Freitas, Stone, Keller

NOES: Rocha

Mayor Keller called for a recess.

Upon reconvening at 9:23 p.m., City Clerk Rundall called the roll:

PRESENT: Council/Agency Members Price, Freitas, Stone, Rocha and Mayor/Agency
Chairman Keller

4. AMENDMENT TO THE ANTIOCH GENERAL PLAN TO ADD AN ELEMENT #202-04
REGARDING HAZARDOUS MATERIALS MANAGEMENT (FILE: GP-90-4)

By staff report of November 7, 1990, Assistant City Manager/Director of Development Services Vignola and Associate Planner Ron Bendorff, reviewed Bill AB 2498 and Senate Bill 477 regarding the Hazardous Waste Management Plan; that the City has chosen to integrate the County's plan with changes to fit the City's needs. Council commended Mr. Bendorff on his efforts. He noted the zoning ordinance amendment to add a Hazardous Materials section will be before Council in early 1991.

Council discussed the need for education for the community; that Pleasant Hill Bay Shore is working on this along with the Solid Waste Subcommittee.

Mayor Keller opened the public hearing calling for comments; hearing none, the public hearing was closed.

Council Member Rocha's motion to find the negative declaration adequate was seconded by Council Member Price and unanimously approved.

RESOLUTION NO. 90/315

Council Member Rocha's motion to adopt the resolution was seconded by Council Member Price and unanimously approved. Council noted the City has been commended on being ahead of other Cities on projects such as these.

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PLANNING COMMISSION STAFF REPORT

FILE NO: HPD-89-5.1/P.W. 365-17

PREPARED BY: Corey Simon

DATE: April 29, 1992

APPROVED BY: Victor Carniglia

#6a
5-6-92

EXECUTIVE SUMMARY

APPLICANT: A. D. SEENO CONSTRUCTION COMPANY

OWNER: SAME

REQUESTED ACTION: Approval of Final Hillside Development Plan (HPD) and Vesting Tentative Map

PURPOSE: To develop 34 single-family homes

LOCATION: Generally located in the southwest foothills south of Foothill Drive

ASSESSOR'S PARCEL NO.: 075-041-012, 023 and 024

SIZE: 83 acres, more or less

ENVIRONMENTAL ASSESSMENT: EIR (EIR-89-5)

GENERAL PLAN DESIGNATION: Low/Medium Density Residential (three acres)
Estate Residential (80 acres)

EXISTING LAND USE: Vacant

EXISTING ZONING: R-1 (three acres)
Prezoned HPD (80 acres)

SITE ISSUES:

1. Site Description
2. Site Context
3. Character of Development
4. Mira Vista Creek and Canyon
5. Grading and Lot Sizes
6. Product Type
7. Public Open Space
8. Creation of Neighborhood Identity
9. Other Agency Review

RECOMMENDATION: APPROVAL

N-8-1

REQUEST

The applicant, GEORGIA OLVERA/SEENO CONSTRUCTION, requests approval of a Final Hillside Development Plan and Vesting Tentative Map to allow construction of up to 34 single family homes on approximately 83 acres, generally located in the southwest foothills, south of Foothill Drive. (HPD-89-5.1/PW-365-17 - please refer to attached vicinity and site context maps.)

BACKGROUND AND ENVIRONMENTAL

The applicant initiated the preliminary plan review process with staff in August of 1989. Staff determined that an EIR was warranted, and one was prepared in conjunction with the neighboring Sierra Vista Project. The EIR was certified for both projects by the City Council in September 1990.

Also, in September of 1990, the Planning Commission reviewed the applicant's request to recommend to the City Council, approval of a General Plan amendment from "open space" to "estate residential". The Commission concurrently reviewed a preliminary development plan for 38 units. At a public hearing in which many of the nearby residents expressed their opposition to the project, the Commission denied the preliminary plan and recommended denial of the General Plan amendment. The Commission found that the proposal was inconsistent with the development policies of the General Plan and the Hillside Ordinance, which both require that this development be sensitive to the creek and hillsides contained within the project area.

In November of 1990, the City Council reviewed a modified plan from the one presented to the Commission and approved the General Plan amendment and initiated annexation proceedings. The Council took no action on the specific details of the preliminary plan, but directed the applicant to work with the concerned neighbors to resolve differences. Furthermore, it was understood that additional project refinement was to be required and further review by the Planning Commission would occur at the time of the Final Development Plan application.

The property was annexed into the City in May of 1991, and the application for Final Development Plan/Tentative map approval was received in September 1991. Staff has meet several times with the applicant (with varied levels of success) in order to resolve the issues left unaddressed by the preliminary plan review process.

The resolutions, minutes and staff report for the preliminary plan are attached for reference.

ANALYSIS

Issue #1: Site Description

The 83 acre site is located at the southern end of Foothill Drive in the existing "Mira Vista Hills" neighborhood. The site is quite rugged, with elevations ranging from 200 feet to 650 feet. The most significant features of the site are "Mira Vista Canyon" and the seasonal stream that the EIR labeled "Mira Vista Creek." Both the canyon and creek run from north to

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south, bisecting the rectilinear site. The northern part of the canyon, to be referred to as "Lower Mira Vista Canyon" for reference, is relatively flat and broad with the creek appearing channelized. The "Middle" and "Upper" canyons (at the higher elevations to the south) are in their natural state, with several oak trees at the canyon's base and north facing hills. These oak trees were identified by the EIR as a significant visual resource and are to be preserved.

Issue #2: Site Context

The canyon is surrounded by undeveloped property on three sides. To the east are lands of East Bay Regional Parks District. To the west is the proposed Sierra Vista project which was approved by the City Council in April, 1992. Given the distance between the proposed Sierra Vista units and the canyon floor the Sierra Vista project should have little impact on Mira Vista Heights. To the south is the former Garaventa dump site which now remains agricultural lands within the County.

The only context for residential development is to the north where Foothill Drive stubs out from the existing Mira Vista Hills subdivision. This subdivision was built by Seeno in the early 1980's with 6000 square foot minimum lots and conventional pad grading.

Issue #3: Character of Development

A total of 34 homes are proposed on 10,000 square foot minimum lots. Production ("tract") homes on either level or split pads are proposed for the "lower" canyon floor. Traditional "mass grading" is proposed for approximately 15 percent of the site. The remainder would remain in a natural state. Only 12 out of the 83 acres are proposed for residential use, the remaining 71 acres are to become public open space.

The applicant has referred to the proposal as "semi-custom", as the production homes will be "built to suit" once a lot has been selected by the buyer. The applicant has frequently stated their intent to offer "wide variety" of interior and exterior customizing options. While the applicant has prepared a packet illustrating an attractive "upscale" character, the overall visual image would be that of the typical suburban street found in Southeast Antioch. Production homes on 8000 square foot to 10,000 minimum lots will be available in several Southeast Area products, including the recently approved Black Diamond Estates off Fredrickson Lane. Furthermore, the use of the "Estate Residential" General Plan district was envisioned for projects that would create more of a rural image rather than the suburban one proposed. While the City Council has granted that there is development potential in Mira Vista Canyon, staff has continually questioned the use of standard suburban grading and construction practices on such a unique site.

Staff has conditioned several refinements to the applicant's proposed grading scheme, creek treatment, and "production/build to suit" concept. By preserving and highlighting the oak trees, hillside and creek setting, the project has the potential to conform to the development standards of the "estate residential" designation. The necessary modifications to the grading plan and product line are outlined in the following discussions.

Issue #4: Mira Vista Creek and Canyon

As stated earlier, the creek and canyon are the most significant environmental features of the site. The site plan as currently proposed, further modified by the conditions provided by staff, will mitigate the adverse impacts that would have occurred from the preliminary plan. Most important is the preservation of the "Central" creek and canyon adjacent to and to the south of lot 22. This area was identified in the EIR as an "open riparian woodland", containing many mature Blue Oak and California Buckeye trees. Staff has consistently required that this area be preserved in as close to its natural state as possible.

A- RELOCATING OF DETENTION BASIN TO PRESERVE OAK TREES

Changes conditioned by staff included the elimination of the "berm" shown on the "Central" canyon, and the grading shown at the "Upper" canyon. Hydrologic studies recently done by the applicant's engineer indicated that the amount of water to be detained will be smaller (and of a shorter duration) than previously anticipated. The need for a "detention basin" for the 100 year storm will be less frequent than was earlier assumed, as the downstream facilities are generally adequate to handle the existing flows. The "basin" will now most likely function as a sort of "emergency overflow", with only occasional inundation. Typically, short period of inundation (lasting less than a few hours) will have little negative impacts existing oaks. Furthermore, the applicant has proposed eliminating the berm in the "Central" canyon and using the raised elevation of Mira Vista Court (as it crosses the natural channel between lots 22 and 23) as the "berm". Graphics illustrating this configuration of the detention basin will be available at time of hearing. The proposed reduction in basin size and shorter period of inundation will both mitigate the EIR's concern over oak loss in the "Central" canyon.

B- ELIMINATION OF "BORROW AREA" TO PRESERVE OAK TREES

Staff has an additional concern over the grading of the "Upper" canyon at the southern most portion of the property. This grading was originally proposed by the applicant not only to create the larger detention basin (which appears to be no longer necessary), but as a source of fill material ("borrow area") for the raising of the "Lower" canyon at the north side of the site. As the EIR noted, the "Lower" canyon (lots 1 through 14 and 23 through 34) has been previously graded and no significant trees are present. The "creek" here is of a lesser environmental value, and the placement of the creek in a culvert is appropriate. Furthermore, the placement of fill in this portion of the canyon is acceptable, so long as the source of fill does not itself adversely impact the more sensitive creek and canyon settings. However, the use of the "Upper" Canyon as a borrow site is unacceptable, as at least three oak trees will be destroyed by the cut itself. In addition, an unknown number of trees would be destroyed by the haul road as it passes through the more sensitive "Middle" canyon. Such grading is in conflict with the goals of the Hillside Ordinance. Staff had conditioned that the grading of the "Middle and "Upper" canyon be

limited to only that which is necessary for flood control purposes. The applicant will need to propose a more appropriate source of fill material at the time of use permit application.

By implementing the design modifications outlined above, the project will comply with the mitigation measures required by the EIR and the intent of the Hillside Ordinance.

As a final note regarding the creek, it must be stressed that no grading of the "creek" area will occur until all flood control needs are adequately addressed as determined by the City Engineer, and all necessary permits from all appropriate State (Fish and Game) and Federal (Corps of Engineers) agencies are obtained by the applicant.

Issue #5: Grading and Lot Sizes

In addition to the concerns raised over the "Central" and "Upper" canyons, staff has several concerns regarding the specific grading scheme and configuration of the lots themselves.

The applicant has proposed a "standard" lot size of 80' wide by 125 deep, with a minimum of 10,000 sq. ft. While the larger than typical 6000 sq ft lot sizes do not themselves create an "estate residential neighborhood", the size as proposed is a reasonable factor in creating the "upscale" neighborhood intended.

Unfortunately, the level pad areas of several of the lots (such as 6,7,8,20,21, and 25 through 30) is less than 100' deep. As an example, the level pad area of lot 7 is only 80' deep. Furthermore, the actually "buildable width" of the irregularly shaped lots (13 through 20) is far less than the 65'-70' implied by the typical rectilinear lots of the project. As an added example, the lot width at the 20' front yard setback of lots 18, 19 and 20, is less than 60'. So while the lot depths and sizes as shown on paper exceed those typically used throughout the Southeast area, the useable area of many of the lots is actually less. This reduction in usable lot size is unacceptable for a project that was annexed into the City for the purposed of providing "estate residential" housing.

A - REDESIGNING FOR ADEQUATE LOT DEPTH AND VIEW PRESERVATION

Staff has proposed several conditions to assure that both overall project and the individual building sites reflect the goals of the "estate residential" designation. It is conditioned that lots 6 through 9 be deleted, and that the street be slightly shifted to the east. This will allow for lots of acceptable depth on the opposite side of the street, and preserve some of the existing views of the hillside from Foothill Drive. (Please refer to Attachment "A") The Commission should note that this configuration is similar to one proposed by the applicant as an earlier rendition of the preliminary plan. The plan at the time called for a "reconstructed" stream adjacent to the street. While staff no longer finds the reconstructed stream necessary for project mitigation, the "opening up" of the hillside to the project itself is key goal of the "Hillside Ordinance" intent. Furthermore, such an

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opening will partially reduce the negative visual impact that would be experienced by the existing residences, as views now enjoyed would be preserved (please refer to Attachment "B").

B- RESIGNING FOR CONSISTENT SIZES AND USES OF LOTS

Staff is requiring a minimum lot width (as measured at the setback lines) of 80' for all lots, making the cul-de-sac lots as equally buildable for the proposed large homes as the rectilinear 10,000 sq ft lots. It is anticipated that 2 to 3 lots between lots 14 through 21 will need to be deleted in order for the project to comply. (Please refer to attachment "C") An additional aspect of the "upscale" neighborhood is the product line itself. While specific "product line" is to be further analyzed as a separate issue, staff is requiring that lots not be "pregraded" for split pads, so that the full range of models may be selected by the buyer for all lots.

C- NEED TO ACCOMMODATE OPEN SPACE DRAINAGE

Commission members should note that the applicant's engineer has yet to design drainage facilities to intercept runoff from the open space parcel into the lots. A project specific condition requires that such drainage be intercepted by a concrete ditch prior to crossing the property lines. Additional conditions assure that the grading for such ditches does not become visible from the street below (please refer to attachment "D").

D- REQUIREMENT TO MATCH GRADES OF EXISTING HOMES ON FOOTHILL "DRIVE"

The pad elevations of lots that are adjacent to existing Mira Vista Hills homes are required to either be: a) at the same or lower elevation than adjacent existing homes or, b) if an agreement can be reached with the owner(s) of the existing homes, the pad elevation of the proposed pad may be higher than existing, but the ownership of the slope between the two must be transferred to the existing homeowner.

At the time of use permit review, staff will review the site plan for compliance with the requirements listed above. It should be noted that a geotechnic report will be required at that time, and further site plan and grading modification may be required to assure slope stability.

Issue #6: Product Type

The applicant has provided a booklet that shows the 8 models to be offered in the project. They have referred to the project being as "semi-custom", as a buyers will first select a lot and then the model of his choice will be "built to suit". The applicant has consistently referred to a wide variety of "customizing options" for both interior and exterior, yet no program to explain these options has been provided at this time. An outline of the models is provided below:

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MIRA VISTA HEIGHTS

MODEL #/SQ. FT.	STORIES (as seen from front)	FOUNDATION
2014	2	Level
2124	2	Upsplit
2142	1	Level
2366	2	Level
2496	2	Upsplit
2652	2	Sidesplit
2842	2	Upsplit
3077	2	Level

Given that the project is adjacent to the standard production tract homes of "Mira Vista Hills", (with homes ranging from 1518 to 2364 square feet in size) the introduction of a "build to suit" production product may be workable for this site. But as stated earlier, all of the lots will need to be able to accommodate a range of several models for the "build-to-suit" concept to act as a true option for the Antioch market.

The "suggested plan to lot list" as provided by the applicant (please refer to Attachment "E") illustrates the lack of variety that would result from the current proposal. Out of 34 lots, 3 would be limited to only one model. 6 lots, all adjacent to each other, are limited to only a choice of 2. Such a limited range of models would produce a streetscape with less variety than those currently found in the Southeast area. The implementation of the grading and lot size modification previously discussed will allow for a full range of models on all lots, thus creating a streetscape more in keeping with the applicant's stated intent of a "semi-custom" neighborhood.

Lots with potentially difficult grading situations, such as those at the end of the cul-de-sac bulb, would be more appropriately developed with homes utilizing perimeter wall foundations that can better fit the sloping sites. Staff has conditioned the use of perimeter wall foundations for lots 16 through 22.

To further the goal of creating a "unique" neighborhood for the Antioch market, the Commission may wish to consider adding a condition requiring custom homes on some or all of these "difficult" lots.

It should also be noted that technical details of foundation types (to mitigate such concerns as "shrink-swell" potential) need to be addressed along with the geotechnic report to be provided at the time of use permit submittal.

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Issue #7: Public Open Space

Staff is requiring that parcel "A" be dedicated as public open space prior to the issuance of any building permits. All areas that are to be used for flood control purposes, as well as a transition area around all single-family lots shall be dedicated to the City, with the balance to be dedicated to the East Bay Regional Park District. The open space between lots 22 and 23 shall be landscaped by the developer and act as trailhead for the future expansion of the Park District's trail system. The exact configuration of the open space parcels shall be determined as part of the use permit process.

Issue #8: Creation of Neighborhood Identity

Staff has conditioned a neighborhood entry treatment to provide a sense of identity for the project. Decorative paving will be used in the travel lanes, and a portion of the parking lanes will be replaced by landscape planters. Low traditional neighborhood entry monuments are to be placed in the planters.

The entry area should be further improved by the merger of lot 34 with lot 33. A residual "ridge" was created on what would become lot 34 by the previous grading of the adjacent Mira Vista Hills phase. This ridge should be "trimmed back" rather than being totally removed. The "ridge" creates natural separation between the projects. Furthermore, the development of lot 34 as a separate homesite would probably necessitate grading into the open space above the 25 foot height limit proposed by staff.

As an additional neighborhood feature, traditional light fixtures such as the type used at the "Williamson Ranch Planned Development" have been conditioned.

Issue #9: Other Agency Review

Comment from other agencies are attached.

RECOMMENDATION

Staff recommends to the City Council:

- 1) APPROVAL of the rezone from Planned Development to Planned Development; and
- 2) APPROVAL of the Final Development Plan; and
- 3) APPROVAL of the Vesting Tentative Map.

CMS:sjs

Attachments

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agreements would be developed so that an adequate parking supply would be provided.

Staff recommended approval of the application subject to conditions the contained in the provided resolutions.

PUBLIC HEARING OPENED

PROPONENT:

Ed Delbeccaro, representing Regency Commerce Partners, 1350 Carlback, Walnut Creek, Suite 234, was in agreement with the recommendations from staff, and requested approval of the project.

OPPONENTS: None

PUBLIC HEARING CLOSED

Chairman Seelinger verified with staff that a driveway from the project to Somersville Road was acceptable.

MOTION:

It was moved by Commissioner Cosmos, seconded by Commissioner Petersen, and carried by all members present to APPROVE V-92-5, a variance to allow less than the required 50 foot frontage width for M-1 lots, and to APPROVE P.W. 357-4-92, minor subdivision tentative map.

A.D. SEENO CONSTRUCTION COMPANY requests the following approvals to allow development of up to 34 single-family residential lots (MIRA VISTA HEIGHTS) on property generally located south of James Donlon Boulevard at the end of Foothill Drive, on 83 acres, more or less.

- a. HPD-89-5.1/P.W. 365-17--to rezone said property from Hillside Planned Development District (HPD) to Hillside Planned Development District (HPD); approval of a Final Development Plan; and approval of a tentative map.

Associate Planner Corey Simon provided a brief overview of the history of the project, which had originally been proposed for 38 units. Several neighbors had expressed concern for the project at that time. The Commission had recommended denial for the planned development. Since that action, the applicant revised the plan and presented it to the City Council with a General Plan amendment and

annexation request. Based on that, the Council was willing to annex the land to the City. At that time, the Council took no action to overturn the Commission's denial of the plan. The proposed site plan submitted at this time was nearly identical to the plan which had been submitted to the Council. The Commission was advised that there was no obligation to approve the site plan.

Using maps and exhibits, Associate Planner Simon explained the site plan with middle, lower and upper portions, showing the steep topography of the site along with identifiable slides.

Since the application was to be continued, Chairman Seelinger questioned whether the applicant should speak at this time.

Deputy Director Development Services Carniglia stated that perhaps it would be best to continue the item without discussing specific issues.

PUBLIC HEARING OPENED

PROPONENT: None

OPPONENTS:

Tim Donahue, 2412 Cambridge Drive, Chairman of the Delta Group of the Sierra Club, stated that he would reserve his comments to the continued hearing on June 3. He added, however, that for those not present in the 1990 presentation and ultimate Commission rejection, the site should be carefully reviewed because of its sensitivity. He expressed his concern for placing 34 units in the narrow canyons of the site. He added that the neighbors would be present at the next meeting to voice their opinion with respect to the project. He made the comment that it was basically the same project seen two years ago, and since that time, there had been no meetings with the developer and the homeowners.

Commissioner Cosmos verified with Mr. Donahue, that although the project had been commenced in 1990, there had been no meetings between the applicant and the developer.

Mr. Hosang, 2409 Kensington Court, an adjacent property owner, explained how beautiful the area was. He wanted to see what the developer had to offer and he requested that the public hearing be left open to allow the neighbors an opportunity to review the proposal. He added that the developer's construction of homes on

clay soil created serious settling problems. He urged the Commission to determine the type of construction to be used.

Lorie Jane Hosang stated that she loved the hills and would not like to see the area filled in. She added that they would like to meet with the developer and have some input into the proposal.

Commissioner Durkin stated that she appreciated the photos and she would like to see photos provided for future projects.

Al Stanley, representing the A.D. Seeno Construction, the applicant, confirmed for Commissioner Petersen that although the lots would be larger and the homes would be custom, the proposed project was similar to the Regency Subdivision located off of Oak Hurst Golf Course in Clayton.

Commissioner Sloan suggested that the Commission conduct a field trip of the site to see the area in question.

Deputy Director Development Services Carniglia stated that he was in agreement with the request, and a tentative date of Saturday, May 30, was selected as a potential date for a field trip.

Chairman Seelinger stated that they would like to make it a policy that the Commission automatically review the sites of proposals. Most Commissioners noted, however, that they had been out to the site, but not in an organized way.

Deputy Director Development Services Carniglia stated that the site was hidden, that as a matter of policy on projects with hillside and other sensitive issues, that it would be a good rule of thumb to go on site and view proposals.

Commissioner Sloan emphasized that this was not a new issue, that she and Commissioner Durkin had long requested such a policy.

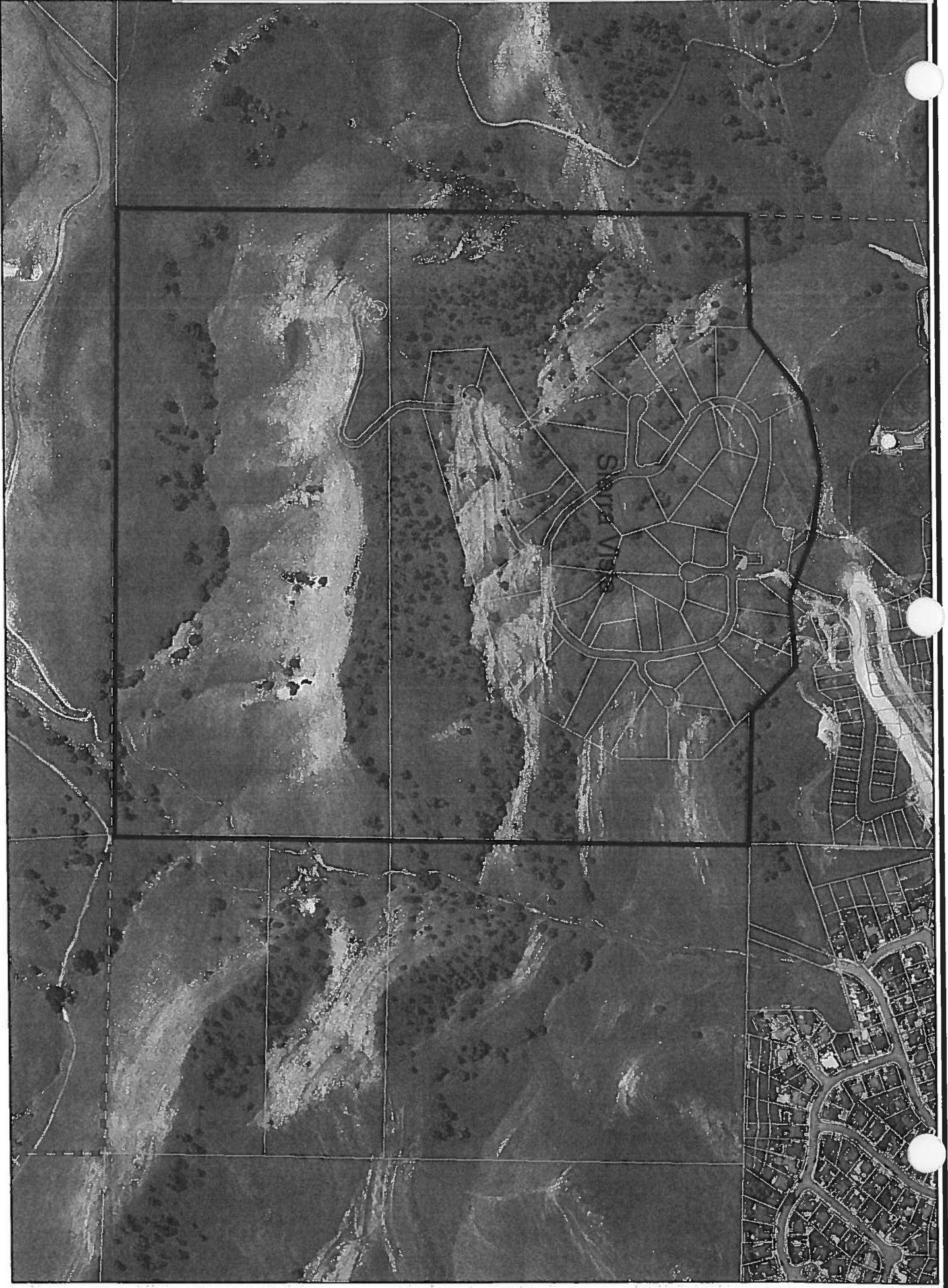
It was moved by Commissioner Petersen, seconded by Commissioner Durkin and carried unanimously by all members present to **CONTINUE** HPD-89-5.1/P.W. 365-17, a rezoning, a Final Development Plan and approval of a Tentative Map, to the meeting of June 3, 1992.

WRITTEN COMMUNICATIONS

The Chair acknowledged that a communications on conflict of interest assistance had been provided by the City Attorney.

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Sierra Vista



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NEW PUBLIC HEARINGS

902-07--THE CITY OF ANTIOCH requests review and comment to a plan to remodel and renovate the Lynn House for a public art gallery and office space for the Civic Arts Commission on property located at 809 First Street.

RESOLUTION NO. 90-49

By staff report dated August 29, 1990 (prepared by Associate Planner Coon), Deputy Director Development Services Carniglia presented a brief informational review recommending that the Planning Commission recommend to the City Council approval of the Lynn House Renovation Plan.

Chairman Hall opened the public hearing. Hearing no comment, Chairman Hall closed the public hearing.

A motion was made by Commissioner Seelinger, seconded by Commissioner Chism and unanimously carried to RECOMMEND to the City Council approval of the Lynn House Renovation Plan.

GRAVELLE/SEENO request the following approvals for two residential developments (SIERRA VISTA and MIRA VISTA HEIGHTS) on property generally located south of Foothill Drive in the Antioch Foothills.

- a. EIR-89-5--Recommend certification of the final Environmental Impact Report as adequate for the proposed projects; and

RESOLUTION NO. 90-50

- b. GP-89-3/Z-90-2--to amend the General Plan Land Use Designation from Open Space to Estate Residential, and prezone to Hillside Planned Development District (HPD) for the Sierra Vista property generally located south of James Donlon Boulevard south of Mira Vista Hills #13; and

RESOLUTION NO. 90-51 (General Plan Amendment)
RESOLUTION NO. 90-52 (Zoning Map Amendment)

- c. GP-89-5/Z-90-3--to amend the General Plan Land Use Designation from Open Space to Estate Residential, and prezone to Hillside Planned Development District (HPD) for the Mira Vista Heights property generally located south of Foothill Drive.

HPD-89-3--GORDON GRAVELLE requests preliminary plan review for approximately 50 single-family residential estate lots (SIERRA VISTA) on property generally located south of James Donlon Boulevard, south of Mira Vista Hills #13.

RESOLUTION NO. 90-53

HPD-89-5--SEENO CONSTRUCTION requests preliminary plan review for approximately 40 single-family residential estate lots (MIRA VISTA HEIGHTS) on property generally located south of Foothill Drive in the Antioch Foothills.

Deputy Director Development Services Carniglia recommended that the Planning Commission address Agenda Item 6a, followed by Agenda Items 6b and 7, and finally Agenda Items 6c and 8. With the Commission in agreement to this order of business, Associate Planner Simon presented the staff report dated August 27, 1990 in portions applicable to this same order.

● Agenda Item 6a (EIR-89-5)

By staff report dated August 27, 1990, Associate Planner Simon recommended that the Planning Commission recommend to the City Council certification of the Final Environmental Impact Report for the Mira Vista Heights/Sierra Vista projects. He noted displayed renderings and informed the Commission that the EIR consultant was present to address any questions.

Chairman Hall opened the public hearing noting that Tom Lindenmeyer, representative for the East Bay Regional Park District (EBRPD), 11500 Skyline Blvd., Oakland, had requested time to speak.

Mr. Lindenmeyer presented comment related to responses pertaining to the matter of grazing. Referring to previously submitted written comment from the EBRPD, he reiterated that the adverse impacts of grazing upon wildlife as presented within the EIR are not documented and should, therefore, be deleted. In support of grazing, Mr. Lindenmeyer noted issues (i.e., altered nature of grasslands, preservation of remaining native vegetation and the need for fire hazard reduction) which a controlled grazing program would most cost effectively meet. Mr. Lindenmeyer cited examples of parks currently experiencing fire hazards and subsequently subject to the "labor and capital intensive" effort of maintaining fuel breaks. Referring to Section 2-2, Mr. Lindenmeyer stated that the EBRPD recommendation would be to delete Mitigation Measure Item 6.8.

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In response to Chairman Hall, Deputy Director Development Services Carniglia affirmed that comments presented by Mr. Lindenmeyer would go forward to the City Council. Deputy City Attorney Chaumette clarified that the extent of this hearing would afford that the Commission receive any new comments relative to the response to comments currently on record. Chairman Hall requested that anyone addressing the Commission respectively focus their comments accordingly.

Tim Donahue, 2412 Cambridge Drive, Antioch, introduced himself as Chairman of the Sierra Club Delta Group, noting that he had only that same day received response to his written comments. In summary, Mr. Donahue presented comment to what he stated was an inadequate response regarding the issue/impact of the existing wetlands, the Garaventa Landfill site and geological hazards of grading relative to the Mira Vista Heights project. He requested that the Commission not recommend certification of the Final EIR pending a more adequate address of the noted issues.

As applicant for the Sierra Vista project, Gordon Gravelle, 2208 Cordoba Court, Antioch, noted representatives present to address questions from the Planning Commission relative to the Final EIR.

A motion was made by Commissioner Chism, seconded by Commissioner Sloan and unanimously carried to RECOMMEND to the City Council certification of the Final Environmental Impact Report for the Mira Vista Heights/Sierra Vista projects.

● Agenda Items 6b/7 (GP-89-3/Z-90-2 and HPD-89-3)

By staff report dated August 27, 1990, Assistant Planner Simon recommended that the Planning Commission recommend to the City Council amendment of the General Plan Land Use Designation from Open Space to Estate Residential for the Sierra Vista project, prezone to Hillside Planned Development and preliminary plan approval subject to the conditions contained within the proposed resolution. Referring to a packet addendum directed to the Commission, Assistant Planner Simon recommended the addition of a Project Specific Condition requiring that an additional visual study be provided. He also requested wording modification to the proposed resolution applicable to the amendment to the General Plan, wherein the word "contingent" be deleted from Paragraph 11.

In response to Chairman Hall and reference to memorandum dated September 5, 1990 from Deputy Director of Public Works Sexton, Assistant Planner Simon stated that the Planning Department was in agreement that private paved roads should be in excess of 20 feet in width.

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Mr. Gravelle voiced agreement to the modification to the proposed resolution applicable to the amendment to the General Plan, as presented by Assistant Planner Simon. He presented general project background information and described actions taken in response to concern relative to adequate noticing. Mr. Gravelle addressed displayed renderings, requested modification to Project Specific Condition 1 to afford the opportunity to further review the impacts of the subject units and to Project Specific Condition 3, to afford the opportunity to explore alternative mitigation.

Mr. Donahue commended Mr. Gravelle for his cooperation and willingness to work with the existing community. He stated that in consensus there was general acceptance of the proposed project as a development sensitive to hillside preservation. He voiced concern, however, regarding proposed units in the Red Rock Ridge area relative to proximity of the "North Landslide" area, stating he would endorse the alternative site plan reflected on Page 11-12 of the EIR.

Dale Manning, 132 Hillside Road, Antioch, voiced support of the project. He described the project as a welcomed "first" for the City of Antioch and one which would bring a new homeowner market to the city. Mr. Manning stated he also supported the "nail in the coffin" which the project would present in relationship to opposition of the Garaventa Landfill site.

Steve Reed, 2401 Alderwood Drive, Antioch, also voiced support of the project. He stated that he appreciated the developer's community cooperation regarding noticing and affording the opportunity to address concerns of the adjacent residents.

Susan Roberts, 2312 Foothill Drive, Antioch, presented comment regarding the Mira Vista Heights project. Ms. Roberts commended the overall project, but voiced concerns relative to traffic and drainage matters. She suggested the need for a stop sign at the corner of Grimsby and Foothill Drives.

In rebuttal, Mr. Gravelle stated he opposed the restriction of a minimum 28 foot street width based upon the flexibility afforded under the Hillside Ordinance and the desire to limit grading. He reiterated his position relative to the North Landslide and the stabilizing effect which the proposed road will afford. Mr. Gravelle stated that he would support further study of the proposed Sunrise Hill area noting, however, the requirement to provide an all-weather paved road for maintenance access to a required water tank.

Hearing no further comment, Chairman Hall closed the floor to public comment.

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Deputy Director Development Services Carniglia stated that staff was in agreement to further review and study of Project Specific Conditions 1 and 3, and to modification of these respective conditions as suggested by the applicant.

Associate Civil Engineer Brandt stated that the Hillside Ordinance allows for 20 foot minimum street width for developments serving a maximum of 15 parcels. He noted that the proposed development would exceed this maximum and, therefore, was not applicable to the Hillside Ordinance. Referring to Page 4-9 of the EIR, Associate Civil Engineer Brandt noted parking and street design would be significantly impacted by a 20 foot street width. He affirmed the position of the Engineering Department in support of a 28 foot street width.

A motion was made by Commissioner Chism, seconded by Commissioner Sloan and unanimously carried to RECOMMEND to the City Council amendment of the General Plan Land Use Designation from Open Space to Estate Residential for the Sierra Vista project, prezone to Hillside Planned Development and preliminary plan approval subject to the conditions contained within the proposed resolution, including the following modifications:

Resolution Wording

That the resolution applicable to the amendment to the General Plan be modified wherein the word "contingent" be deleted from Paragraph 11.

Project Specific Condition (Existing)

1. Lots 19, 23, 31, 32 and 34 are particularly sensitive visually. These lots may possibly be deleted or relocated pending further visual analysis.

3. That additional visual simulations be provided along with the final Hillside Development Plan. These simulations shall:
 - a. Provide an entire refined visual analysis of the project, with special attention to Lots 19, 23, 31, 3 and 34; and
 - b. Show the effect of building materials and building mass on visual impacts.

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● Agenda Items 6c/8 (GP-89-5/Z-90-3 and HPD-89-5)

In compliance to not affording public hearing after 10:30 p.m., Chairman Hall suggested that a continuance of business was in order. In response to Chairman Hall, representative for Seeno Construction indicated such action was acceptable.

A motion was made by Commissioner Seelinger, seconded by Commissioner Sloan and unanimously carried to **CONTINUE** Agenda Items 6c and 8 to the September 19, 1990 meeting of the Planning Commission.

CONTINUED ITEM

RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION to find the five-year Capital Improvement Program consistent with the Antioch General Plan.

RESOLUTION NO. 90-54

By staff report dated August 9, 1990, Deputy Director Development Services Carniglia recommended that the Planning Commission find the five year Capital Improvement Program consistent with the Antioch General Plan. Deputy Director Carniglia responded to general inquiry from the Commission.

A motion was made by Commissioner Seelinger, seconded by Commissioner Cosmos and unanimously carried to **APPROVE** finding the five year Capital Improvement Program consistent with the Antioch General Plan.

NEW ITEM

UP-89-45--REVIEW of a previously approved use permit for retail firewood sales, an office trailer and additional RV storage on property located at 916 and 924 Fitzuren Road.

By staff report dated August 29, 1990, Deputy Director Development Services Carniglia recommended that the Planning Commission initiate revocation proceedings on the existing use permit, with a hearing scheduled for October 3, 1990 to afford necessary public notice.

In response to the Commission, Deputy Director Development Services Carniglia presented an updated report relative to activities pending completion as of 5:30 p.m. that same day.

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A motion was made by Council Member Stone, seconded by Council Member Freitas and carried by four affirmative votes to **CONTINUE** the hearing of this item to the September 25, 1990 meeting of the City Council.

- 3. GORDON GRAVELLE REQUEST TO AMEND THE GENERAL PLAN FROM OPEN SPACE TO ESTATE RESIDENTIAL AND TO PREZONE TO HILLSIDE PLANNED DEVELOPMENT DISTRICT (SIERRA VISTA) LOCATED SOUTH OF JAMES DONLON BOULEVARD, SOUTH OF MIRA VISTA HILLS #13
FILES: GP-89-3; Z-90-2 #202-04;05

Assistant City Manager/Director Development Services Vignola presented the staff report dated September 6, 1990 recommending that the City Council adopt the resolutions certifying the Environmental Impact Report (EIR) and amending the General Plan from Open Space to Estate Residential, and introduce the ordinance to prezone to Hillside Planned Development District. Assistant City Manager/Director Development Services Vignola noted that the respective EIR was applicable to both the Mira Vista Heights and Sierra Vista projects. He stated that present to address the City Council was the EIR Consultant from WPM Planning Team, Inc. and the applicant, Gordon Gravelle.

In response to Council Member Stone, Assistant City Manager/Director Development Services Vignola affirmed that certification of the subject EIR was restricted to this document and was not to imply any action relative to the Sierra Vista project pending hearing by the Planning Commission.

Mayor Keller opened the public hearing calling first for proponents and subsequently opponents.

Consultant Dennis Dahlin, WPM Planning Team, Inc., 1200 "G" Street, Modesto, presented a summary of the EIR key points and areas of controversy. He noted that with an emphasis on cumulative impacts, the California Environmental Quality Act would encourage the preparation of one EIR to address both projects. He clarified that although there had been some concern regarding the matter of noticing, the City had complied with proper noticing of respective State and Federal agencies. Mr. Dahlin closed by offering to address questions from the Council.

The applicant, Gordon Gravelle, 2208 Cordoba Court, Antioch, presented a brief background and description of the proposed project, noting the presence of representatives (Civil Engineer and Environmental/Land Use Attorney) available to address inquiry from the Council. Mr. Gravelle informed the Council of additional noticing which he had extended to 234 homes relative to the September 5, 1990 meeting of the Planning Commission. He noted that he had held a neighborhood meeting to present the project and EIR, and afford an opportunity for additional comment/input. As part of the process toward developing a final product, Mr. Gravelle stated that he had also extended the project to the University of California as a class project for an upper division Architectural Landscape class, from which valuable elements were incorporated into the project. Mr. Gravelle presented numbers relative to actual area to be developed and open space, and addressed displayed renderings. He stated that the project would afford a new housing market within the City of Antioch and would hopefully promote other such projects.

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In response to Council Member Freitas, Mr. Gravelle affirmed that visual simulations had been prepared and would be presented at subsequent project hearings.

Tom Lindenmeyer introduced himself as Environmental Specialist for the East Bay Regional Park District (EBRPD), 1150 Skyline Blvd., Oakland. Mr. Lindenmeyer presented the same commentary which he had previously presented at the September 5, 1990 meeting of the Planning Commission. Following, therefore, is an excerpt of the minutes for the September 5, 1990 meeting relative to this same commentary:

Mr. Lindenmeyer presented comment related to responses pertaining to the matter of grazing. Referring to previously submitted written comment from the EBRPD, he reiterated that the adverse impacts of grazing upon wildlife as presented within the EIR are not documented and should, therefore, be deleted. In support of grazing, Mr. Lindenmeyer noted issues (i.e., altered nature of grasslands, preservation of remaining native vegetation and the need for fire hazard reduction) which a controlled grazing program would most cost effectively meet. Mr. Lindenmeyer cited examples of parks currently experiencing fire hazards and subsequently subject to the "labor and capital intensive" effort of maintaining fuel breaks. Referring to Section 2-2, Mr. Lindenmeyer stated that the EBRPD recommendation would be to delete Mitigation Measure Item 6.8.

Tim Donahue, 2412 Cambridge Drive, Antioch, introduced himself as Chairman of the Delta Group of the Sierra Club. Referring to commentary which he presented at the August 15, 1990 meeting of the Planning Commission and subsequent written comments dated August 30, 1990, Mr. Donahue stated that in the essence of time he would only present points which continued to represent a dilemma to the Sierra Club in relationship to the EIR. In summary these points included the inadequacy of a single EIR in particular to the Mira Vista Heights project and attempting to address two significantly different projects, the issue of wetlands area not being adequately addressed (again relative to the Mira Vista Heights project) and the absence of a comprehensive slope stability investigation for the Mira Vista Heights project. Based upon the inadequate address of these items, Mr. Donahue urged the City Council not to certify the subject EIR.

With specific attention to the Sierra Vista project, Mr. Donahue stated that he represented the residents of four streets adjacent to the proposed project. As such, he commended Mr. Gravelle for the cooperation extended to adjacent residents and sensitivity to the preservation of the hillside. Mr. Donahue cited the area of an existing landslide as an only concern, voicing support for the Site Redesign Alternative, Item 11.2, as presented in the EIR.

In response to Council Member Stone and support of the proposed EIR, Consultant Dahlin responded to the comments received from Mr. Donahue. Consultant Dahlin noted that subsequent to receipt of Mr. Donahue's written comments, supplementary language was added to the EIR to better pull together information regarding the wetlands issue. He voiced assurance that the proposed EIR could legally be defended as adequate relative to the Mira Vista Heights project.

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In responding to Mayor Keller regarding the issue of grazing, Consultant Dahlin stated that the intent of the EIR had been to present information relative to the two points of view regarding this still "open-ended scientific issue". He suggested that the key point of concern requiring resolution would be rather to retain Mitigation Measure 6.8 intact, adding that the attempt had been to word this measure such that grazing would be recognized and restricted as a serious problem, while avoiding a "no grazing policy".

In rebuttal, Mr. Lindenmeyer reiterated his position supporting the "opinion" of grazing. He noted that in support of "restricting grazing" the applicable grazing program contract clearly states that cattle must be removed at any time as required by the EBRPD.

In response to Mayor Keller, City Attorney Galstan affirmed that certification of the EIR as presented would not later preclude refinement of this matter nor would it preclude grazing upon agreement by a property owner and the EBRPD. With respect to the adequacy of the EIR relative to the Mira Vista project, City Attorney Galstan recommended that the City Council proceed with certification if the EIR could be determined to be an adequate informational statement regarding the subject project, recognizing that the City Council could later request additional information/supplemental EIR work, if deemed necessary.

Mr. Gravelle stated that he had no problem with "restrictive" grazing, but would oppose prohibiting grazing, citing this as a cost effective, efficient method of fire control. In address of the North Landslide, Mr. Gravelle stated that the same was not currently stable, however, with the implementation of mitigation measures and construction of the proposed road (which will in effect buttress against the landslide) the same would be completely stable.

Hearing no further comment, Mayor Keller closed the public hearing.

Council Member Stone reiterated comments presented by Mr. Donahue in commending Mr. Gravelle for involving the community in the respective project.

RESOLUTION NO. 90/253

A motion was made by Council Member Stone, seconded by Council Member Price and carried by the following vote to **ADOPT** the resolution certifying the EIR and accepting the respective mitigation monitoring plan:

AYES: Price, Freitas, Stone and Keller.

NOES: Rocha

RESOLUTION NO. 90/254

A motion was made by Council Member Stone, seconded by Council Member Price and carried by the following vote to **ADOPT** the resolution granting the General Plan amendment:

AYES: Price, Freitas, Stone and Keller.

NOES: Rocha

ORDINANCE NO.

A motion was made by Council Member Stone, seconded by Council Member Price and carried by the following vote to **INTRODUCE** the ordinance by title only:

AYES: Price, Freitas, Stone and Keller.

NOES: Rocha

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A motion was made by Council Member Stone, seconded by Council Member Price and carried by the following vote to **INTRODUCE** an ordinance amending Title 9, Chapter 5, Article 3 of the Antioch Municipal Code for the vicinity of south of James Donlon Boulevard, south of Mira Vista Hills #13:

AYES: Price, Freitas, Stone and Keller.

NOES: Rocha

4. ALBERT D. SEENO CONSTRUCTION COMPANY REQUEST TO
AMEND THE GENERAL PLAN FROM OPEN SPACE TO ESTATE
RESIDENTIAL AND TO PREZONE TO HILLSIDE PLANNED
DEVELOPMENT DISTRICT (MIRA VISTA) LOCATED SOUTH
OF FOOTHILL DRIVE
FILES: GP-89-5; Z-90-3

#202-04;05

By staff report dated September 7, 1990, Assistant City Manager/Director Development Services Vignola recommended that consequent to continuance by the Planning Commission, this item be continued to the October 9, 1990 meeting of the City Council.

A motion was made by Council Member Stone, seconded by Council Member Price and unanimously carried to **CONTINUE** the hearing of this item to the October 9, 1990 meeting.

In response to staff Mayor Keller called for a ten minute recess. Upon reconvening at 9:00 p.m., Deputy City Clerk Chalk called the roll:

PRESENT: Council/Agency Members Price, Freitas, Stone, Rocha and Mayor/Agency Chairman Keller.

5. CITY OF ANTIOCH REQUESTS REVIEW AND COMMENT TO A PLAN
TO REMODEL AND RENOVATE THE LYNN HOUSE FOR A PUBLIC
ART GALLERY AND OFFICE SPACE FOR THE CIVIC ARTS
COMMISSION ON PROPERTY LOCATED AT 809 FIRST STREET

#902-06

Assistant City Manager/Director Development Services Vignola presented the staff report dated September 6, 1990 recommending that the City Council approve the Lynn House Renovation Plan and authorize Staff to proceed with preparation of construction documents.

Erick Mikiten, George Myers and Associates, presented the proposed project, addressing displayed renderings and plans, and responding to general inquiry from the City Council.

Mayor Keller opened the public hearing, asking if anyone wished to speak. Hearing no comment, Mayor Keller closed the public hearing.

Council Member Freitas requested a two week continuance to afford City Council the opportunity to tour the Lynn House.

A motion was made by Council Member Freitas, seconded by Council Member Price and unanimously carried to **CONTINUE** this item to the September 25, 1990 meeting of the City Council with no further work on the project pending the subject tour.

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takes to protect their investment and get along with the City and the Police Department.

Chairman Durkin questioned if Mr. Buhlert agrees with all conditions. Mr. Buhlert stated that he does not have a problem with any of the conditions.

Mr. Buhlert noted that the facility will be well lit and a well run establishment.

With no further comments, the public hearing was closed.

Commissioner Martin noted that the Police Department was originally concerned about cruising. Associate Planner Bendorff reported that in conversations with the Policy representative cruising has not emerged as a concern for the new location.

The Commission unanimously favored and supported the application.

It was moved by Commissioner Sloan, seconded by Commissioner Petersen, and unanimously carried to APPROVE Howard Buhlert/Roselyn Eng, UP-92-6.

** Chairman Durkin declared a recess at 9:45 P.M.

** The Planning Commission meeting reconvened at 9:56 P.M.

HPD-89-3.1/P.W. 584--GORDON GRAVELLE requests approvals to allow development of 50 residential estate lots (SIERRA VISTA) on property generally located south of James Donlon Boulevard near Cambridge Drive, on 160 acres, more or less, to rezone said property from Hillside Planned Development District (HPD) to Hillside Planned Development District (HPD), approval of a Final Development Plan, and approval of a Tentative Map.

Resolution No. 92-20

Associate Planner Simon reviewed the staff report. He referred to the Vesting Tentative Map and reviewed the site and highlighted the major changes proposed in the revised conditions. Commissioner Martin requested an explanation of Condition 31. Associate Planner Simon explained that no fencing will be allowed outside the "allowable building envelope" except for low decorative garden fencing.

Commissioner Martin noted that several letters were received from various public agencies, and questioned if their concerns were addressed. Associate Planner Simon noted most of the concerns were routine and have been taken care of.

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Chairman Durkin declared the public hearing open.

Gordon Gravelle, 2717 Lone Tree Way, Antioch, reviewed the history of the project. He felt that all issues brought up in the EIR have been met and mitigated. The project consists of only 22 acres under development including roads and proposed lots. Mr. Gravelle stated that they agree with all the conditions of approval with the exception of Condition 29. He distributed a letter to the Commission and explained that he is recommending that the condition requiring dedication of parcel "C" not be dedicated, but be acquired by the Park District. He reviewed his concerns as expressed in his letter (Attachment "A"), and requested the Commission change the condition to read that the East Bay Regional Park District will acquire the southern 60 acres.

Mr. Gravelle clarified that the building envelopes in the project are the areas on the lot that all improvements are restricted to other than landscaping. He further clarified that only three foot high vinyl chain link fences are allowed between landscape zones 2 and 3. Mr. Gravelle explained the landscape zones noting there will be no perimeter fencing.

Linda Prat, representing East Bay Regional Park District, reviewed a letter from Robert Doyle dated March 31, 1992 (Attachment "B"). The letter urged the elimination of lots 20, 21 and 22 and expressed concern for fire safety, lot reconfiguration of lot 36, and the additional wording of Condition 29. She stated that the Park District is still interested in dedication of both parcel B and C. Ms. Prat clarified that dedication is usually a mitigation for the subdivision, and the acquired Arata property was not part of a subdivision. She continued her review of the letter citing concerns for the modification of Condition 30 to require cattle fencing, and requested water stubouts. She explained that the Park District may establish an assessment district through the Landscaping and Lighting Act for the long term maintenance costs of the open space dedicated from the project, and requested fencing during the construction period to deter off-road vehicles.

Commissioner Martin referred to Condition 29 and questioned if it is the Park District's desire to have the property dedicated. Ms. Prat stated that it is.

Tim Donahue, 2412 Cambridge Drive, noted that he is the Chairman for the Delta Group of the Sierra Club, and clarified that the Sierra Club has not taken a position on the project. He commented that the project has a unique character and is environmentally sensitive to the area. He supported Condition 14 that requires the water tank to be buried or located so it is not visible to public view. He addressed fire safety and supported the incorporation of a sprinkler system. Mr. Donahue referred to Condition 47-h and suggested that sprinklers be incorporated into the construction of wood decks. He questioned if the water system is gravity fed so

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ANTIOCH PLANNING COMMISSION

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pressure is constant or pumped under pressure and if there is a provision for a backup generator system. Regarding water conservation, Mr. Donahue suggested a provision to require a recirculation pump system that is incorporated into the hot water units and a requirement for timed irrigation systems.

Mr. Donahue requested clarification of the types of street lights that will be proposed. Civil Engineer Brandt explained that they probably will not be standard lights, they will be a shorter, lower intensity light.

Mr. Donahue referred to the possible Park District's establishment of an assessment district and questioned what the dollar amount would be. He stated that he would prefer the Park District have control over the property either way if it is dedicated or acquired.

Kevin McCarthy, Riverview Fire Protect District, noted that Mr. Gravelle has worked with the Fire District over the years to make sure the fire prevention aspects were adequately identified and adequately addressed. He noted that the Fire District's position on the project, given the environment in which it is to be built, is as safe as today's technology and thinking can make it. He addressed the District's position regarding the 20% slope and 20 foot road width, and noted that the problem in the Oakland Hills was with roads exceeding 20%. Mr. McCarthy addressed Mr. Donahue's suggestion for sprinklers in the decks. He explained that they are residential sprinklers and a life safety system. They are not a property protection system and they would not function in a deck setting.

Commissioner Martin questioned if staff had addressed all the problems with the project in the conditions. Mr. McCarthy stated that their concerns have been addressed.

Mr. Gravelle responded to public comments. Regarding water system concerns, Mr. Gravelle stated that there will be a pump station at the bottom of the property at the 350 foot level. He further explained the project in detail. Referring to the instant hot water system, Mr. Gravelle indicated that he did not have a problem with that suggestion or anything associated with water conservation. He addressed the Park District's comments. Referring to the elimination of lots 20, 21 and 22, he explained that the top of the knoll to the north is at approximately 775 feet and the cul-de-sac itself is at 750 feet and there is a 25 foot difference. He disagreed with the implication that the homes are on top of the knoll. Mr. Gravelle noted that the Park District has been fully aware of the project from the inception in 1988, and found it disturbing that they are making such comments at the late date and after the EIR has been certified. He clarified that none of the lots will be seen from any of the Park District's property from the south; only a small portion from the recently purchased

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Arata property. He addressed the Park District's concern for fire safety noting that they have done everything they could to prevent a fire like the Oakland Hills. Mr. Gravelle noted that the taxpayers are paying for a bond issue for the specific purpose of park acquisition and found it disturbing that they are extorting an additional 60 acres out of the developers. He requested the Commission consider the project on its merits and look at the facts.

Commissioner Sloan requested Mr. Gravelle's position regarding the water stubouts for the cattle. Mr. Gravelle stated that they are needed and felt it could be worked out when they work on the issue of who will own and maintain parcel B.

Mr. Gravelle explained that the water tanks and systems of the area, noting that they will build the Zone 5 water tank at the top of the hill which will be bermed and out of the public view.

With no further comments, Chairman Durkin closed the public hearing.

Commissioner Petersen commented that the proposal will be an asset to the City of Antioch and that he could support the project.

Vice Chairman Seelinger referred to Condition 29 and felt that the applicant should not be required to dedicate the land to the regional park.

Commissioner Martin expressed support for the project and complimented Mr. Gravelle on the excellent proposal.

Commissioner Sloan felt Mr. Gravelle has given enough to open space and noted there are only fifty residential lots on the property of its size.

Deputy Director Development Services Carniglia felt that it will set a precedent if the property is not required to be dedicated as the City has been in the past, and is looking in the future to utilize dedication as a trade-off for entitlement to increase the size of the regional park which clearly benefits residents of the area. He suggested the Commission clearly state their reasons for not requiring dedication if they so desire.

Senior Civil Engineer Brandt clarified that the City is not in the business of providing water for cattle, and requested that the water stubouts be subject to review and approval of a separate agreement by the City Council.

The Commission continued discussion on the dedication issue. The Commission's consensus was that it was appropriate for the Park District to acquire the property, although Commissioner Durkin stated her concern of setting an unwanted precedent.

0-4-4

Mr. Gravelle commented that the Commission would not be setting a precedent as most other projects are large in size and bordering the Park District. He noted that his project is surrounded by private property.

It was moved by Commissioner Sloan, seconded by Commissioner Petersen, and unanimously carried to APPROVE HPD-89-3.1/P.W. 584 Gordon Gravelle with Project Specific Condition 29 amended to delete dedication and add possible acquisition and that water conservation items be included and that water stubouts be negotiated with the City.

WRITTEN COMMUNICATIONS

There were no written communications.

COMMITTEE REPORTS

Reports from various committees: There were no committee reports.

ORAL COMMUNICATIONS

There were no oral communications.

ADJOURNMENT

With no further business to come before the Commission, the meeting was adjourned at 11:30 P.M.

Respectfully submitted,



Joyce L. Baker
Minutes Clerk
Antioch Planning Commission

Antioch City Council and
Antioch Development Agency
Regular Adjourned Meeting
April 28, 1992 6.

14. BLACK DIAMOND LAND/GORDON GRAVELLE REQUESTS APPROVAL OF A #202-03;05
FINAL HILLSIDE DEVELOPMENT PLAN AND TENTATIVE MAP FOR #802-02
DEVELOPMENT OF 50 RESIDENTIAL ESTATE LOTS (SIERRA VISTA)
ON PROPERTY GENERALLY LOCATED SOUTH OF JAMES DONLON BOULEVARD
NEAR CAMBRIDGE DRIVE FILES: HPD-89-3.1/FW 584

By staff report of April 23, 1992, Deputy Director of Development Services Carniglia reviewed the background of the project; that the EIR was approved in 1990 with approval of the project by the Planning Commission in early April. He noted the project is the first to reflect the joint restructuring of the Planning and Engineering Departments; that single conditions for the project are proposed. He noted the project reflects true estate planning; that only 22 of the 160 acres will be developed.

Mr. Carniglia reviewed the applicant has offered 60 acres to the East Bay Regional Park District; that the memo of April 28, 1992 referring to Resolution No. 90-20 deletes wording in Condition #29 and adds Condition #53 in regards to that issue.

Mayor Keller opened the public hearing calling for comment. Gordon Gravelle, 2208 Cordoba Court, applauded the City on the recent restructuring of departments; that it has enabled the project to proceed at a faster pace and simplified the process with one set of conditions and one resolution. He stated the project will contain 50 estate lots in the southwest hills of Antioch next to Black Diamond Regional Park; that the project meets the requirements of the Hillside Ordinance; that concern has been taken to incorporate the environment to the project; that he concurs with modified Conditions #29 and the addition of #53. Per inquiry, Mr. Gravelle noted the water stub-outs issue will still need to be worked out with the Park District and City.

John Arnold, Manager of Chamber of Commerce, expressed his support for a local developer building in the area providing employment for local residents. Being no further comments, Mayor Keller closed the public hearing. Council expressed support for the project and noted it will provide housing in the upscale market area.

Council Member Stone's motion to introduce the ordinance by title only was seconded by Council Member Rimbault and unanimously approved.

ORDINANCE NO.

Council Member Stone's motion to introduce the ordinance amending Title 9, Chapter 5, Article 3 of the AMC was seconded by Council Member Rimbault and unanimously approved.

RESOLUTION NO. 92/100

Council Member Stone's motion to adopt the resolution for the final development plan and tentative map amending Conditions #29 and adding Condition #53 was seconded by Council Member Freitas and unanimously approved.

7. ORDINANCE ADDING CHAPTER 16 TO TITLE 4 OF THE ANTIOCH MUNICIPAL CODE ENTITLED REPAIR OF VEHICLES AND BOATS IN RESIDENTIAL DISTRICTS #203-02

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF JANUARY 28, 2014**

Prepared by: Ryan Graham, Community Development & Recreation Deputy Director

Date: January 23, 2014

Subject: Antioch Water Park Infrastructure Update

RECOMMENDATION

It is recommended that the City Council receive and file this report and provide staff direction.

DISCUSSION

The Antioch Water Park is 17 years old and before this project, was operating with mostly original infrastructure. After 17 years some of the original equipment had reached the end of its useful life and maintenance and repair cost was beginning to compound. Technology, both in regard to efficiency and safety has made major advancements since the original equipment was installed.

On February 12, 2013, the City Council awarded a contract to Western Water Features for infrastructure repairs and upgrades at the Antioch Water Park. The final contract price for this project was \$697,739.26. No General Fund monies were used for this project. The budget includes \$337,727.00 of Measure WW Grant funding and \$360,012.26 of Community Park Funds for design, engineering and construction of this project.

The project consisted of the removal and replacement of all pool water treatment systems. In total, eleven (11) sand filters were replaced by three (3) energy efficient media filters. With these new filters, there is a dramatic reduction in backwashing as compared to the original filters. This will result in an estimated annual saving of over 1 million gallons of water.

Three (3) pools received new plastered surfaces. The new surfaces give the appearance of a new pool. More importantly, it significantly improves our patron's safety and enjoyment of the pool and reduces overall maintenance. The plaster used is polymer blended which makes for a harder surface that we can maintain by periodic re-polishing. Normal plaster has a 7-10 year useful life where as this blend has a 20 year useful life. Incandescent lights in the pools were replaced with energy efficient long life LED lights. Several modifications were made to accommodate advancements in anti entrapment technology to improve overall patron safety and to bring all anti-entrapment drains in compliance with SB1020.

Variable Frequency Drives (VFD) were installed that will significantly increase energy efficiency measures to the Water Park. Before the VFDs were installed all filtering equipment had to run at 100% power regardless of pool use or timing. Now, the amount of electricity is automatically reduced during low use hours. 10 original large water pumps were replaced by 10 new pumps with premium efficiency ratings. This will also provide a significant energy savings.

Several sets of stairs leading to some of the attractions were cracking and in some cases in danger of failing. Those stairs were replaced with all new concrete.

Just prior to the opening of the 2013 Water Park season a group of employees from NRG volunteered an entire day to make improvements at the Water Park. Half of the NRG group planted flowers, shrubs and groundcover that they donated, while the other half painted hand rails and light poles. Their help was greatly appreciated and made some improvements to the park that may not have otherwise been done.

While these upgrades and improvements are exciting and will make the park safer and more efficient, they are mostly behind the scenes improvements that will go generally unnoticed by guests. The actual user portions of the park have not been changed or been added to since opening day over 17 years ago. "Tad Pool" is a very small pool area with steps and rocks matching much of the natural and designer landscaping in the area. This area has been somewhat deteriorated by the elements and has some challenging maintenance issues. As a result, the usefulness and ongoing repair of the area has come into question.

Staff would like the permission of the Council to explore an "all abilities" splash park feature which would replace the Tad Pool Area. This would provide the opportunity for the first time to add a new attraction to the Water Park. Staff's conceptual idea is to make this area very interactive with water features designed in such a way as to be accessible to persons of all abilities. The installation of such a splash park feature would not only negate the ongoing maintenance and infrastructure issues with the Tad Pool, but would serve as a new attraction to enhance our facility.

Last year the Council commissioned Karste Consulting to look at what type of projects could be built with the remaining \$2,042,528 of Mello Roos monies. Karste Consulting reported back that there was not enough money to complete any of the projects they were asked to explore (turf fields, Library etc).

Staff believes the remaining Mello Roos money would be sufficient to complete a project such as the all abilities splash park feature and is asking Council to allow staff to explore the idea and report back.

Staff will also be reviewing whether to consider providing more admission package incentives. Currently the only options are daily admission and season passes.

OPTIONS

Provide staff direction

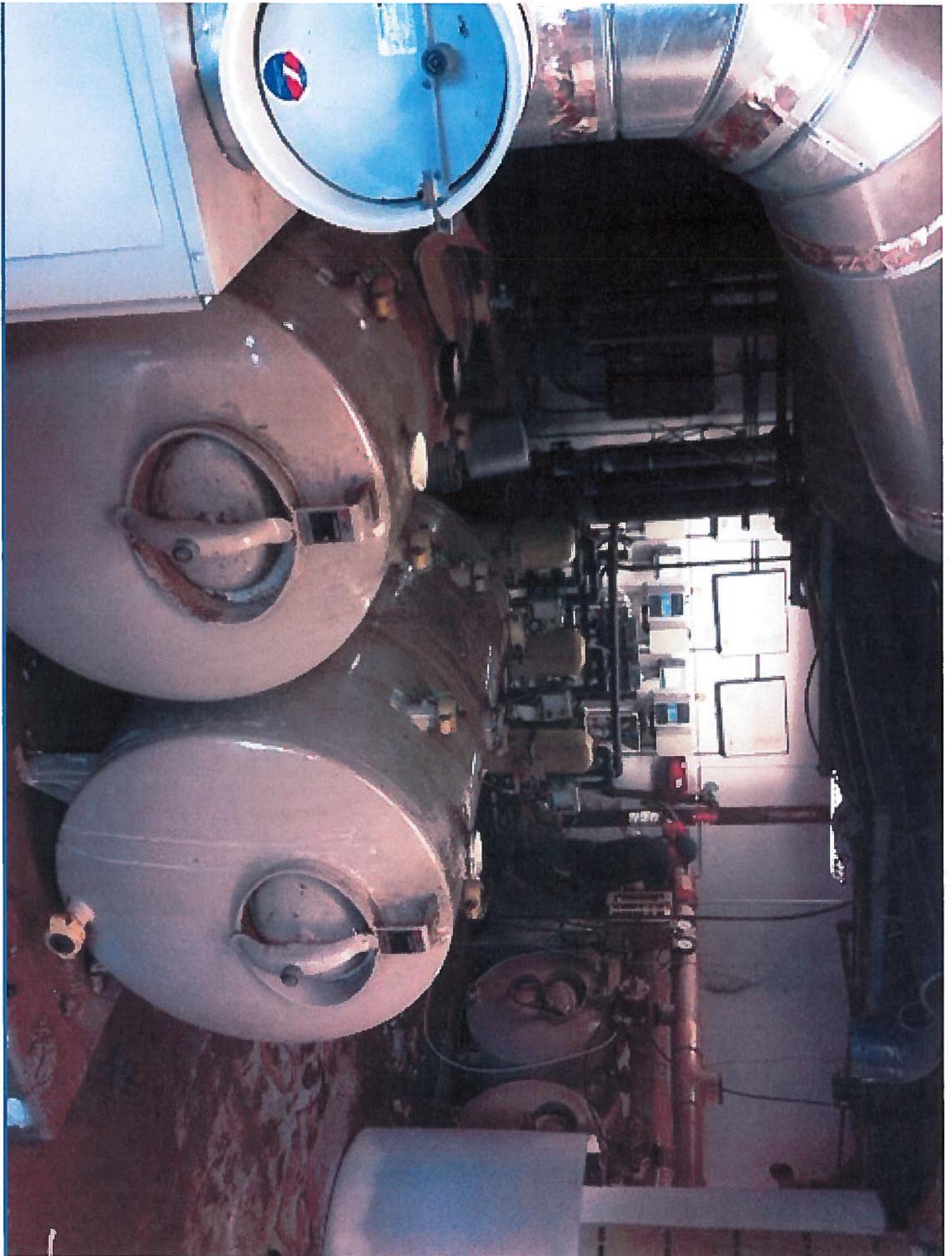
Provide no staff direction and receive and file report

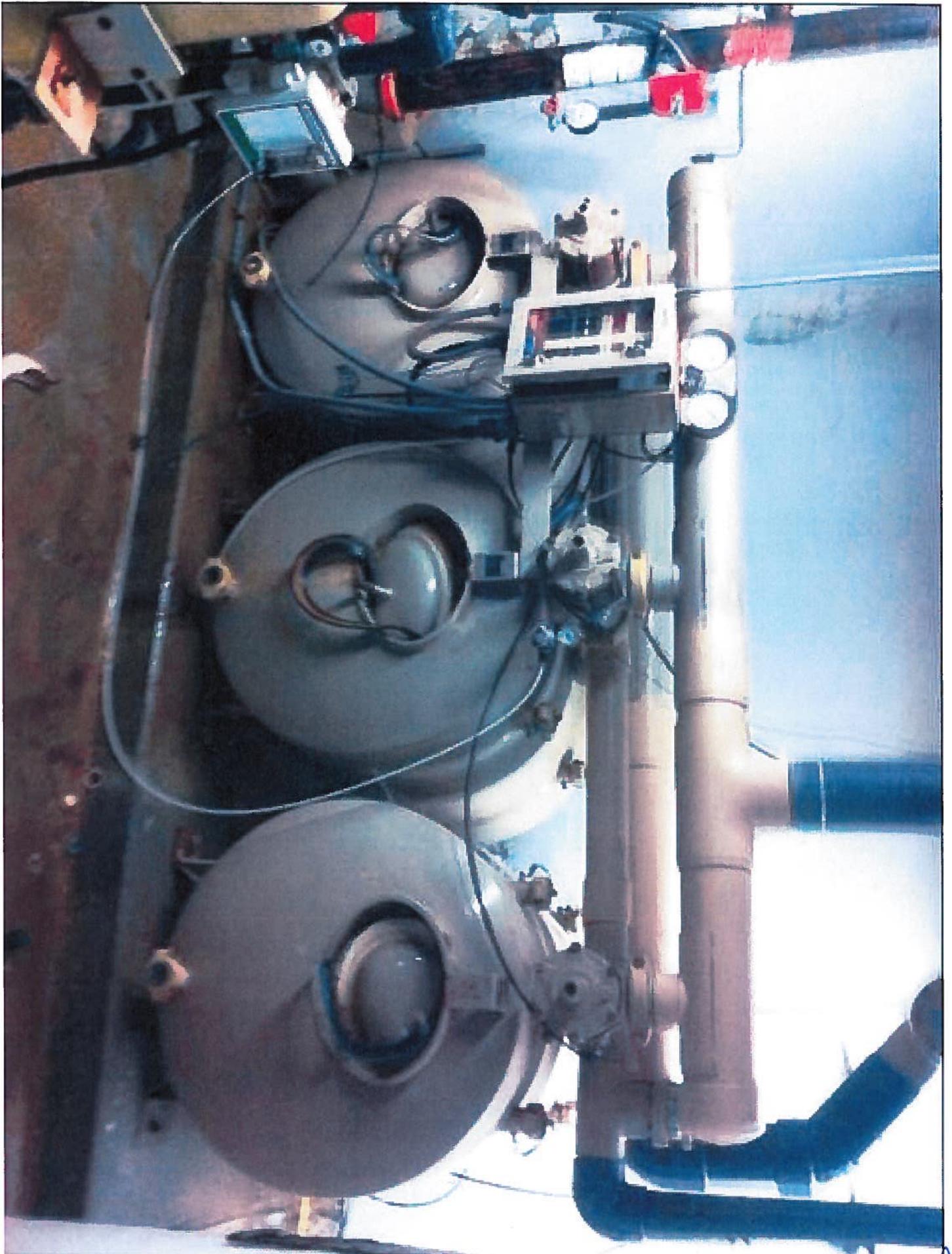
ATTACHMENTS

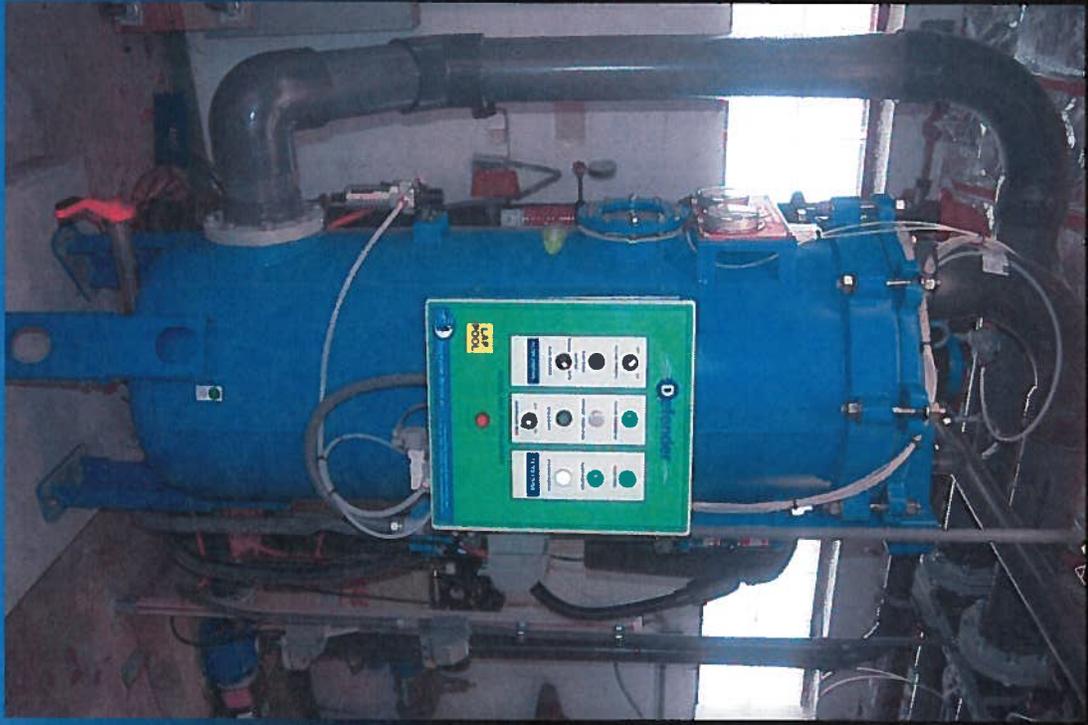
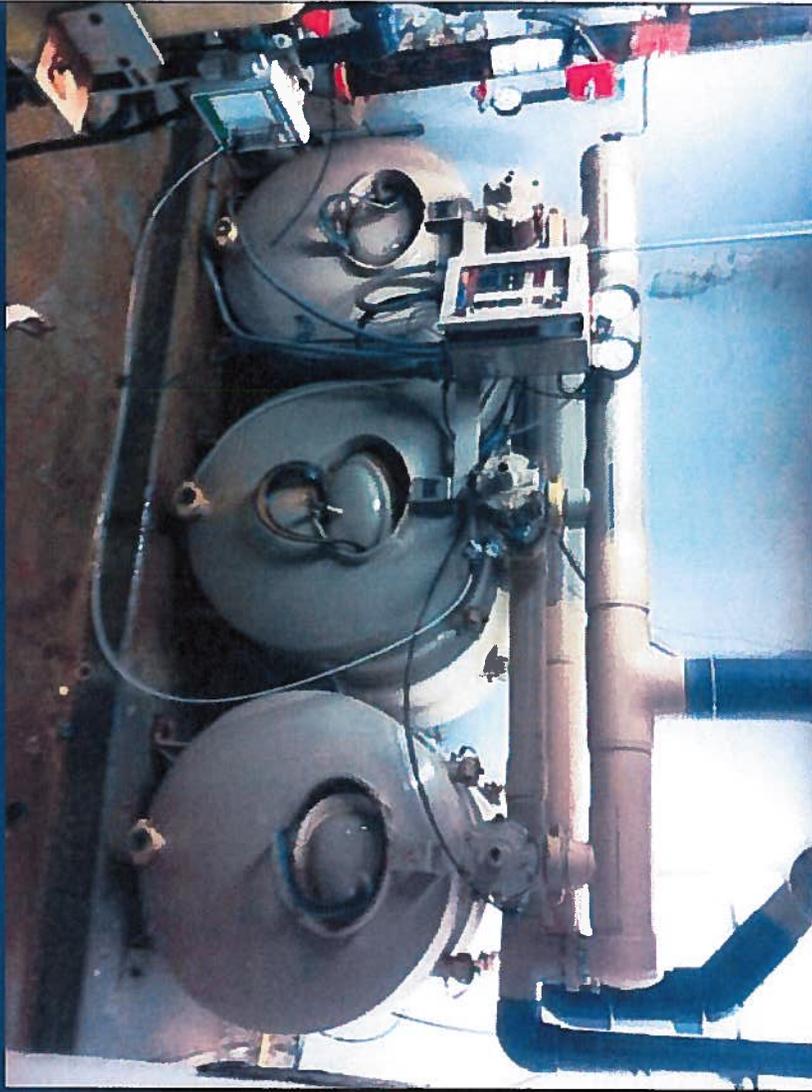
Power Point Presentation

ATTACHMENT "A"





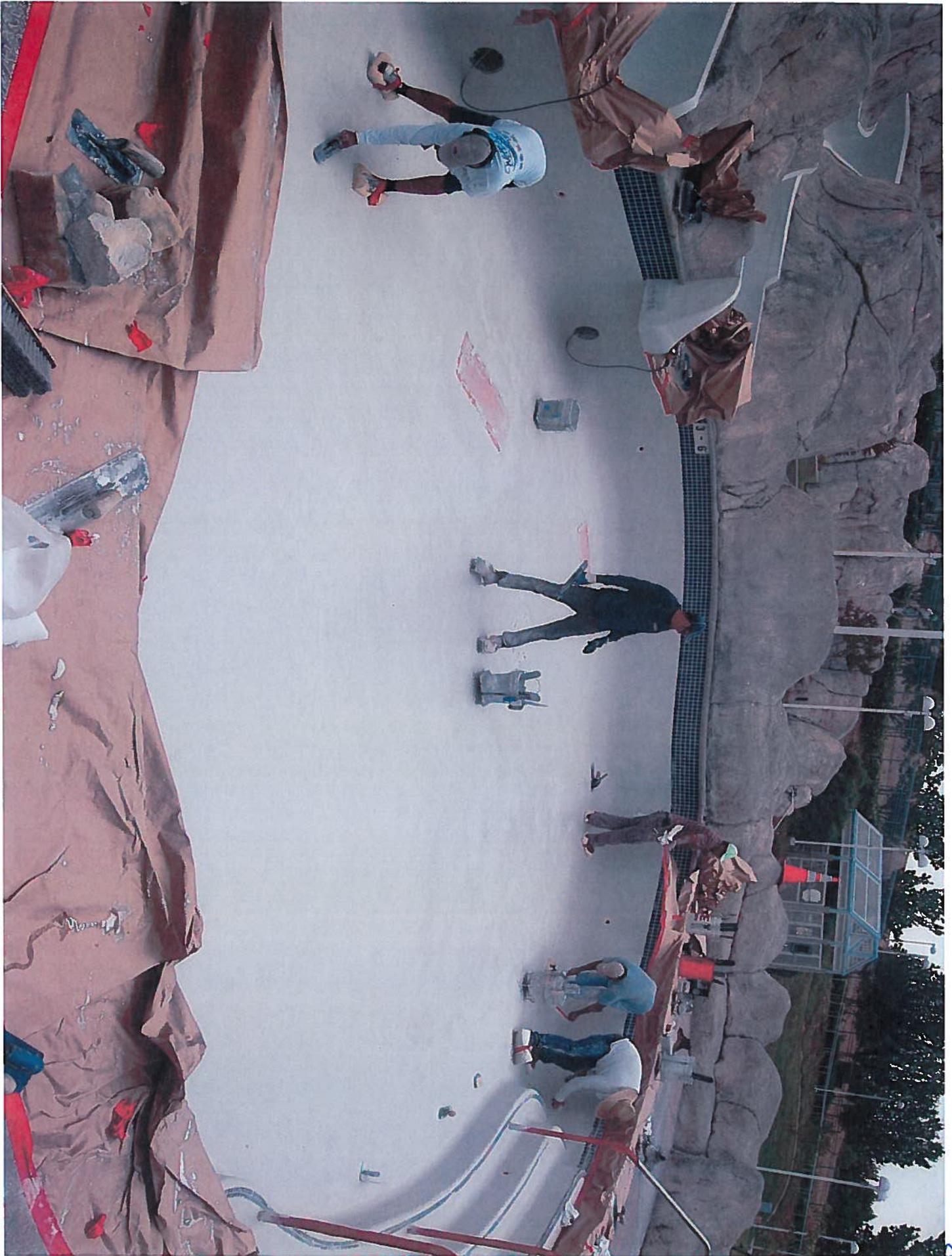




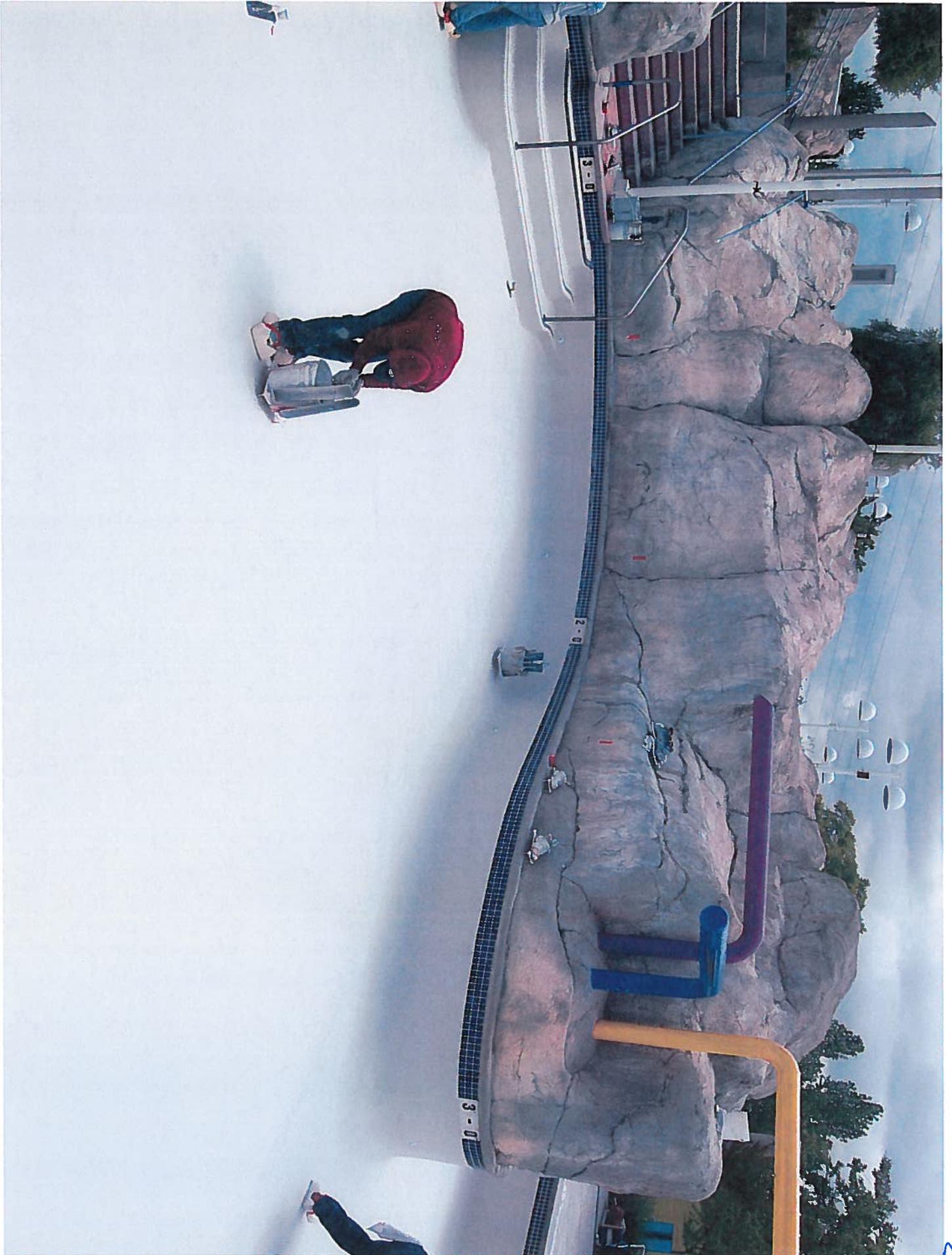












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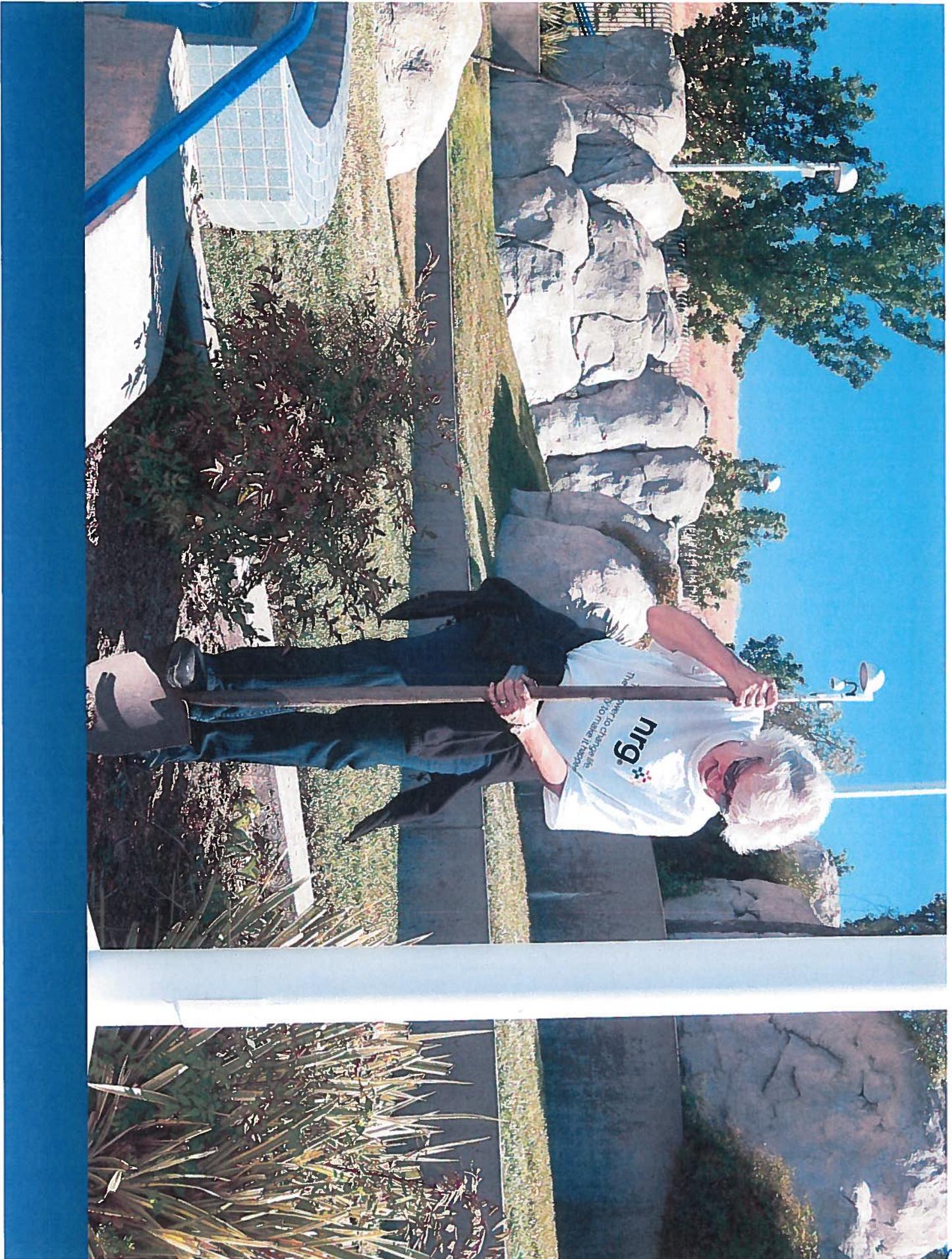


A13











AKB



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A19





**DEPARTMENT OF
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and City Council
From: Mindy Gentry, Senior Planner *MG*
Date: January 27, 2014
Subject: Item #2 – The Pointe

The attached letter from the Law Offices of Stuart M. Flashman was received by staff after the release of the staff report.

#2
01-28-14

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: stu@stufash.com

January 24, 2014

Mayor and City Council
City of Antioch
200 H Street
Antioch, CA 94509

RE: Consideration of "The Pointe" Residential Development Project (GP-13-02, Z-13-07, PD-08-01, PW 608, UP-08-01).

Dear Mayor and Council Members,

I am writing on behalf of Black Diamond Homeowners, an ad hoc group of homeowners within the area immediately surrounding the proposed development, and specifically the leaders of that group, Michael and Radiah Mikel, to express the group's objections and opposition to the above-referenced proposed development project. My clients believe that the project is not only a bad idea that will impact negatively on the surrounding community, it is also, as the December 2013 staff report points out, inconsistent with several policies address hillside properties in the City's General Plan, as well as with the general direction and intent of the General Plan.

In addition, while the proposed mitigated negative declaration ("MND") purports to identify and mitigate the Project's environmental impacts, it fails to adequately address impacts due to loss of open space, dividing an existing community, and potentially creating future hazards due to grading and then building on steep slopes and potentially unstable soils. These impacts have already been pointed out in several comment letters on the MND.

Further, the MND proposes to mitigate the Project's inconsistency with the City's General Plan and zoning by amending both the General Plan and the zoning ordinance to accommodate the Project. Yet no analysis has been prepared of the impacts of the General Plan amendment and rezoning. CEQA is clear that when a mitigation measure has be proposed to mitigate a project's potentially significant impacts, the impacts of that mitigation measure must also be considered and examined. Adopting the proposed General Plan Amendment and rezoning would therefore violate CEQA.

The developer, Discovery Builders, Inc, and its parent company, Seeno Construction Company, may argue that there will be no significant impacts from adopting the General Plan amendment and rezoning for this project. They would be wrong. In addition to the significant impacts that motivated the Planning Commission to reject this project by a 5-0 vote, the rezoning, and especially the proposed General Plan amendment, would have significant growth-inducing and cumulative impacts that would need to be addressed by an environmental impact report before they, and the Project, could be considered for approval.

As the staff reports for this Project explain, the City adopted its current General Plan policies limiting development on hillside areas, and particularly areas of over 25% slope, after years of study. Those policies reflect the City's more general determination that development should be done in ways that are in harmony with the existing

environment and topography. This Project would represent a radical departure from that approach.

If the General Plan amendment for this Project were adopted, it would signal that other areas that had previously been “off limits” for large-scale grading and development could be opened up to development based on similar general plan amendments exempting them from the General Plan’s hillside development policies. Not only would this result in inducing significant amounts of growth whose impacts have not been considered or analyzed, it would also, in itself, result in a large amount of mass grading, huge amounts of dirt transport, and the potential destruction of important visual and environmental resources, including potentially destruction of habitat for endangered species including the Alameda Whipsnake, which particularly prefers habitat with rock outcrops that tend to occur in areas with steep slopes. None of these potentially significant impacts have been considered or analyzed.

Additionally, the General Plan amendment the City Council now has before it is substantially different from what was presented to, and rejected by, the Planning Commission. Before the Council can approve that amendment, and the rezoning, they must first be sent back to the Planning Commission for that body’s consideration and recommendations.

In short, the City is not currently in a position where it would be legal to approve this Project. If the City wants to move this project forward, which my clients believe would be a big mistake, it must first properly consider and analyze fully the impacts of both the Project itself and the rezoning and General Plan amendment being proposed as mitigation for the Project.

Most sincerely,



Stuart M. Flashman



**DEPARTMENT OF
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and City Council
From: Mindy Gentry, Senior Planner *MG*
Date: January 28, 2014
Subject: Item #2 – The Pointe

The attached letter from Lakesha Smith was received by staff after the release of the staff report.

**Mindy Gentry
200 H Street
Antioch, CA 94509**

RE: The Pointe - Residential Project

Mindy-

I understand that you are the project planner for this project. I would like the comments in this letter included into the record. I would also like them read into the record at the next public hearing.

I am Lakesha Smith and I live in the Estates at Black Diamond in Antioch. When I heard about this project, I initially had concerns. I was then invited to a community meeting hosted by the developer on January 13, 2014 which I attended.

At the meeting, the developer explained the project to me and answered my questions. I understand that as part of the project approval the developer will be required to install a landscape buffer around this proposed project. I also understand that the developer does not care if this project is gated. I oppose placing a gate at the entrance of this project.

Overall, after meeting with the developer, getting my questions answered and having the project further explained to me in detail, I do not oppose this project moving forward.

Thank you,


Lakesha Smith