



Council Chambers
200 H Street
Antioch, CA 94509
Regular Meeting - 7:00 P.M.

ANNOTATED AGENDA

for

March 11, 2014

Antioch City Council
Regular Meeting

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>
Hard Copy viewing at: Antioch Public Library, 501 W 18th St, Antioch, CA
Online Viewing: <http://www.ci.antioch.ca.us/CityGov/citycouncilmeetings.asp>

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.

7:01 P.M. ROLL CALL for Council Members – **Council Members Wilson, Tiscareno, Agopian and Mayor Pro Tem Rocha (Mayor Harper absent)**

PLEDGE OF ALLEGIANCE

PROCLAMATIONS – *The Delta Valley Wolfpack Cheer Team*

– *Nati Flores – Contra Costa Commission for Women's Hall of Fame*

Approved, 4/0

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

➤ **PARKS AND RECREATION COMMISSION** (**Extended deadline date to apply: 03/13/14**)

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

CITY COUNCIL SUBCOMMITTEE REPORTS

MAYOR'S COMMENTS

1. **CONSENT CALENDAR**

A. **APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 25, 2014**

Recommended Action: Motion to approve the minutes

Approved, 4/0

MINUTES

B. **APPROVAL OF COUNCIL WARRANTS**

Recommended Action: Motion to approve the warrants

Approved, 4/0

STAFF REPORT

CONSENT CALENDAR — Continued

C. REJECTION OF CLAIM

1. Mayrdawna Davis 14/15-2162 (civil rights claim over Tri-Delta Transit's denial of paratransit service)

Rejected, 4/0

Recommended Action: Motion to reject the listed claim as to damages incurred on or after August 24, 2013

STAFF REPORT

D. ORDINANCE ADDRESSING AN EXTENDED ABSENCE BY AN ELECTED OFFICIAL

Ord No. 2078-C-S, 4/0

Action: The City Council introduced an ordinance on February 25, 2014 that provides if an elected official is absent for more than one month (30 consecutive days) unrelated to his or her own medical condition, then the official is not entitled to the salary, car allowance, and communication allowance (if received) for the entire period of absence. The action before the City Council is the adoption of this ordinance.

STAFF REPORT

E. APPROVAL OF RESOLUTION SUPPORTING THE INSTALLATION OF ELECTRIC VEHICLE CHARGING (EVC) STATIONS AND AUTHORIZING THE SUBMISSION OF A FUTURE GRANT APPLICATION FOR AN EVC STATION (P.W. 690)

Reso No. 2014/16, 4/0

Recommended Action: Motion to adopt a resolution supporting the installation of electric vehicle recharging stations, authorizing the City of Antioch to apply for future grant funding, and authorizing the City Manager or his designee to sign and submit an application. In addition, the funding for a portion of the installation is secured.

STAFF REPORT

F. APPROVAL OF RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, DIVISION OF BOATING AND WATERWAYS FOR THE RESTROOM IMPROVEMENTS AT THE MARINA BOAT LAUNCH FACILITY (P.W. 523-16R)

Reso No. 2014/17, 4/0

Recommended Action: Motion to adopt a resolution authorizing the City of Antioch to apply for grant funding from the State Department of Parks and Recreation, Division of Boating and Waterways in the amount of \$546,000 for the construction of a restroom facility at the Marina Boat Launch Facility and authorizing the City Manager or his designee to sign and submit the application.

STAFF REPORT

CONSENT CALENDAR — Continued

- G.** RESOLUTION TO SUMMARILY VACATE SURPLUS PORTIONS OF AUTO CENTER DRIVE AND MAHOGANY WAY AND AUTHORIZE THE CITY MANAGER TO EXECUTE ANY ADDITIONAL DOCUMENTS TO VACATE ANY INTEREST TO LOWE’S HIW, INC., QUITCLAIM INTEREST IN EXISTING WATER MAIN EASEMENT, AND ACCEPT REPLACEMENT EASEMENTS AND RIGHT-OF-WAY (PW 357-301-13)

Reso No. 2014/18 and Reso No. 2014/19, 4/0

Recommended Action: Motion to adopt the resolution to summarily vacate surplus portions of Auto Center Drive and Mahogany Way to Lowe’s HIW, Inc. (the adjacent property owner), quitclaim an abandoned public water main easement, accept right-of-way along Auto Center Drive and Mahogany Way and accept various utility easements

END OF CONSENT CALENDAR

STAFF REPORT

PUBLIC HEARING

STAFF REPORT

STAFF REPORT

PRESENTATION

- 2.** CONSIDERATION OF ADOPTION OF DEVELOPMENT IMPACT FEES AND AMENDMENTS TO THE GROWTH MANAGEMENT PROGRAM

- A) THE CITY OF ANTIOCH IS PROPOSING TO ADOPT DEVELOPMENT IMPACT FEES AND UPDATE PARK IN-LIEU FEES PURSUANT TO THE GOVERNMENT CODE

- Recommended Action:
1. Motion to introduce the ordinances by title only.
To 03/25/14 for adoption, 4/0
 2. Motion to introduce the ordinance adding Chapter 3 of Title 9 to the Antioch Municipal Code establishing Development Impact Fees.

To 03/25/14 for adoption, 4/0

3. Motion to introduce the ordinance amending Sections -4-1003, 9-4.1005 and 9-4.1007 in Chapter 4, of Title 9 of the Antioch Municipal Code regarding amount of fees in-lieu of land dedication for park and recreational land.

- B) THE CITY OF ANTIOCH IS PROPOSING GENERAL PLAN AND ZONING ORDINANCE AMENDMENTS TO REVISE THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM (GROWTH MANAGEMENT PROGRAM). THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THE PROPOSED AMENDMENTS ON JANUARY 15, 2014.

Reso No. 2014/20

with direction to staff to provide quarterly reports of residential permits issued

- Recommended Action:
1. Motion to adopt the resolution amending the Growth Management Element of the General Plan to reflect updates to the residential growth management ordinance.
 2. Motion to read the ordinance by title only.
To 03/25/14 for adoption, 3/1-T
 3. Motion to introduce an ordinance repealing and reenacting Title 9, Chapter 5, Article 40 or the Antioch Municipal Code regarding Residential Growth Management.

COUNCIL REGULAR AGENDA

3. AMEND TITLE 3, CHAPTER 1, OF THE ANTIOCH MUNICIPAL CODE TO UPDATE PROCEDURES REGARDING BUSINESS LICENSING

Recommendation: It is recommended that the City Council approve a:

- 1) Motion to read the ordinance by title only; and
To 03/25/14 for adoption, 4/0
- 2) Motion to introduce an ordinance amending in its entirety Chapter 1, "Business Licensing," of Title 3 of the Antioch Municipal Code and Adding Chapter 4, "Sound Advertising Regulations" to Chapter 2 of Title 5 of the Antioch Municipal Code regarding business licensing procedures and not the amount of the business license tax.

STAFF REPORT

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – 8:48 p.m.

**CITY COUNCIL MEETING
INCLUDING THE ANTIOCH CITY COUNCIL
ACTING AS SUCCESSOR AGENCY/HOUSING SUCCESSOR
TO THE ANTIOCH DEVELOPMENT AGENCY**

**Regular Meeting
7:00 P.M.**

**February 25, 2014
Council Chambers**

6:15 P.M. - CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL** – Existing Litigation pursuant to California Government Code §54956.9 (d)(1): In re Eva Romero and Gilbert Romero U.S. Bankruptcy Court (Northern District) Case No. 12-44668 and Initiation of Litigation pursuant to California Government Code §54956.9 (d)(4) (Humphrey's Restaurant)

City Attorney Nerland reported the City Council had been in Closed Session and gave the following report: **#1 CONFERENCE WITH LEGAL COUNSEL**, City Council on a 5/0 vote directed City Attorney Nerland to initiate litigation.

Mayor Harper called the meeting to order at 7:00 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.

PROCLAMATIONS

In memory of former Council Member Reginald "Reggie" Moore

Mayor Harper reported a celebration of life had been held on February 22, 2014 for former Councilmember Reggie Moore.

On motion by Councilmember Rocha, seconded by Councilmember Tiscareno the Council unanimously approved the Proclamation.

The City Council recognized Councilmember Moore for bringing the Martin Luther King Jr. Day celebration to Antioch and thanked him for being a great friend and serving the citizens of Antioch. They expressed their appreciation to Reggie's wife, Dishon for supporting his service to the community.

Mayor Harper announced there would be a community service award in former Councilmember Moore's name at the next Martin Luther King Jr. celebration and he invited his family to attend that event.

The City Council presented the proclamation to Rachel and Joey, who on behalf of Reggie Moore's family, thanked the City Council for the recognition.

Keep Antioch Beautiful Day, April 26, 2014

On motion by Councilmember Agopian, seconded by Councilmember Rocha the Council unanimously approved the Proclamation.

Mayor Harper presented the proclamation to Martha Parsons and members of the Keep Antioch Beautiful committee who thanked the City Council for the recognition and announced the event would take place from 8:30 – 11:00 A.M., April 25, 2014. Contact information was provided for anyone wishing to attend.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Sean Wright announced the Antioch Chamber of Commerce was hosting their Annual Inaugural Gala Dinner and Awards Ceremony on March 14, 2014, at the Lone Tree Golf Course & Event Center. Contact information was provided for anyone wishing to purchase tickets.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced the following Commission opening.

- *Parks and Recreation Commission: Four (4) vacancies; extended deadline date is March 13, 2014*

He noted applications were available on the City's website and at the City Clerk and Deputy City Clerk's office.

PUBLIC COMMENTS

Julie Young, Antioch resident, thanked the City for installing the new sound wall between her property and the park. She expressed concern for the financial impacts of implementing the Common Core program in the Antioch School District.

Fred Hoskins, Antioch resident, expressed his appreciation to City Manager Duran for improving communication between the City and citizens with weekly status reports. He complimented everyone who participated in addressing the city's homeless issues and offered his services to the City.

Lori Anzini, Antioch resident, presented the Council with a PowerPoint presentation of neighborhood concerns related to an ice cream truck parking near her home after school. She stated she felt the negative behavior would not stop until the ice cream truck was no longer allowed to park in the location. She presented a petition signed by neighbors and requested the

City consider an ordinance preventing ice cream trucks from stopping at one location for longer than five (5) minutes at a time.

Mayor Harper urged Ms. Anzini to work with the Antioch Police Department and stated he would be following up on her concerns.

Mark Dimercurio, Restore the Delta, invited the community to attend a forum on Lower Delta Water Quality from 6:30 – 8:00 P.M. on March 6, 2014 at the Lone Tree Golf Course. He announced the deadline for submitting comments on the Bay Delta Conservation Plan (BDCP) was April 14, 2014. He questioned what the city's position was and how they were educating residents on the potential impacts of the BDCP.

In response to Mr. Demercurio, Mayor Harper reported on his attendance at the meeting before the State Assembly and announced consultants were representing the City. He read written comment submitted on behalf of the City of Antioch, read to the State Assembly.

Councilmember Rocha discussed the importance of public participation at the Lower Delta Water Quality forum.

COUNCIL SUBCOMMITTEE REPORTS

Councilmember Rocha announced a Covered California workshop would be held from 10:00 – 2:00 P.M. on March 8, 2014, at Fremont Elementary school. She reported on her attendance at the Suburban Poverty Task Force committee meeting and noted the City of Concord had offered to share the Concord Cares program with Antioch. She stated that she had sought out the support of clergy in efforts to address suburban poverty and they had been very supportive.

Sean Wright, Antioch Chamber of Commerce, added that they were very happy to be working with the City, Antioch Police Department and Contra Costa County on the Suburban Poverty Task Force. He announced the City of Concord had offered to bring a template of the Concord Cares program to Antioch.

MAYOR'S COMMENTS - None

PRESENTATION

City of Antioch team for Relay for Life

David Bates, Co-chair for Relay for Life, gave a history of the Relay for Life event. He thanked the City for their involvement in bringing the event back to Antioch and announced the event would be held on June 21 and 22, 2014, at Deer Valley High School.

- 1. COUNCIL CONSENT CALENDAR for City /City as Successor Agency to the Antioch Development Agency**

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- A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 11, 2014
- B. APPROVAL OF COUNCIL WARRANTS
- C. APPROVAL OF TREASURER'S REPORT FOR JANUARY 2014
- D. REJECTION OF CLAIM
1. Christopher and Julie Young 13/14-2116 (property damage)
- E. RESOLUTION NO. 2014/11 APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE SUSTAINABLE COMMUNITIES PLANNING GRANT AND INCENTIVES PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 IN ORDER TO FUND THE PREPARATION OF A SPECIFIC PLAN FOR THE CITY'S DOWNTOWN AREA
- F. RESOLUTION NO. 2014/12 AMENDMENT OF THE LATERAL POLICE OFFICER HIRING POLICY FOR THE PERIOD OF JANUARY 1, 2013 – JUNE 30, 2014
- G. RESOLUTION NO. 2014/13 APPROVING AND ESTABLISHING AN ASSOCIATED SALARY RANGE FOR THE CLASSIFICATION OF WATER TREATMENT PLANT MAINTENANCE WORKER III
- H. RESOLUTION NO. 2014/14 STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT ENGINEER'S REPORT FOR FISCAL YEAR 2014/2015
- I. RESOLUTION NO. 2014/15 ACCEPTING WORK AND AUTHORIZING CITY ENGINEER TO FILE A NOTICE OF COMPLETION FOR THE NELSON RANCH PARK WALL EXTENSION PROJECT (PW 547-P)
- J. PROPOSED FIRST AMENDMENT TO CALIFORNIA LEASE AGREEMENT AND AUTHORIZE CITY MANAGER TO EXECUTE THE LEASE AMENDMENT AND RELATED DOCUMENTS WITH AT&T FOR CITY-OWNED PROPERTY LOCATED AT 4808 CACHE PEAK DRIVE (APN 072-012-102-9) (AUP-12-13)
- City of Antioch Acting as Successor Agency to the Antioch Development Agency
- K. APPROVAL OF SUCCESSOR AGENCY WARRANTS

On motion by Councilmember Rocha, seconded by Councilmember Agopian, the City Council unanimously approved the Council Consent Calendar with the exception of item E, which was removed for further discussion.

Item E – At the request of Councilmember Wilson, City Manager Duran presented the staff report dated February 19, 2014 recommending the City Council adopt the resolution.

Councilmember Agopian thanked Councilmember Wilson for pulling this Consent Calendar item so the public could understand the importance of the grant application.

On motion by Councilmember Agopian, seconded by Councilmember Wilson the Council unanimously approved item E.

COUNCIL REGULAR AGENDA

2. ANNUAL CITY COUNCIL UPDATE FROM THE LONE TREE GOLF COURSE SUBCOMMITTEE - CONTINUED DEFERMENT OF THE TWO OUTSTANDING CONSTRUCTION LOANS TO THE CITY OF ANTIOCH

Project Consultant Lonnie Karste and Lone Tree Golf Course General Manager Ron Parish presented the staff report dated February 12, 2014 recommending that the City Council take the following actions: 1) Receive annual report; 2) Maintain the prioritization of the payment of the ABAG loan by the Antioch Golf Corporation Board of Directors. A significant portion of this loan payment must be made annually; and 3) Continue to defer the two construction loan payments (site parking lot and additional club house/event center construction costs) until after the ABAG loan payments are current and there are sufficient revenues available over operational expenses annually to pay the ABAG loan and the two construction loans to the City.

Councilmember Rocha announced the Women's Club fashion show would be held April 5, 2014 and Brighter Beginnings fashion show would be held on May 10, 2014.

Councilmember Tiscareno thanked Project Consultant Karste for the report. He discussed the importance of promoting the facility and making the ABAG payments a priority.

Councilmember Wilson encouraged the Board of Directors to continue to look for ways to increase revenue.

Following discussion, Council consensus requested future reports include a cost-benefit analysis.

Mayor Harper acknowledged the efforts of the non-profit Board of Directors to improve revenue and provide a first-rate facility for the community.

On motion by Councilmember Rocha, seconded by Councilmember Agopian the Council unanimously moved to: 1) Receive annual report; 2) Maintain the prioritization of the payment of the ABAG loan by the Antioch Golf Corporation Board of Directors. A significant portion of this loan payment must be made annually; and 3) Continue to defer the two construction loan payments (site parking lot and additional club house/event center construction costs) until after the ABAG loan payments are current and there are sufficient revenues available over operational expenses annually to pay the ABAG loan and the two construction loans to the City.

3. ORDINANCE ADDRESSING AN EXTENDED ABSENCE BY AN ELECTED OFFICIAL

City Attorney Nerland presented the staff report dated February 19, 2014 and stated if the Council believed that the draft ordinance reflects previous direction, then the following motions should be made: 1) Motion to read the ordinance by title only; and 2) Motion to introduce an ordinance adding sections 2-1.207 and 2-1.703 to the Antioch Municipal Code regarding an extended absence by an elected official.

Mayor Harper stated he agreed with the intent of the ordinance however future Councils may look at the language and not the intent. He stated he would support amending the ordinance to indicate the elected official would not be penalized for the first thirty (30) days, if an absence extended beyond one month.

Following discussion, the Council majority felt the ordinance, as written, was reasonable and what residents expected of elected officials.

On motion by Councilmember Agopian, seconded by Councilmember Rocha the Council 1) Read the ordinance by title only; and 2) Introduced an ordinance adding sections 2-1.207 and 2-1.703 to the Antioch Municipal Code regarding an extended absence by an elected official. The motion carried the following vote:

Ayes: Rocha, Agopian, Wilson, Tiscareno

Noes: Harper

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Duran reported on the meeting he attended with the Brentwood City Manager Paul Eldredge, to discuss the Police Dispatch agreement. He stated they would be scheduling another meeting with City Managers from Pittsburg and Oakley to discuss the BDCP.

COUNCIL COMMUNICATIONS

Councilmember Agopian suggested information on the BDCP be included in City Manager Duran's weekly reports.

Councilmember Tiscareno reported he had received several communications regarding the speed limit in the James Donlon Boulevard area and stated he would like the City to consider how to improve safety in the area.

Councilmember Rocha announced the Neighborhood Cleanup would be held at 9:00 A.M. on March 1, 2014, at City Hall. She requested the City agendize the Suburban Poverty Task Force meeting with a presentation on the Concord Cares program for 9:00 A.M. on March 13, 2014, in Council Chambers.

The Council consensus supported agendizing the Suburban Poverty Task Force meeting for 9:00 A.M, March 13, 2014, in Council Chambers.

Councilmember Wilson reported on her attendance at the Jefferson Awards meeting.

Mayor Harper reported the Mayor's conference had been scheduled for the same time as the BDCP meeting and therefore Mayor's would most likely not be in attendance at the BDCP meeting. He announced Mayor Pro Tem Rocha would facilitate the City Council meeting on March 11, 2014, as he would be in Washington D.C. on City business.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 8:43 P.M. to the next regular Council meeting on March 11, 2014.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 19-28, 2014
 FUND/CHECK#

100 General Fund

Non Departmental

349712 BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	118.00
349850 K2 GENERAL CONTRACTOR	SMIP FEE REFUND	5.60

City Council

203254 NATURES BOUNTY	MEETING EXPENSE	60.95
203256 MR PICKLES	MEETING EXPENSE	58.28
349863 LOWES COMPANIES INC	SUPPLIES	9.56
349873 MOUNTAINTOP INSIGHT CONSULTING GROUP	CONSULTING SERVICES	8,778.74

City Attorney

349733 JARVIS FAY AND DOPORTO LLP	LEGAL SERVICES	1,170.42
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City Clerk

349793 CITY CLERKS ASSOCIATION	MEMBER DUES	295.00
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City Treasurer

349830 GARDA CL WEST INC	ARMORED CAR PICK UP	210.12
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Human Resources

349705 AUSK, CHINH B	EXPENSE REIMBURSEMENT	25.50
349837 HASKETT, DENISE M	EXPENSE REIMBURSEMENT	71.91
349841 IEDA INC	PROFESSIONAL SERVICES	3,217.74
349859 LIEBERT CASSIDY WHITMORE	PROFESSIONAL SERVICES	13,095.00
349876 MUNICIPAL POOLING AUTHORITY	PROFESSIONAL SERVICES	459.90
349893 PSYCHOLOGICAL RESOURCES INC	PROFESSIONAL SERVICES	2,250.00

Economic Development

349714 CARLSON BARBEE AND GIBSON INC	CONSULTING SERVICES	1,660.40
349723 ECIVIS INC	GRANTS DATABASE	3,750.00
349768 ANTIOCH COMMUNITY FOUNDATION	FOUNDATION FUND	26,355.81
349891 PMB HELIN DONOVAN LLP	CONSULTING SERVICES	1,676.20

Finance Administration

349879 OFFICE MAX INC	OFFICE SUPPLIES	152.78
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Finance Accounting

349771 AT AND T MCI	BITECH PHONE LINE	958.12
349879 OFFICE MAX INC	OFFICE SUPPLIES	40.46
921472 SUNGARD PUBLIC SECTOR INC	ASP SERVICE	12,732.85

Finance Operations

349879 OFFICE MAX INC	OFFICE SUPPLIES	55.55
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Non Departmental

203314 BLAKELY, PHYLLIS	BUS LIC OVERPAYMENT REFUND	15.00
203315 SILGAN CONTAINERS MFG CORP	BUS LIC APP FEE REFUND	30.00
349740 MUNICIPAL POOLING AUTHORITY	UNMET LIABILITY DEDUCTIBLE	19,447.12
349741 MUNISERVICES LLC	QTR3 STARS	250.00
349812 DELTA DIABLO	GOLF COURSE WATER-DEC13	4,214.00
349929 WAGEWORKS	125 PLAN ADMIN FEE	150.00

Public Works Maintenance Administration

349928 VERIZON WIRELESS	DATA PLAN	38.01
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Public Works Street Maintenance

349892 PRINT CLUB	STREET SIGNS	546.84
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349928 VERIZON WIRELESS	DATA PLAN	38.01
921335 GRAINGER INC	SUPPLIES	260.31
Public Works-Signal/Street Lights		
349764 AMERICAN GREENPOWER USA INC	STREET LIGHTS	6,576.92
349802 CONTRA COSTA COUNTY	TRAFFIC SIGNAL MAINTENANCE	50,267.76
349912 STATE OF CALIFORNIA	SIGNALS LIGHT MAINTENANCE	3,150.49
921406 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	562.96
Public Works-Striping/Signing		
349824 FASTENAL CO	SUPPLIES	460.63
349825 FLINT TRADING INC	SUPPLIES	476.17
349844 INTERSTATE SALES	REFLECTORS	299.46
349863 LOWES COMPANIES INC	SUPPLIES	267.80
349866 MANERI SIGN COMPANY	SIGNS	10,197.10
349908 SHERWIN WILLIAMS CO	PAINT	298.16
349917 T AND T PAVEMENT MARKINGS & PRODUCTS	SUPPLIES	710.72
349928 VERIZON WIRELESS	DATA PLAN	38.01
921394 HAMMONS SUPPLY COMPANY	SUPPLIES	122.43
Public Works-Facilities Maintenance		
349706 BANK OF AMERICA	SIGNAGE	153.25
349758 WESCO RECEIVABLES CORP	SUPPLIES	930.92
349863 LOWES COMPANIES INC	SUPPLIES	97.74
349880 OMEGA INDUSTRIAL SUPPLY	SUPPLIES	622.93
349928 VERIZON WIRELESS	DATA PLAN	38.01
921336 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	2,494.82
921389 GRAINGER INC	SUPPLIES	256.92
921394 HAMMONS SUPPLY COMPANY	SUPPLIES	50.62
921406 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	1,186.79
Public Works-Parks Maint		
349720 DELTA FENCE CO	FENCE REPAIR SERVICE	972.00
349758 WESCO RECEIVABLES CORP	SUPPLIES	815.92
349851 KAY PARK AND REC CORP	EQUIPMENT REPLACEMENT	381.00
Public Works-Median/General Land		
349699 ACE HARDWARE, ANTIOCH	PVC FITTINGS	36.72
349725 EMPLOYMENT DEVELOPMENT DEPARTMENT	UNEMPLOYMENT CLAIMS	47.00
349817 DIABLO LIVE SCAN	FINGERPRINTING	20.00
349913 STATE OF CALIFORNIA	FINGERPRINTING	32.00
921408 JOHN DEERE LANDSCAPES PACHECO	SUPPLIES	815.89
Public Works-Work Alternative		
349760 ACE HARDWARE, ANTIOCH	SUPPLIES	32.53
349817 DIABLO LIVE SCAN	FINGERPRINTING	20.00
349913 STATE OF CALIFORNIA	FINGERPRINTING	32.00
Police Administration		
349704 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	185.00
349744 OFFICE MAX INC	OFFICE SUPPLIES	789.23
349761 ALAMEDA COUNTY SHERIFFS OFFICE	TUITION-PFEIFFER	188.00
349770 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	90.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
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349797 COMMERCIAL SUPPORT SERVICES	CAR WASHES	493.50
349799 CONCORD UNIFORMS LLC	UNIFORMS	8,255.98
349800 CONTRA COSTA COUNTY	RANGE TRAINING	195.00
349852 KIRBY POLYGRAPH & INVESTIGATIVE SVCS	POLYGRAPH EXAMS	3,000.00
349889 PFEIFFER, DEAN A	MEAL ALLOWANCE	75.00
349890 PITNEY BOWES INC	EQUIPMENT RENTAL	331.35
349898 RADAR SHOP, THE	RADAR CERTIFICATION	1,478.00
349909 SHRED IT INC	SHRED SERVICES	305.10
921334 COMPUTERLAND	COMPUTER EQUIPMENT	198.22
921346 AUGUSTA, VINCENT	EXPENSE REIMBURSEMENT	128.54
921369 CRYSTAL CLEAR LOGOS INC	SHIRTS	484.07
921407 IMAGE SALES INC	BADGES	17.21
921431 MOBILE MINI LLC	PORTABLE STORAGE CONTAINERS	213.96
Police Prisoner Custody		
349906 SAVE MART SUPERMARKETS	JAIL FOOD	30.00
Police Community Policing		
349700 AIELLO, STEVEN J	EXPENSE REIMBURSEMENT	99.14
349726 FACHNER, DANIEL E	EXPENSE REIMBURSEMENT	140.56
349739 MORIN, SHAWN M	EXPENSE REIMBURSEMENT	404.94
349750 ROSE, BRIAN C	EXPENSE REIMBURSEMENT	187.65
349778 BEDGOOD, JAMES R	MILEAGE REIMBURSEMENT	79.10
349782 BITTNER, DESMOND D	EXPENSE REIMBURSEMENT	30.00
349829 EMPLOYEE	PENSION PAYMENT	3,999.00
Police Investigations		
349798 COMMUNITY VIOLENCE SOLUTIONS	SART EXAM	2,250.00
349801 CONTRA COSTA COUNTY	LAB TESTING	21,017.50
349809 COURT SERVICES INC	PRISONER TRANSPORTATION	500.00
349828 GALLS INC	SUPPLIES	181.68
Police Special Operations Unit		
349921 TOYOTA FINANCIAL SERVICES	VEHICLE LEASE	1,543.90
Police Communications		
349725 EMPLOYMENT DEVELOPMENT DEPARTMENT	UNEMPLOYMENT CLAIMS	2,078.00
349832 GLOBALSTAR	TELECOMMUNICATIONS SERVICES	86.65
349884 PACIFIC TELEMAGEMENT SERVICES	LOBBY PAYPHONE	78.00
Police Community Volunteers		
349879 OFFICE MAX INC	OFFICE SUPPLIES	76.97
Police Facilities Maintenance		
349765 AMERICAN PLUMBING INC	PLUMBING SERVICES	652.50
349831 GENERAL PLUMBING SUPPLY CO	SUPPLIES	123.27
349863 LOWES COMPANIES INC	SUPPLIES	22.74
921336 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	4,411.17
Community Development Land Planning Services		
349728 GENTRY, MELINDA M	EXPENSE REIMBURSEMENT	14.86
349777 BAY AREA NEWS GROUP	LEGAL AD	128.40
CD Code Enforcement		
349702 ALLIED WASTE SERVICES	RESIDENTIAL GARBAGE ABATEMENT	5,063.46

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349754	TURNAGE II, KEN	ABATEMENT SERVICES	1,853.65
349756	VERIZON WIRELESS	NETWORK SERVICES	114.03
349845	INTERWEST CONSULTING GROUP INC	CODE ENFORCEMENT SERVICES	6,645.00
Community Development Building Inspection			
349732	INTERNATIONAL CODE COUNCIL	ANNUAL MEMBERSHIP	225.00
349745	PACIFIC DOCU-SCAN	RECORDS REQUEST	393.50
349850	K2 GENERAL CONTRACTOR	ENERGY INSPECTION FEE REFUND	455.75
349879	OFFICE MAX INC	OFFICE SUPPLIES	225.98
212 CDBG Fund			
CDBG			
349845	INTERWEST CONSULTING GROUP INC	CODE ENFORCEMENT SERVICES	9,235.00
921334	COMPUTERLAND	COMPUTER EQUIPMENT	328.42
213 Gas Tax Fund			
Streets			
349708	BAY AREA NEWS GROUP	LEGAL AD	325.20
349721	DEPARTMENT OF INDUSTRIAL RELATIONS	LABOR COMPLIANCE	248.77
349746	PARSONS BRINCKERHOFF INC	PROFESSIONAL SERVICES	51,584.42
921444	PROVEN MANAGEMENT INC	WILBUR AVE PROJECT	690,732.65
214 Animal Control Fund			
Animal Control			
349729	HELGEMO-DEVLIN, MONIKA M	PER DIEM	355.00
349730	HILLS PET NUTRITION	ANIMAL FOOD	1,388.73
349737	MARRIOTT HOTEL	LODGING-HELGEMO	731.80
349738	MARRIOTT HOTEL	LODGING-SUTHERLAND	731.80
349752	SUTHERLAND, ANDREA E	PER DIEM	355.00
349822	EAST BAY VETERINARY EMERGENCY	VETERINARY SERVICES	567.51
349823	EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	1,559.95
349838	HILLS PET NUTRITION	ANIMAL FOOD	524.47
921336	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	435.75
Maddie's Fund Grant			
349823	EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	2,696.85
219 Recreation Fund			
Non Departmental			
349735	KIRKLAND, KIM	DEPOSIT REFUND	500.00
349815	DELTA YOUTH SOCCER	DEPOSIT REFUND	500.00
349848	JIM FRAZIER FOR ASSEMBLY	DEPOSIT REFUND	1,000.00
Recreation Admin			
349709	BAY CITIES PYROTECTOR	SPRINKLER TEST	375.00
349796	COLE SUPPLY CO INC	SUPPLIES	57.03
Senior Programs			
349719	COSTCO	SUPPLIES	156.74
Recreation Classes/Prog			
349719	COSTCO	SUPPLIES	293.73
349724	EDUCATION TO GO	CONTRACTOR PAYMENT	470.75
349725	EMPLOYMENT DEVELOPMENT DEPARTMENT	UNEMPLOYMENT CLAIMS	478.00
349819	DISCOUNT SCHOOL SUPPLY	SUPPLIES	142.87

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349821 DUGAND, KARINA	CONTRACTOR PAYMENT	310.80
349856 KOVALICK, LUANNE	CONTRACTOR PAYMENT	930.24
349861 LIPPE, PATRICIA	CONTRACTOR PAYMENT	282.48
349875 MUIR, ROXANNE	CONTRACTOR PAYMENT	399.09
349920 THOMPSON, RANDALL	CONTRACTOR PAYMENT	52.50
349932 WE ARE ONE PRODUCTIONS	CONTRACTOR PAYMENT	1,428.00
Recreation Sports Programs		
349725 EMPLOYMENT DEVELOPMENT DEPARTMENT	UNEMPLOYMENT CLAIMS	715.00
349743 NEOPOST	POSTAGE	292.19
349776 BAY AREA BARRICADE	SUPPLIES	886.99
349863 LOWES COMPANIES INC	SUPPLIES	209.99
Recreation Concessions		
349719 COSTCO	SUPPLIES	365.59
349747 PITCHER, JUSTIN WILLIAM	EXPENSE REIMBURSEMENT	277.51
349755 US FOODSERVICE INC	SUPPLIES	183.22
349795 COCA COLA BOTTLING CO	CONCESSION SUPPLIES	262.76
Recreation-New Comm Cntr		
349707 BANK OF AMERICA	LINENS	217.00
349717 CONTRA COSTA COUNTY	HEALTH PERMIT	920.00
349719 COSTCO	SUPPLIES	118.28
349725 EMPLOYMENT DEVELOPMENT DEPARTMENT	UNEMPLOYMENT CLAIMS	120.00
349747 PITCHER, JUSTIN WILLIAM	EXPENSE REIMBURSEMENT	293.00
349758 WESCO RECEIVABLES CORP	SUPPLIES	424.94
349863 LOWES COMPANIES INC	SUPPLIES	76.20
349864 LSA ASSOCIATES INC	MONITORING SERVICES	647.04
349883 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	5,636.68
921394 HAMMONS SUPPLY COMPANY	SUPPLIES	361.92
221 Asset Forfeiture Fund		
Non Departmental		
349803 CONTRA COSTA COUNTY	ASSET FORFEITURE	296.05
349804 CONTRA COSTA COUNTY	ASSET FORFEITURE	442.28
349935 YI MEI	DEPOSIT REFUND	2,755.00
222 Measure C Fund		
Streets		
349802 CONTRA COSTA COUNTY	TRAFFIC SIGNAL MAINTENANCE	15,588.63
223 Child Care Fund		
Child Care		
349769 ANTIOCH UNIFIED SCHOOL DIST	DVHS LIBRARY	4,300.00
226 Solid Waste Reduction Fund		
Solid Waste Used Oil		
349701 ALLIED WASTE SERVICES	CURBSIDE OIL COLLECTION	1,680.57
Solid Waste		
349786 BUSCH SYSTEMS INTERNATIONAL INC	SUPPLIES	423.38
349845 INTERWEST CONSULTING GROUP INC	CODE ENFORCEMENT SERVICES	2,755.00

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228 Abandoned Vehicles Fund		
Abandoned Vehicles		
349845 INTERWEST CONSULTING GROUP INC	CODE ENFORCEMENT SERVICES	2,715.00
229 Pollution Elimination Fund		
Channel Maintenance Operation		
349870 MCCAMPBELL ANALYTICAL INC	SAMPLE TESTING	259.20
238 PEG Franchise Fee Fund		
Non Departmental		
349774 BARTON, T ALAN	EXPENSE REIMBURSEMENT	99.99
257 SLLMD Administration Fund		
SLLMD Administration		
203309 WESTERN CHAPTER ISA	SEMINAR	80.00
349863 LOWES COMPANIES INC	SMALL TOOLS	100.89
349928 VERIZON WIRELESS	DATA PLAN	76.02
319 Residential Dev Alloc Fund		
Non Departmental		
349733 JARVIS FAY AND DOPORTO LLP	ATTORNEY SERVICES-RDA ORD	3,882.91
376 Lone Diamond Fund		
Assessment District		
349779 BENCHMARK CONSULTANTS	PROFESSIONAL SERVICES	2,500.00
349791 CENTRAL SELF STORAGE ANTIOCH	STORAGE FEES	154.00
349802 CONTRA COSTA COUNTY	TRAFFIC SIGNAL MAINTENANCE	7,381.71
416 Honeywell Capital Lease Fund		
Non Departmental		
349772 BANK OF AMERICA	LOAN PAYMENT	43,050.08
570 Equipment Maintenance Fund		
Non Departmental		
349731 HUNT AND SONS INC	FUEL	15,947.91
349839 HUNT AND SONS INC	FUEL	5,379.01
Equipment Maintenance		
203308 SPRAYER SALES COMPANY	VALVE CHECKS	40.36
349703 ANTIOCH AUTO PARTS	REAR END OIL	586.08
349706 BANK OF AMERICA	SEAT	224.54
349727 FASTENAL CO	NUTS & BOLTS	18.13
349753 TRED SHED, THE	TIRES	4,197.35
349757 WALNUT CREEK FORD	SUPPLIES	53.45
349766 ANTIOCH AUTO PARTS	ALTERNATOR	1,255.16
349792 CHUCKS BRAKE AND WHEEL SERVICE INC	AIR VALVE	63.97
349863 LOWES COMPANIES INC	SUPPLIES	7.83
349865 MAACO	VEHICLE PAINT	988.14
349869 MB COMPANIES INC	HYDRAULIC PUMP	2,178.58
349928 VERIZON WIRELESS	DATA PLAN	38.01
921338 A1 TRANSMISSION	TRANSMISSION REPAIR	985.00
921413 KIMBALL MIDWEST	SUPPLIES	1,054.66

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573 Information Services Fund

Information Services

349774 BARTON, T ALAN	EXPENSE REIMBURSEMENT	10.00
349928 VERIZON WIRELESS	AIR CARD	73.12

Network Support & PCs

921365 COMPUCOM SYSTEMS INC	COMPUTER SOFTWARE	1,812.00
921389 GRAINGER INC	SUPPLIES	173.39

GIS Support Services

349790 CALIF SURVEYING & DRAFTING SUPPLY	SUPPLIES	1,269.07
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Office Equipment Replacement

349748 QUICK PC SUPPORT	MODEM	1,028.48
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577 Post Retirement Medical-Police Fund

Non Departmental

349783 RETIREE	MEDICAL AFTER RETIREMENT	1,067.00
349788 RETIREE	MEDICAL AFTER RETIREMENT	500.50
349827 RETIREE	MEDICAL AFTER RETIREMENT	1,163.16
349857 RETIREE	MEDICAL AFTER RETIREMENT	918.69
349878 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
349905 RETIREE	MEDICAL AFTER RETIREMENT	252.36
349923 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
349931 RETIREE	MEDICAL AFTER RETIREMENT	5,321.58
349933 RETIREE	MEDICAL AFTER RETIREMENT	470.94
921339 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921340 RETIREE	MEDICAL AFTER RETIREMENT	252.36
921346 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921348 RETIREE	MEDICAL AFTER RETIREMENT	1,244.18
921351 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921352 RETIREE	MEDICAL AFTER RETIREMENT	1,244.18
921360 RETIREE	MEDICAL AFTER RETIREMENT	1,217.90
921361 RETIREE	MEDICAL AFTER RETIREMENT	830.00
921363 RETIREE	MEDICAL AFTER RETIREMENT	495.46
921366 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921376 RETIREE	MEDICAL AFTER RETIREMENT	1,225.13
921381 RETIREE	MEDICAL AFTER RETIREMENT	830.00
921382 RETIREE	MEDICAL AFTER RETIREMENT	252.36
921397 RETIREE	MEDICAL AFTER RETIREMENT	175.97
921400 RETIREE	MEDICAL AFTER RETIREMENT	252.36
921402 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921403 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921404 RETIREE	MEDICAL AFTER RETIREMENT	256.70
921414 RETIREE	MEDICAL AFTER RETIREMENT	175.97
921430 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921433 RETIREE	MEDICAL AFTER RETIREMENT	623.72
921446 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921447 RETIREE	MEDICAL AFTER RETIREMENT	804.48
921448 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44

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921450 RETIREE	MEDICAL AFTER RETIREMENT	995.08
921460 RETIREE	MEDICAL AFTER RETIREMENT	623.72
921469 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921471 RETIREE	MEDICAL AFTER RETIREMENT	173.32
921475 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921481 RETIREE	MEDICAL AFTER RETIREMENT	623.72
921490 RETIREE	MEDICAL AFTER RETIREMENT	623.72
921492 RETIREE	MEDICAL AFTER RETIREMENT	267.70
921493 RETIREE	MEDICAL AFTER RETIREMENT	1,366.44

578 Post Retirement Medical-Misc Fund

Non Departmental

349781 RETIREE	MEDICAL AFTER RETIREMENT	235.69
349811 RETIREE	MEDICAL AFTER RETIREMENT	235.69
349816 RETIREE	MEDICAL AFTER RETIREMENT	117.69
349820 RETIREE	MEDICAL AFTER RETIREMENT	590.38
349836 RETIREE	MEDICAL AFTER RETIREMENT	118.65
349849 RETIREE	MEDICAL AFTER RETIREMENT	235.69
349871 RETIREE	MEDICAL AFTER RETIREMENT	235.69
349897 RETIREE	MEDICAL AFTER RETIREMENT	117.69
349902 RETIREE	MEDICAL AFTER RETIREMENT	590.38
349904 RETIREE	MEDICAL AFTER RETIREMENT	117.69
349907 RETIREE	MEDICAL AFTER RETIREMENT	235.69
349927 RETIREE	MEDICAL AFTER RETIREMENT	238.42
349930 RETIREE	MEDICAL AFTER RETIREMENT	235.69
921341 RETIREE	MEDICAL AFTER RETIREMENT	208.36
921342 RETIREE	MEDICAL AFTER RETIREMENT	590.38
921343 RETIREE	MEDICAL AFTER RETIREMENT	179.21
921347 RETIREE	MEDICAL AFTER RETIREMENT	435.44
921350 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921354 RETIREE	MEDICAL AFTER RETIREMENT	235.69
921356 RETIREE	MEDICAL AFTER RETIREMENT	235.69
921358 RETIREE	MEDICAL AFTER RETIREMENT	590.38
921364 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921370 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921372 RETIREE	MEDICAL AFTER RETIREMENT	235.69
921375 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921378 RETIREE	MEDICAL AFTER RETIREMENT	175.97
921380 RETIREE	MEDICAL AFTER RETIREMENT	155.62
921384 RETIREE	MEDICAL AFTER RETIREMENT	175.97
921388 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921390 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921392 RETIREE	MEDICAL AFTER RETIREMENT	531.64
921393 RETIREE	MEDICAL AFTER RETIREMENT	166.85
921399 RETIREE	MEDICAL AFTER RETIREMENT	590.38
921401 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921409 RETIREE	MEDICAL AFTER RETIREMENT	235.69

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921412 RETIREE	MEDICAL AFTER RETIREMENT	590.38
921416 RETIREE	MEDICAL AFTER RETIREMENT	235.69
921418 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921421 RETIREE	MEDICAL AFTER RETIREMENT	590.38
921424 RETIREE	MEDICAL AFTER RETIREMENT	354.38
921426 RETIREE	MEDICAL AFTER RETIREMENT	354.38
921429 RETIREE	MEDICAL AFTER RETIREMENT	590.38
921440 RETIREE	MEDICAL AFTER RETIREMENT	354.38
921441 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921452 RETIREE	MEDICAL AFTER RETIREMENT	235.69
921455 RETIREE	MEDICAL AFTER RETIREMENT	235.69
921459 RETIREE	MEDICAL AFTER RETIREMENT	590.38
921464 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921474 RETIREE	MEDICAL AFTER RETIREMENT	590.38
921476 RETIREE	MEDICAL AFTER RETIREMENT	208.36
921479 RETIREE	MEDICAL AFTER RETIREMENT	23.64
921480 RETIREE	MEDICAL AFTER RETIREMENT	175.97
921489 RETIREE	MEDICAL AFTER RETIREMENT	354.38
921491 RETIREE	MEDICAL AFTER RETIREMENT	354.38
921494 RETIREE	MEDICAL AFTER RETIREMENT	117.69

579 Post Retirement Medical-Mgmt Fund

Non Departmental

349773 RETIREE	MEDICAL AFTER RETIREMENT	252.36
349794 RETIREE	MEDICAL AFTER RETIREMENT	894.90
349807 RETIREE	MEDICAL AFTER RETIREMENT	175.69
349826 RETIREE	MEDICAL AFTER RETIREMENT	117.69
349834 RETIREE	MEDICAL AFTER RETIREMENT	235.69
349840 RETIREE	MEDICAL AFTER RETIREMENT	400.00
349847 RETIREE	MEDICAL AFTER RETIREMENT	1,180.76
349858 RETIREE	MEDICAL AFTER RETIREMENT	354.38
349872 RETIREE	MEDICAL AFTER RETIREMENT	755.38
349887 RETIREE	MEDICAL AFTER RETIREMENT	117.69
349900 RETIREE	MEDICAL AFTER RETIREMENT	208.36
349919 RETIREE	MEDICAL AFTER RETIREMENT	235.69
921349 RETIREE	MEDICAL AFTER RETIREMENT	354.38
921353 RETIREE	MEDICAL AFTER RETIREMENT	354.38
921355 RETIREE	MEDICAL AFTER RETIREMENT	175.70
921357 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921359 RETIREE	MEDICAL AFTER RETIREMENT	894.90
921362 RETIREE	MEDICAL AFTER RETIREMENT	590.38
921367 RETIREE	MEDICAL AFTER RETIREMENT	535.72
921368 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921371 RETIREE	MEDICAL AFTER RETIREMENT	590.38
921373 RETIREE	MEDICAL AFTER RETIREMENT	470.38
921374 RETIREE	MEDICAL AFTER RETIREMENT	354.38
921377 RETIREE	MEDICAL AFTER RETIREMENT	208.36

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921383	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921385	RETIREE	MEDICAL AFTER RETIREMENT	894.90
921387	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921391	RETIREE	MEDICAL AFTER RETIREMENT	829.31
921395	RETIREE	MEDICAL AFTER RETIREMENT	512.29
921396	RETIREE	MEDICAL AFTER RETIREMENT	358.38
921398	RETIREE	MEDICAL AFTER RETIREMENT	470.94
921405	RETIREE	MEDICAL AFTER RETIREMENT	293.13
921410	RETIREE	MEDICAL AFTER RETIREMENT	720.38
921411	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921415	RETIREE	MEDICAL AFTER RETIREMENT	208.36
921417	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921419	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921420	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921422	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921423	RETIREE	MEDICAL AFTER RETIREMENT	235.69
921425	RETIREE	MEDICAL AFTER RETIREMENT	235.69
921427	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921428	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921432	RETIREE	MEDICAL AFTER RETIREMENT	587.40
921434	RETIREE	MEDICAL AFTER RETIREMENT	175.97
921436	RETIREE	MEDICAL AFTER RETIREMENT	208.36
921437	RETIREE	MEDICAL AFTER RETIREMENT	179.21
921438	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921439	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921442	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921443	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921449	RETIREE	MEDICAL AFTER RETIREMENT	1,366.44
921451	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921453	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921454	RETIREE	MEDICAL AFTER RETIREMENT	354.38
921456	RETIREE	MEDICAL AFTER RETIREMENT	235.69
921457	RETIREE	MEDICAL AFTER RETIREMENT	179.21
921458	RETIREE	MEDICAL AFTER RETIREMENT	375.69
921461	RETIREE	MEDICAL AFTER RETIREMENT	894.90
921462	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921463	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921465	RETIREE	MEDICAL AFTER RETIREMENT	208.36
921466	RETIREE	MEDICAL AFTER RETIREMENT	535.72
921467	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921468	RETIREE	MEDICAL AFTER RETIREMENT	590.38
921470	RETIREE	MEDICAL AFTER RETIREMENT	755.38
921473	RETIREE	MEDICAL AFTER RETIREMENT	117.69
921478	RETIREE	MEDICAL AFTER RETIREMENT	208.36
921482	RETIREE	MEDICAL AFTER RETIREMENT	1,321.08
921483	RETIREE	MEDICAL AFTER RETIREMENT	354.38

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921484 RETIREE	MEDICAL AFTER RETIREMENT	354.38
921485 RETIREE	MEDICAL AFTER RETIREMENT	1,653.13
921486 RETIREE	MEDICAL AFTER RETIREMENT	117.69
921487 RETIREE	MEDICAL AFTER RETIREMENT	1,388.00
921488 RETIREE	MEDICAL AFTER RETIREMENT	208.36
611 Water Fund		
Non Departmental		
349710 BISHOP CO	SUPPLIES	1,428.99
349716 COLE SUPPLY CO INC	SUPPLIES	750.80
349727 FASTENAL CO	SUPPLIES	310.14
349762 ALL PRO PRINTING SOLUTIONS	ENVELOPES	2,121.18
349796 COLE SUPPLY CO INC	SUPPLIES	1,119.17
349824 FASTENAL CO	SUPPLIES	13.73
349833 GOLOGO PROMOTIONS	UNIFORM LOGO	136.17
921389 GRAINGER INC	SUPPLIES	357.36
921394 HAMMONS SUPPLY COMPANY	SUPPLIES	1,521.54
Water Supervision		
349787 CA-NV AWWA	WORKSHOP-COLEY	165.00
349928 VERIZON WIRELESS	DATA PLAN	76.02
921445 QUENVOLDS	SAFETY SHOES-COLEY	138.88
Water Production		
203362 LAS TRES MARIAS RESTAURANT	MEETING EXPENSE	70.00
203363 SECO CONTROLS LLC	RECORDER PARTS	82.17
203364 RALEYS	SUPPLIES	23.92
349699 ACE HARDWARE, ANTIOCH	SUPPLIES	28.17
349718 CONTRA COSTA WATER DISTRICT	RAW WATER	804,030.43
349749 ROBERTS AND BRUNE CO	METER	3,363.50
349766 ANTIOCH AUTO PARTS	SUPPLIES	19.18
349775 BAY AREA AIR QUALITY MANAGEMENT DIST	PERMIT FEE	535.00
349780 BERENDSEN FLUID POWER	VALVE BASE PLATE	127.95
349784 BORGES AND MAHONEY	CHLORINATOR PARTS	126.53
349824 FASTENAL CO	SUPPLIES	565.47
349835 HACH CO	LAB SUPPLIES	700.01
349846 J AND M INC	VALVES	5,186.00
349855 KOFFLER ELECTRICAL MECH	PUMP REPAIRS	1,418.99
349863 LOWES COMPANIES INC	CLAMPS	59.83
349901 REINHOLDT ENGINEERING CONSTR	INSPECTION SERVICE	800.00
349928 VERIZON WIRELESS	DATA PLAN	38.01
921335 GRAINGER INC	FUSES	28.68
921336 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	658.60
921337 OLIN CHLOR ALKALI PRODUCTS	CAUSTIC	6,062.87
921379 EUROFINS EATON ANALYTICAL INC	SAMPLE TESTING	1,750.00
921386 GENERAL CHEMICAL CORP	ALUM	9,046.42
921389 GRAINGER INC	SUPPLIES	55.42
921406 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	8,097.62

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Water Distribution

349699 ACE HARDWARE, ANTIOCH	FITTINGS	44.84
349706 BANK OF AMERICA	SUPPLIES	71.60
349713 CANVAS FACTORY	BACKFLOW COVERS	3,517.57
349727 FASTENAL CO	INDUSTRIAL SUPPLIES	175.05
349760 ACE HARDWARE, ANTIOCH	SUPPLIES	67.90
349763 ALL STAR RENTS	EQUIPMENT RENTAL	351.84
349808 COUNTY ASPHALT	ASPHALT	1,258.73
349810 CWEA SFBS	MEMBER RENEWAL-CONNELLY	148.00
349824 FASTENAL CO	SUPPLIES	218.86
349843 INFOSEND INC	MAIL/PRINT SERVICES	5,402.48
349870 MCCAMPBELL ANALYTICAL INC	SAMPLE TESTING	282.60
349874 MT DIABLO LANDSCAPE CENTERS INC	CONCRETE MIX	144.86
349879 OFFICE MAX INC	OFFICE SUPPLIES	87.26
349896 QUESADA CHIROPRACTIC	DMV PHYSICAL	75.00
349903 ROBERTS AND BRUNE CO	PIPE & FITTINGS	2,323.89
349924 TYLER TECHNOLOGIES	MONTHLY INSITE FEES	340.00
349928 VERIZON WIRELESS	DATA PLAN	266.07

Water Meter Reading

349928 VERIZON WIRELESS	DATA PLAN	38.01
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Public Buildings & Facilities

349711 BLACK AND VEATCH CORP	IMAGE PROCESSING	3,208.65
349736 LOZANO SMITH LLP	LEGAL SERVICES	24,259.94
349785 BROWN AND CALDWELL INC	PROFESSIONAL SERVICES	1,324.39
349854 KOCH AND KOCH INC	PUMP UPGRADES PROJECT	18,335.00
349855 KOFFLER ELECTRICAL MECH	PUMP REPAIR	84,756.00
349885 PAKPOUR CONSULTING GROUP INC	PROFESSIONAL SERVICES	1,031.63

Warehouse & Central Stores

349879 OFFICE MAX INC	OFFICE SUPPLIES	95.14
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621 Sewer Fund

Sewer-Wastewater Supervision

349722 DOWNEY BRAND ATTORNEYS LLP	LEGAL SERVICES	297.00
349740 MUNICIPAL POOLING AUTHORITY	UNMET LIABILITY DEDUCTIBLE	45,606.83
349928 VERIZON WIRELESS	DATA PLAN	76.02

Sewer-Wastewater Collection

349706 BANK OF AMERICA	SUPPLIES	813.62
349715 CHALK, BRANDON S	EXPENSE REIMBURSEMENT	80.00
349763 ALL STAR RENTS	EQUIPMENT RENTAL	351.85
349767 ANTIOCH BUILDING MATERIALS	ASPHALT	967.92
349808 COUNTY ASPHALT	ASPHALT	1,258.73
349843 INFOSEND INC	MAIL/PRINT SERVICES	5,402.50
349874 MT DIABLO LANDSCAPE CENTERS INC	CONCRETE MIX	129.17
349879 OFFICE MAX INC	OFFICE SUPPLIES	87.27
349896 QUESADA CHIROPRACTIC	DMV PHYSICAL	75.00
349924 TYLER TECHNOLOGIES	MONTHLY INSITE FEES	340.00
349928 VERIZON WIRELESS	DATA PLAN	228.06

Prepared by: Georgina Meek
 Finance Accounting

3/6/2014

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 19-28, 2014
 FUND/CHECK#

921394 HAMMONS SUPPLY COMPANY	SUPPLIES	122.43
622 Sewer Facilities Expansion Fund		
Wastewater Collection		
349779 BENCHMARK CONSULTANTS	PROFESSIONAL SERVICES	3,120.00
631 Marina Fund		
Marina Administration		
349751 STATE WATER RESOURCES BOARD	STORM WATER PERMIT	563.00
349789 CALIFORNIA DELTA CHAMBERS	MEMBER DUES	150.00
349868 MAPCO MARKETING	ADVERTISING	600.00
349899 RECREATION PUBLICATIONS	2014 GUIDE BOOK	2,350.00
Marina Maintenance		
349706 BANK OF AMERICA	SUPPLIES	355.50
349742 MURRIETTA, CHARLENE L	EXPENSE REIMBURSEMENT	26.66
349862 LOWES COMPANIES INC	SUPPLIES	77.66
349863 LOWES COMPANIES INC	SUPPLIES	46.98
349925 ULINE	ENVELOPES	169.80
921336 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	1,355.14
921394 HAMMONS SUPPLY COMPANY	SUPPLIES	107.76
641 Prewett Water Park Fund		
Recreation Aquatics		
349707 BANK OF AMERICA	SAFETY TRAINING	243.00
Recreation Water Park		
349707 BANK OF AMERICA	SHIPPING	54.24
349713 CANVAS FACTORY	POOL SUPPLIES	656.43
349717 CONTRA COSTA COUNTY	HEALTH PERMIT	1,280.00
349719 COSTCO	POSTAGE	137.25
349725 EMPLOYMENT DEVELOPMENT DEPARTMENT	UNEMPLOYMENT CLAIMS	7.00
349734 KELLY MOORE PAINT CO	SUPPLIES	81.16
349796 COLE SUPPLY CO INC	SUPPLIES	101.37
349853 KNORR SYSTEMS INC	REPAIR PARTS	2,486.94
349863 LOWES COMPANIES INC	SUPPLIES	290.56
349883 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	3,758.32
721 Employee Benefits Fund		
Non Departmental		
349759 24 HOUR FITNESS SPORT	PAYROLL DEDUCTIONS	29.99
349805 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
349806 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
349813 DELTA PARK ATHLETIC CLUB	PAYROLL DEDUCTIONS	37.00
349814 DELTA VALLEY ATHLETIC CLUB	PAYROLL DEDUCTIONS	54.00
349818 DIAMOND HILLS SPORT CLUB	PAYROLL DEDUCTIONS	59.00
349842 IN SHAPE HEALTH CLUBS	PAYROLL DEDUCTIONS	844.00
349860 LINA	PAYROLL DEDUCTIONS	4,689.81
349867 EMPLOYEE	CHECK REPLACEMENT	292.95
349877 MUNICIPAL POOLING AUTHORITY	PAYROLL DEDUCTIONS	2,515.13
349881 OPERATING ENGINEERS LOCAL NO 3	PAYROLL DEDUCTIONS	2,724.00
349882 OPERATING ENGINEERS TRUST FUND	PAYROLL DEDUCTIONS	4,698.75

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 FEBRUARY 19-28, 2014
 FUND/CHECK#

349886 PARS	PAYROLL DEDUCTIONS	2,937.96
349888 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	72.02
349894 PUBLIC EMPLOYEES RETIREMENT SYSTEM	PAYROLL DEDUCTIONS	329,944.01
349895 PUBLIC EMPLOYEES UNION LOCAL 1	PAYROLL DEDUCTIONS	2,032.49
349910 SOLAR SWIM AND GYM	PAYROLL DEDUCTIONS	27.00
349911 STANDARD LIFE INSURANCE	PAYROLL DEDUCTIONS	1,001.10
349914 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	250.00
349915 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
349916 STATE OF FLORIDA DISBURSEMENT UNIT	PAYROLL DEDUCTIONS	150.00
349918 TEXAS CHILD SUPPORT DISBURSEMENT UNIT	PAYROLL DEDUCTIONS	422.77
349922 RECIPIENT	PAYROLL DEDUCTIONS	112.15
349926 US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	276.56
349934 XTREME FITNESS	PAYROLL DEDUCTIONS	104.00
921344 ANTIOCH PD SWORN MGMT ASSOC	PAYROLL DEDUCTIONS	536.75
921345 ANTIOCH POLICE OFFICERS ASSOCIATION	PAYROLL DEDUCTIONS	11,610.67
921435 NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	44,585.29
921477 VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	2,134.26

**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF MARCH 11, 2014**

FROM: Lynn Tracy Nerland, City Attorney

DATE: March 3, 2014

SUBJECT: Rejection of Claims

RECOMMENDATION:

Reject the listed claim as to damages incurred on or after August 24, 2013:

1. Mayrdawna Davis 14/15-2162 (civil rights)

LTN/spd

cc: Anthony Allenza
Christina Garcia, Deputy City Clerk

3/11/14

**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF MARCH 11, 2014**

FROM: Lynn Tracy Nerland, City Attorney



DATE: February 26, 2014

SUBJECT: Ordinance Addressing an Extended Absence by an Elected Official

ACTION:

The City Council introduced an ordinance on February 25, 2014 that provides if an elected official is absent for more than one month (30 consecutive days) unrelated to his or her own medical condition, then the official is not entitled to the salary, car allowance, and communication allowance (if received) for the entire period of absence.

The action before the City Council is the adoption of this ordinance.

BACKGROUND:

The attached ordinance was introduced with no changes to the ordinance in the agenda packet on February 25, 2014.

OPTIONS:

No options are presented as the action is consistent with the City Council's action on February 25, 2014.

ATTACHMENTS:

1. Proposed Ordinance introduced on February 25, 2014

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ADDING SECTIONS 2-1.207 AND 2-1.703 TO THE ANTIOCH MUNICIPAL CODE
REGARDING AN EXTENDED ABSENCE BY AN ELECTED OFFICIAL**

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

SECTION 1: Section 2-1.207 is added to the Antioch Municipal Code to read as follows:

Sec. 2-1.207. SALARY DURING AN EXTENDED ABSENCE

If a City Council Member has not vacated his or her office under state law, but is absent from his or her duties or absent from the City of Antioch for more than one month for reasons not related to the Council Member's own medical condition, then the Council Member shall not be entitled to the monthly salary during the period of absence. The Council Member shall also not be entitled to any car or communications allowance set forth in an adopted policy during the period of absence.

SECTION 2: Section 2-1.703 is added to the Antioch Municipal Code to read as follows:

Sec. 2-1.703. SALARY DURING AN EXTENDED ABSENCE

If the City Clerk or City Treasurer has not vacated his or her office under state law, but is absent from his or her duties or absent from the City of Antioch for more than one month for reasons not related to the Council Member's own medical condition, then that elected official shall not be entitled to the monthly salary during the period of absence. The elected official shall also not be entitled to any car or communications allowance set forth in an adopted policy during the period of absence.

SECTION 3. CEQA. This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guideline section 15061 (b) (3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall be effective thirty (30) days from and after the date of its adoption.

SECTION 6. Publication; Certification. The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with State law.

* * * * *

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 25th day of February 2014, and passed and adopted at a regular meeting held on the ___ day of _____ 2014.

AYES: Council Members

NOES:

ABSTAIN:

ABSENT:

MAYOR OF THE CITY OF ANTIOCH

ATTEST:

CITY CLERK OF THE CITY OF ANTIOCH

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 11, 2014**

PREPARED BY: Lynne Filson, Assistant City Engineer *LF*
REVIEWED BY: Ron Bernal, Public Works Director/City Engineer *RB*
DATE: February 25, 2014
SUBJECT: Approval of Resolution Supporting the Installation of Electric Vehicle Charging (EVC) Stations and Authorizing the Submission of a future Grant Application for an EVC Station, (P.W. 690)

RECOMMENDATION

It is recommended the City Council adopt a resolution supporting the installation of electric vehicle recharging stations, authorizing the City of Antioch to apply for future grant funding, and authorizing the City Manager or his designee to sign and submit an application. In addition, the Council will direct staff to budget for the installation of a charging station if and when grant funding for a portion of the installation is secured.

BACKGROUND INFORMATION

For a minimal expense, the City can install an electric vehicle charging station to the downtown area. The installation of a charging station will:

- Aid economic development
- Increase emissions reductions and thus improves air quality
- Potential for outreach and marketing activities

Staff has talked with 511CC staff (511 Contra Costa is a partnership between the Bay Area Air Quality Management District and the Contra Costa Transportation Agency that provides information regarding transportation in Contra Costa and is the pass through organization for BAAQMD grant funds for charging stations) and discussed the potential installation of a charging station in the City Hall parking lot. A charging station downtown will encourage the use of pollution free vehicles by City Hall staff and provide vehicle charging for customers of downtown businesses such as the Campanile Theatre. For drivers of electric vehicles, the availability of charging stations is a major component of trip planning and would bring such drivers to the downtown area.

ChargePoint is a company that partners with businesses or municipalities for the installation of charging stations and has worked with 511CC on numerous installations. The City would be the "host" of the station; however ChargePoint would handle the "customer service" aspect of the installation such as billing, station software and webconnections. The City can determine its own standard rate for charging a vehicle. Typical fees are \$1 per hour for ChargePoint members and \$2 per hour for non-members. Membership is similar to Fastrak or ClipperCards, it requires a credit card on file and the member is billed monthly for use at any ChargePoint charging station.

Should the Council support the resolution, staff would work with 511CC staff and apply for the \$2,000 grant at the next opportunity. In addition, staff will look for additional funding sources to offset initial costs.

If the installation of a charging station is successful at the City Hall parking lot, at the Council's request, charging stations could be installed at other City locations such as the Antioch

LF/lm

3-11-14

Community Center.

FINANCIAL IMPACT

1. The Cost to the City to "host" a station would be:

- Dual-head Level 2 EV Charging Station from ChargePoint= \$7,500 (Measure J funds have been used for charging stations in other jurisdictions and it is anticipated that Antioch would do the same)
- Annual service charge to ChargePoint per unit = \$250
- Installation, wiring and trenching costs dependent on the proposed site (would be done by City staff)
- Electricity costs generated from users (anticipated to be \$0.71 per hour)
- Any and all ongoing maintenance costs associated with running the EV charging station (this has been minimal at similar installations within Contra Costa County)

2. Potential Funding Sources

- 511CC offers grants in the amount of \$2,000 in Transportation for Clean Air Funding from the BAAQMD towards the cost of equipment. They are not accepting applications at this time, but usually offer them between 1 and 4 times a year. The next anticipated application deadline is June of 2014. The turnaround time between the call for applications and the application deadline is usually very short. Council is being requested to approve the resolution in support of the installation of Electric Vehicle Recharging Stations at this time to be prepared for next grant cycle.
- The City will earn revenue from users of the station. Fee would be set by the City and usually range between \$1 and \$3 per hour while charging of which 90% will go to the City and 10% will be retained by ChargePoint to pay for the credit card transactions (a minimum of \$40 per month is estimated).

OPTIONS

- Direct staff not to pursue grant funding for an electrical charging station downtown at this time given other fiscal priorities; or,
- Direct staff to pursue grant funding for an electrical charging station but at another location.

ATTACHMENTS

None.

RESOLUTION NO. 2014/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
SUPPORTING THE INSTALLATION OF AN EVC STATIONS
AND AUTHORIZING THE CITY MANAGE TO SUBMIT
A FUTURE GRANT APPLICATION**

WHEREAS, the use of electric vehicles assists in emissions reductions and thus improves air quality; and,

WHEREAS, the installation of Electric Vehicle Charging Stations aid economic development, and,

WHEREAS, the installation of Electric Vehicle Charging Stations provides potential for outreach and marketing activities;

BE IT RESOLVED, the City of Antioch supports the installation of Electric Vehicle Charging Stations within the City;

BE IT FURTHER RESOLVED, that the City Manager or his designee of said City of Antioch is hereby authorized and directed to apply for grant funding, when available, to promote the installation of Electric Vehicle Charging Stations at City owned parking lots.

* * * * *

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 11th day of March 2014 by the following vote:



AYES:

NOES:

ABSENT:

**ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH**

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 11, 2014**

PREPARED BY: Scott Buenting, Associate Engineer, Capital Improvements Division 
REVIEWED BY: Ron Bernal, Public Works Director/City Engineer 
DATE: February 27, 2014
SUBJECT: Approval of Resolution Authorizing the Submission of a Grant Application to the State of California Department of Parks and Recreation, Division of Boating and Waterways for the Restroom Improvements at the Marina Boat Launch Facility, (P.W. 523-16R)

RECOMMENDATION

It is recommended the City Council adopt a resolution authorizing the City of Antioch to apply for grant funding from the State Department of Parks and Recreation, Division of Boating and Waterways in the amount of \$546,000 for the construction of a restroom facility at the Marina Boat Launch Facility and authorizing the City Manager or his designee to sign and submit the application.

BACKGROUND INFORMATION

The installation of a restroom facility was included within the scope of the original construction contract for the Antioch Marina Boat Launch Facility. Due to a shortfall in funding, this amenity was eliminated from the contract. Staff is requesting authorization to solicit grant funding through the State Department of Parks and Recreation, Division of Boating and Waterways to fund the design, construction and inspection of a new restroom at the marina near the foot of 'L' Street. Additional work will include relocating the existing electrical panel and parking lot light controller to within the building. New domestic water and sanitary sewer laterals will be installed and concrete flatwork will be placed around the structure.

FINANCIAL IMPACT

This project is fully funded through the State Department of Parks and Recreation, Division of Boating and Waterways grant programs. There are no matching funds required for this project.

OPTIONS

None

ATTACHMENTS

None

RESOLUTION NO. 2014/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
TO THE STATE OF CALIFORNIA APPLYING FOR A GRANT
TO CONSTRUCT A RESTROOM
AT THE ANTIOCH MARINA BOAT LAUNCH FACILITY
LOCATED AT ONE MARINA PLAZA**

WHEREAS, the City of Antioch has the authority to construct, operate, and maintain the Antioch Marina Boat Launch Facility: and

WHEREAS, the City of Antioch is requesting a \$546,000.00 grant from the Division of Boating and Waterways;

WHEREAS, the City of Antioch desires to enhance, repair, or rebuild and protect the Antioch Marina Boat Launch Facility to meet the needs of watercraft users and provide other public amenities to those utilizing the facilities, therefore;

BE IT RESOLVED, by the City of Antioch that, pursuant and subject to all of the terms and provisions of the Harbor and Watercraft Revolving Fund program, an application be made to the State of California, Department of Parks and Recreation, Division of Boating and Waterways for funding; and

BE IT FURTHER RESOLVED, that the City Manager or his designee of said City of Antioch is hereby authorized and directed to cause the necessary data to be prepared and application to be signed and filed with the Division of Boating and Waterways.

* * * * *

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 11th day of March 2014 by the following vote:

AYES:

NOES:

ABSENT:

**ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH**

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 11, 2014**

Prepared by: Harold Jirousky, Assistant Engineer *HJJ*

Reviewed by: Lynne Filson, Assistant City Engineer *ABF*

Approved by: Ron Bernal, Public Works Director / City Engineer *REB*

Date: February 18, 2014

Subject: Resolution to Summarily Vacate Surplus Portions of Auto Center Drive and Mahogany Way and Authorize the City Manager to Execute any Additional Documents to Vacate any Interest to Lowe's HIW, Inc., Quitclaim Interest in Existing Water Main Easement, and Accept Replacement Easements and Right-of-Way (PW357-301-13)

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution to summarily vacate surplus portions of Auto Center Drive and Mahogany Way to Lowe's HIW, Inc. (the adjacent property owner), quitclaim an abandoned public water main easement, accept right-of-way along Auto Center Drive and Mahogany Way and accept various utility easements.

BACKGROUND INFORMATION

On December 4, 2013 the Planning Commission approved a Minor Subdivision Map and Use Permit for a Panda Express located in the existing Lowe's parking lot on Auto Center Drive. When Lowe's was constructed, the intersection of Auto Center Drive and Mahogany Way was reconstructed into a perpendicular intersection. The result of this realignment is that a portion of Auto Center Drive and Mahogany Way is no longer needed and can be vacated. However, a strip of right-of-way needs to be granted to the City so the right-of-way will follow the existing back of sidewalk.

There is also an existing abandoned water main in an easement where the Lowe's building is located. This easement needs to be quitclaimed from the City back to Lowe's as the easement is no longer needed. Furthermore, there are two public water mains in the Lowe's parking lot that are currently not in public waterline easements and need to be granted to and accepted by the City. There are also several utility easements that have been required as a condition of approval for the Parcel Map that need to be accepted by the City.

The City Council may summarily vacate excess street or highway right-of-way that is not required for street or highway purposes if there are no in-place public utility facilities that are in use that would be affected (California Streets & Highways Code §8334 &

§8334.5) by adopting a resolution of summary vacation after receiving Planning Commission confirmation as to conformity with the adopted General Plan (California Government Code §65402). A public hearing is not required. The summary vacation shall be made pursuant to California Streets & Highways Code §8335 and shall include the name or other description of the street with a precise property description of the portion vacated.

On December 4, 2013 the Planning Commission adopted Resolution No. 2013/21 making findings that the project was consistent with the General Plan.

At this time, staff recommends that the Council summarily vacate this surplus portion of Auto Center Drive and Mahogany Way right-of-way and authorize the City Manager to execute any additional documents necessary to vacate and quitclaim any interest to Lowe's. Upon recordation, the street, highway or public service easement vacated shall no longer constitute a street, highway or public service easement (California Streets & Highway Code §8335(b)(4) & §8336).

FINANCIAL IMPACT

There will be no cost to the City for the easements required to be dedicated with the Panda Express project and that project will cover staff costs to process the transactions.

OPTIONS

No options are provided as the various realignments of easements are needed to construct the project already approved by the City.

ATTACHMENTS

- A: Vicinity Map
- B: Plats

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO SUMMARILY VACATE A SURPLUS PORTION OF AUTO CENTER DRIVE AND MAHOGANY WAY RIGHT-OF-WAY TO LOWE'S HIW, INC. (PW 357-301-13)

WHEREAS, the City Council may summarily vacate excess street right-of-way not required for street purposes if there are no affected in-place public utility facilities that are in use, by adopting a resolution of summary vacation after submittal to and resolution by the Planning Commission as to conformity with the adopted General Plan; and

WHEREAS, on December 4, 2013 the Planning Commission adopted Resolution 2013/21 making findings of General Plan consistency for the subject parcel; and

WHEREAS, all provisions of the California Streets & Highways Code §8335 et seq. have been followed for the consideration of this vacation;

NOW, THEREFORE, BE IT RESOLVED that

1. The City Council hereby summarily vacates a surplus portion of Auto Center Drive and Mahogany Way right-of-way to the adjacent property owner Lowe's HIW, Inc. ; and

2. From and after the date the resolution is recorded, the street, highway or public service easement vacated shall no longer constitute a street, highway or public service easement (California Streets & Highways Code §8335(b)(4) & §8336; and

3. The City Manager is authorized to execute any additional documents necessary to vacate and quitclaim any interest to Lowe's HIW, Inc.

* * * * *

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 11th day of March, 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 APPROVING THE CITY MANAGER TO SIGN A QUITCLAIM DEED TO LOWE'S HIW, INC. FOR AN ABANDONED WATER MAIN EASEMENT AND TO ACCEPT ADDITIONAL RIGHT-OF-WAY FOR AUTO CENTER DRIVE, MAHOGANY WAY AND VARIOUS UTILITY EASEMENTS (PW 357-301-13)

WHEREAS, the City water main has been removed abandoned; and

WHEREAS, additional right-of-way is necessary for Auto Center Drive and Mahogany Way; and

WHEREAS, additional utility easements are needed for the existing Lowe's and proposed Panda Express;

NOW, THEREFORE, BE IT RESOLVED that

1. The City Council hereby abandons unnecessary water easement, accepts additional right-of-way for Auto Center Drive and Mahogany Way and accepts various utility easements ; and

2. The City Manager is authorized to execute a quitclaim deed for the abandoned water main easement to Lowe's HIW, Inc.; and

3. The City Manager is authorized to accept additional right-of-way for Auto Center Drive and Mahogany Way and various utility easements.

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 11th day of March, 2014, by the following vote:

* * * * *

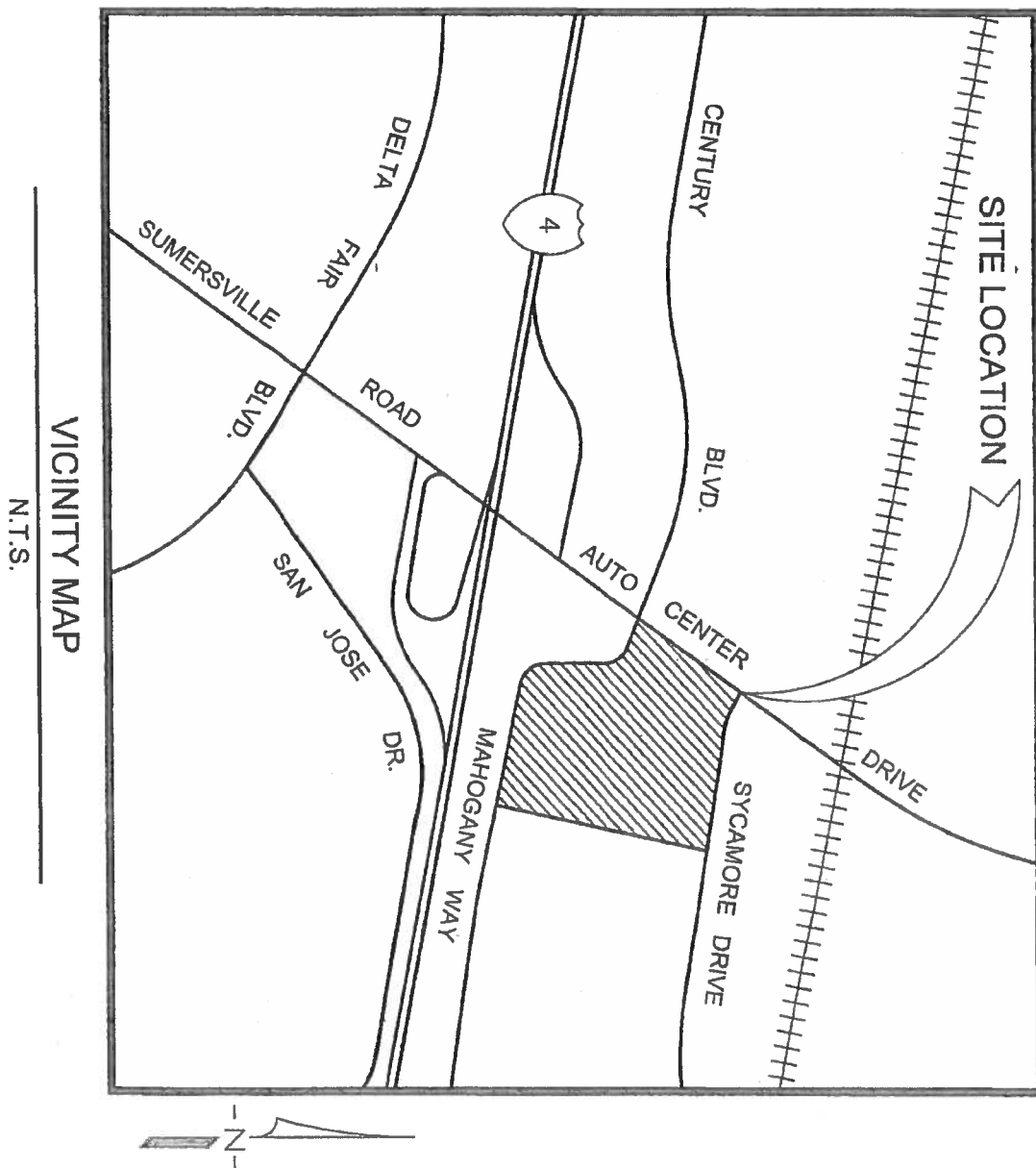
AYES:

NOES:

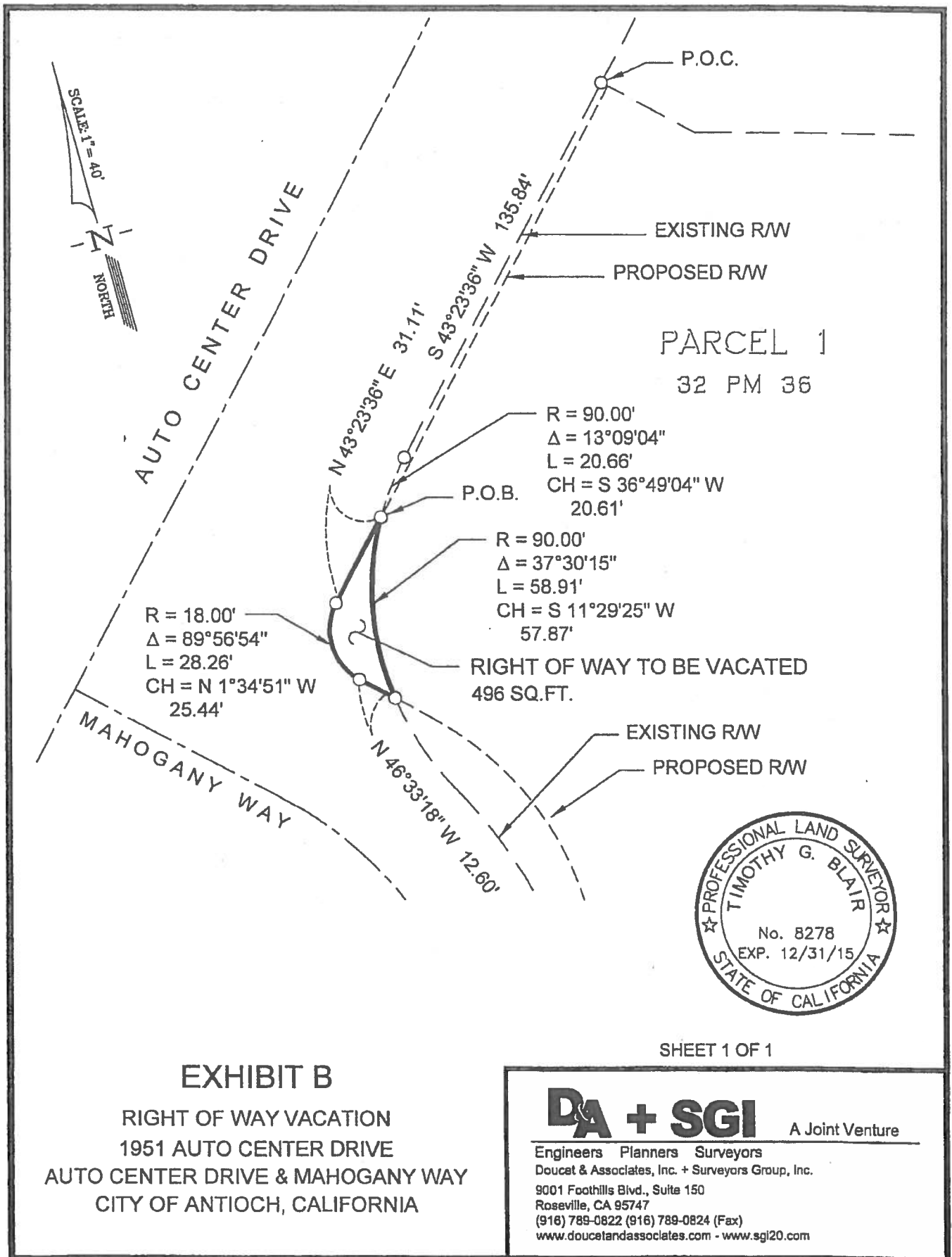
ABSENT:

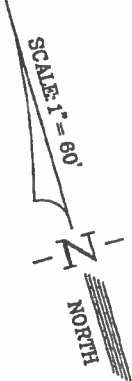
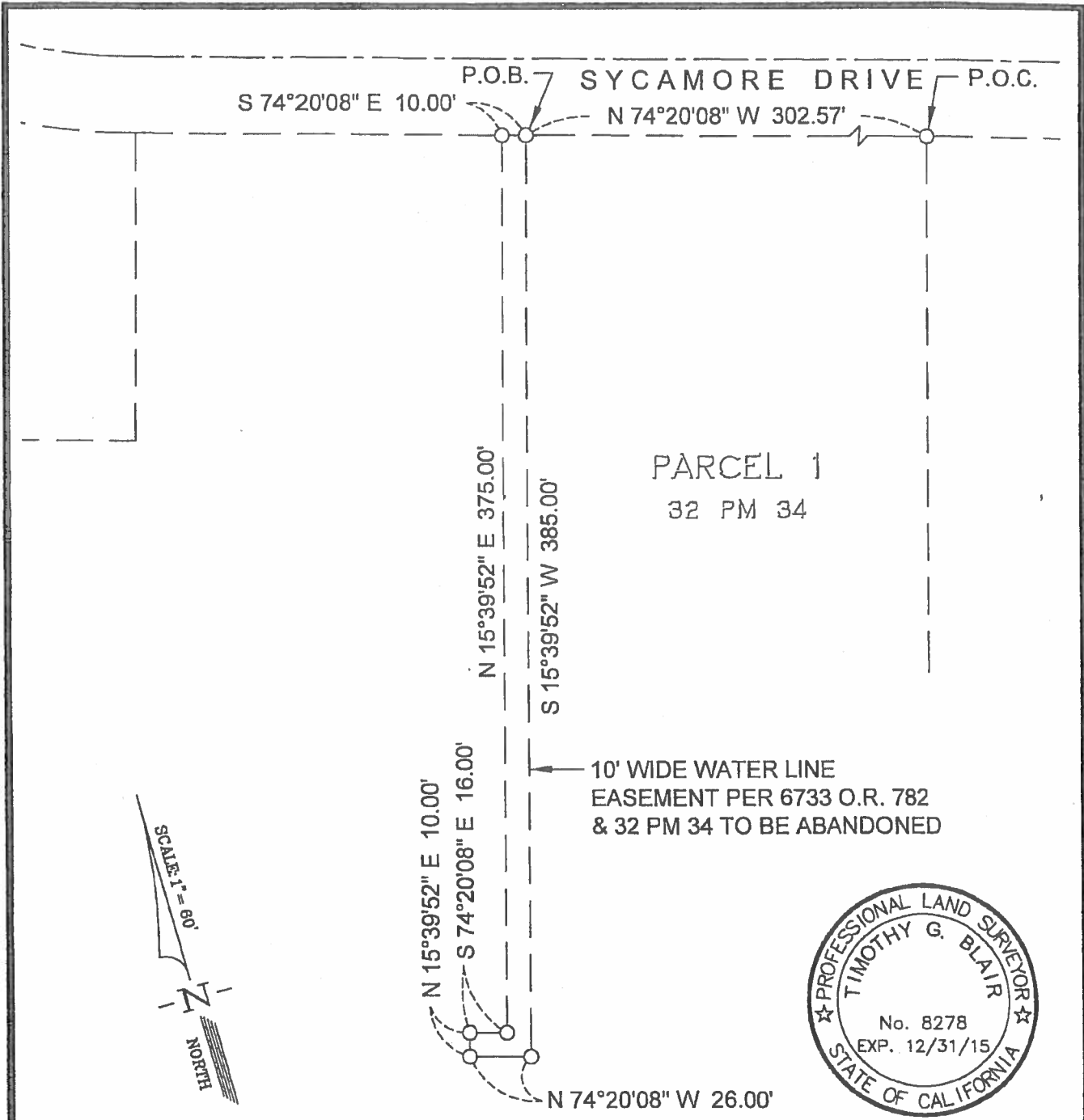
**ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH**

ATTACHMENT "A"



ATTACHMENT "B"

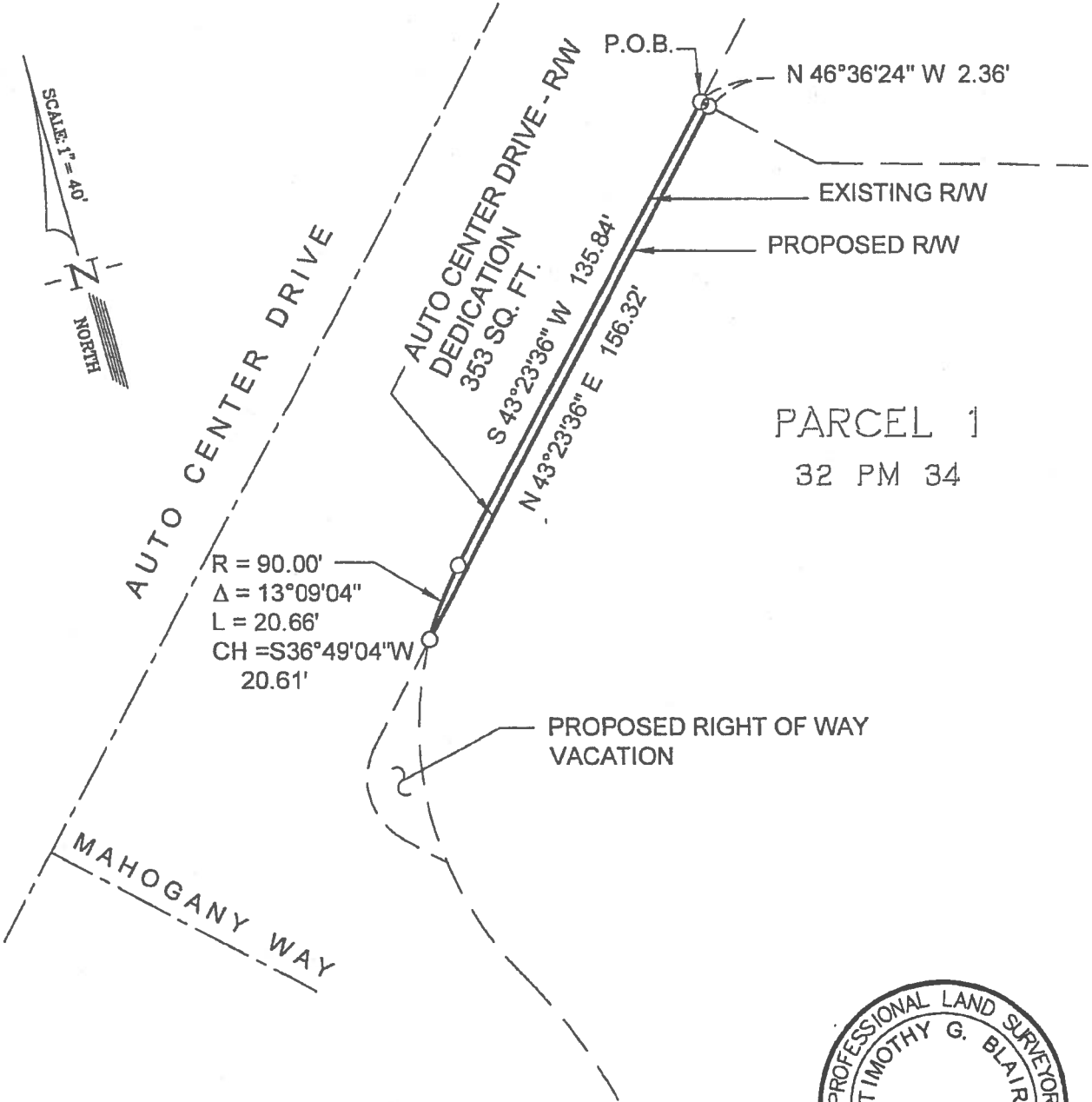
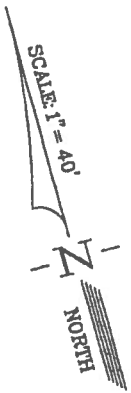




SHEET 1 OF 2

EXHIBIT B
 WATER LINE EASEMENT ABANDONMENT
 1951 AUTO CENTER DRIVE
 PARCEL 1 - 32 PM 36 & 6733 O.R. 782
 CITY OF ANTIOCH, CALIFORNIA

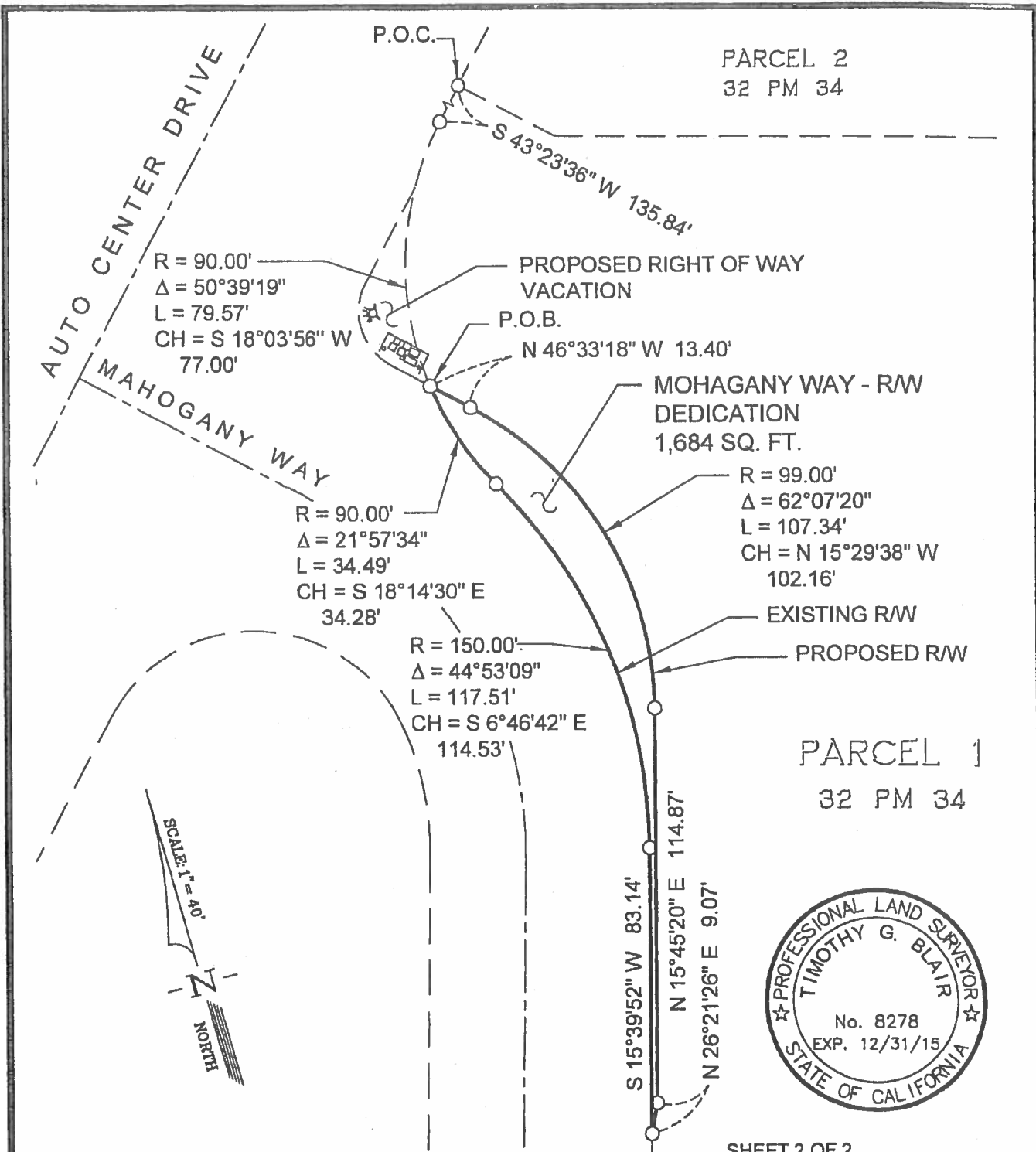
DA + SGI A Joint Venture
 Engineers Planners Surveyors
 Doucet & Associates, Inc. + Surveyors Group, Inc.
 9001 Foothills Blvd., Suite 150
 Roseville, CA 95747
 (916) 789-0822 (916) 789-0824 (Fax)
 www.doucetandassociates.com - www.sgi20.com



SHEET 1 OF 2

EXHIBIT B
RIGHT OF WAY DEDICATION IN FEE
PARCEL 1 OF 32 PM 36
AUTO CENTER DRIVE & MAHOGANY WAY
CITY OF ANTIOCH, CONTRA COSTA COUNTY,
CALIFORNIA

DA + SGI A Joint Venture
Engineers Planners Surveyors
Doucet & Associates, Inc. + Surveyors Group, Inc.
9001 Foothills Blvd., Suite 150
Roseville, CA 95747
(916) 789-0822 (916) 789-0824 (Fax)
www.doucetandassociates.com - www.sgl20.com



SHEET 2 OF 2

EXHIBIT B

RIGHT OF WAY DEDICATION IN FEE

PARCEL 1 OF 32 PM 36

AUTO CENTER DRIVE & MAHOGANY WAY

CITY OF ANTIOCH, CONTRA COSTA COUNTY,

CALIFORNIA

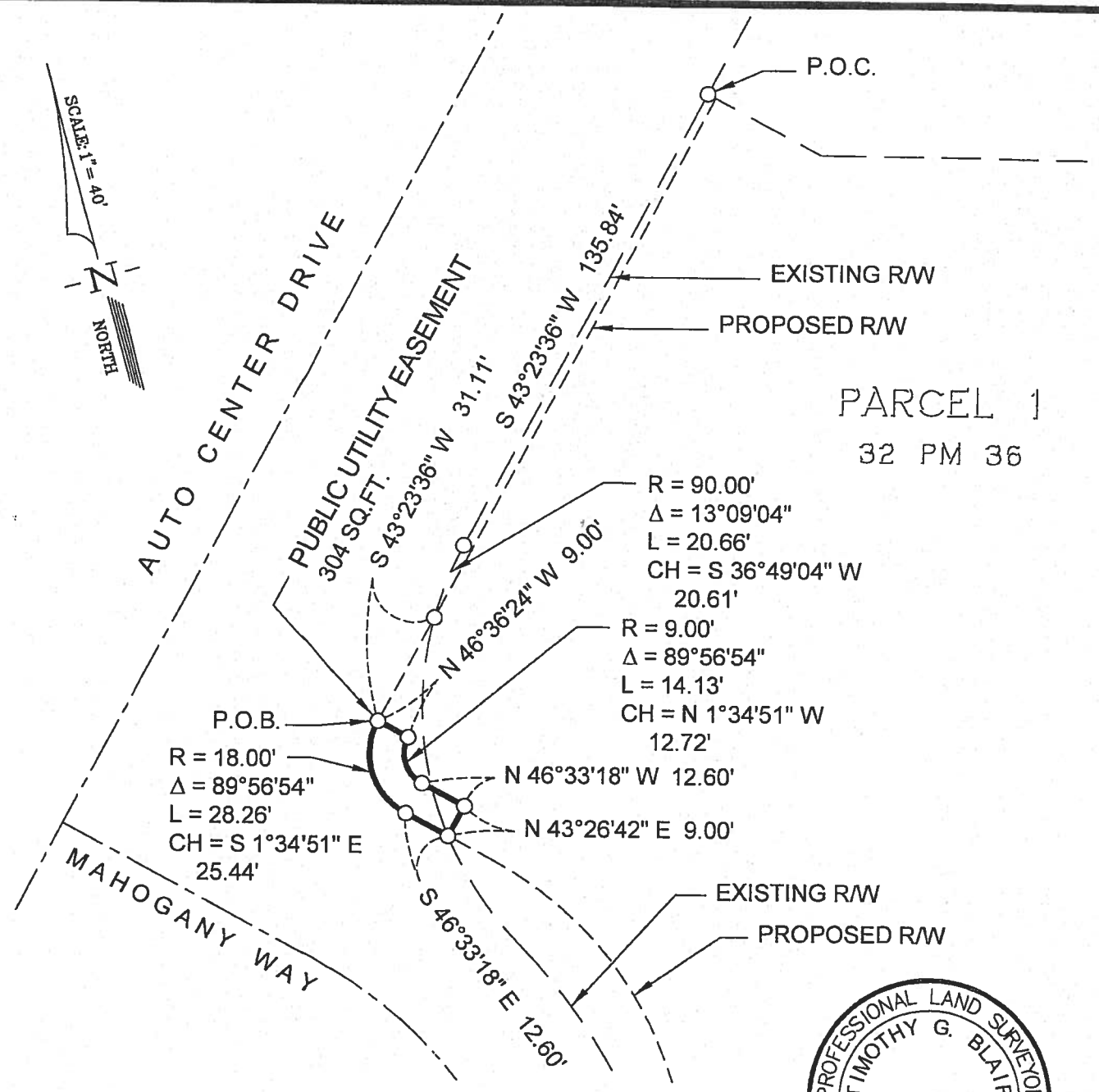
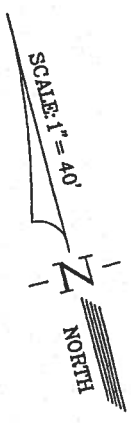
DA + SGI A Joint Venture

Engineers Planners Surveyors

Doucet & Associates, Inc. + Surveyors Group, Inc.

9001 Foothills Blvd., Suite 150
 Roseville, CA 95747
 (916) 789-0822 (916) 789-0824 (Fax)
 www.doucetandassociates.com - www.sgi20.com

B4



PARCEL 1
32 PM 36

P.O.B.
R = 18.00'
Δ = 89°56'54"
L = 28.26'
CH = S 1°34'51" E
25.44'

R = 90.00'
Δ = 13°09'04"
L = 20.66'
CH = S 36°49'04" W
20.61'

R = 9.00'
Δ = 89°56'54"
L = 14.13'
CH = N 1°34'51" W
12.72'

N 46°33'18" W 12.60'
N 43°26'42" E 9.00'



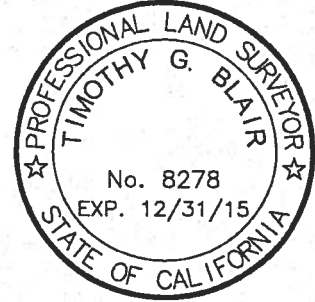
SHEET 1 OF 1

EXHIBIT B

PUBLIC UTILITY EASEMENT
1951 AUTO CENTER DRIVE
AUTO CENTER DRIVE & MAHOGANY WAY
CITY OF ANTIOCH, CALIFORNIA

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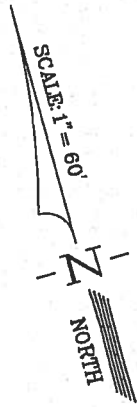
PROPOSED
PARCEL 2



PROPOSED
PARCEL 1

CL. 10' WIDE SANITARY
SEWER EASEMENT

PARCEL 1
32 PM 34



N 15°39'52" E 318.26'

P.O.B.

P.O.C.

N 67°12'15" W 504.90'

MAHOGANY WAY

SHEET 1 OF 1

EXHIBIT B

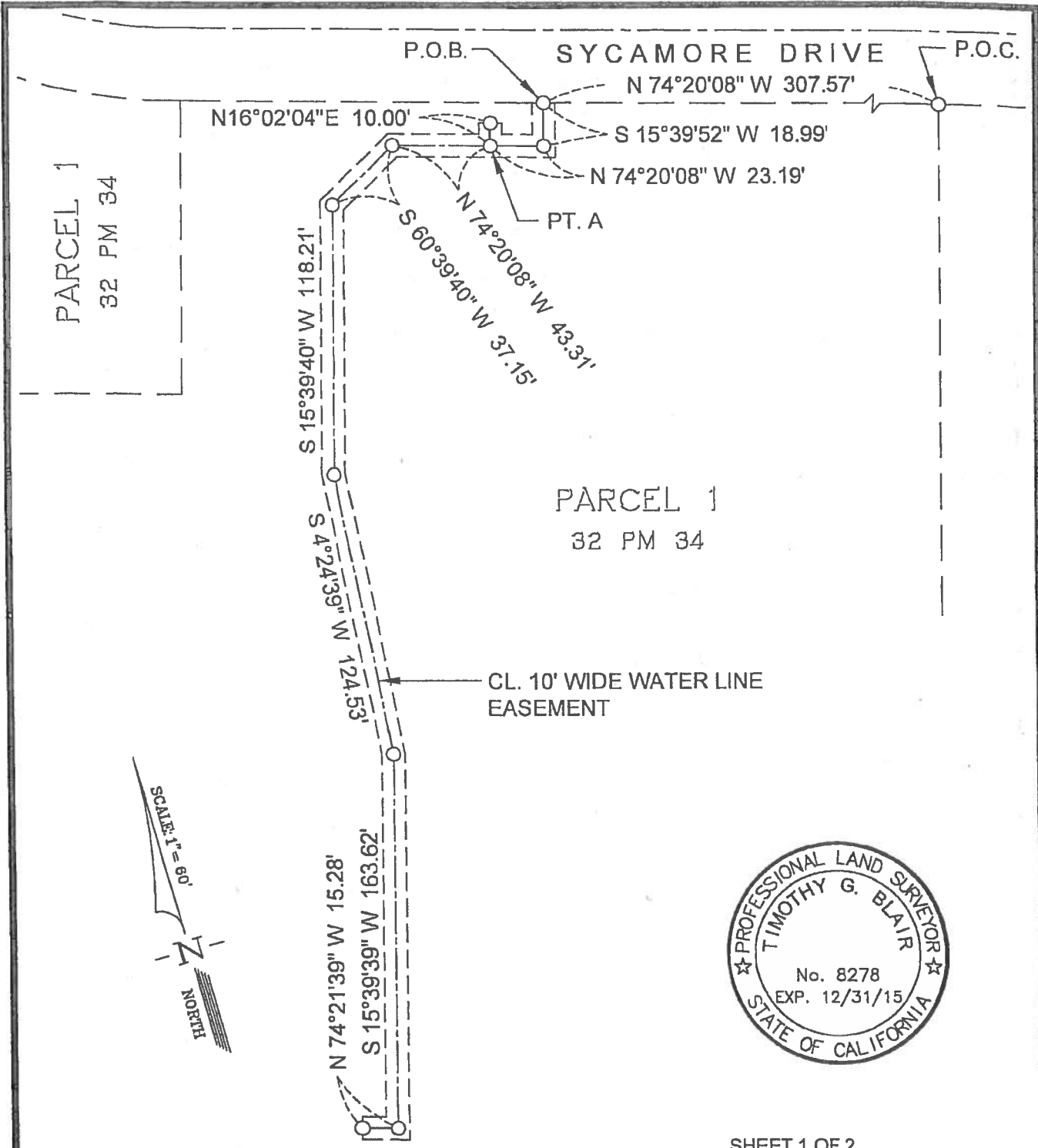
SANITARY SEWER EASEMENT
1951 AUTO CENTER DRIVE
PARCEL 1 - 32 PM 36
CITY OF ANTIOCH, CALIFORNIA

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BL



SHEET 1 OF 2

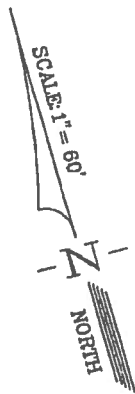
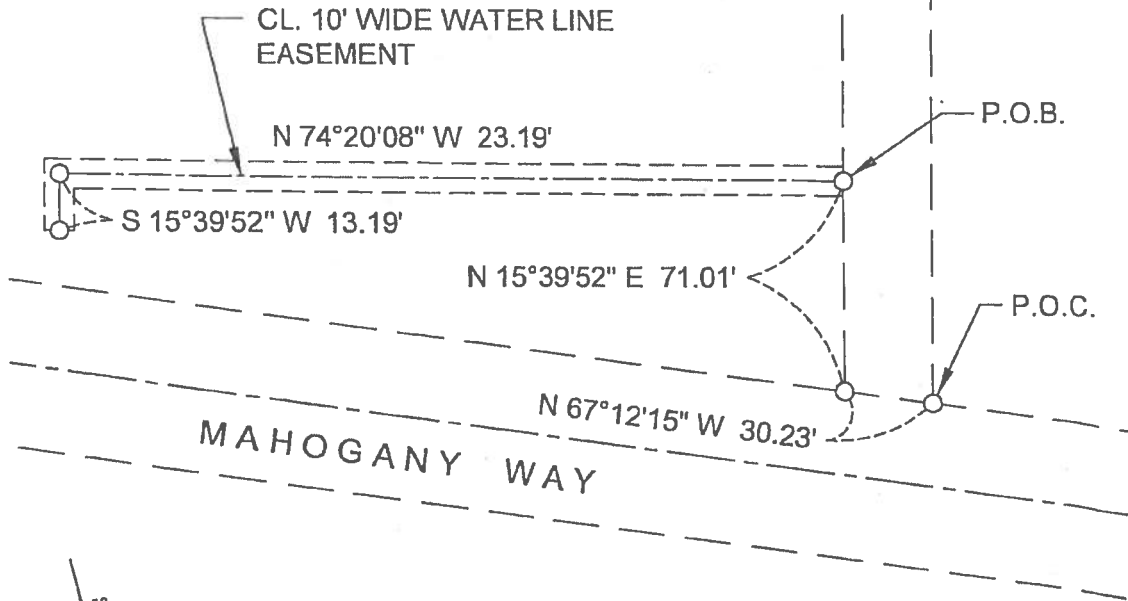
EXHIBIT B
 WATER LINE EASEMENT - 1
 1951 AUTO CENTER DRIVE
 PARCEL 1 - 32 PM 36
 CITY OF ANTIOCH, CALIFORNIA

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B7

30' STORM DRAIN, SEWER &
WATER ESMNT.
6733 O.R. 782

PARCEL 1
32 PM 34



SHEET 2 OF 2

EXHIBIT C

WATER LINE EASEMENT - 2
1951 AUTO CENTER DRIVE
PARCEL 1 - 32 PM 36
CITY OF ANTIOCH, CALIFORNIA

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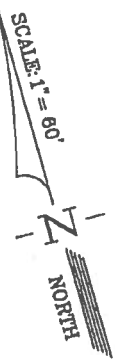
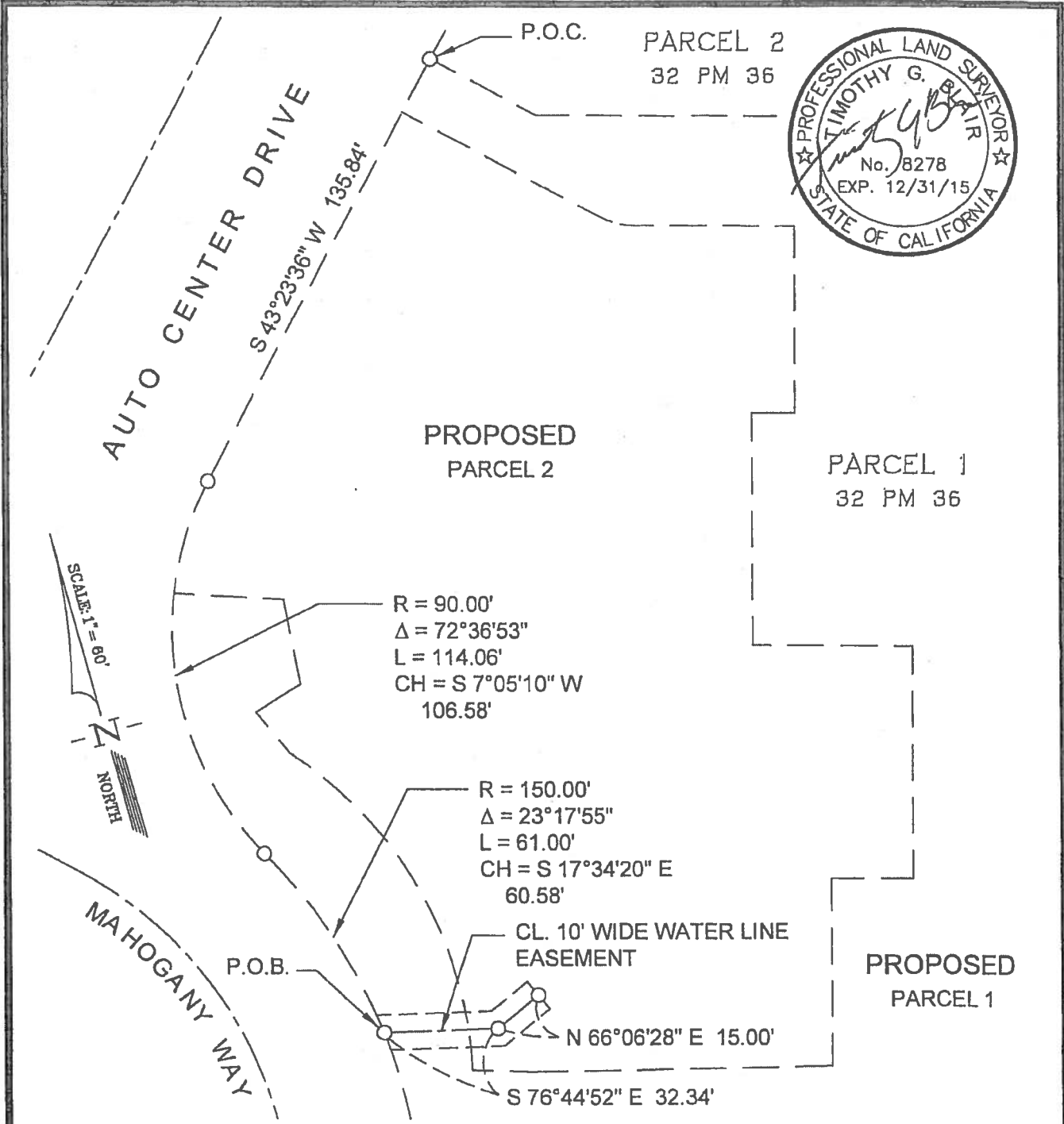


EXHIBIT B
 WATER LINE EASEMENT 3
 1951 AUTO CENTER DRIVE
 PARCEL 1 - 32 PM 36
 CITY OF ANTIOCH, CALIFORNIA

SHEET 1 OF 1

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B9

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 11, 2014**

Prepared by: Tina Wehrmeister, Community Development Director *tw*
Ron Bernal, Public Works Director / City Engineer

Date: March 6, 2014

Subject: Adoption of Development Impact Fees and Update to Park In-Lieu/Quimby Act Fee

RECOMMENDATION

It is recommended that the City Council take the following actions:

1. Motion to read the ordinances by title only;
2. Motion to introduce an ordinance adding Chapter 3 of Title 9 to the Antioch Municipal Code establishing Development Impact Fees (Attachment A).
3. Motion to introduce an ordinance amending Sections 4-1003, 9-4.1005 and 9-4.1007 in Chapter 4, of Title 9 of the Antioch Municipal Code regarding amount of fees in-lieu of land dedication for park and recreational land (Attachment B).

PROPOSED DEVELOPMENT IMPACT FEES

The draft Development Impact Fee Study ("Fee Study" - Attachment "C") was prepared by Economic & Planning Systems (EPS) and provides the analyses required by (a) the Mitigation Fee Act (Government Code Section 66000 et seq.) to adopt development impact fees and (b) the Quimby Act (Government Code Section 66477) to update the City's existing fees in-lieu of land dedications for park and recreational land. The attached Fee Study dated February 2014 has had clarifying language added to the report reviewed by the Planning Commission dated November 2013 but is substantively unchanged. EPS will be present at the meeting and will provide a presentation on impact fees and Quimby Act fees in general and the specific recommendations prepared for the City of Antioch.

In summary, impact fees are one-time charges on new development collected and used by the City to cover the cost of capital facilities and infrastructure that are required to serve new residential growth and are typically collected upon issuance of a building permit. Development impact fees cannot cover the costs of staffing.

The Fee Study also includes growth estimates and fee recommendations for non-residential development as this type of growth also requires capital facilities and infrastructure improvements. The proposed fees can be found in Tables 15 and 16 of the Study. A comparison of neighboring jurisdiction fees can be found in Table 17. The proposed fees are similar to, or less than, fees charged by surrounding jurisdictions. The Government Code allows collection of an administration fee in acknowledgement of the requirements to report on fund activity annually and periodic updates to the fee program in addition to fee allocation and record keeping functions. Staff is recommending adoption of a 3% administration cost, Table 16 in the study. The City Council has the discretion to reduce the recommended fee amounts but may not exceed the maximum fee amounts reported in the study. Any shortfall created would be borne by the General Fund. Staff is recommending adoption of the maximum fee.

The City of Antioch does not currently have adopted impact fees for the facilities discussed in the Study, which are different than water, sewer, and other infrastructure facilities that may more readily come to mind. For example, the recommended fees would ensure that new development pay for its fair share of Police facilities and equipment which are capital costs that do not currently have a funding source outside the General Fund. Such police equipment includes vehicles, radios, etc. Other capital costs contemplated in the proposed fees include administration, Public Works, and recreation facilities and equipment.

Park in-Lieu/Quimby Act Fees

The Fee Study also reviewed the existing park in-lieu/Quimby Act fees. These fees address the land needs/costs for park and recreational facilities. For example, the Park in-Lieu fees focus on the land needed to develop a park, whereas the development impact fees focus on facilities and equipment. The Fee Study provides the basis to increase these fees for park land, which are currently based on out dated land cost values. A summary of park in-lieu/Quimby Act fee recommendation can be found on page 29 of the Fee Study.

Implementing Ordinances

The proposed ordinance establishing a Development Impact Fee implements the fee study recommendations and contains administrative procedures related to calculation of payment, credits, refunds, and review/appeal procedures. The fees themselves will be incorporated into an updated Master Fee Schedule, which will be brought forward to the City Council at a future date.

The proposed ordinance amending the park in-lieu/Quimby Act fee updates an existing ordinance containing existing fees and modifies a section to require dedication of land for condominium conversions exceeding 50 dwelling units at the City's option. A redline version of these changes is provided as Attachment "D".

Stakeholder Outreach

City staff released the draft Impact Fee Study with direct notice to developers currently building or with approved maps in addition to individuals who requested notice of fee adoption through the City Clerk's office. The Planning Commission also held a study session on the proposed Development Impact Fees and growth management program. As of the date of this staff report, few comments have been received on the Fee Study itself. There is more interest in the growth management program amendments.

Staff did meet with a representative of the Building Industry Association (BIA), which represents a majority of homebuilders in the area. Again, the representative was more concerned about the growth management program but did note that perhaps the City could consider phasing in the new fees for developers currently building out subdivisions.

Historical Context

In 1998 Antioch's electorate approved Measure U, which stated the following:

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

The City Council implemented this advisory measure by adopting the Residential Development Allocation (RDA) Program Ordinance in 2002 and incorporated a Growth Management Element into the comprehensive General Plan update in 2003.

In April 2012 staff and the RDA subcommittee at that time (comprised of two Council members and two Planning Commissioners) were tasked with recommending amendments to the RDA program and process given issues raised from stakeholders. Two major areas of program amendments were discussed by the committee and are now proposed for consideration; namely, adoption of Development Impact Fees and revisions to the growth management program. The subject of this staff report is proposed Development Impact Fees. Amendments to the growth management program are the subject of a separate staff report.

OPTIONAL ITEMS

1. Fee Phase In - As suggested by the BIA, the Council could consider phasing in fees for projects under construction. Most residential projects under construction either have a vesting tentative map which means that newly adopted fees do not apply or the developer has agreed to a condition to pay future fees adopted by the City.

Since the proposed fees are reasonable and supported by the fee study, staff does not support phasing in fees for projects that have agreed (via condition of approval) to pay fees adopted by the City Council.

2. Direction staff regarding revisions to the ordinance.
3. Do not adopt the proposed ordinances adopting Development Impact Fees.

FINANCIAL IMPACT

The Fee Study identifies future capital facility and equipment costs attributable to new development to be \$66.7 million. If the fee study is not adopted these costs would be borne by the General Fund.

ATTACHMENTS

- A. Ordinance adding Chapter 3 of Title 9 to the Antioch Municipal Code establishing Development Impact Fees.
- B. Ordinance amending Sections -4-1003, 9-4.1005 and 9-4.1007 in Chapter 4, of Title 9 of the Antioch Municipal Code regarding amount of fees in-lieu of land dedication for park and recreational land.
- C. Fee study, dated February 2014
- D. Redline of proposed ordinance amendments to fees in-lieu of land dedication for park and recreational land.

ATTACHMENT "A"

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADDING CHAPTER 3, "DEVELOPMENT IMPACT FEES" TO TITLE 9 OF THE ANTIOCH MUNICIPAL CODE

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

SECTION 1. Addition to the Antioch Municipal Code. Chapter 3, "Development Impact Fees" is added to Title 9, "Planning and Zoning," to read as follows:

"9-3.10 Authority.

The ordinance codified in this chapter is enacted pursuant to Government Code Sections 66000 and following.

9-3.20 Application.

(A) It is intended that every person who develops or redevelops land in the City pay development impact fees established by this chapter, as provided herein.

(B) A development impact fee (DIF) is a fee charged in connection with the issuance of a building permit to defray the cost of certain public facilities required to serve new development within the City of Antioch. Except as specifically provided herein, this chapter does not replace subdivision map exactions or other measures and exactions required to mitigate site-specific impacts of a development project; other regulatory, development and processing fees; funding required pursuant to a development agreement; funds collected pursuant to a reimbursement agreement for amounts that may exceed a development's share of public improvement costs; or assessment district proceedings, benefit assessments, or property taxes.

(C) No developer, property owner or other person or entity shall be eligible to receive a building permit unless such developer, property owner or other person or entity has first complied with all applicable provisions of this chapter. The requirements of this chapter shall be imposed prior to the issuance of each building permit. The City may impose such additional requirements and conditions on such approvals as are necessary or appropriate to implement the purposes of this chapter.

9-3.30 Findings.

The City Council of the City of Antioch finds and declares that:

(A) The City of Antioch provides public services and constructs and maintains public facilities for the benefit of residents, businesses, and employees within the City;

(B) In 2003, the City adopted the current City of Antioch general plan, which includes a Growth Management Element intended to ensure that new development in the City provides the financial support necessary to allow the City to supply the desired levels of public services and facilities necessary to achieve, sustain and continue to promote economic well-being and a high quality of life in the community.

(C) In accordance with its general plan, the City intends to expand and improve its public facilities to serve new development and to maintain and improve existing public facilities and the public services provided by the City that are supported by such public facilities;

(D) To implement the general plan, the City intends to require every person who develops or redevelops land in the City to mitigate the impacts of such development or redevelopment on public facilities, by constructing public facilities in accordance with specific capital improvement programs, or paying fees that will be used to construct such facilities, or both;

(E) The City commissioned and adopted a Development Impact Fee Study ("DIF Study" or "Study"), which identifies specific public facilities needed to implement the City's general plan, the estimated costs of such public facilities, and various possible fees that, if adopted, could be used to pay such costs. The Study may be amended from time to time to reflect changed conditions and circumstances and update and refine the public facilities cost estimates;

(F) The public facilities identified in the Study, as may be amended from time to time, are necessary to protect the public health, safety, and general welfare, to facilitate orderly urban development, to maintain or enhance existing levels of service, and to promote economic well-being within the City as a whole;

(G) The fees developed in the Study are based upon the City's determination that new development and redevelopment generates additional residents, employees, and structures which in turn place additional cumulative burdens upon the City's infrastructure, and its adopted policy that such development and redevelopment should pay its proportionate share of the cost for new or improved public facilities required to meet such burdens;

(H) The public facilities identified in the Study are part of an integrated system serving and providing benefits to planned development within the entire City.

9-3.40 Definitions.

(A) "Applicant" means the person(s) or legal entity or entities, who may also be the property owner, who is applying for a building permit.

(B) "City" means the City of Antioch, including its future boundaries.

(C) "Credit" means any amount credited against a DIF obligation for a development project in accordance with the provisions of Section 9-3.70 of this chapter.

(D) "Director" or "Director of Community Development" means the Director of the Department of Community Development and the person(s) within the Department designated by the Director to exercise or carry out any of the Director's powers, authority, and responsibilities under this chapter.

(E) "Development Impact Fee" and "DIF" mean each and all of the development impact fees established by this chapter.

(F) "Development Impact Fee Study," "DIF Study," and "Study," as used in this chapter, mean the Development Impact Fee Study dated February 2014 and numbered EPS #20001, prepared by Economic and Planning Systems, Inc., and any present and future amendments, additions, and updates to said Study, all of which are deemed included in such definitions as used in this chapter, which is

on file with the Department of Community Development and the City Clerk.

(G) "Mixed uses" include combinations of land use types in a single project or building.

(H) "Project", as used in this chapter, means the development or redevelopment proposal that is the subject of an application for a building permit.

(I) "Public facilities" means the public facilities identified in the Study, including a capital improvement project list and cost estimates of the public facilities, which may be funded by the DIFs, and may include public improvements, public services, and community amenities.

9-3.50 Establishment of Development Impact Fees.

(A) General.

(1) Except as otherwise provided in this chapter, an Applicant for a building permit shall pay the following DIFs according and pursuant to the procedures set forth in this chapter:

- (a) Administrative Facilities Fee
- (b) Parks and Recreation Facilities Fee
- (c) Police Facilities Fee
- (d) Public Works Facilities Fee

(2) The amount of each DIF shall be as established by resolution of the City Council and shall be set forth in the City's current master fee schedule.

(3) The amount of each DIF shall be subject to adjustments based upon changes in estimated or actual costs including, but not limited to, construction costs, development schedules, availability of supplemental funds and other factors. Adjustments of the DIFs may also reflect changes in the basic infrastructure needs, in estimated revenues received pursuant to this chapter, as well as the availability or lack thereof of other funds.

9-3.60 Calculation and Payment of Development Impact Fees (DIFs).

(A) Calculation of DIFs. The amount of each DIF assessed on an Applicant for a building permit shall be calculated based on the City's master fee schedule in effect at the time of issuance of the building permit.

(B) Time for Payment of DIFs. All DIFs assessed on an Applicant shall be paid by the Applicant at the time of issuance of the building permit.

(C) Mixed Uses. When a Project will include both residential and non-residential uses, the Director shall determine the DIF amounts by applying to each use the applicable fee for that individual use, and add the totals of fees applicable to all of the uses within the Project. For example, and by way of illustration only, a Project that contains 10 residential units and 20,000 square feet of retail commercial space would pay DIFs in a total amount equal to the sum of (a) the total of 10 times the amount of each DIF per residential unit, plus (b) the total of 20,000 times the amount of each DIF per square foot of retail commercial space.

9-3.70 Exemptions and Credits.

(A) Exemptions. The following Projects are exempt from the requirement to pay DIFs:

(1) Demolition of one existing residential structure and the building of one new residential structure on the same site where no additional dwelling units are created, provided the demolished structure was in use as a residential dwelling within two years prior to the issuance of the building permit for the new residential structure.

(2) Alteration, remodeling or reconstruction of a nonresidential structure which does not increase the gross floor area above what was in existence and in use on the effective date of this chapter.

(3) A Project which the Applicant establishes to the City's satisfaction will not generate any additional need for public facilities, services or amenities, or any other impact for which mitigation and/or a fee is otherwise required. The burden of establishing, by factual proof to the satisfaction of the Director, the applicability and elements of this subsection shall be on the Applicant. No exemption or limit shall be granted pursuant to this section unless a finding is made by the Director, based on satisfactory factual proof provided by the Applicant, that the requirements of this subsection have been satisfied.

(4) There are no other exemptions to the DIF.

(B) Credits. The Director may, in conformance with any City credit and reimbursement policies, grant in favor of an Applicant subject to the requirements of this chapter a credit against the obligation to pay DIFs, as provided below.

(1) For a Project that involves the demolition of an existing structure and the construction of a new structure, the Applicant shall be entitled to a credit in the amount of the applicable DIFs for the structure to be demolished, provided that such structure has been in use in the past two (2) years, and provided that no DIF shall be reduced below \$0.

(2) An Applicant may be entitled to a credit against DIFs required by this chapter to the extent that the Applicant constructs, pursuant to City standards and requirements, public facilities included in the project list used to determine the amount of the DIFs, as provided below:

(a) No credit may be granted unless and until the Applicant has entered into an improvement agreement with the City to construct such public facilities. The City is not obligated to enter into such improvement agreement with any Applicant.

(b) A credit for construction of public facilities shall only apply to the DIF that would otherwise have been used to fund the construction of such public facilities.

(c) The credit amount shall not exceed the total of the engineering and construction costs, plus the applicable inflation adjustment, that would be reasonably incurred by the City in building the public facilities. If the total adjusted cost of the public facilities exceeds the total value of all the DIFs due from the Applicant and subject to the credit, the Applicant may be eligible for reimbursement of such excess costs from other building permit applicants whose properties will

benefit from the public improvement, in conformance with any City credit and reimbursement policies. However, under no circumstances will the City: (i) grant a credit for construction of public facilities that exceeds the total value of all of the DIFs due from the Applicant and subject to the credit; or (ii) be obligated to reimburse an Applicant for any costs of constructing a public facility under an improvement agreement required by Section 9-3.70(B)(2)(a).

(d) Upon a default under an improvement agreement, the Applicant shall lose all unused DIF credits and shall compensate the City for all used DIF credits. The amount of the compensation shall be equal to the total of: (i) 100% of the dollar amount of the DIF credits used, plus (ii) accrued interest from the date that the credit was used, compounded at an annual rate of 6%, plus (iii) liquidated damages in an amount equal to 20% of the dollar amount of the DIF credits used. The Applicant shall pay the full amount of such compensation to the City within thirty (30) days of the notice of default under the improvement agreement.

(e) Any credit earned by an Applicant shall be applied by City only to building permits issued for Projects specifically described in the improvement agreement required by Section 9-3.70(B)(2)(a) above. Credits may not be transferred to other development projects unless explicitly approved by the City. The City may establish a reasonable fee for such transfer via resolution, following issuance of proper notice required by the Government Code.

(3) Credits granted under this chapter may not be combined with other City credits for oversized water or sanitary sewer utilities.

(C) Interest. No interest shall be deemed accrued nor be paid on account of any claim for award or payment of a credit under this chapter.

9-3.80 Authority for Additional Mitigation.

Except as expressly provided herein, DIFs collected pursuant to this chapter do not replace existing development fees, including but not limited to the fees required under Title 7, Chapter 5 and Title 9, Chapter 4, Article 10 of this Code, specific area development impact fees, school impact fees, and utility demand fees or connection charges, nor do such DIFs limit requirements or conditions to provide site-specific mitigation of site-specific impacts imposed on development projects as part of normal development review and approval processes.

9-3.90 Annual Findings.

Each year, on or before July 1, the City Council shall make the findings described in Government Code Section 66001(d)(1) for unexpended fees collected pursuant to this chapter.

9-3.100 Review of Capital Improvement Plan Construction Program.

The Capital Improvement Plan Construction Program provides a general expression of the improvements needed to meet General Plan level of service standards and other established infrastructure needs. The improvements may be changed from time to time reflecting current conditions, and at least once every five years, the City Council shall conduct a comprehensive review the City

of Antioch's Capital Improvement Plan Construction Program referenced in the DIF Study and increase or decrease the amount of the DIFs established by this chapter based on updated project costs, project needs and available alternative revenue sources and other economic considerations.

9-3.110 Administrative Review Procedure.

An Applicant may apply to the Director of Community Development for an adjustment to one or more of the DIFs assessed pursuant to this chapter. The following procedure shall be used to consider such an application:

(A) The application shall be in writing and filed with the Director no later than ten (10) days before the public hearing on the first (1st) approval required for the Project that is subject to the requirements of this chapter, or if no public hearing is required, ten days before submittal of the application for a building permit. The application shall state in detail the factual and legal basis for the requested adjustment(s).

(B) The Director shall consider the application at a meeting with the Applicant within thirty (30) days after the filing of the application. The Applicant bears the burden of proof in presenting substantial evidence to support the application. The applicant must present evidence, in the form of technical information, to show that a DIF, or the amount of a DIF, is inappropriate for the particular development, which evidence shall be comparable in detail to the technical information found in the Development Impact Fee Study.

(C) The Director shall consider the following factors to determine whether or not to approve any adjustment to a DIF:

- (1) The proposed use of the DIF;
- (2) The characteristics of the development project which is the subject of this review procedure;
- (3) The appropriate land use category for the development project which is the subject of this review procedure;
- (4) The relationships between: (a) the use of the DIF and the nature of the Project; (b) the need for the public improvements funded by the DIF and the nature of the Project; and (c) the costs of the public improvements funded by the DIF and the portion of such costs attributable to the DIFs that would normally be assessed on the Project.
- (5) Whether the DIF is reasonably related in extent to the likely impacts of the proposed development project.

(D) The Director is authorized to reduce the amount of a DIF based upon the determination made pursuant to this Section.

(E) The decision of the Director shall be appealable to the City Manager pursuant to Section 9-3.120 of this chapter.

9-3.120 Appeal to City Manager.

(A) A person appealing a decision of the Director made pursuant to Section 9-3.110 of this chapter (the "Appellant") shall file a written appeal with the City Manager, stating the factual and legal basis of the appeal, within ten (10) calendar days following the decision of the Director. A person seeking judicial

review shall first seek an appeal hearing under this section.

(B) The City Manager, or a hearing officer appointed by the City Manager, shall set the time and place for the hearing, notice that hearing as is required under the zoning ordinance for consideration of a variance application, notify the Appellant and any other relevant parties, conduct the appeal hearing, prepare written findings of fact and a written decision on the matter, and shall preserve the complete administrative record of the proceeding. The hearing officer shall consider relevant evidence presented by the Appellant and by the Director.

(C) The City Manager shall consider the factors listed in Section 9-3.110(C) of this chapter in making the decision to affirm or adjust the DIFs.

(D) The decision of the City Manager shall be the final decision of the City.

(E) Sections 9-3.110 and 9-3.120 provide an administrative remedy which must be exhausted prior to compliance with the procedure provided in Government Code Sections 66020 and 66021.

9-3.130 Refund of fees.

(A) If a building permit expires, is canceled, or is voided without the permitted construction thereunder having occurred, and any DIFs paid pursuant to this chapter have not been expended, the Director shall, upon the written request of the Applicant, order the refund of all DIFs actually paid by the Applicant, except for Administrative Facilities Fees, which shall not be subject to any refunds. A written refund request shall only be honored if actually received by the Director within a period of one (1) year from the date of the expiration, cancellation, or voiding of the building permit(s) for which the DIFs were paid. Following the expiration of the one (1) year period, no refunds shall be granted on the basis of expired, cancelled or voided permits or approvals. If a partial refund is granted under the provisions of this section, the property involved shall be credited with the amount paid but not refunded against any similar DIFs due for the same or subsequent use.

(B) During the annual review of the DIFs pursuant to Section 9-3.120 of this chapter, the City Council shall make the findings required by Government Code Section 60001 (or any successor statute) with respect to any DIF revenue not expended five years or more after it was paid. If the City Council cannot make the required findings, it shall authorize a refund of the unexpended DIF revenue to the then current record owner of the property for which the DIF was paid, or otherwise allocate the unexpended revenues, as provided in Government Code Section 66001 (or any successor statute).

9-3.140 Annual review.

The DIFs, the accumulated fee funds and their appropriation, and supporting documentation, including the Study, shall be reviewed annually by the City Council.

9-3.150 Termination of DIFs.

The City shall not collect the DIFs established by this chapter once funds sufficient to construct new development's share of all public facilities described in the Study have been collected.

SECTION 2. CEQA.

This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemptions contained in CEQA Guidelines section 15273 (a) (4), because it constitutes the establishment of charges for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas, and CEQA Guidelines section 15061 (b) (3), because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 3. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. Effective Date.

This Ordinance shall be effective sixty (60) days from and after the date of its adoption.

SECTION 5. Publication; Certification.

The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with State law.

* * * * *

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 11th day of March and passed and introduced at a regular meeting thereof, held on the ___ day of _____ by the following vote:

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ATTACHMENT "B"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING SECTIONS 9-4.1003, 9-4.1005 AND 9-4.1007 OF ARTICLE 10, "REGULATIONS FOR THE DEDUCTION OF LAND, THE PAYMENT OF FEES, OR BOTH, FOR PARK AND RECREATIONAL LANDS," OF CHAPTER 4 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE

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

SECTION 1. Findings.

(A) The City of Antioch provides public parks and recreational areas and facilities for the benefit of its residents, businesses, and employees within the City.

(B) The City of Antioch General Plan contains policies, principles and standards for the development and maintenance of parks and recreational facilities, and the City's parks and recreational facilities have been developed and maintained in accordance with such policies, principles and standards.

(C) Pursuant to and in conformance with the Quimby Act (Government Code Section 66477), the City has previously adopted an ordinance, codified in Article 10 of Chapter 4 of Title 9 of the City's Municipal Code ("Ordinance"), to require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, which Ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(D) Since the adoption of the Ordinance, new population growth and residential development in the City, and increases in land values in the City, have led to greater than anticipated demands for new parks and recreational facilities, raising concerns regarding whether the adopted standards in the Ordinance will continue to generate sufficient fee revenue and sufficient land dedications to allow the City in the future to meet its adopted standards for parks and recreational facilities.

(E) To address the potential shortfall of park lands and fee revenue, the City commissioned a study to, among other things, assess the sufficiency of its adopted in-lieu fee and land dedication requirements. Based on the Development Impact Fee Study dated February 2014 and numbered EPS #20001, prepared by Economic and Planning Systems, Inc. ("Study"), the City has determined that it is necessary to amend the Ordinance to revise its adopted standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof, which Study has been considered, approved and adopted by the City Council.

(F) The City Council's adoption of amendments to the Ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") because: (i) it constitutes a modification of charges for the purpose of obtaining funds for capital projects to maintain service within the City's existing service areas (CEQA Guidelines section 15273 (a) (4)); and (ii) it can be seen with certainty that there is no possibility that it will have a significant effect on the environment (CEQA Guidelines sections 15061 (b) (3) and 15378).

SECTION 2. Amendment to the Antioch Municipal Code. Section 9-4.1003 is amended in its entirety to read as follows:

“§ 9-4.1003 GENERAL STANDARDS.

The Council finds that the population of the city as shown in the most recent available federal census is 102,365 and the amount of existing neighborhood and community park, trails, and recreation facilities as of the date of the most recent available census is 611 acres. The ratio of park area is therefore 6.0 acres per 1,000 members of the population. Pursuant to Cal. Gov't Code § 66477, the Council hereby establishes the standard for park dedication at 5.0 acres per 1,000 persons residing within a subdivision.”

SECTION 3. Amendment to the Antioch Municipal Code. Section 9-4.1005 is amended in its entirety to read as follows:

“§ 9-4.1005 FEE DETERMINATIONS.

(A) *Formula determination.* The Council finds that the fees established by § 9-4.1007 of this article represents the value of the land prescribed for dedication in § 9-4.1004 of this article.

(B) *Fees in lieu of land; 50 parcels or less.* If the proposed subdivision contains 50 parcels or less, the subdivider shall pay the fee established by § 9-4.1007 of this article, rather than having to dedicate land; except that when a condominium project, stock cooperative, or community apartment project, as those terms are defined in Sections 4105, 4125 and 4190 of the Civil Code, exceeds 50 dwelling units, dedication of land may be required, at the option of the city.

(C) *Use of money.* The moneys collected pursuant to the provisions of this article shall be used only for the purpose of developing new or rehabilitating existing park or recreation facilities to serve a subdivision.”

SECTION 4. Amendment to the Antioch Municipal Code. Section 9-4.1007 is amended in its entirety to read as follows:

“§ 9-4.1007 AMOUNT OF FEES IN LIEU OF LAND DEDICATIONS.

The Council finds that the average land value for improved residential land is \$100,000 per acre. Therefore, the amount of fees required to be paid in lieu of land dedication shall be the following amounts:

<i>Type of Unit</i>	<i>Fee per Dwelling Unit</i>
Single-family, detached	\$1,500
Single-family, attached	\$1,100
Duplexes	\$950
Multi-family	\$950
Mobile home	\$950

SECTION 5. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Effective Date.

This Ordinance shall be effective thirty (30) days from and after the date of its adoption.

SECTION 7. Publication; Certification.

The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with State law.

* * * * *

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 11th day of March and passed and introduced at a regular meeting thereof, held on the ___ day of _____ by the following vote:

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ATTACHMENT "C"

Report

City of Antioch Development Impact Fee Study

The Economics of Land Use



Prepared for:

City of Antioch

Prepared by:

Economic & Planning Systems, Inc.

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February 2014

EPS #20001

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1. INTRODUCTION AND RESULTS

This Antioch Development Impact Fee Report provides the City of Antioch with the necessary technical documentation to support the adoption of an updated Citywide Development Impact Fee Program and Quimby Act Parkland In-Lieu Fee. It was originally prepared by Economic & Planning Systems, Inc. (EPS) with input from City staff in April 2013 and was recently updated in August 2013. Impact fees are one-time charges on new development collected and used by the City to cover the cost of capital facilities and infrastructure that are required to serve new growth. The fees are typically collected upon issuance of a building permit.

The Fee Program described in this Report is based on growth projections and infrastructure requirements and is consistent with the most recent relevant case law and the principles of AB 1600 (the Mitigation Fee Act)/Government Code Section 66000 et seq (except where specific citations are provided, this statute will be referred to in this Report as AB 1600). New public facilities and infrastructure will be necessary to accommodate growth in the City. This report quantifies the proportionate share allocation of the proposed capital facilities to new growth in the City of Antioch. The capital facility requirements and their costs are based on capital needs associated with adequate City staffing levels.¹

This Report provides the nexus findings and analysis and the associated calculations of the maximum supportable citywide fees that could be charged. The City may elect to adopt fees below the maximum supportable level based on economic or policy considerations. For example, the City may choose to reduce the fees in specific locations or on certain types of uses to encourage new development in underutilized areas or to promote certain residential densities. Such fee reductions would either require a reduction in the overall capital facilities standards or the identification of alternative sources of capital funding.

Report Organization

Following this introductory chapter, **Chapter 2** discusses the development capacity estimates and forecasts used in this analysis. **Chapter 3** provides the necessary nexus findings for the different sets of capital facilities and cost estimates, and describes the allocation of costs between existing and new development. **Chapter 4** describes the allocation of parkland costs to new development under the Quimby Act. **Chapter 5** shows the resulting maximum fee schedule by land use consistent with AB1600 and the Quimby Act. It also presents a comparison of the City development impact fees with those in selected other jurisdictions.

Report Background and Legal Context

This Report is designed to provide the necessary technical analysis supporting a schedule of fees to be established by an Impact Fee Ordinance and Resolution and through the Quimby Act. The City currently has an Impact Fee Ordinance that enables the collection of fees for traffic and neighborhood parks and recreation. The updated Fee Schedule, if approved, will need to be

¹ Because of the current economic downturn, City staffing levels and some capital equipment levels are below the levels required to serve the City's existing residents and businesses.

enacted through the adoption of a new City Ordinance(s) supporting the update of the parks in-lieu fee and adding new fee categories for general government/administration, public works facilities, police, and a community parks and recreation fee. This analysis does not include an update to the City's existing traffic signal fee. The new enabling Ordinance would allow the City to adopt, by Resolution, a fee schedule consistent with the supporting technical analysis and findings provided in this Report. The Resolution approach to setting the fee allows periodic adjustments of the fee amount that may be necessary over time, without amending the enabling Ordinance.

The Fee Program developed in this Report is designed to fund a portion of the capital facilities costs associated with citywide administration, public works, police, and parks and recreation. The key requirements of AB 1600 that determine the structure, scope, and amount of the proposed Fee Program are as follows:

- **Collected for Capital Facility, Equipment, and Infrastructure Improvements.** Impact fee revenue can be collected and used to cover the cost of constructing capital facilities and infrastructure improvements required to serve new development and growth in the City. However, impact fee revenue cannot be used to cover the operation and maintenance costs of these or any other facilities and infrastructure.
- **Cannot Fund Existing Needs.** Impact fee revenue cannot be collected or used to cover the cost of existing needs/deficiencies in City capital facilities or infrastructure. Thus, the cost of capital projects or facilities designed to meet the needs of the City's existing population must be funded through other sources. The costs associated with improvements that serve the needs of both new development and the existing development are split on a "fair share" basis according to the proportion attributable to each. Thus, Fee Program funding may need to be augmented by other revenue sources to meet overall funding requirements.
- **Must Be Based on a Rational Nexus.** An impact fee must be based on a reasonable nexus, or connection, between new growth and development and the need for a new facility or improvement. As such, an impact fee must be supported by specific findings that explain or demonstrate this nexus. In addition, the impact fee amount must be structured such that the revenue generated does not exceed the cost of providing the facility or improvement for which the fee is imposed.

In addition, the in-lieu parkland fee was developed and refined in this report consistent with the requirements of the Quimby Act.

This report was originally prepared by EPS in April 2013 and was based on a range of data and estimates developed in the 2011-2012 timeframe. It has subsequently been revised to exclude the development of Roddy Ranch due to the site's pending sale to the East Bay Regional Park District. The analysis was also adjusted from 2012 to 2013 dollars for certain construction and equipment costs².

² EPS inflated general cost estimates based on the consumer price index (CPI) for the San Francisco Metropolitan Statistical Area reported by the Bureau of Labor Statistics. The CPI rate is similar to the construction cost index over the last 12 months reported by Engineering News Record, a 20-city cost index often used for inflating construction-related costs. Some cost estimates were not adjusted, e.g.

Key Issues and Assumptions

The results of this analysis are based on a variety of conditions and assumptions regarding facility costs, service standards, growth projections, and facility demand. Assumptions are covered in detail in later chapters, though some of the key issues are summarized below:

- **Service Standards.** As part of this analysis, EPS estimates projected growth will generate demand for public facilities using existing or policy-defined "service standards". Service standards relate the required infrastructure/capital facility to the categories (residents, employees) that represent the primary source of demand for the facility in question. Service standards differ by the type of infrastructure/capital facility. For example, Community Center demand is primarily generated by residential development, so this report calculates the "existing Community Center space per 1,000 population" as the relevant service standard. Given the current economic downturn, some of the City's existing provision of services and associated capital facilities fall below the level required to adequately serve the population. This report quantifies the gap in capital facilities provision associated with existing development, where appropriate, as well as the new cost to be funded by new development.
- **Capital Improvement Program.** Based on the service standards and identified capital facility needs, the City of Antioch adopted *the City of Antioch 5-Year Capital Improvements Program 2012-2017* report that includes a specific listing of development impact fee-eligible projects as a basis for the fee calculation. These individual projects may be altered or replaced over time (with other qualifying projects).
- **Cost Estimates.** The fee calculations embody facility cost and land value assumptions that have been developed based on City staff and engineer estimates, EPS research and prior experience, County Assessor records, and real estate broker interviews and sale listings. All figures are provided in constant 2013 dollars. In some cases, the estimates reflect data from other cities or previous projects developed in Antioch.
- **Cost Allocation.** This analysis allocates the cost of future capital improvements and facilities between new and existing development as appropriate. It also allocates costs between single-family, multifamily, and nonresidential land use categories. The cost allocation estimates are based on the relative demand or fair share contribution of each land use category to the need for the facilities included. For parks and recreation facilities and parkland acquisition/Quimby Act costs demand is population-driven with costs allocated between residential development land use categories only. For other capital facilities, costs are also allocated to nonresidential development as businesses/employees will comprise a portion of facility demand.
- **Socioeconomic Data and Projections.** The impact fee calculations were based on residential and nonresidential development projections provided by City staff. The development forecasts reflect potential new development within the City limits through

police station and land value acquisition estimates, where the existing cost estimates were considered appropriate.

buildout based on the City of Antioch Adopted General Plan.³ Capital improvement program requirements were tied to or based on these development forecasts to ensure correspondence between new capital facilities and new development. Estimates of existing and new residents and jobs were derived based on these development forecasts and population and employment density factors determined using the Department of Finance (DOF) and the Association of Bay Area Governments (ABAG) population and jobs data. If the growth projections do not materialize as expected, the corresponding facilities will not be needed or impact fee revenue will not be sufficient to pay for facilities that were built in advance to accommodate projected future needs. Consequently, the estimates of development and population should be periodically reviewed and updated.

Summary of Fee Program

Updated Development Impact Fees

Table 1 shows the existing City development impact fee/park in-lieu fee schedule and the updated maximum fee schedule based on the nexus findings and analysis contained in this report. Fees apply to new development inside the City limits. The existing fee structure is nuanced given the City of Antioch's enacted Residential Development Allocation Ordinance in 2002, requiring developers to obtain allocations for residential units before granting entitlements and building permits. The nexus-based approach outlined in this analysis is designed to amend the existing fee structure, including the residential development allocation process, with a more streamlined development implementation in the City.

As shown in **Table 1**, the traffic signal fee has not been updated. New fees have been introduced for general administration, public works, police, and parks and recreation facilities (separate from Quimby Act/park in-lieu fees). The new fee schedule includes a maximum of \$7,198 per single-family unit, \$4,692 per multifamily unit, and \$0.77 per non-residential square foot. This fee schedule represents a maximum increase of \$5,786 per single-family unit, \$3,665 per multifamily unit, and \$0.31 per nonresidential square foot of new building space. The nonresidential category covers office/commercial and business park/industrial development. The cost of administering the Fee Program reflected in the fee schedule is based on 3 percent of the cost, which falls within a reasonable range typically charged through development impact fees for administrative expenses.⁴

³ November 24, 2003, page 4-15.

⁴ The 3 percent administration cost is designed to cover the costs of preparation of the development impact fee and subsequent updates as well as the required reporting, auditing, collection and other annual administrative costs involved in overseeing the program. Development impact fee programs throughout California have applied additional administrative charges similar to the one proposed here; applies to general administration, public works, police, and parks and recreation fees.

**Table 1
Existing and Maximum Updated Fee Schedule
Antioch Development Impact Fee Study; EPS# 20001**

Item	Single Family (per unit)	Multifamily (per unit)	Non-Residential (per sq.ft.)
Existing City Fees			
Traffic Signal	\$362	\$362	\$0.46 (1)
Park In-Lieu Fee	<u>\$1,050</u>	<u>\$665</u>	<u>\$0.00</u>
Total	\$1,412	\$1,027	\$0.46
Maximum Updated City Fee			
Traffic Signal (2)	\$362	\$362	\$0.46
General Administration (3)	\$458	\$290	\$0.07
Public Works (3)	\$443	\$281	\$0.06
Police (3)	\$1,186	\$752	\$0.18
Parks and Recreation (3)	\$3,249	\$2,057	\$0.00
Park In-Lieu/ Quimby Act	<u>\$1,500</u>	<u>\$950</u>	<u>\$0.00</u>
Subtotal	\$6,836	\$4,330	\$0.31
Total	\$7,198	\$4,692	\$0.77
Overall Maximum City Fee Increase Net Increase	\$5,786	\$3,665	\$0.31

(1) Traffic signal fee varies by non-residential land use. Illustrative fee level shown is potential trip-based fee for office development.
(2) Traffic signal fee was not part of update so no change was made.
(3) An administrative fee cost of 3% is included.

Source: City of Antioch; Economic & Planning Systems, Inc.

As stated above, these new fee increases will be introduced along with a proposal to amend the current Residential Development Allocation Ordinance and associated development charges. The fees summarized above are the maximum fees that the City may levy, as calculated in this analysis. As described in later sections, however, the City may voluntarily reduce any or all of the fees based on policy considerations.

Implementation and Administration

Annual Review

This Report and the technical information it contains should be maintained and reviewed periodically by the City as necessary to ensure Impact Fee accuracy and to enable the adequate programming of funding sources. To the extent that improvement requirements, costs, or development potential changes over time, the Fee Program will need to be updated. Specifically, AB 1600 (at Gov. C. §§ 66001(c), 66006(b)(1)) stipulates that each local agency that requires payment of a fee make specific information available to the public annually within 180 days of the last day of the fiscal year. This information includes the following:

- A description of the type of fee in the account
- The amount of the fee
- The beginning and ending balance of the fund
- The amount of fees collected and interest earned
- Identification of the improvements constructed
- The total cost of the improvements constructed
- The fees expended to construct the improvement
- The percentage of total costs funded by the fee

If sufficient fees have been collected to fund construction of an improvement, the agency must specify the approximate date for construction of that improvement. Because of the dynamic nature of growth and infrastructure requirements, the City should monitor development activity, the need for infrastructure improvements, and the adequacy of the fee revenues and other available funding. Formal annual review of the Fee Program should occur, at which time adjustments should be made. Costs associated with this monitoring and updating effort are included in the Impact Fee and are assumed at 3 percent of costs.

Credits, Reimbursement, and Exemptions

It is recommended that, under certain and limited circumstances as determined by the City, the Impact Fee Ordinance allow developers subject to the fee to obtain credits, reimbursements, or exemptions. Fee credits, reimbursements, or exemptions should not be allowed by right but rather should be subject to a case-by-case review by City staff and Council to ensure that such credits or reimbursements are warranted and appropriate.

A fee credit – as defined by an annual cost review or other recent evaluation of cost – may be allowed if a developer provides a particular off-site facility or improvement that is of citywide benefit. For example, the City may elect to offer a fee credit to developers who provide park and recreation facilities of citywide benefit. In the event there is a discrepancy between the estimated and actual costs of construction for a project where a fee credit is being provided, if the actual construction costs are less than the estimate, the City will not reimburse the

developer for any difference between the actual and estimated costs; and if the actual construction costs are more than the estimate, the City will not provide any additional funding to the developer.

Reimbursements should be considered for developers who contribute more funding and/or build and dedicate infrastructure items that exceed their proportional obligation if the project funded is of high priority. Such reimbursements should be provided as fee revenue becomes available and should include a reasonable factor for interest earned on the reimbursable amount. It should not compromise the implementation of other priority capital projects. A provision for including such interest payments as additional costs in subsequent fees can be included in the Ordinance. Reimbursements would be granted on a discretionary basis only and not granted as a right.

The City may also elect not to impose fees for certain categories of development, though alternative funding sources to offset a loss in fee revenue would need to be provided. Fee exemption could apply if a Development Agreement would be implemented exempting all or a portion of the City fees. For example, the City may elect to exempt developers from paying fees on any affordable housing units they build. Likewise, the City may enter into a Development Agreement that specifically exempts all or a portion of the City fees.

Surplus Funds

AB 1600 also requires that if any portion of a fee remains unexpended or uncommitted in an account for five years or more after deposit of the fee, the City Council shall make findings once each year: (1) to identify the purpose to which the fee is to be put, (2) to demonstrate a reasonable relationship between the fee and the purpose for which it was charged, (3) to identify all sources and amounts of funding anticipated to complete financing of incomplete improvements, and (4) to designate the approximate dates on which the funding identified in (3) is expected to be deposited into the appropriate fund (§66001(d)).

If adequate funding has been collected for a certain improvement, an approximate date must be specified as to when construction of the improvement will begin. If the findings show no need for the unspent funds, or if the conditions discussed above are not met, and the administrative costs of the refund do not exceed the refund itself, the local agency that has collected the funds must refund them (Gov. C §66001(e)(f)).

Periodic Updates

Updates will include both an automatic annual update as well as a more periodic update of this Development Impact Fee study. It is recommended that the Impact Fee Ordinance allows for an automatic annual adjustment to the fees based on the Engineering News Record Construction Cost Index, or a similar inflation factor. Over time, development forecasts, capital facility needs, and capital facility costs will change and evolve, making periodic technical updates prudent. This fee program is based on forecasts of future development in the City as well as specific capital programs developed by the City comprised of a listing of development impact fee eligible projects. These individual projects may be altered or replaced over time (with other qualifying projects) as the City administers the Development Impact Fee Program and builds the infrastructure needed to serve new development.

Securing Supplemental Funding

The Impact Fee is not appropriate for funding the full amount of all capital costs identified in this report. The City will have to identify funding and pay for improvements related to existing and new developments and improvements not funded by the Fee Program or any other established funding source. Indeed, as part of adoption of the fee, the City is likely to adopt a finding that it will obtain and allocate funding from various other sources for the fair share of the costs of improvements identified in this report that are not funded by the Fee Program. Examples of such sources include the following:

- **General Fund Revenues.** In any given year, the City could allocate a portion of its General Fund revenues for discretionary expenditures. Depending on the revenues generated relative to costs and City priorities, the City may allocate General Fund revenues to fund capital facilities costs not covered by the Fee Program or other funding sources.
- **Infrastructure Financing Districts.** The dissolution of California Redevelopment Agencies has removed tax increment financing as a method for infrastructure financing. The City could establish an Infrastructure Financing District (IFD) to issue bonds to fund infrastructure and capital improvement projects. The IFD bonds would be backed by diverted property tax increment revenues from the City's share of property tax. The City Council would need to approve the establishment of the IFD and the majority of voters/landowners in the district must approve. An IFD, unlike a redevelopment area, does not require the property to be blighted, though it cannot overlap with a redevelopment area. As is the case with redevelopment areas, the diversion of property tax has implications for the fiscal impact of new district development on the City's General Fund. While becoming more common, the procedural steps to implementation are cumbersome, though bills designed to simplify the process are under review by the California legislature.
- **Assessments and Special Taxes.** The City could fund a portion of capital facilities costs using assessments and special taxes. For example, the establishment of a Community Facilities District would allow the City to levy a special tax to pay debt service on bonds sold to fund construction of capital facilities or to directly fund capital facilities.
- **State or Federal Funds.** The City might seek and obtain grant or matching funds from State and Federal sources to help offset the costs of required capital facilities and improvements. As part of its funding effort, the City should research and monitor these outside revenue sources and apply for funds as appropriate.
- **Other Grants and Contributions.** A variety of grants or contributions from private donors could help fund a number of capital facilities. For example, private foundations and/or charity organizations may provide money for certain park and recreation or cultural facilities.

2. DEVELOPMENT FORECAST

This chapter presents estimates of existing and future development in the City of Antioch, and associated demographic and job growth that support the development impact fee calculations. Estimates of existing and new development were provided by the City and converted into population and job estimates based on established sources as described below. These estimates were also used to drive specific cost allocations in the fee calculations. Key components of these estimates are described below.

Residential Development and Population Growth

As shown in **Table 2**, residential development in the City is expected to increase from about 34,000 units to 44,800 units, a growth of about 10,800 units through General Plan buildout. The residential growth is expected to include about 5,900 single-family units and 4,900 multifamily units. Residential growth assumptions were developed by the City of Antioch based on existing development capacity for residential uses, including the buildout of the Hillcrest Station Area⁵. Overall, 80 percent of the total capacity was assumed to materialize to account for uncertainties in site-specific development opportunities.⁶ **Table 3** provides the detailed estimates of residential development capacity. The City recognizes that this forecast is substantially higher than ABAG's 2012 Adopted Draft SCS Household Projections for the City of Antioch through 2040 and is based on the City's General Plan projections and regulatory framework rather than ABAG's regional allocation methodology.

Table 2 also shows estimates of existing and new population associated with the residential development. Existing population is based on California Department of Finance 2013 data and future population is projected based on future household size assumptions from the adopted General Plan and subsequent Specific Plans. As shown, a total of about 26,900 persons are expected to be associated with the new residential development, representing a 25.6 percent increase over the current population and 20.4 percent of the estimated buildout population. Based on current projections, about 65 percent of the new population is expected to occupy new single-family development and 35 percent to occupy new multifamily development.

⁵ Roddy Ranch is excluded from the future development capacity due to the site's recent sale to the East Bay Parks District.

⁶ The City has indicated this is a conservative assumption designed to reflect the fact that the City's major residential projects may result in a lower number of units relative to the maximum total because of various site-specific and broader constraints and economic issues.

**Table 2
Existing and Projected Housing and Population Growth
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	New		Buildout	Increase	
		Total	Distribution		Buildout over Existing	New over Existing
Housing Units (1)						
Single Family	28,140	5,859		33,999	120.8%	20.8%
Multifamily	<u>5,861</u>	<u>4,904</u>		<u>10,765</u>	<u>183.7%</u>	<u>83.7%</u>
Total	34,001	10,763		44,764	131.7%	31.7%
Persons per Household (2)						
Single Family	na	3.0		na	na	na
Multifamily	na	<u>1.9</u>		na	na	na
Total	3.1	2.5		2.9	na	na
Population						
Single Family	na	17,578	65%	na	na	na
Multifamily	na	<u>9,318</u>	<u>35%</u>	na	na	na
Total	105,117	26,896	100%	132,013	125.6%	25.6%
Allocation (3)	79.6%	20.4%		100%		

(1) Excludes mobile homes; [see Table 3]; projections for new growth are based on the Adopted General Plan.
 (2) Persons per household assumptions for new development are based on the Antioch Municipal Code.
 (3) Varies from the increase over existing estimate as allocation is calculated on a future base rather than existing population total.

Sources: California Department of Finance, City of Antioch, and Economic & Planning Systems, Inc.

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Table 3
Antioch's Residential Development Capacity Estimate
City of Antioch Development Impact Fee Study; EPS #20001

Item	Single Family	Multifamily	Total
2003 General Plan Buildout	33,012	13,821	46,833
Hillcrest E-BART Station Specific Plan	<u>0</u>	<u>2,500</u>	<u>2,500</u>
Subtotal	33,012	16,321	49,333
Adjustment (1)	4,330	(4,330)	0
Adjusted Total	37,342	11,991	49,333
(less) Existing Units (2)	28,140	5,861	34,001
Total Development Capacity	9,202	6,130	15,332
(less) Vested Units	1,878	0	1,878
Subtotal	7,324	6,130	13,454
(less) Undeveloped Factor (3)	<u>1,465</u>	<u>1,226</u>	<u>2,691</u>
Net Remaining Capacity	5,859	4,904	10,763

(1) Reflects a density adjustment from multifamily to single family units for the medium density designation.

(2) Estimate of existing units based on County Assessor parcel information and the City's GIS program.

(3) Reflects 80 percent of the total development capacity likely to materialize. This is a conservative assumption that reflects that the City's major residential projects may result in a lower number of units relative to the maximum total due to various site-specific and other external factors.

Sources: DOF, City of Antioch, and Economic & Planning Systems, Inc.

Nonresidential Development and Job Growth

As shown in **Table 4**, existing nonresidential development, including office/commercial and business park/industrial development, is estimated at 15.0 million square feet. According to ABAG, there are currently about 20,160 jobs, implying an overall average of about 742 square feet per job. The City has also forecast future nonresidential development of about 22.6 million square feet based on a review of development opportunities and capacity. Assuming a similar average square feet per job, an additional 30,400 jobs could be accommodated in the City through buildout. This represents a growth of 151 percent in jobs with new jobs representing 60.2 percent of total jobs at buildout. The City recognizes this forecast is substantially higher than ABAG's 2012 Adopted Draft SCS Job Projections for the City of Antioch through 2040 due to differences in forecasting methodology.⁷

Existing and New Service Population

Service population is a service measure commonly used to incorporate job as well as resident growth into allocations of capital facilities demand and associated costs. Employees tend to demand a smaller set of services than residents and, as such, their demand weighting is typically discounted. Service population estimates for the City of Antioch were derived based on a weighting of one for residents and one-third for employees⁸. As shown in **Table 4**, this results in a current service population of about 112,000 with a forecast increase of about 37,000. This increase represents a 33.1 percent increase over existing service population and 24.9 percent of estimated buildout service population.

Allocation Factors

Allocations of new development's fair share cost between different land use categories are based on different metrics of capital facilities demand. As shown in **Table 5**, service population is used as the allocation methodology for general administration, public works, and Police capital facilities. Demand for these facilities will be driven by both new residential and nonresidential development. Population is used as the measure of demand for parks and recreation as new residents will drive the primary need for these new facilities. Similarly, consistent with the Quimby Act, the parkland in-lieu fee is based on population growth. These factors are applied in the fee calculations presented in subsequent chapters.

⁷ The City's forecast is based on City development capacity and City growth expectations. By comparison, ABAG's regional growth allocation forecasts and the associated geographic focus of jobs are expected to under-estimate future job growth in the City.

⁸ Service population is a commonly used measure that estimates service needs based on relative demand generated by residents and employees.

**Table 4
Existing and Projected Job Estimates and Service Population Estimates
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	New	Buildout	Increase	
				Buildout over Existing	New over Existing
Non-Residential Development/ Jobs					
Non-Residential Development (1) Building Square Feet	14,966,714	22,594,816	37,561,530	251.0%	151.0%
Average Square Feet per Job (2)	742.4	742.4	742.4		
Jobs (3)	20,160	30,435	50,595	251.0%	151.0%
Allocation (4)	39.8%	60.2%	100%		
Service Population by Land Use Category (5)					
Single Family Population (6)	105,117	17,578	47%		
Multi Family Population (6)		9,318	25%		
Non-Residential Employees	<u>6,720</u>	<u>10,145</u>	<u>27%</u>		
Service Population (5)	111,837	37,040	148,877	133.1%	33.1%
Allocation (4)	75.1%	24.9%	100%		

(1) Based on City of Antioch GIS Division estimates of existing business park/ industrial and office/ commercial building square feet in City as well as expected non-residential development at buildout.

(2) Average square feet per job is derived based on the ABAG Projections 2009 job estimate for 2010 and City estimate of existing building square feet.

(3) Existing jobs from ABAG Projections 2009. New jobs estimated by applying existing square feet per job to City forecast of new building square feet.

(4) Varies from the increase over existing estimate as allocation is calculated on a future base rather than existing population total.

(5) Service population is based on the following ratios: 1 resident = 1 service person; 1 employee = 1/3 service person. Service population is used as a standard for cost allocation when capital facilities serve both residents and employees.

(6) Existing single family and multi-family population grouped together and equal 105,117 as shown in Table 2.

Sources: City of Antioch; ABAG 2009 Projections; Economic & Planning Systems, Inc.

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Table 5
Cost of New Development Fair Share Cost by Land Use
City of Antioch Development Impact Fee Study; EPS #20001

Item	Allocation Methodology	Residential Development		Non-Residential Development	Total
		Single Family	Multi Family		
General Administration	Service Population	47.4%	25.2%	27.4%	100.0%
Public Works	Service Population	47.4%	25.2%	27.4%	100.0%
Police	Service Population	47.4%	25.2%	27.4%	100.0%
Parks and Recreation	Population	65.4%	34.6%	0.0%	100.0%
Parkland (Quimby Act)	Population	65.4%	34.6%	0.0%	100.0%

Sources: City of Antioch; and Economic & Planning Systems, Inc.

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3. AB1600 NEXUS FINDINGS AND COST ALLOCATIONS

This chapter is divided into four sections corresponding to the following capital facilities categories:

- General Administration
- Public Works
- Police Facilities and Equipment
- Parks and Recreation Facilities

For each development impact fee category, the necessary "nexus" between new development in Antioch and the proposed capital facilities is described, as required under Government Code Section 66000 (AB1600). Nexus findings address: 1) the **purpose** of the fee and a related description of the facility for which fee revenue will be used; 2) the specific **use** of fee revenue; 3) the **relationship** between the facility and the type of development; 4) the relationship between the **need** for the facility and the type of development; and 5) the relationship between the amount of the fee and the **proportionality** of cost specifically attributable to new development. In addition, the methodology and technical calculations for determining existing deficiencies and future needs and the associated "fair share" allocation of costs to new development are provided. **Chapter 5** builds from these findings and analyses to estimate maximum supportable development impact fees. Parkland in-lieu fees under the Quimby Act are addressed in **Chapter 4**.

General Administration

The General Administration development impact fee will cover new development's share of the costs associated with new administrative facilities, land acquisition, general vehicles, and information technology equipment. New capital facilities will be required as the City's service population increases. The subsections below describe the nexus findings and the technical cost allocation analysis for the proposed General Administration capital facilities fee category.

Nexus Findings

Purpose

The fee will help maintain adequate levels of general administration service in the City of Antioch, including adequate City Hall and Council Chamber space and associated land needs as well as adequate service vehicles and technology utilized by the general government staff.

Use of Fee

Fee revenue will be used to fund expansion of civic space, acquisition of vehicles and technology, and land purchase for new public space attributed to demand from new growth.

Relationship

New development in Antioch will increase the City's demand for City Hall and Chamber space and associated land needs as well as service vehicles and information technology. Fee revenue will be used to fund the expansion of these facilities.

Need

Each new development project will add to the incremental need for general administration facilities described above. Improvements considered in this study are estimated to be necessary to maintain the City's effective service standard (i.e., ratio of general administration to service population).

Proportionality

The new facilities and costs allocated to new development are based on the existing ratio between the City's service population and its current General Administration capital facilities, vehicles, and equipment. In other words, the scale of the capital facilities and associated costs are directly proportional with the expected levels of new development and the existing relationship between service population and General Administration facilities. For general administration vehicles, a similar approach is utilized, but is based on the City's required number of vehicles rather than the existing number. Because of the current fiscal conditions, the City's existing vehicle fleet falls below the adequate level with the City intending to purchase an additional five vehicles when fiscal conditions improve. The cost of the vehicles required to backfill the City's existing deficiency is not allocated to be funded by new development.

Cost Allocation Analysis

The expected demand for additional administrative facilities, associated land, and vehicles is shown in **Table 6**, along with associated cost estimates and cost allocations to new development. As shown, a total of \$5.5 million in costs can be allocated to new development in the City of Antioch. Approximately \$90,000 will be required through other funding sources to address existing vehicle deficiencies.

- **Facilities.** The City owns its City Hall and Council Chamber that comprise about 32,700 square feet. It is assumed that demand for new space will be proportional to service population growth, an increase of 33.1 percent, as shown in **Table 4**. As a result, a nearly 10,800 square feet of new facility space will be required through buildout. The development cost, for new facility space, estimated based on comparable jurisdictions, is around \$460 per square foot, resulting in the new facility cost of \$5.0 million attributed to the impact fee.
- **Land Acquisition.** In addition to development of new facilities, the City will need to acquire land for these facilities. This analysis assumes that new space would have an average density of 0.3 floor-to-area ratio (FAR), resulting in the need for an additional 0.83 acres of land⁹. Based on an average nonresidential land value of approximately \$150,000 per acre, this results in a land acquisition cost of about \$124,000 attributable to new development.
- **Vehicles.** The demand for vehicles generated by future growth is calculated based on existing vehicle inventory requirements. The City currently needs 28 vehicles. However, the City has 23 vehicles, below the desired existing requirement because of the current fiscal conditions. While the City will have to fund the service improvement for five vehicles from non-impact fee sources, new growth would contribute to additional demand for ten new vehicles based on its fair share of service population increase. Based on the market cost of

⁹ While FAR's vary, an FAR of 0.3 reflects a typical nonresidential building density average.

**Table 6
General Administration Capital Facilities Improvement and Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	Buildout (1)	New (2)	New Allocated to New Development (3)	Unit Cost	Cost Allocated to New Dev't (rounded)
<u>Facilities (sq. ft.)</u>						
City Hall	32,675	43,497	10,822	10,822	\$460 per sq.ft.	\$4,978,000
<u>Land Purchase (acres)</u>	2.50	3.33	0.83	0.83	\$150,000 per acre (4)	\$124,000
<u>Vehicles</u>	28	(5) 37	9	9	\$17,900 per vehicle	\$161,000
<u>Information Technology (6)</u>						
Servers	20	25	5	5	\$12,200 per item	\$61,000
Data/phone network switches	41	45	4	4	\$8,250 per item	\$33,000
Data/phone UPS units	30	35	5	5	\$2,000 per item	\$10,000
Network routers/firewalls	5	7	2	2	\$8,000 per item	\$16,000
Data tape backup units	8	10	2	2	\$5,000 per item	\$10,000
Network /disk based data backup units	3	5	2	2	\$30,500 per item	\$61,000
Data network storage devices	3	6	3	3	\$15,333 per item	\$46,000
Subtotal	110	133	23	23		\$237,000
Total Cost						\$5,500,000

(1) Buildout estimates are either estimated based on the proportionate projected service population increase by buildout of 33.1 percent, as shown in Table 4, or on specific buildout needs provided by City departments.
(2) Represents the difference between "Buildout" and "Existing".
(3) Represents the quantity of new capital facilities that can be allocated to new development. In cases where the provision of proposed new facilities will increase the service standards for existing residents/ businesses, the "new allocated to new development" will be less than the total "new".
(4) Reflects commercial land value based on review of land sales data from CoStar, County Assessor, Loopnet, real estate broker interviews.
(5) Represents the level of vehicles required to support existing population. However, due to the current fiscal conditions the City currently has 23 vehicles. The City intends to buy an additional 5 vehicles (estimated at \$89,500) when fiscal conditions improve. This cost cannot be charged to new development.
(6) City staff have indicated that the existing equipment is sufficient to serve needs of existing service population and new IT equipment will be required to serve new development. City staff also indicated that IT items listed have a life span of at least 5 years.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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new vehicles provided by the Fleet Supervisor of the Public Works Department, these vehicles will result in a new cost of \$161,000 attributed to the development impact fee, with an additional \$90,000 associated with the City's existing deficiency that will need to be funded through other funding sources.

- **Information Technology (IT).** The City will need to acquire new equipment to provide services to new residents.¹⁰ The City has provided the set of equipment required to serve new service population growth. This level of new equipment does not represent an increase in overall information technology service standards and can be fully applied to new development. As shown in **Table 4**, an additional cost of \$237,000 is attributed to the impact fee.

Public Works

The Public Works development impact fee will cover new developments' share of the costs associated with new/expanded corporation yard, building space, a garbage ramp, and Public Works vehicles. New capital facilities will be required as service population increases. The subsections below describe the nexus findings and the cost allocation analysis for the proposed Public Works capital facilities fee category. The City is funding a proportional share of increase in capacity expansion of the Contra Costa County Water District's Randall-Bold water treatment plant. The impact of this expansion is not included in this analysis as the capital and operating cost increase is likely to be recovered through user fees.

Nexus Findings

Purpose

The fee will help maintain adequate levels of Public Works service in the City of Antioch, including adequate corporation yard space and facilities as well as a garbage ramp and vehicles necessary for Public Works operation.

Use of Fee

Fee revenue will be used to fund the expansion of corporation yard space, facilities, garbage ramp, and vehicles.

Relationship

New development in Antioch will increase demand for Public Works Department services and the associated capital facilities and equipment.

¹⁰ Equipment includes servers, data/phone network switches, data/phone UPS units, network routers/firewalls/data tape backup units, network/disk-based data backup units, and data network storage devices.

Need

Each new development project will add to the incremental need for Public Works services associated with new roadways, sidewalks, medians, and trees. Current Public Works capacity is only adequate for existing residents so the City must acquire new facilities and equipment to continue to provide the same level of service. The improvement costs included in this study are necessary for the City to maintain its current levels of service.

Proportionality

The costs allocated to new development are based on the expected level of new development and the existing ratio between yard space, building space and garbage ramp costs, and service population. In other words, the scale of the capital facilities and associated costs are directly proportional with the expected levels of new development and the existing relationship between service population and Public Works costs. For vehicles, a similar approach is utilized, but is based on the City's required number of vehicles rather than the existing number. Because of the current fiscal conditions, the City's existing vehicle fleet falls below the adequate level with the City intending to purchase an additional six vehicles when fiscal conditions improve. The cost of the vehicles required to backfill the City's existing deficiency is not allocated to be funded by new development.

Cost Allocation Analysis

The expected demand for additional Public Works yard, building space, a garbage ramp, and vehicles is shown in **Table 7**, along with associated cost estimates and cost allocations to new development. As shown, a total of \$5.3 million in costs can be allocated to new development in Antioch. About \$379,000 will be required from other funding sources to cover existing garbage ramp and vehicle deficiencies as well as existing development's fair share of the proposed bucket truck.

- **Corporation Yard and Building Space.** Existing facilities consist of a corporation yard and the Department's buildings. Service standards are established using the existing service population factor described above to estimate future needs associated with new growth with costs provided by the City staff. These assumptions result in the need for an additional 6.1 acres of land and about 12,500 square feet of building space. An assumed nonresidential land value of \$150,000 per acre and an estimate of facility space development costs of \$205 per square foot based on comparable jurisdictions yield a total cost of \$914,000 for the yard and \$2.6 million for building space, all allocable to new development.
- **Garbage Ramp.** The City will need four garbage ramps at buildout in order to serve existing and new development. While the City currently has two garbage ramps, this analysis assumes that new development will be responsible for its fair share of the total cost at buildout based on service population. This results in the cost of \$102,000 allocated to new development with the remaining \$102,000 to be covered through other funding sources.
- **Vehicles.** The demand for general Public Works vehicles generated by future growth is calculated based on existing inventory requirements and is increased in proportion to service population growth. The City currently needs 235 vehicles (including general and specialized vehicles), though because of current fiscal conditions, has only 229 vehicles. While the City

**Table 7
Public Works Capital Improvement Needs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	Buildout (1)	New (2)	New Allocated to New Development (3)	Unit Cost	Cost Allocated to New Dev't (rounded)
Yard Area (acres)	18.40	24.49	6.09	6.09	\$150,000 per acre (4)	\$914,000
Building Space	37,843	50,377	12,534	12,534	\$205 per sq. ft. (5)	\$2,568,000
Garbage Ramp (6)	2.00	4.00	2.00	1.00	\$102,000 per unit	\$102,000
Public Works Vehicles (7)						
General	169	225	56	56	\$22,000 per vehicle	\$1,232,000
Utility Truck (8)	40	45	5	5	\$41,000 per vehicle	\$205,000
10-Wheel Dump Truck (8)	6	7	1	1	\$102,000 per vehicle	\$102,000
Backhoe (8)	3	4	1	1	\$102,000 per vehicle	\$102,000
Pickup (8)	16	18	2	2	\$22,000 per vehicle	\$44,000
Bucket Truck (9)	1.00	2.00	1	0.50	\$92,000 per vehicle	\$46,000
Subtotal	235	301	66	65.50		\$1,731,000
Total Cost						\$5,315,000

(1) Buildout estimates are either estimated based on the proportionate projected service population increase by buildout of 33.1 percent, as shown in Table 4, or on specific buildout needs provided by City departments.

(2) Represents the difference between "Buildout" and "Existing".

(3) Represents the quantity of new capital facilities that can be allocated to new development. In cases where the provision of proposed new facilities will increase the service standards for existing residents/ businesses, the "new allocated to new development" will be less than the total "new".

(4) Reflects commercial land value based on review of land sales data from CoStar, County Assessor, Loopnet, real estate broker interviews.

(5) Reflects typical development cost per square foot (excluding land cost) for Class B office space.

(6) City has indicated that two additional garbage ramps are required to meet the needs of buildout development. Based on the current numbers of garbage ramps per service population, not all of the cost of the two new garbage ramps can be allocated to new development. As shown, the equivalent of 1.0 garbage ramps can be allocated to new development, while the remaining 1.0 (\$102,000) is attributable to existing development.

(7) "Existing" represents the level of vehicles required to support existing service population. Due to the current fiscal conditions the City has six fewer vehicles than shown here. The City intends to buy these additional six vehicles (2 general, 1 utility truck, 1 10-Wheel Dump Truck, and 2 pickups) (estimated at \$231,000) when fiscal conditions improve. This cost cannot be charged to new development.

(8) Net new vehicle estimates are based on input from City staff; these estimates are below those proportionally supported by service population growth due to the current fiscal conditions and the City having fewer vehicles than shown here.

(9) City has indicated that one additional bucket truck is required to meet the needs of buildout development. Based on the current numbers of garbage trucks per service population, not all of the cost of the new bucket truck can be allocated to new development. As shown, the equivalent of 0.48 bucket trucks can be allocated to new development, while the remaining 0.52 (about \$48,000) is attributable to existing development.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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will have to fund the existing deficiency of 6 vehicles from other funding sources, a total of 65.5 new general vehicles will be attributable to new growth through buildout. For general vehicles, utility trucks, 10-wheel dump trucks, backhoe, and pickup trucks, the need for additional vehicles is greater than the proportional service population increase attributable to new development. For bucket trucks, which will be required to serve existing and new development, the new development's cost share is estimated based on its service population at buildout. The resulting vehicle acquisition cost to the development impact fee is approximately \$1.7 million.

Police Facilities and Equipment

The Police Facilities development impact fee will cover new development's share of the costs associated with a range of capital facilities, including Police stations, vehicles and other equipment. New capital facilities will be required as the City's service population increases. The subsections below describe the nexus findings and the technical cost allocation analysis for the proposed Police capital facilities fee category.

Nexus Findings

Purpose

The fee will help maintain adequate levels of Police facilities, vehicles, and other equipment necessary for adequate Police service provision in the City of Antioch.

Use of Fee

Fee revenue will be used to fund expansion of existing Police station and animal services facilities and acquire new vehicles and specialized equipment attributable to demand from new development.

Relationship

New development in Antioch will increase the City's demand for Police service. Fee revenue will be used to fund additional capacity that will facilitate expansion of these items.

Need

Each new development project will add to the incremental need for Police facilities, vehicles, and equipment. Improvements considered in this study are estimated to be necessary to maintain the City's effective service standard (i.e., ratio of Police facilities to service population).

Proportionality

The new facilities and costs allocated to new development are based on the existing ratio between the City's service population and its current Police capital facilities, vehicles, and equipment. In other words, the scale of the capital facilities and associated costs are directly proportional with the expected levels of new development and the existing relationship between service population and Police facilities. For Police vehicles, a similar approach is utilized, but is based on the City's required number of vehicles rather than the existing number. Because of the current fiscal conditions, the Police Department's existing vehicle fleet falls below the adequate level, with the City intending to purchase an additional three vehicles when fiscal conditions improve. The cost of the vehicles required to backfill the City's existing deficiency is not

allocated to new development. In addition, the need for a new SWAT vehicle and a mobile command post will improve service to both existing and new service population, so costs are allocated proportionally.

Cost Allocation Analysis

The expected demand for additional Police facilities, vehicles, and equipment is shown in **Table 8**, along with associated cost estimates and cost allocations to new development. As shown, a total of \$14.2 million in costs can be allocated to new development in Antioch. About \$463,000 will be required from other funding sources to fund existing vehicle deficiencies as well as existing development's fair share of the additional SWAT vehicle and mobile command post.

- **Facilities.** The Police Department identified a need to expand existing facilities, including its station and animal services space. EPS used building space at existing facilities (including the Community Center substation) to establish a share of new space to be funded by the proposed fee. EPS estimated the incremental new facilities attributable to new development based on the expected increase in service population, at 33.1 percent. These facilities reflect an average development cost of \$500 per square foot based on comparable projects, as shown in **Table 9**. This estimate results in the Police facility cost of approximately \$11.9 million attributed to the development impact fee.
- **Vehicles.** The demand for general Police vehicles generated by future growth is calculated based on existing vehicle inventory requirements. The City currently has 82 general vehicles, below the needed level of 85 vehicles as indicated by the Antioch Police Department. While the City will have to fund the service improvement for 3 vehicles from non-impact fee sources, new growth would require an additional demand for 25 new general vehicles based on its fair share of service population increase. Based on the market cost of new vehicles provided by the Police Department (of \$39,000 per vehicle), about \$975,000 in general vehicle costs can be attributed to new development, while about \$114,000 will be associated with the City's existing deficiency that will need to be funded through other funding sources. In addition, the Police Department will require a new SWAT vehicle to serve new development, though because it will also improve the service level to existing and new development, the cost will be allocated to both existing and new development.
- **Other.** The City will also require a mobile command post and specialized equipment, such as portable radios, guns, and technology equipment associated with new growth in the City. The mobile command post will serve existing and new development, and so it will require funding from both new development and other sources. The costs of the other specialized equipment developed by the Police Department covers only the costs associated with serving new development. These items result in the Police cost of nearly \$1.3 million attributed to the development impact fee.

**Table 8
Police Capital Improvement Needs and Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	Buildout (1)	New (2)	New Allocated to New Development (3)	Unit Cost (4)	Cost Allocated to New Dev't (rounded)
<u>Police Department Facility (sq.ft.)</u>						
Police Department Portion	63,300 (5)	84,265	20,965	20,965		
Animal Services Portion	8,700	<u>11,581</u>	<u>2,881</u>	<u>2,881</u>		
Subtotal	72,000	95,846	23,846	23,846	\$500 per sq.ft.	\$11,923,000
<u>Vehicles</u>						
General	85 (6)	110	25	25	\$39,000 per vehicle	\$975,000
SWAT Vehicle (7)	1.00	2.00	1.00	0.50	\$154,000 per unit	\$77,000
Subtotal						\$1,052,000
<u>Other</u>						
Mobile Command Post (8)	0	1.00	1.00	0.25	\$359,000 per item	\$90,000
Other (9)						\$1,170,000
Subtotal						\$1,260,000
Total Cost						\$14,235,000

- (1) Buildout estimates are either estimated based on the proportionate projected service population increase by buildout of 33.1 percent, as shown in Table 4, or on specific buildout needs provided by City departments.
- (2) Represents the difference between "Buildout" and "Existing".
- (3) Represents the quantity of new capital facilities that can be allocated to new development. In cases where the provision of proposed new facilities will increase the service standards for existing residents/ businesses, the "new allocated to new development" will be less than the total "new".
- (4) Facility cost is estimated based on comparable projects as shown in Table 9; other unit costs were provided by City staff based on historic spending inflated to \$2013.
- (5) Includes a 5,000 square foot community center substation.
- (6) Represents the level of vehicles required to support existing population. However, due to the current fiscal conditions the City has 82 vehicles. The City intends to buy an additional 3 vehicles (estimated at \$117,000) when fiscal conditions improve. This cost cannot be charged to new development.
- (7) City has indicated that one additional SWAT vehicle is required to meet the needs of buildout development. Based on the current numbers of SWAT vehicles per service population, not all of the cost of the new SWAT vehicle can be allocated to new development. As shown, the equivalent of 0.5 SWAT vehicles can be allocated to new development, while the remaining 0.5 (\$77,000) is attributable to existing development.
- (8) City will purchase one mobile command post to serve new and existing development. As a result, and as shown, the equivalent of 0.25 mobile command posts can be allocated to new development, while the remaining 0.75 (\$269,000) is attributable to existing development.
- (9) Includes mobile data equipment, intersection / park cameras, patrol car video cameras, and enduro motorbikes. City staff indicated that this equipment is needed specifically to serve new development.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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**Table 9
Recent Police Station Building Development Costs in California
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Total Cost	Total Sq. Ft.	Cost Per Sq.Ft.	Floors
Corfe Madera	\$14,000,000	18,000	\$778	2
Los Angeles	\$34,000,000	54,000	\$630	na
American Canyon	\$8,500,000	16,894	\$503	na
Inglewood	\$23,000,000	33,750	\$681	na
Bakersfield	\$3,300,000	8,000	\$413	na
Lompoc	\$3,900,000	12,581	\$310	na
Los Angeles	\$35,000,000	50,000	\$700	2
Canoga Park	\$24,000,000	53,000	\$453	na
San Diego	\$13,000,000	23,760	\$547	na
Los Angeles	\$30,000,000	50,000	\$600	na
Los Angeles	\$3,100,000	9,206	\$337	na
Loyalton	\$480,000	1,560	\$308	na
Torrance	\$700,000	2,800	\$250	na
Oxnard	\$2,800,000	12,000	\$233	na
Visalia	\$7,200,000	8,000	\$900	na
San Mateo	\$41,000,000	55,000	\$745	na
Williams	\$3,300,000	12,000	\$275	na
Rampart	\$23,000,000	57,100	\$403	na
Hawthorne	\$26,000,000	<u>108,000</u>	<u>\$241</u>	na
Average (rounded)		31,000	\$500	

Sources: Reed Construction Data, Construction Cost Consultants, C.P. O'Halloran Associates, and Economic & Planning Systems, Inc.

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Parks and Recreation Facilities

The Park and Recreation impact fee is designed to cover the costs associated with new parks and recreation facilities and equipment required to serve future growth in Antioch. It covers the appropriate share of the costs of developing new parks, Community Centers and facilities, library, and associated capital equipment (the park in-lieu fee under the Quimby Act, described in the next chapter, provides revenues based on parkland needs and costs). New capital facilities will be required as the City's population increases. The subsections below describe the nexus findings and the technical cost allocation analysis for the proposed Parks and Recreation capital facilities fee category.

Nexus Findings

Purpose

The fee will help provide adequate levels of parks and recreation facilities, Community Center, and library space.

Use of Fee

Fee revenue will contribute funding towards parks and recreational facilities in a number of community parks as well as an additional 20,172 square feet of community facility space and new library.

Relationship

New development in Antioch will increase the City's demand for park and recreation facilities, though existing population will also benefit from improvement in these capital facilities. Fee revenue will be used to increase the availability of parks and recreation facilities consistent with the needs of new population growth.

Need

Each new development project will add to the incremental need for park and recreation facilities, Community Center space, and library space. As a result, improvements considered in this study are estimated to be necessary to meet the City's service provision goals without adversely affecting the existing level of service.

Proportionality

Parks and recreation facilities in community parks and a new City-owned library facility will serve both new and existing development. As a result, the costs of these facilities are allocated between existing and new development based on the existing City population and the new, expected population through City buildout. Because the City has an existing Community Center, the majority of the new Community Center cost is apportioned to new development. However, because the new Community Center will increase the overall Community Center space standard in the City, a portion of the cost is apportioned to existing development.

Cost Allocation Approach

- **Parks.** The City owns and maintains a number of parks of various sizes and uses. The City's staff identified that Lindsey Basin, Sand Creek Basin, and Prewett Park improvements would be needed in the foreseeable future. These improvements are estimated to cost approximately \$35.8 million, as shown in **Table 10**. Given that all Antioch residents would benefit from these improvements, including existing residents, only the cost attributable to new population as a share of the buildout total is allocated to the impact fee. This represents about 20 percent of the total cost or \$7.3 million.
- **Community Center Facilities.** New Community Center space will be predominantly required to maintain service standards as City population grows. While the General Plan specifies a Community Center service standard of 750 square feet per 1,000 residents, the current standard provided is below this level.¹¹ As a result, a 18 percent portion of the cost of developing new facilities to meet the City's preferred standard must be attributed to offsetting the existing deficiency for existing population, while the remaining 82 percent of costs are attributable to new development's impact on Community Center needs. The need for future space is estimated at about 20,170 square feet based on the City's preferred service standard, as shown in **Table 11**. The actual Community Center expansion cost of \$685 per square foot is based on a recently completed Community Center and is inflated to 2013 dollars. This results in a Community Center development cost of \$17.8 million with \$14.5 million eligible for funding from development impact fees.
- **Library.** The City staff estimates that a new 48,000 square foot library would be needed through buildout with a cost of \$31.9 million. The City would own the library and would be responsible for funding it. Similar to park space, existing and new City population will benefit from the library addition. Based on the projected population growth, this analysis assumes that 20 percent of the library development cost, or \$6.5 million, could be funded through impact fees.

¹¹ General Plan performance objective 3.5.1.1.

**Table 10
Parks and Recreation Capital Facilities and Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Total Program Cost (1)	Proportionate Allocation (2)		Cost Allocation	
		Existing Development	New Development	Existing Development (rounded)	New Development (rounded)
<u>Park and Recreation Facilities</u>					
Lindsey Basin	\$11,661,071	79.63%	20.37%	\$9,286,000	\$2,375,000
Sand Creek Basin	\$18,018,116	79.63%	20.37%	\$14,348,000	\$3,670,000
<u>Prewett Park:</u>					
Western area completion	\$3,750,104	79.63%	20.37%	\$2,986,000	\$764,000
Pool and diving well	<u>\$2,343,687</u>	79.63%	20.37%	<u>\$1,866,000</u>	<u>\$477,000</u>
Subtotal	\$35,772,978			\$28,486,000	\$7,286,000
<u>New Community Center Facilities (3)</u>					
	\$17,761,000	18.37%	81.63%	\$3,263,000	\$14,498,000
<u>Library</u>	<u>\$31,872,296</u>	79.63%	20.37%	<u>\$25,380,000</u>	<u>\$6,492,000</u>
Total Facilities	\$85,406,274			\$57,129,000	\$28,276,000

(1) Costs based on engineer estimates with the exception of the Community Center which is based on the City's actual cost estimate for the recently built community center.
(2) This analysis assumes that all new parks and recreation facilities, with the exception of the Community Center expansion, will equally serve existing and new City residents. As a result, the costs are allocated based on existing and new development shares estimated in Table 2.
(3) Reflects new development's fair share of the 20,172 square foot facility expansion cost that would bring the City consistent with its community center General Plan standard at buildout, as shown in Table 11.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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Table 11
Community Center Analysis
City of Antioch Development Impact Fee Study; EPS #20001

Item	Existing Development	New Development	Buildout
Population (1)	105,117	26,896	132,013
Existing Community Center Sq. Ft.	74,300	---	---
Existing Service Standard [sq.ft. per 1,000 residents]	706.8		
General Plan Service Standard [sq.ft. per 1,000 residents]	750.0	750.0	750.0
New Community Center Facilities (2) to meet General Plan Service Standard	4,538	20,172	24,710
Community Center Costs (3) Distribution	\$3,262,000 18.37%	\$14,499,000 81.63%	\$17,761,000 100%

(1) From Table 2.

(2) The 3,575 sq. ft. are required to bring the existing community center space standard up to the General Plan development standard of 750 sq. ft. per 1,000 residents.

(3) Rounded; based on the City's actual cost estimate of \$685 per square foot for the recently built community center inflated to \$2013.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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4. PARKLAND IN-LIEU FEE COST ALLOCATION

This chapter provides the technical analysis required to support the refinement of the park in-lieu fee. This analysis determines the appropriate park land standard applicable under the Quimby Act and determines the parkland cost that can be attributed to the expected new residential development in the City of Antioch based on this standard and the estimated value of parkland. Calculation of the maximum parkland in-lieu fee is presented in **Chapter 5**.

Under the Quimby Act, the park in-lieu requirement can be set at between 3.0 acres and 5.0 acres per 1,000 residents depending on the existing service standard. If the current service standard is below 3.0 acres per 1,000 residents, the park in-lieu fee can be set at 3.0 acres per 1,000 residents, if it is between 3.0 acres and 5.0 acres per 1,000 residents it can be set at the existing standard, and if it is above 5.0 acres per 1,000 residents it can set at a maximum of 5.0 acres per 1,000 residents.

The City currently provides a total of 611 acres of land in neighborhood and community parks, trails, and recreational facilities.¹² Based on the 2010 U.S. Census estimate of City population, this acreage represents a standard of 6.0 acres per 1,000 residents (or 5.9 acres per 1,000 based on the 2012 estimate of City population).¹³ As a result, the Quimby Act allows the City of Antioch to establish a park in-lieu requirement of 5.0 acres per 1,000 residents for new development.

Under the Quimby Act, the park in-lieu fee is based on the estimated cost of acquiring residential land. Residential land cost has fluctuated substantially over the last several years. In addition to economic and real estate market cycles, acquisition costs can vary significantly based on the characteristics of individual properties. EPS reviewed available land transactions since 2009 from a range of data sources and concluded that the use of an average land acquisition cost of \$100,000 per acre represents a reasonable and conservative estimate for fee calculation.¹⁴

As shown in **Table 12**, under the adopted standard, new residential development will be required to cover the cost of about 134 acres of parkland, based on the 5.0 acres per 1,000 residents standard and the expected addition of about 26,900 residents through General Plan buildout. At \$100,000 per acre, this represents a \$13.4 million cost allocation to new residential development.

¹² Acreage confirmed by City staff, February 26, 2014.

¹³ 2010 US Census population estimate was 102,365 persons.

¹⁴ Data sources include CoStar, County Assessor data, Loopnet, and real estate broker interviews.

**Table 12
Parkland Acquisition Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	New
Parkland Standard (per 1,000 population) (1)	5 acres
Estimate New Population (2)	26,896
Required Parkland (acres)	134.48
Parkland Acquisition Cost (Quimby Act) (3)	\$13,448,000

(1) Based on the City Municipal Code section 9-4.1003.

(2) See Table 2.

(3) Reflects a land value of \$100,000 per acre based on available residential land sale data and on real estate broker interviews.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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5. DEVELOPMENT IMPACT FEE CALCULATION, PROGRAM ADMINISTRATION, AND COMPARISON

This chapter describes the development fee recommendations (development impact and Quimby Act fees) and documents the magnitude of the fees by type. In addition, this chapter provides a comparison of the current and maximum potential development impact fees in the City of Antioch with development impact fees charged by selected other cities.

Development Impact Fees by Type

Total capital facilities costs attributed to new development is summarized in **Table 13**. As shown, future infrastructure cost associated with continued growth in the City is \$124.8 million. However, only \$66.8 million, or roughly 53 percent of this cost, could be attributed to new growth based on its fair share of the overall demand for capital facilities. The remaining \$58.0 million is allocated to existing development and reflects a shortfall in existing citywide needs. The cost allocated to existing development is predominantly comprised of parks and recreation uses, which would enhance the level of service to the City's existing and new residents. The City will need to find other non-development impact fee-related mechanisms to fund the costs apportioned to existing development.

Fees are calculated by allocating costs attributable to growth among single-family residential, multifamily residential, and nonresidential uses, as shown in **Table 14**. For most capital facilities types, as previously shown in **Table 5**, this allocation is based on future service population growth, with 51 percent associated with single-family units, 31 percent with multifamily units, and 10 percent with nonresidential development (for parks and recreation facilities and parkland that primarily serve new residential development, the allocation is based on future population growth). The allocated costs by land use are then divided by the number of new units/nonresidential square feet projected through buildout in Antioch to calculate the estimated fee. This calculation results in a maximum impact fee of \$6,680 for single-family units, \$4,232 for multifamily units, and \$0.30 per nonresidential square foot, before considering an administration cost factor. These fees are illustrated in **Table 15**.

The provisions of AB 1600 allow jurisdictions to include the costs of administering the Impact Fee Program in the fee amount. Administration requirements include collecting and allocating impact fee revenue, record keeping and reporting of fund activity, and periodic updates to the Fee Program. This analysis assumes that administrative costs of 3.0 percent of the total Fee Program cost will be applied to reflect the City's overhead and administration burdens. As shown in **Table 16**, this would increase the maximum development impact fee to \$6,836 for single-family units, \$4,330 for multifamily units, and \$0.31 per nonresidential square foot. While actual Impact Fee Program administration costs will vary from year-to-year depending on development activity and other program requirements, it is important to note that the administrative fee is not applied to the parkland in-lieu, East Contra Costa Regional Fee & Financing Authority or traffic signal fees.

Table 13
Summary of Capital Facilities Cost Allocation Between New and Existing Development (rounded)
City of Antioch Development Impact Fee Study; EPS #20001

Item	Cost Allocated to Existing Development (1)	Cost Allocated to New Development (2)	Total Cost
General Administration	\$90,000	\$5,500,000	\$5,590,000
Public Works	\$379,000	\$5,315,000	\$5,694,000
Police	\$463,000	\$14,235,000	\$14,698,000
Parks and Recreation	\$57,129,000	\$28,276,000	\$85,405,000
Parkland (Quimby Act)	\$0	\$13,448,000	\$13,448,000
Total	\$58,061,000	\$66,774,000	\$124,835,000

(1) To be funded by non-fee sources.

(2) Eligible to be funded by development impact fees/ Quimby Act fees.

Source: Economic & Planning Systems, Inc.

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**Table 14
New Development Maximum Cost Allocation by Land Use (rounded, no administration cost)
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Cost Allocated to New Development	Residential Development		Non-Residential Development
		Single Family	Multi Family	
General Administration	\$5,500,000	\$2,604,800	\$1,383,800	\$1,506,500
Public Works	\$5,315,000	\$2,517,200	\$1,337,300	\$1,455,800
Police	\$14,235,000	\$6,741,700	\$3,581,500	\$3,899,000
Parks and Recreation	\$28,276,000	\$18,478,400	\$9,794,800	\$0
Parkland In-Lieu/ Quimby Act	<u>\$13,448,000</u>	<u>\$8,788,300</u>	<u>\$4,658,400</u>	<u>\$0</u>
Total	\$66,774,000	\$39,130,400	\$20,755,800	\$6,861,300
<i>Distribution</i>	<i>100%</i>	<i>59%</i>	<i>31%</i>	<i>10%</i>

Source: Economic & Planning Systems, Inc.

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Table 15
Maximum Fee by Land Use (rounded, no administration cost)
City of Antioch Development Impact Fee Study; EPS #20001

Item	Residential Development (per unit)		Non-Residential Development (per sq.ft.)
	Single Family	Multi Family	
General Administration	\$445	\$282	\$0.07
Public Works	\$430	\$273	\$0.06
Police	\$1,151	\$730	\$0.17
Parks and Recreation	\$3,154	\$1,997	\$0.00
Parkland In-Lieu/ Quimby Act	<u>\$1,500</u>	<u>\$950</u>	<u>\$0.00</u>
Total	\$6,680	\$4,232	\$0.30

Source: Economic & Planning Systems, Inc.

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**Table 16
Maximum Fee by Land Use with 3% Administration Cost (rounded) (1)
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Residential Development (per unit)		Non-Residential Development (per sq.ft.)
	Single Family	Multi Family	
General Administration	\$458	\$290	\$0.07
Public Works	\$443	\$281	\$0.06
Police	\$1,186	\$752	\$0.18
Parks and Recreation	\$3,249	\$2,057	\$0.00
Parkland In-Lieu/ Quimby Act	<u>\$1,500</u>	<u>\$950</u>	<u>\$0.00</u>
Total	\$6,836	\$4,330	\$0.31

(1) The fee of 3% falls within a reasonable range typically charged through development impact fees for administrative expenses. No administrative fee is added for Quimby Act/ Park-in-lieu fee.

Source: Economic & Planning Systems, Inc.

Development Impact Fee Comparison

EPS prepared a development impact fee comparison for selected cities before 2012 based on available fee schedules. The findings of this fee comparison are described in this section and presented in **Table 17**. Inevitably, changes have continued to be made to fee schedules over the last two years, though the fee comparison has not been updated. **Table 17** provides a comparison of the existing and potential maximum new development impact fees in the City of Antioch with the fee levels in the cities of Brentwood, Oakley, Pittsburg, Concord, and Tracy. The purpose of this comparison was to provide some context for fee refinement decisions in the City of Antioch. It is important to note that development impact fee levels are continuously changing. Fees shown are long-term/underlying fee levels and are not intended to show the temporary fee reductions that some Cities have chosen to put in place. For example, the City of Oakley has recently extended its 2-year fee reduction through June of 2015.¹⁵

One particular complexity in considering the fee levels in the City of Antioch is the expected ending of the Residential Development Allocation system. This system historically resulted in significant per unit payments by developers (as high as \$10,000 per unit) at the peak of the market. With the ending of this program, new residential development in the City of Antioch will effectively face a substantive decrease in one-time per unit charges, though the precise dollar reduction cannot be specified as the per unit payment depended on an auctioning system.

For all citywide development fee comparisons, there are a number of additional issues that affect the implications of the relative fee levels. For example, some cities focus more on requiring project-specific or area-specific exactions/fees for infrastructure improvements as part of the development approval. As a result, some projects occurring in cities with lower citywide development impact fees still pay higher fees, when project-specific or area-specific charges are included. Furthermore, some cities, on a case-by-case basis, are providing discounts or exemptions on some or all of their fees to certain new developments. This represents a *de facto* temporary fee reduction that is not reflected in the fee schedules.

Fee Comparison

Table 17 provides a snapshot of development impact fees for five comparison cities and the City of Antioch for consistent, prototype single-family units. The fees are grouped into three categories, including water/sewer fees, other fees charged by other entities, and other City development impact/one-time fees. The fee groups are distinguished as follows:

- **Sewer/water**— typically set to cover the costs of providing water and sewer facilities/infrastructure to comply with State standards
- **Other entity fees**—fees set by other school district or regional/subregional entities
- **Other City fees**—the fees over which the City has primary control

¹⁵ The City's temporary fee reduction, originally implemented in 2011, reduced the overall development impact fee by approximately 40 percent below that shown in this analysis.

**Table 17
Citywide Development Impact Fees by Comparable City (per single family unit)
Antioch Development Impact Fee Study; EPS #20001**

Fee	Selected Cities						
	Antioch Existing	Antioch Proposed	Brentwood	Oakley	Pittsburg	Concord	Tracy
Sewer/Water Fees	\$18,087	\$18,087	\$11,752	\$27,156	\$17,201	\$26,834	\$8,832
Other Entity Fees (1)							
Regional/ County Traffic Fees (2)	\$18,710	\$18,710	\$18,710	\$18,710	\$18,897	\$0	\$0
School District	\$5,940	\$5,940	\$8,700	\$9,954	\$5,346	\$5,940	\$10,640
Subtotal	\$24,650	\$24,650	\$27,410	\$28,664	\$24,243	\$5,940	\$10,640
Other City Fees							
Fire (3)	\$591	\$591	\$781	\$749	\$633	\$591	\$0
Drainage	\$1,911	\$1,911	\$882	\$990	n/a	\$642	\$4,512
Traffic/ Transit (4)	\$362	\$362	\$10,746	\$12,258	\$7,123	\$3,166	\$12,185
Parks	\$1,050	\$4,749	\$7,199	\$8,567	\$9,857	\$16,691	\$6,596
Police/Public Facilities/Capital Improvements	\$0	\$2,087	\$3,660	\$2,701	\$0	\$0	\$3,951
Subtotal	\$3,914	\$9,699	\$23,268	\$25,265	\$17,613	\$21,090	\$27,244
Total	\$46,651	\$52,436	\$62,430	\$81,085	\$59,057	\$53,864	\$46,716

(1) Does not include special district fees.

(2) The fees are temporarily reduced by 50% due to the recent economic slowdown, and the fees for Pittsburg, Concord and Tracy differ because these cities are not members of the East Contra Costa Regional Fee & Financing Authority.

(3) Reflect a combination of city or special district fees.

(4) The City of Antioch is aware of the large difference between its Traffic/Transit fees in relation to the comparison cities and plans to undertake a future Traffic/Transit fee study as resources allow.

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As shown, the City of Antioch currently has the lowest "Other City" development impact/one-time fees—\$3,900 per single-family unit—when the Residential Development Allocation charge is not included.¹⁶ The inclusion of the Residential Development Allocation charge—even at its highest level—still leaves existing fee levels at the lower end of the range, at \$13,900 per unit. The maximum potential "other city fee" levels identified in this report for Antioch (in combination with the ending of the Residential Development Allocation system) would result in a total of \$9,700 per single-family unit. This is below all other cities reviewed. The primary reason for the lower fees in the City of Antioch (even after upward adjustment) is the low traffic/transit fees relative to all the other comparison cities. On an aggregate basis, when significant variations in sewer/water fees as well as regional transportation and school district fees are considered, the City of Antioch's fees fall in a similar range to the long-term/underlying fees in other cities considered.

¹⁶ Based on the FY2011 fee schedule.

ATTACHMENT "D"

ARTICLE 10: REGULATIONS FOR THE DEDICATION OF LAND, THE PAYMENT OF FEES, OR BOTH, FOR PARK AND RECREATIONAL LANDS

§ 9-4.1001 PURPOSE.

The provisions of this article are enacted pursuant to the authority granted by Cal. Gov't Code § 66477. The park and recreational facilities for which the dedication of land and/or the payment of a fee is required by the provisions of this article are in accordance with the Environmental Resource Management Element of the General Plan.

§ 9-4.1002 REQUIREMENTS.

As a condition of approval of a final subdivision map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the city, for park or recreational purposes at the time and according to the standards and formula set forth in this article.

§ 9-4.1003 GENERAL STANDARDS.

The Council finds that the population of the city as shown in the most recent available federal census is ~~61,379~~ **102,365**, and the amount of existing neighborhood and community park acreage as of the date of the most recent available census is ~~335~~ **611** acres. The ratio of park area is therefore ~~5.45~~ **6.0** acres per 1,000 members of the population. Pursuant to Cal. Gov't Code § 66477, the Council hereby establishes the standard for park dedication at 5.0 acres per 1,000 persons residing within a subdivision.

§ 9-4.1004 STANDARDS AND FORMULA FOR THE DEDICATION OF LAND.

The proportion of a subdivision to be dedicated or the amount of fees to be paid in lieu thereof, or a combination of both, shall be determined according to the formula set forth in this section. The table for determining dedication shall be based on the following formula: the average number of persons per dwelling unit multiplied by the standard of 5.0 acres per 1,000 persons equals the required number of acres per dwelling unit. The following table, based upon such formula, shall be followed:

<i>Unit Category</i>	<i>Average Person/DU</i>	<i>Average Requirement/DU</i>
Single-family, detached	3.0	0.015
Single-family, attached	2.2	0.011
Duplexes	1.9	.0095
Multi-family	1.9	.0095

§ 9-4.1005 FEE DETERMINATIONS.

(A) *Formula determination.* The Council finds that the fees established by § 9-4.1007 of this article represents the value of the land prescribed for dedication in § 9-4.1004 of this article.

(B) *Fees in lieu of land; 50 parcels or less.* If the proposed subdivision contains 50 parcels or less, the subdivider shall pay the fee established by § 9-4.1007 of this article, rather than having to dedicate land; except that when a condominium project, stock cooperative, or community apartment project, as those terms are defined in Sections 4105, 4125 and 4190 of the Civil Code, exceeds 50 dwelling units, dedication of land may be required, at the option of the city.

(C) *Use of money.* The moneys collected pursuant to the provisions of this article shall be used only for the purpose of developing new or rehabilitating existing park or recreation facilities to serve a subdivision.

§ 9-4.1006 CRITERIA FOR REQUIRING BOTH THE DEDICATION OF LAND AND THE PAYMENT OF FEES.

(A) When only a portion of the land to be subdivided is proposed in the Park and Recreation Element of the General Plan as the site for a park, such portion shall be dedicated for park purposes. The value of such dedication shall be a credit against the fees required for any additional land which would have been required to be dedicated pursuant to § 9-4.1004 of this article.

(B) When a major part of the park or recreational site has already been acquired by the city, and only a small portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated, and the value of such dedication shall be a credit against the fees which otherwise would have been required to be paid. Fees collected shall be used for the improvement of the existing park and recreational facility or for the improvement of other parks and recreational facilities serving the subdivision.

§ 9-4.1007 AMOUNT OF FEES IN LIEU OF LAND DEDICATIONS.

The Council finds that the average land value for improved residential land is \$100,000 ~~\$70,000~~ per acre. Therefore, the amount of fees required to be paid in lieu of land dedication shall be the following amounts:

<i>Type of Unit</i>	<i>Fee per Dwelling Unit</i>
Single-family, detached	<u>\$1,500</u> \$1050
Single-family, attached	<u>\$1,100</u> 770
Duplexes	<u>\$950</u> 665
Multi-family	<u>\$950</u> 665
Mobile home	<u>\$950</u> 665

§ 9-4.1008 DETERMINATIONS OF THE DEDICATION OF LAND OR THE PAYMENT OF FEES.

Whether the city accepts the dedication of land or elects to require the payment of a fee in lieu thereof, or a combination of both, shall be determined by the consideration of the following:

- (A) The Environmental Resource and Land Use Elements of the General Plan;
 - (B) Any adopted Specific Plan for the area;
 - (C) The topography, geology, access, and location of land in the subdivision available for dedication;
 - (D) The size and shape of the subdivision and the land available for dedication;
 - (E) The feasibility of dedication;
 - (F) The compatibility of dedication with the General Plan and Specific Plan, if any;
- and
- (G) The availability of previously acquired park property. The determination of the city as to whether land shall be dedicated or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

§ 9-4.1009 CREDIT FOR IMPROVEMENTS.

If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements, together with any equipment located thereon, shall be a credit against the payment of fees or dedication of land required by this article.

§ 9-4.1010 CREDIT FOR PRIVATE RECREATION IMPROVEMENTS.

(A) Planned developments and real estate developments, as defined in Cal. Bus. and Prof. Code § 11003, respectively, shall be eligible to receive a credit, as determined in this section, against the amount of land required to be dedicated, or the amount of the fee imposed, for the value of private open space within the development which is usable for active recreational uses.

(B) Park and recreational uses shall include land and facilities for the activity of recreational community gardening, which activity consists of the cultivation by persons other than, or in addition to, the owner of such land, of plant materials not for sale.

(C) Credit shall be computed on an acre-for-acre basis. A minimum of two acres of contiguous private open space or private recreational facilities shall be provided before any credit shall be given. A maximum credit of six and three-fourths acres shall be allowable for such private open space or private recreational facilities.

(D) To be eligible for credit for private recreation improvements, the following standards shall be met:

(1) That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building laws and regulations shall not be included in the computation of such private open space;

(2) That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;

(3) That the use of the private open space is restricted for park and recreational purposes by recorded covenant which runs with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the city or its successor;

(4) That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location;

(5) That the facilities proposed for open space are in substantial accordance with the provisions of the Park and Recreation Element of the General Plan of the city; and

(6) That the open space for which credit is given is a minimum of two acres and provides a minimum of four of the following Local Park Basic Elements or a combination of such and other recreational improvements which will meet the specific recreation park needs of the future residents of the area. The following table represents the minimum acreage required before credit will be given for a particular element and the maximum credit which will be allowed for each element, though the element may encompass a larger area:

<i>Criteria List</i>	<i>Acres</i>	
	<i>Minimum</i>	<i>Maximum</i>
Children's play apparatus areas	.50	.75
Family picnic areas	.25	.75
Landscape park-like and quiet areas	.50	1.00
Game court areas	.25	.50
Turf playfields	1.00	3.00
Swimming pools with adjacent deck and lawn areas	.25	.50
Recreation center buildings	.15	.25

(E) In smaller developments where less than two acres of contiguous private open space or recreational facilities are provided, credit shall be granted on an acre-for-acre basis for the space or facilities so provided.

(F) Before credit is given, the Parks and Recreation Commission shall make written findings that the standards set forth in this section are met and shall report the same to the Planning Commission which shall in turn recommend to the Council.

§ 9-4.1011 PROCEDURE.

(A) At the time of the review of the tentative subdivision map, the Parks and Recreation Commission shall determine, after a report and recommendation from the City Engineer/Director of Public Works pursuant to the provisions of § 9-4.1008 of this article, the land to be dedicated and/or the fees to be paid by the subdivider. The recommendation by the City Engineer/Director of Public Works and the action of the Parks and Recreation Commission shall be forwarded to the Planning Commission and shall include the following:

- (1) The amount of land required; or
- (2) That a fee be charged in lieu of land; or
- (3) That land and a fee be required; and/or
- (4) That a stated amount of credit be given for private recreation facilities or unique natural and special features and the like;
- (5) The location of the park land to be dedicated or the use of the in-lieu fees; and
- (6) The approximate time when the development of the park and recreation facility shall commence.

(B) Such action shall be reviewed by the Planning Commission for recommendation to the Council, which shall then make the final determination. In making its determination, the Council shall be guided by the same standards set forth in this article where applicable.

(C) At the time of the filing of the final subdivision map, the subdivider shall dedicate the land and/or pay the fees as previously determined by the city.

(D) Open space covenants for private park or recreational facilities shall be submitted to the city prior to the approval of the final subdivision map and shall be recorded.

§ 9-4.1012 SCHEDULE OF DEVELOPMENT AND COMMITMENT OF FUNDS.

The city shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected under this article shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

§ 9-4.1013 EXEMPTIONS.

Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this article; provided, however, a condition may be placed on the approval of such parcel map that if a building permit is requested for the construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each parcel as a condition to the issuance of such permit. The provisions of this article shall not apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.

§ 9-4.1014 FEES TO BE PLACED IN THE PARK FEE TRUST FUND.

Fees received by the city pursuant to this article shall be deposited in a separate Park Fee Trust Fund. Moneys in said fund, including interest earned and accrued on such moneys, shall be expended solely for the purposes described in division (C) of § 9-4.1005 of this article. The Council shall receive a report at least annually on the fee and interest income, expenditures, and status of the Park Fee Trust Fund.

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 11, 2014**

Prepared by: Tina Wehrmeister, Community Development Director *JW*

Date: March 6, 2014

Subject: Amendments to the Growth Management Program

RECOMMENDATION

The Planning Commission recommended that the City Council take the following actions:

1. Motion to adopt the resolution amending the Growth Management Element of the General Plan to reflect updates to the residential growth management ordinance;
2. Motion to read the ordinance by title only; and
3. Motion to introduce an ordinance repealing and reenacting Title 9, chapter 5, Article 40 or the Antioch Municipal Code regarding Residential Growth Management.

OPTION

The City Council may also consider not adopting the recommended ordinance. If the ordinance is not approved, a conventional residential subdivision application process, similar to most cities in the region, will continue to be in place requiring Planning Commission recommendation and City Council approval. If the option to not adopt a growth metering ordinance is selected, then the City Council would retain the discretion to direct staff to revisit this issue in the future. Staff could also be directed to report on housing development periodically without an ordinance in place.

If this option is selected the following action is recommended:

1. Motion to amend and adopt the attached resolution amending the Growth Management Element of the General Plan to remove reference to the residential growth management ordinance and direct staff to remove the sunseted ordinance from the Municipal Code, (the ordinance expired by its own terms in 2012).

REVISIONS TO THE GROWTH METERING PROCESS

Residential Development Allocation Ordinance

The goal of the RDA Ordinance is to meter residential growth. When initially drafted, the findings codified in the ordinance echoed the Measure U language from 1998 in that metering was desired to ensure that the provision of adequate school, street, and highway improvements kept pace with growth. In the ensuing years, growth slowed considerably and major highway and regional transportation improvements were funded and are currently under construction or completed. In addition, the School District is no longer reporting impact issues district wide.

The ordinance and implementation were criticized by some developers as being subjective without clear project nexus links, increasing the time for projects to be considered, and potentially missing upturns in market opportunities.

After considering the current rate of growth and improvement to transportation infrastructure in recent years, the Planning Commission recommended not metering growth at this time but creating a trigger mechanism for the future should the City experience a surge in residential building permit activity. The Planning Commission staff reports and minutes are included (Attachment "A"). The recommended ordinance would require staff to present an annual report on housing development and start the process of creating guidelines for metering once building permits for 500 units/year has been reached with metering in place by the 600 units/year threshold. The trigger of 600 units was selected because this is the annual limit in the now-expired RDA ordinance. The 500 unit trigger for staff to start drafting the guidelines addresses the need for time to allow for public, Commission, and Council input/approval on the guidelines prior to reaching the 600 unit/year threshold.

General Plan Growth Management Element

The proposed amendments to the General Plan eliminate language that is inconsistent with the recommended RDA ordinance amendments and removes implementing language which is more properly contained in the Municipal Code.

Stakeholder Feedback

In addition to forwarding information, notices, and requests for comments to residential developers active within the City and to those requesting such notice, staff met with a representative of the Building Industry Association (BIA), which represents a majority of homebuilders in the area. The BIA is very concerned with processes that create uncertainty for developers. The BIA representative agreed with Planning Commission comments that metering does not appear to be necessary at this time.

BACKGROUND INFORMATION

In 1998 Antioch's electorate approved Measure U, which stated the following:

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

The City Council implemented this advisory measure by adopting the Residential Development Allocation (RDA) Program Ordinance in 2002 and incorporated a Growth Management Element into the comprehensive General Plan update in 2003. The RDA ordinance has been amended since 2002 and the version that expired in 2012 is included as Attachment “B”.

In April 2012 staff and the RDA subcommittee (comprised of two Council members and two Planning Commissioners) were tasked with recommending amendments to the RDA program and process. Two major areas of program amendments were discussed by the committee and are now proposed for consideration; namely, adoption of Development Impact Fees, a more common, consistent and defensible approach to addressing impacts caused by residential development and revisions to the growth management program. The subject of this staff report is the Growth Management Program. The proposed Development Impact Fees are the subject of a separate staff report.

FINANCIAL IMPACT

There is no direct fiscal impact associated with the optional actions items. However, a protracted development review process may deter developers from Antioch.

ATTACHMENTS

- A: Planning Commission staff reports and minutes (November 20, 2013 and January 15, 2014)
- B: RDA Ordinance that expired by its own terms in 2012

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING THE GROWTH MANAGEMENT ELEMENT OF THE GENERAL PLAN TO REFLECT UPDATES TO THE RESIDENTIAL GROWTH MANAGEMENT ORDINANCE

WHEREAS, pursuant to Resolution No. 2003/134 dated November 24, 2003, the City of Antioch adopted its latest General Plan, following certification of an Environmental Impact Report; and

WHEREAS, the City of Antioch has initiated an amendment to the Growth Management Element of the General Plan consistent with proposed amendments to the Residential Growth Management Ordinance; and

WHEREAS, pursuant to CEQA Guidelines Section 15061(b)(3), the proposed amendment to the Antioch General Plan is exempt from CEQA because it can be seen with certainty to have no possibility of a significant effect on the environment; and,

WHEREAS, on January 15, 2014, the Planning Commission held a duly noticed public hearing on the matter, received and considered testimony, both oral and documentary, and recommended approval of the proposed General Plan amendments; and

WHEREAS, the City Council duly gave notice of public hearing as required by law; and,

WHEREAS, on March 11, 2014, the City Council duly held a public hearing on the matter, and received and considered testimony, both oral and documentary.

NOW THEREFORE BE IT RESOLVED that the City Council hereby adopts the findings below in support of the approval of the proposed amendments to the Growth Management Element of the General Plan:

1. **Finding:** The proposed amendments ensure and maintain internal consistency with all the goals, policies and programs of all elements of the General Plan and any applicable specific plan.

Evidence: This finding is supported by the discussion contained in the City Council staff report and attachments and supporting materials prepared for the March 11, 2014 meeting. The Growth Management Element amendments are consistent with goals, policies, and discussion in the General Plan and will also ensure consistency with the Zoning Ordinance.

2. **Finding:** The proposed amendments would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

RESOLUTION NO. 2014/**

March 11, 2014

Page 2

Evidence: This finding is supported by the discussion contained in the City Council staff report and attachments and supporting materials prepared for the March 11, 2014 meeting. The proposed General Plan amendments will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

BE IT FURTHER RESOLVED that the City Council hereby approves amendments to sections 3.3.1 and 3.6 of the Growth Management Element of the General Plan as shown in Exhibit A (incorporated herein by reference).

* * * * *

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 11th day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

EXHIBIT "A"

existing development. Update capital improvement plans as part of the annual budget process.

3.6 MANAGING THE RATE OF GROWTH

3.6.1 Rate of Growth Objectives

- a. Provide for a reasonable rate of residential growth that ensures the ability of the City to provide housing opportunities for all economic segments of the community as required by State Housing Element law, and that facilitates the ability of public services and facilities provided by the City and outside agencies to expand at a commensurate rate.
- b. Encourage reinvestment in older neighborhoods in order to increase the efficiency and reduce the costs of providing public services, stabilize older residential neighborhoods, and revitalize the Rivertown area.

3.6.2 Rate of Growth ~~Policies~~Policy

- a. ~~Prohibit the granting of new residential development allocations for the calendar years 2006 and 2007. For the five-year period from 2006 to 2010, no more than 2,000 development allocations may be issued. Thereafter, limit the issuance of development allocations as required by the Residential Growth Management Ordinance and adopted Guidelines, to a maximum annual average of 600, recognizing that the actual rate of growth will vary from year to year. Thus, unused development allocations issued after December 31, 2010 may be reallocated in subsequent years, and development allocations may be moved forward from future years, provided that the annual average of 600 development allocations may not be exceeded during any given five-year period (i.e., no more than 3,000 development allocations may be issued for any given five-year period).~~

- ~~b. To move development allocations forward from future years, the following finding must be made:~~

~~— The constraints posed by needed infrastructure phasing or capital facilities financing require that development allocations be moved forward from future years to avoid jeopardizing the feasibility of existing infrastructure financing mechanisms or the financing of infrastructure for the development allocations that would otherwise be granted during the calendar year.~~

- ~~c. To facilitate the development of housing required to meet the needs of all economic segments of the community and special needs groups identified in the Housing Element, age-restricted housing and multiple-family dwellings shall be counted as less than one single family dwelling unit for the purposes of residential development allocations. The relationship between an allocation for a single family dwelling and an allocation for age-restricted housing and multiple-family dwellings shall be based on such factors as differences in traffic generation, school impacts, and demand for new recreation facilities.~~

- ~~d. In order to avoid a predominance of any one housing type, limits shall be placed on the number of annual allocations that may be granted to age-restricted senior housing, single family detached housing, and multifamily housing.~~

- ~~e. Permit residential projects that are subject to limitations on development allocations to proceed with other necessary approvals not directly resulting in the division of land or construction of residential dwelling units (e.g., General Plan amendments, rezoning, environmental review, annexation, etc.). The processing of such applications is not, however, a commitment on the part of the City that the proposal will ultimately receive development entitlements or allocations.~~

f. ~~To facilitate the development of housing required to meet the needs of all economic segments of the community and special needs groups identified in the Housing Element, exempt the following types of developments from limitations on the annual issuance of development allocations, whether for single-family or multi-family residential development. Dwelling units approved pursuant to the following exemptions shall not be counted against the established maximum annual development allocation:~~

- ~~(1) Income-restricted housing needed to meet the quantified objectives for very low and low-income housing set forth in the Housing Element, along with "density bonus" dwelling units approved pursuant to the provisions of the Housing Element and the City's Density Bonus ordinance.~~
- ~~(2) Dwelling units designed for one or more Special Needs Groups, as defined in the Housing Element (i.e., handicapped, income-restricted senior housing), pursuant to programs set forth in the Housing Element as needed to meet the Housing Element's quantified objectives for housing of special needs groups.~~
- ~~(3) Dwelling units within development projects having vested rights through a valid (unexpired¹) development agreement or vesting map.~~
- ~~(4) Construction of a single dwelling unit by or for the owner of the lot of record on which the dwelling unit is to be constructed.~~
- ~~(5) Construction of a second dwelling unit on a lot of record.~~
- ~~(6) Development of a project of four or fewer dwelling units.~~

~~(7) Development projects within the Rivertown Focused Planning Area.~~

~~(8) Smart growth, transit-oriented development projects.~~

~~(9) Properties outside the City limits, as shown on the General Plan Land Use Map, that subsequently annex to the City and otherwise provide positive impacts to the City consistent with this article. Approval of such an exemption shall be at the sole discretion of the Council, and the details shall be memorialized by a statutory development agreement or other binding instrument. However, residential development in Reddy Ranch shall be subject to the residential development allocation program.~~

3.6.3—Development Allocation Policies

~~a. Development allocations shall constitute a right, granted by the City Council, to apply for building permits for lots within an approved tentative map, subject to recordation of the map and conformance with all conditions of approval placed on the tentative tract map.~~

~~b. Development allocation reservations shall constitute a "set aside" of a portion of the maximum annual number of development allocations in future years for dwelling units within an approved large-scale development project (e.g., Specific Plan, Planned Development) for which a tentative map has not yet been approved.~~

~~c. At least once during each fiscal year, the City will grant development allocations for approved and proposed projects based upon the extent to which such projects meet or are consistent with the objectives set by the City Council for the following allocation period and, if appropriate, for succeeding allocation periods.~~

~~d. Development objectives shall be adopted by the City Council following public hearing. In defining development~~

¹~~The majority of existing development agreements expired on December 31, 2002.~~

~~objectives, the City Council shall provide an indication to the development community of the City's expectations for residential development for the allocation period.~~

~~Base development objectives on the need to implement the provisions of the Antioch General Plan, public service and facilities capacities, recommendations of the City's Capital Improvements Program, environmental constraints, and other relevant factors.~~

~~Formulate development objectives so as to facilitate comparative review of development projects and thereby allow the City to appropriately limit the number of development allocations at times when requests for such allocations would exceed the specified annual average, or the number of allocations assigned to any given time period.~~

~~Incorporate identification of development projects providing net benefits to the community into development objectives, thereby providing such project with a priority for the granting of development allocations.~~

~~e. Permit requests for development allocations (either tentative maps or other applicable approval for residential projects not requiring a land division) in excess of the limitations on annual allocations described above, provided that the project is phased so that the no single phase exceeds the number of allocations granted to the project for a given year. Thus, development projects may be granted development allocations for use in up to four years subsequent to the original allocation⁴.~~

~~f. Permit development projects to carry over unused development allocations into subsequent years.~~

⁴ For example, a 250-dwelling unit residential development project may, at one time, be granted 50 development allocations per year for a five-year period.

~~g. Upon expiration of a development entitlement, the development allocations and reservations associated with the expired entitlement shall be automatically rescinded, and may be reallocated to other development projects, consistent with the annual limits set forth above.~~

3.7 REGIONAL COOPERATION

3.7.1 Regional Cooperation Objectives

- a. Resolution of regional and multi-jurisdictional transportation issues for the maintenance of regional mobility as required by Measure J Growth Management Program and the Contra Costa Congestion Management Program.
- b. A regional approach to regional issues that recognizes and respects Antioch's local interests.
- c. Establishment of a system of development review within Antioch *and* surrounding communities based on the principle that the impacts of new development must be mitigated or offset by project-related benefits within *each* of the jurisdictions in which the impacts will be experienced.

3.7.2 Regional Cooperation Policies

- a. Continue participation in regional transportation planning efforts, including the Contra Costa Transportation Authority, Eastern Contra Costa Transit Authority (Tri-Delta Transit), and TRANSPLAN.
- b. As part of the evaluation of individual development projects, address and provide appropriate mitigation for impacts on regional and local transportation facilities.
- c. Maintain ongoing communications with agencies whose activities affect and are affected by the activities of the City of Antioch (e.g., cities of Brentwood, Oakley and Pittsburg; Contra Costa County;

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
REPEALING AND REENACTING TITLE 9, CHAPTER 5, ARTICLE 40 OF THE
ANTIOCH MUNICIPAL CODE**

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

SECTION 1. The City Council finds as follows:

A. The City of Antioch holds all rights and powers established by state law and holds the right to make and enforce all laws and regulations not in conflict with the general laws.

B. The City's growth control ordinance, Antioch Municipal Code Title 9, Chapter 5, Article 40, was adopted in 2002 in response to the Antioch electorate's approval of Measure U in 1998, which stated: "Shall the City of Antioch, when considering approval of residential development, be instructed to phase the rate through land-use planning with concurrent financial planning to provide adequate schools, street improvements and highway 4 improvements for a sustained high quality of life, by making new growth pay its own way through maximizing fees, assessment districts, matching fund programs and any other means effective to expedite the construction of needed infrastructure?"

C. Measure U has been incorporated into the City's current General Plan as part of the Growth Management Element of the General Plan.

D. The U.S. Census Bureau has reported that Antioch's population more than doubled between 1970 and 1990 from 28,060 to 63,062 residents and then increased another 30% percent in ten years to 90,532 residents in 2000, and increased another 12% in ten years to 102,372 residents in 2010.

E. The number of households in Antioch also increased from 1990 by 55% to 33,090 households in 2005, with the U.S. Census Bureau reporting that there were 35,252 households in Antioch in 2010, a 9% increase since 2000.

F. ABAG (Association of Bay Area Governments) Projections 2009 also indicated that the number of persons living in a household was higher in Antioch than the rest of Contra Costa County as a whole due to a larger percentage of households with children, which can cause strain on the public school district both as to facilities and providing educational services, as well as City recreational programs and spaces.

G. From 1989 to 1998 there were 7,197 new single family residential units constructed in Antioch. In the prior RHNA ("Regional Housing Needs Allocation") cycle from 1999 to 2006, 4,937 new residential units were constructed in Antioch (4,390 single family units and 547 multi-family units) and in the RHNA cycle of 2007 - 2013,

672 new residential uses were constructed despite the unprecedented housing market collapse and economic recession.

H. The housing market collapse and national economic recession contributed to median housing prices in Antioch falling by 36% to 68% between 2006 and 2010 and over 500 Antioch homeowners per month receiving notices of default and significant numbers of foreclosure filings in Antioch for several years.

I. There remains plenty of housing stock available in Antioch, with approximately half of the single family homes being built since 1989.

J. The Contra Costa Transportation Authority in "The 2000 Update, Contra Costa Countywide Comprehensive Transportation Plan" indicated that in 1990 the "out commute" from East Contra Costa County along State Route 4 was 44,000 persons, in 2000 was 54,000 persons, and was expected to grow to 77,000 persons in 2010.

K. "The 2009 Update, Contra Costa Countywide Comprehensive Transportation Plan" indicated that State Route 4 in Antioch would experience a 77% traffic volume increase and other areas in Antioch would experience over a 100% increase in traffic volume.

L. Although improvements to State Route 4 are occurring, they are not complete and it continues to be a highly congested freeway, which means greater congestion on local roads as commuters look for shortcuts to State Route 4, as well as the congestion of more drivers returning to more homes in Antioch.

M. As set forth in State Assembly Bill 32 (2006) and State Senate Bill 375 (2008), increased traffic volumes and congestion increase greenhouse gases and other toxic air emissions leading to health and climate change concerns.

N. With the economic recession and decline in property tax revenues, the City of Antioch's budget has been reduced by one-third and staffing levels have been reduced from 30-50% depending on department and thus property tax revenues from new residential uses are not sufficient to cover the cost of municipal services and facilities at the level provided in 2002 and standards set forth in the General Plan and in City Council policy.

O. As indicated in the adoption of the Residential Development Allocation Ordinance in 2002, the City has had, and continues to have, difficulty in funding sufficient police resources to keep pace with the rapidly-expanding population raising questions regarding the City's ability to meet police service levels for new residents and residential developments.

P. The City's General Plan calls for police staffing between 1.2 and 1.5 sworn officers for every 1000 residents and with a current population of approximately 102,000 residents, the City is not meeting this service level in the City's General Plan.

Q. The City has received and anticipates additional requests for the construction and development of new residential uses within the City.

SECTION 2. Title 9, Chapter 5, Article 40 of the Antioch Municipal Code is hereby repealed and reenacted to read as follows:

ARTICLE 40: RESIDENTIAL GROWTH MANAGEMENT

§ 9-5.4001 CITATION.

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

§ 9-5.4002 PURPOSE.

The following are the purposes and goals of this article:

- (A) To implement Measure “U” (a 1998 voter advisory initiative) through these procedures in order to regulate the rate of residential growth within the city.
- (B) To implement the city's General Plan.
- (C) To help ensure that the city's infrastructure, public facilities, and ability to provide services keep pace with the demands created by new residential development.
- (D) To ensure that the city meets its Regional Allocation of Housing Needs (RHNA) determined by the Association of Bay Area Governments (ABAG).

§ 9-5.4003 NUMERICAL LIMITS ON RATE OF GROWTH

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

§ 9-5.4004 EVALUATION OF GROWTH LIMITS

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

SECTION 3. CEQA. This Ordinance is subject to the CEQA exemption contained in CEQA Guideline section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section.

SECTION 5. Publication; Certification. The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with State law.

* * * * *

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 11th day of March, 2014 and adopted at a regular meeting of the City Council of the City of Antioch on _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ATTACHMENT "A"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF NOVEMBER 20, 2013

Prepared by: Tina Wehrmeister, Community Development Director 

Date: November 14, 2013

Subject: Amendments to the Growth Management Program and
Draft Development Impact Fee Report

RECOMMENDATION

It is recommended that the Planning Commission hold a public hearing and study session, receive comments, and provide direction to staff regarding the following items:

1. Revisions to the Residential Development Allocation Ordinance.
2. New Growth Management Program Guidelines.
3. Revisions to the General Plan Growth Management Element.
4. Draft Development Impact Fee Report and proposed Impact Fees.

The background and draft proposals are fairly complex and new to the majority of the Planning Commission. This report and attachments serve as a primer for the discussion on November 20th when staff and the Commission will discuss the various components of the Growth Management Program in greater detail.

BACKGROUND

In 1998 Antioch's electorate approved Measure U, which stated the following:

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

The City Council implemented this advisory measure by adopting the Residential Development Allocation Program Ordinance (RDA) in 2002 and incorporated a Growth Management Element into the comprehensive General Plan update in 2003. The RDA ordinance has been amended since 2002 and the current version is attached as Attachment A.

The RDA Ordinance established numerical limits on the rate of growth and was implemented by requiring an application for RDA allocations prior to submission of a tentative map for a residential development project. The RDA applications were reviewed by a standing committee and the Planning Commission with recommendations made to the City Council for final approval. The ordinance stipulates that allocations are not considered land use entitlements. In order to receive an approval recommendation, applicants were required to demonstrate how the project met objectives defined by the City Council. A sample application rating sheet is attached (Attachment B). The RDA process was criticized by some developers as being subjective without clear project nexus links.

Staff and the RDA subcommittee (comprised of two Council members and two Planning Commissioners) were tasked with recommending amendments to the RDA program and process. Two major areas of program amendments were discussed by the committee and are now proposed for consideration and discussed below.

REVISIONS TO THE GROWTH METERING PROCESS

Residential Development Allocation Ordinance

The goal of the RDA Ordinance is to meter residential growth. When initially drafted, the findings codified in the ordinance echo the Measure U language in that metering was desired to ensure that growth keep pace with provision of adequate school, street, and highway improvements. In the ensuing years, growth slowed considerably and major highway and regional transportation improvements are funded and currently under construction or completed. In addition, AUSD is no longer reporting impactation issues district wide. Therefore, the first issue for the Commission to consider is whether or not growth metering should continue. A table of new residential building permits issued by year is provided under Attachment C.

As the Commission and the community are aware, the City has not been able to maintain an adequate ratio of police officers to population. The recent passage of Measure C will help to alleviate this situation for the current populous; however, this may not be sufficient to serve future growth. The impact fees discussed below may be used for capital expenditures but not for staffing costs. Staff has begun requiring new development to create or enter into a Community Facilities District which would fund police staffing costs.

If the Commission would like to recommend continuation of a growth metering program, staff has prepared a revised Residential Growth Management ordinance (Attachment D). Changes from the current ordinance include:

- §9-5.4003: Guidelines are proposed to be adopted by ordinance and are discussed below.

- §9-5.4004: The timing of allocation issuance has been moved to building permit, after all entitlements have been received.
- §9-5.4005: The numerical limits on the rate of growth have been adjusted to be consistent with the City's Regional Housing Needs Allocation (RHNA). For the next RHNA cycle, 2014 to 2022, the City's allocation by income level is as follows:

Very Low 0-50%	Low 51-80%	Moderate 81-120%	Above Moderate 120+%	Total
349	205	214	680	1,448

Growth Management Program Guidelines

Draft Growth Management Guidelines are provided under Attachment E. Under the Guidelines, allocations will be considered in July of each year for the upcoming calendar year. The Community Development Director and Public Works Director shall review the applications and make a recommendation to the Planning Commission. The Commission will make a recommendation to City Council for final approval. For years where the City's RHNA requirement has not yet been met, requested allocations will automatically be granted. For years when demand exceeds available allocations, the criteria provided in section C.2 of the Guidelines shall be applied in consideration of the requests. The criteria has been divided into two income level categories.

General Plan Growth Management Element

The proposed amendments eliminate language that is inconsistent with the proposed RDA ordinance amendments and removes implementing language which is more properly contained in the Municipal Code and guidelines document (Attachment F). The Service Standards would remain and would become the basis for allocation recommendations under the Growth Management Program Guidelines.

Suggested Discussion Items:

1. **Should Antioch continue to have a growth metering program?**
2. **The RDA Committee recommended that RHNA numbers should be the trigger for the allocation program. In other words, no metering until Antioch's regional need is met. Given the recent number of building permits pulled (Attachment C) in the moderate and above moderate income categories, the need for metering can be reasonably assumed. Comments or concerns?**
3. **Comments regarding the proposed criteria to evaluate allocation requests and order of priority (Guidelines, C.2).**

DRAFT DEVELOPMENT IMPACT FEE STUDY

The draft Development Impact Fee study (Attachment G) was prepared by Economic & Planning Systems (EPS) and provides the analysis required by the Mitigation Fee Act in order to adopt fees (Government Code Section 66000 et seq). EPS will be present at the meeting and will provide a presentation on impact fees and the specific recommendations prepared for the City of Antioch. In summary, impact fees are one-time charges on new development collected and used by the City to cover the cost of capital facilities and infrastructure that are required to serve new growth and are typically collected upon issuance of a building permit.

The fee study also includes growth estimates and fee recommendations for non-residential development as this type of growth also requires capital facilities and infrastructure improvements. The proposed fees can be found in Attachment G, Tables 15 and 16. A comparison of neighboring jurisdiction fees can be found in Attachment G, Table 17.

The Planning Commission does not typically make recommendations regarding fees; however, given the relationship to the growth management process staff felt that Commission feedback would be valuable. Also, many of the developers and community members interested in the growth management program would most likely also want to review and comment on the draft impact fees. Therefore, the Planning Commission meeting will also serve as a study session on the proposed fees prior to the formal Council hearing required under the Mitigation Fee Act.

Suggested Discussion Items:

- 1. Receive comments from the Commission and public on the study assumptions and findings.**
- 2. Receive comments from the Commission and public on the proposed fee schedule.**

ATTACHMENTS

- A. Current RDA Ordinance
- B. Sample RDA rating sheet
- C. New residential building permits
- D. Revised Growth Management Ordinance
- E. Growth Management Program Guidelines
- F. General Plan Growth Management Element – redline version
- G. Draft Development Impact Fee Study



ATTACHMENT "A"

Antioch, CA Code of Ordinances

ARTICLE 40: RESIDENTIAL DEVELOPMENT ALLOCATION

§ 9-5.4001 CITATION.

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

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

§ 9-5.4002 PURPOSE.

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

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

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

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

(D) To provide for a reasonable rate of residential growth that ensures the ability of the city to provide housing opportunities for all economic segments of the community.

(E) To ensure that the city meets its regional allocation of housing needs.

(F) To encourage reinvestment in older neighborhoods in order to increase the efficiency and reduce the costs of providing public services, stabilize older neighborhoods and revitalize the Rivertown area.

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

§ 9-5.4003 PRECEDENCE OVER OTHER PROVISIONS.

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

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

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§ 9-5.4004 FINDINGS.

The Council hereby makes the following legislative findings:

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 9-5.4005 ESTABLISHMENT OF OBJECTIVES.

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

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

§ 9-5.4006 GUIDELINES FOR OBJECTIVES.

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

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

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

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

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

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

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

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

§ 9-5.4007 DEVELOPMENT ALLOCATION PROCESS.

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

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

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

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

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

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

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

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

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

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

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

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

§ 9-5.4008 NUMERICAL LIMITS ON RATE OF GROWTH.

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

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

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

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

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

§ 9-5.4009 EXEMPTIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 9-5.4010 SPECIAL ALLOCATIONS.

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

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

§ 9-5.4011 EVALUATION OF GROWTH LIMITS.

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

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

§ 9-5.4012 SUNSET OF ARTICLE.

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

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

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ATTACHMENT "B"



RDA PROJECT EVALUATION CRITERIA

SUMMARY

The Residential Development Allocation Ordinance (RDA) was adopted May 14, 2002 by the City Council (Attachment A). It requires that allocations be obtained prior to receiving residential development entitlements and ultimately, the issuance of building permits for residential projects. A Development Allocation is the right to proceed, subject to all applicable requirements to obtain entitlements. Certain projects are exempt such as housing for Special Needs Groups and small projects of four units or less. **The approval of a Development Allocation does not represent a land use entitlement** and as such does not require CEQA review. No concurrent processing of entitlements, such as tentative maps or final development plans, is permitted.

PROJECT EVALUATION

The attached checklist is used to evaluate Residential Development Allocation (RDA) applications. The checklist is divided into three main categories: A) Physical Improvements; B) Design; C) Additional Community Benefits and Contributions. Each main category contains several sub-categories assigned point values. There are 500 total points available. The City is looking for well rounded projects with points distributed in all three categories. **A project must score 250 points, or 50%, to be considered for allocations.** Projects that meet the City's infill criteria are exempt from this requirement. (A map outlining the infill areas of the City is attached to the RDA application.)

In all categories, projects are evaluated based on how the proposed improvements and amenities go above and beyond normal requirements and/or the demand for services created by the project. For example, a project that installed a wider street or larger storm drain line than is necessary to serve their project may be eligible for points because this is considered a community benefit to other City developments, both existing and proposed. Conversely, if a developer needs to construct a traffic signal or storm drain line in order to provide necessary capacity or safety to their project, regardless if other projects might benefit from these improvements, it is not considered a community benefit.

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RDA PROJECT EVALUATION CRITERIA

Projects must score at least 50% of the possible points, or 250 points, to be considered for allocations. Projects that meet the city's infill criteria are exempt from this requirement.

CATEGORY AND EXAMPLES

POINTS

A. PHYSICAL IMPROVEMENTS	200 POINTS POSSIBLE
A-1 Traffic and Transportation	75 points
<i>For Example:</i> <ul style="list-style-type: none"> • Contributes to improvements in the local and regional transportation system, above and beyond what is required. • Incorporates features that promote alternate transportation, such as bike lanes/trails and bus shelters. 	
A-2 Utilities and Infrastructure	75 points
<i>For Example:</i> <ul style="list-style-type: none"> • Project provides for utilities in addition to its actual demand or beyond the project boundaries. • Location provides infill development of an existing neighborhood. • Contributes to one of the City's "backlogged" road improvement projects. 	
A-3 Open Space and Parks	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Open space areas are provided and maintained within the project, beyond adopted standards. • Recreational facilities are provided, over and above City requirements. 	
A-4 Natural Features	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Conforms to the natural topography. • Minimizes grading and tree removal. • Preserves natural and cultural resources. 	
B. DESIGN	100 POINTS POSSIBLE
B-1 Site Design	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Provides a variety of housing unit types. • Provides lots larger than the required minimum lot size. • Incorporates "Smart Growth" principles in site design. 	
B-2 Architecture and Design Quality	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Demonstrates high quality architecture. • Demonstrates use of high quality materials, including landscaping and plants. 	
B-3 Energy and Efficiency	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Incorporates additional site and architectural design features capable of conserving energy; such as additional insulation; low-E glass windows; energy efficient furnaces, air conditioners and appliances. • Utilizes water conservation methods through irrigation, landscaping and/or plumbing; such as zeroscape landscaping. • All in home/on lot features are standard, not upgrades. 	

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B-4 Public Safety	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Provides a combination of design and equipment to reduce the potential for criminal activity; such as security alarm systems, security lighting, a gated community, private security. • Provides enhanced fire hazard reduction measures, beyond those required by Code; such as automatic fire sprinkler systems, fire suppression equipment, escape ladders for upper floor bedrooms. 	
C. ADDITIONAL COMMUNITY BENEFITS AND CONTRIBUTIONS	200 POINTS POSSIBLE
C-1 School Mitigation	60 points
<i>For Example:</i> <ul style="list-style-type: none"> • Project exceeds SB 50 mitigation requirements for projected K-12 student generation. • Dedicates a school site or provides early funding for construction of new school facilities. 	
C-2 Economic Development Benefits	60 points
<i>For Example:</i> <ul style="list-style-type: none"> • Project is a mixed-use development that directly results in the creation of full-time employment opportunities in the non-retail, non-service sectors. 	
C-3 Contributions to Special Projects	80 points
<i>For Example:</i> <ul style="list-style-type: none"> • Contributes financially or makes other contributions to community enhancement projects, as determined by the City Council. 	
TOTAL POINTS (500 points possible)	

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ATTACHMENT "C"

**SINGLE FAMILY DWELLING PERMITS ISSUED
CALENDAR YEAR**

**MULTI-FAMILY
BLDGS UNITS**

1989	903		
1990	754		
1991	701		
1992	770		
1993	824		
1994	706		
1995	601		
1996	691		
1997	619		
1998	628		
1999	686		
2000	1157		
2001	1005	37	365
2002	663	1	2
2003	233		
2004	124	17	140
2005	350		
2006	172		40 West Rivertown Phase II
2007	154		
2008	116		
2009	119	1	8 Seventh Day Adventis 8 Plex
2010	93		
2011	131		
2012	263		
2013	189 a/o 10/31/2013		

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ATTACHMENT "D"

ARTICLE 40: RESIDENTIAL GROWTH MANAGEMENT

§ 9-5.4001 CITATION.

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

§ 9-5.4002 PURPOSE.

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

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

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

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

(D) To provide for a reasonable rate of residential growth that ensures the ability of the city to provide housing opportunities for all economic segments of the community.

(E) To ensure that the city meets its regional allocation of housing needs.

(F) To encourage reinvestment in older neighborhoods in order to increase the efficiency and reduce the costs of providing public services, stabilize older neighborhoods and revitalize the Rivertown area.

§ 9-5.4003 ESTABLISHMENT OF GROWTH MANAGEMENT GUIDELINES

Growth management guidelines shall be adopted by resolution of the Council and updated as necessary. The guidelines will be used to review requests for residential growth allocations.

§ 9-5.4004 RESIDENTIAL GROWTH ALLOCATION PROCESS.

(A) Residential growth allocation requests shall be considered by the Council, with a recommendation from the Planning Commission, prior to application and approval of building permits for new residential structures.

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(B) The Council shall consider requests for residential growth allocations based upon the extent to which such requests are consistent with the residential growth allocation guidelines set by the Council.

(C) The Council may issue all, some, or none of the available residential growth allocations to a given project. These allocations may be issued over a single- or multi-year period at the discretion of the Council.

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

(E) An application for residential growth allocations may be submitted only for a residential development project that has received approval of all entitlements necessary to qualify the project for issuance of a building permit, which entitlements include any necessary legislative amendments, tentative map, use permit and design review.

(F) If a residential development project is issued one or more residential growth allocations, and following the issuance of such residential growth allocations any entitlements necessary to develop the project expire, the residential growth allocations issued to the project shall be automatically rescinded and may be reallocated to other residential projects, consistent with the annual limits set forth herein.

(G) Residential growth allocations may not be transferred from one project or property to another project or property.

§ 9-5.4005 NUMERICAL LIMITS ON RATE OF GROWTH.

(A) It is the Council's intent to address its regional housing objectives by providing for the possible development of the total Regional Housing Needs Allocation (RHNA) for the City of Antioch. The goal of the Council shall be to meet such objective by averaging the units allocated over any RHNA period rather than meeting the objective on an annual basis.

(B) The Council may increase the number of allocations available in a given year beyond the RHNA requirement if it is determined that such action will further the goals of the General Plan and better enable the City to meet its RHNA objectives.

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

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§ 9-5.4006 EXEMPTIONS.

The following housing types are exempt from the requirements of this article but shall be counted when calculating the numerical limit on growth as provided in Sec. 9-5.4005:

- (1) Construction of a single dwelling unit by or for the owner of the lot of record on which the unit is to be constructed.
- (2) Construction of a second unit on a parcel as authorized by the second unit provisions of this Chapter.
- (3) Development of a project of four or fewer dwelling units

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ATTACHMENT "E"

Residential Growth Management Program Ordinance Guidelines

- A. Overview and Purpose. The Guidelines are intended to implement the City's Residential Growth Management Program (RGMP) Ordinance by addressing the following:
- System for allotment of Residential Development Allocations (Allocations) and Building Permits
 - Allocation application requirements, deadlines, expirations, extensions, etc.
 - Allocation and residential building permit tracking, forecasting, and annual report.
- B. Applications. All applications for Allocations shall meet all requirements of the RGMP Ordinance and these Guidelines.
1. Applicability; Application Contents. Every residential project is subject to these Guidelines unless specifically exempted under the RGMP Ordinance. The Community Development Department Director shall promulgate a RGMP application requiring, at a minimum, the following information: (1) a detailed description of the project which is the subject of the application; (2) the name and address of the applicant; (3) the names and addresses of all property owners; (4) the total number of dwelling units proposed to be included in the project; (5) the number of any previous Allocations issued for the project and the property; (6) the number of constructed residential units on or issued building permits for the project and the property, if applicable; and (7) the number of requested Allocations.
 2. Application Dates. Applications for Allocations to be issued during any given year shall be submitted to the Community Development Department not later than July 1 (or if July 1 falls on a weekend or holiday, on the first working day thereafter) of the preceding calendar year.
- C. Evaluation of RGMP Allocation Applications. All applications will be evaluated for conformance with the RGMP Ordinance and these Guidelines. A RGMP Application Committee consisting of the Community Development Director and Public Works Director shall make a recommendation regarding the application to the Planning Commission. The Planning Commission will hold a public hearing to consider the Committee's recommendation and make a recommendation to the City Council which will also hold a public hearing and issue the final Allocations. Evaluation of applications shall be in accordance with the following:
1. Those application periods where supply of Allocations exceeds demand for Allocations as set by the RGMP Ordinance, applicants will automatically be granted Allocations.

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2. For periods where demand for Allocations exceeds supply of Allocations as set by the RGMP Ordinance, the following criteria will be used to determine which projects will have priority to receive Allocations:

Moderate (Between 80 and 120 percent of Median Income) & Above Moderate (Above 120 percent of Median Income) units (in order of priority)

- a. The City's ability to meet service standards contained in the Growth Management Element of the General Plan.
- b. Projects with previous RDA approvals that are in compliance with all conditions of approval.
- c. Phases of projects that have previously received allocations (in progress, building permits pulled and under construction)
- d. Projects demonstrating that they are subject to an assessment district created prior to the adoption of Article 40 of Chapter 5 of Title 2 of the Antioch Municipal Code.
- e. In-fill projects (less than 5 acres and surrounded by development on three sides, as determined by the Community Development Director)
- f. Development projects within the Rivertown/Urban Waterfront Focus Area, as designated in the General Plan.
- g. Development projects within the Hillcrest Station Area Specific Plan.

Very-low (Up to 50 percent of Median Income) and Low income (Between 50 and 80 percent of Median Income) units (in order of priority)

- a. The City's ability to meet service standards contained in the Growth Management Element of the General Plan.
- b. Projects providing housing that meets the quantified objectives for very low and low income housing as set forth in the Housing Element.
- c. Projects providing qualifying in-house support services such as home work assistance, day care, job training/location assistance, senior services (as determined by the Community Development Director)
- d. Projects providing units intended especially for one or more special needs groups, i.e. handicapped, income- restricted senior housing, etc., as described in the Housing Element of the General Plan.
 1. Projects providing 100% age-restricted units for seniors
 2. Phases of projects that have previously received allocations (in progress, building permits pulled and under construction)
- e. Projects demonstrating that they are subject to an assessment district created prior to the adoption of Article 40 of Chapter 5 of Title 2 of the Antioch Municipal Code.
- f. In-fill projects (less than 5 acres and surrounded by development on three sides, as determined by the Community Development Director)

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- g. Development projects within the Rivertown/Urban Waterfront Focus Area, as designated in the General Plan.
- h. Development projects within the Hillcrest Station Area Specific Plan.

D. Expirations and extensions.

- 1. Expirations. Allocations shall be valid only for the calendar year designated on the Allocations. Allocations associated with a pulled building permit shall expire concurrently with building permit expiration.
- 2. Extensions. Extensions of the Allocations may be granted in accordance with the timelines for building permit extension as set forth in the Uniform Building Code.

E. Previously Approved Allocations. Projects with existing allocations under the previous Residential Development Allocation ordinance that wish to amend their Allocation requirements may do so via a request to amend conditions on the Tentative Map or a Development Agreement, which will be processed in accordance with Title 9 of the Antioch Municipal Code.

F. Processing Fees. The applicant shall maintain a deposit account to pay all costs for staff time and materials required to process the application in accordance with City policy and the Master Fee Schedule.

G. Building Permit Issuance. The City shall not issue any building permits in excess of the limitations set forth in the RGMP Ordinance and Guidelines.

H. Periodic Revisions. The City Council shall undertake periodic revisions of these Guidelines to reflect changes in the General Plan, the RGMP Ordinance, or land use decisions as necessary to implement City policies. Each City approval of a tentative subdivision map or vesting tentative subdivision map shall contain a provision stating that these Guidelines are subject to change and those in effect at the time of application for RGMP Allocations shall control.

I. Annual Report on Residential Building Activity and Projections/Forecast. An annual report and a RGMP Allocation recommendation shall be prepared by staff and presented to the Planning Commission and City Council with the recommendation for issuance of allocations. This annual report shall serve as the tracking system for the RGMP and shall include permit activity from previous years as well as update the annual average/maximums of the RGMP. In addition, the Annual Report shall serve as the official forecast for the purposes of planning the next calendar year's RGMP Allocations by identifying various residential projects in the process.

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3.0 Growth Management

3.1 INTRODUCTION AND PURPOSE

The premise of growth management in the City of Antioch has long been to ensure that development paid its own way, and that sufficient public services and facilities were available to support new development. The City defined the desired pattern of land uses, and proactively assisted in setting up funding mechanisms for expansion of infrastructure designed to ensure that the costs of capital facilities needed to support growth were paid for by new development. As individual development came forward, the emphasis was on mitigating the impacts of proposed growth. Today, one of the key themes of the Antioch General Plan is that new growth and development be directed toward the achievement of the community vision set forth in the General Plan. New development needs to make a positive contribution to the community, and not just avoid or mitigate its impacts.

Antioch will face a number of difficult growth management challenges over the next 20 years as it moves from a bedroom suburb to a full service city. Key among these challenges is the need to effectively address nagging traffic congestion problems in the East County region in the face of rapid residential growth forecasts. In response, Antioch has committed to expand local employment opportunities and reduce the need for Antioch residents to commute long distances to work. The desire to revitalize Antioch's Rivertown area, its riverfront, and its older areas; to enhance municipal income streams through expanded retail opportunities, and the need to expand both upper end and affordable housing opportunities also need to be factored into the community's growth management strategy.

New growth and development within Antioch will increase the demand for infrastructure and services provided by the City and other agencies. In addition, future land use and

development decisions will have an effect on municipal costs and revenues. As long as Antioch continues to grow in population and expand its economic base, the City's operating and capital budgets will have to respond to increased demands for services and facilities. Since the fiscal burden of providing expanded infrastructure is beyond the normal capacity of municipal revenues, it is imperative that the expansion of the City's residential and non-residential sectors occur such that a burden is not placed on the community's resources.

As discussed in Section 3.1.2, Antioch voters passed an advisory growth control measure. Measure U calls for the City to not only enforce public services and facilities performance standards during the review of individual development proposals, but also to phase the rate of new development to ensure the continuing adequacy of those services and facilities. Managing the *rate* of growth adds a new challenge. To implement annual growth limits in addition to the public services and facilities performance standards that the City has been implementing, along with large-scale assessment districts to provide up-front financing of infrastructure, requires that care be taken to ensure the viability of such infrastructure financing mechanisms.

It is the purpose of this Element of the General Plan to bring together those portions of the General Plan that address various aspects of growth management, and thereby set forth a comprehensive strategy to manage the location and rate of future growth and development. It is also the purpose of the Growth Management Element to implement the provisions of countywide Measure J and the City's Measure U (see Sections 3.1.1 and 3.1.2, below). The Growth Management Element thus sets forth performance standards for key community services and facilities, thereby establishing a clear linkage between future growth and the adequacy of community services and facilities.

3.1.1 Contra Costa County Measure J Requirements

- One purpose of the Growth Management Element is to comply with the requirements of the Measure J Growth Management Program (GMP), adopted by the voters of Contra Costa County in November 2004. The GMP requires each local jurisdiction to meet the six following requirements: Adopt a development mitigation program;
- Address housing options;
- Participate in an ongoing cooperative, multi-jurisdictional planning process;
- Adopt an Urban Limit Line (ULL);
- Develop a five-year capital improvement program; and,
- Adopt a transportation systems management (TSM) ordinance or resolution.

Measure J (2004) is a 25-year extension of the previous Measure C Contra Costa Transportation Improvement and Growth Management Program approved by the voters in 1988.

Both programs include a ½ percent transportation and retail transactions and use tax intended to address existing major regional transportation problems. The Growth Management component is intended to assure that future residential business and commercial growth pays for the facilities required to meet the demands resulting from that growth.

Compliance with the GMP is linked to receipt of Local Street Maintenance and Improvement Funds and Transportation for Livable Community funds from the Transportation Authority. The Growth Management Program defined by the original Ordinance 88-01 continues in effect along with its linkage to Local Street maintenance and improvement funds through March 31, 2009. Beginning on April 1, 2009, the Measure J CMP requirements take effect.

Measure J eliminates the previous Measure C requirements for local performance standards

and level-of-service standards for non-regional routes. Measure J also adds the requirement for adoption of a voter-approved ULL.

3.1.2 Antioch’s Advisory Measure U

In November 1998, Measure U was approved by a large majority of Antioch voters (69 percent). Measure U was an advisory measure calling for the City to phase the rate of new development to:

“Provide adequate schools, street improvements, and Highway 4 improvements for a sustained high quality of life, by making new growth pay its own way through maximizing fees, assessment districts, matching fund programs, and any other means effective to expedite the construction of needed infrastructure.”

A series of community workshops were conducted during early 1999, leading to an interim ordinance.

The interim ordinance was subsequently replaced by a permanent ordinance that is consistent with the provisions of the General Plan Element.

3.2 GOALS OF THE GROWTH MANAGEMENT ELEMENT

To provide for a sustained high quality of life and ensure that new development occurs in a logical, orderly, and efficient manner, it is the goal of the Growth Management Element to accomplish the following:

- *Maintain a clear linkage between growth and development within the City and expansion of its service and infrastructure systems, including transportation systems; parks, fire, police, sanitary sewer, water, and flood control facilities; schools; and other essential municipal services, so as to ensure the continuing adequacy of these service facilities.*

This goal is cornerstone of the Growth Management Element. The quantified

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public services and facilities performance standards delineated in this Element set a benchmark for quantifying the impacts of new development, and also represent the measuring tool by which mitigation of those impacts will be required by the City. Implementation of these performance standards is thus designed to mitigate the impacts of growth, and ensure that new development pays its own way in terms of the capital costs associated with needed expansion of public services and facilities. The provisions of the Growth Management Element are also intended to address efficiency in the provision of public services and facilities. By moderating the rate of new residential growth, consistent with the ability of the City and service agencies to keep pace, the cost of providing public services can be maintained at reasonable rates.

“Efficiency” in the provision of public services and facilities often also means constructing large-scale capital facilities at the initial phase of new development to avoid interim periods of inadequate service. The City of Antioch recognizes that that it is sometimes necessary to construct large-scale infrastructure ahead of development, possibly making financing difficult for individual developments. Where financing required large-scale capital facilities is needed, but beyond the ability of individual developments, many communities permit the construction of interim facilities. However, maintenance of such interim facilities is often costly, and in the end more expensive than constructing the ultimate facilities up front. As a result, Antioch strives to avoid the use of interim facilities, and supports the establishment of land-based financing mechanisms in the form of assessment districts to facilitate the financing of large-scale capital facilities. Policies related to interim facilities and financing of capital facilities is contained in the Public Services and Facilities Element.

- *Maintain a moderate rate of residential growth to ensure that the expansion of public services and facilities keeps pace.*

This goal recognizes that there is a limit to the rate at which public services and facilities can reasonably be expanded. Because of long lead times for the construction of regional highway improvements, schools, and large-scale flood control facilities, the provision of some critical facilities can fall behind rapid residential growth, even if new development does ultimately pay its own way. By moderating residential growth rates, potential lag times between project approvals and housing occupancy can be minimized or eliminated.

- *Recognize the ultimate buildout of future development within the City of Antioch and its Planning Area that is established in the General Plan Land Use Element.*

The land use map and policies contained in the Land Use Element define the City's future land use pattern, along with maximum appropriate development intensities throughout the Antioch Planning Area. As a result, the General Plan Land Use Element establishes an ultimate buildout for the General Plan. The policies of the Growth Management Element are intended to recognize that build out of the General Plan will occur as the result of numerous individual development decisions and numerous incremental improvements to the public services and facilities serving Antioch. In setting forth public services and facilities and defining the responsibility of individual developments to mitigate impacts and pay their own way, the Growth Management Element is intended to provide a system for the expansion of infrastructure that will support build out of the General Plan as expressed by the ultimate buildout established in the Land Use Element.

- *Manage the City's growth in a way that balances the provision of diverse housing options with local employment opportunities and provides sufficient municipal revenues to cover the cost of high quality municipal services and facilities.*

Achievement of a balance between local jobs and housing was a key factor in the implementation of the City's advisory Measure U, and a key component of Antioch's vision as expressed in Chapter 2, Community Vision, of the General Plan. The General Plan recognizes sustaining a high quality of life for Antioch residents necessarily involves reducing the need for long commutes to work, and that "balancing" jobs and housing means much more than just having an appropriate number of employment and housing opportunities within the community. "Balancing" jobs and housing means providing a range of housing types appropriate for the types of employment opportunities found in Antioch. Conversely, "balancing" jobs and housing means providing the employment-generating lands that will provide the employment opportunities appropriate to Antioch residents. This Element is intended to assist in the financing of infrastructure needed to develop job-producing uses. It accomplishes this purpose by establishing achievable performance standards and considering the feasibility financing infrastructure expansion.

- *Improve regional cooperation in relation to mitigating the regional impacts of new development.*

Some of the services and facilities (e.g., fire protection, schools, and sewage treatment) provided to Antioch residents and businesses are provided by special districts, and not by the City. Effective management of growth, including mitigation of impacts and expansion of services and facilities to support future growth requires the cooperation of the City and outside agencies providing local services. The provisions of the Growth Management Element, along with the provisions of the Public Services and Facilities Element, are intended to provide for such coordination.

For many issues (e.g., transportation, air quality, and economic development), a cooperative regional approach to problem solving is the only effective means. Traffic

congestion resulting from home-to-work trips is primarily a regional problem resulting from regional imbalances of employment and housing, and can only be solved by concerted efforts at both ends of existing problematic commutes.

The impacts of new development are not always restricted to the municipal boundaries of the jurisdiction approving the development. Often, developments approved by one community impact other communities. In the case of development projects that will exacerbate regional jobs-housing imbalances, the traffic, noise, and air quality impacts of such developments can manifest themselves at some distance away from the development itself. "Equitable" mitigation involves not only that projects pay their own way within the jurisdiction where they are approved, but may also mean mitigating impacts in other jurisdictions.

The Growth Management Element seeks to establish a basis for communities to jointly provide mitigation for impacts occurring in other jurisdictions, as well as a basis for regional cooperation to address regional issues. Antioch recognizes that the effectiveness of its Growth Management Element ultimately relies on the extent to which active partnerships with other jurisdictions can be formed and maintained to address the regional aspects of mitigating development impacts.

3.3 GENERAL PLAN APPROACH

3.3.1 Growth Management Provisions in the General Plan

Antioch's growth strategy is to undertake a comprehensive program to accommodate planned economic and population growth in a manner consistent with community values and the lifestyles of existing and future residents. Thus, growth management is central to the General Plan, and "growth management" provisions appear throughout the General

Plan. In effect, the various elements of the General Plan each address specific aspects of managing growth within Antioch, and are intended to work together to function as a comprehensive growth management program. The specific growth management roles of individual General Plan elements are described below.

- The *Growth Management Element* implements the provisions of countywide Measure J, and provides supporting policies for implementation of Antioch’s advisory Measure U. This Element establishes a quantified annual cap on residential growth based on the Regional Housing Needs Allocation, and sets forth roadway and highway level of service standards, as well as public services and facilities performance standards. This Element also implements the provisions of Measure J by providing general policy direction for achieving a balance between local jobs and housing, as well as for City participation in regional transportation planning efforts.
- The *Land Use Element* defines acceptable locations and the appropriate intensity for new development, and sets forth policies regarding development design and land use compatibility. By defining acceptable locations and appropriate intensities for new development, the Land Use Element establishes the maximum allowable development intensity for the City at “build out” of the Antioch Planning Area. Incorporated into the Land Use Element are the provisions of a boundary agreement Antioch maintains with the City of Brentwood. The agreement is intended to establish an agreed upon boundary between the two cities, and provide for compatible land uses along the cities’ mutual boundary¹.

This element also addresses the effect of the urban limit line established by the Voter-Approved Urban Limit Line (Figure

¹ The provisions of the boundary agreement permit either city to terminate the agreement upon notice to the other city.

4.12) and directs new development to occur within the Voter-Approved Urban Limit Line, thereby achieving a compact form of community.

The Land Use Element specifically delineates lands set aside for the development of employment-generating uses, and defines the types of employment-generating uses appropriate for each area so designated. Overall, the land use pattern defined in this element, along with the aggressive economic development program called for in the General Plan, is designed to achieve a balance between local housing and employment. Overall, the Land Use Element sets for smart growth concepts, including providing for a close relationship between land use and transportation facilities (e.g., public transit, bicycle and pedestrian transportation, higher density development nodes at transportation centers).

- The *Circulation and Transportation Element* directly addresses the provision of the new and expanded transportation facilities that are needed to support development of the land uses delineated in the Land Use Element, consistent with the level of service standards set forth in the Growth Management Element. This Element defines the specific improvements that will be made over time to the City’s roadway and highway systems in order to maintain the level of service standards set forth in the Growth Management Element.
- The *Public Services and Facilities Element* directly addresses the provision of the new and expanded public services and facilities that are needed to maintain the performance standards set forth in the Growth Management Element. This Element defines the responsibilities of new development projects for the provision of expanded services and facilities, and provides policy direction for the manner in which expansion of public services and facilities will be financed. This element also addresses avoidance of interim

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facilities and the financing of large-scale facilities needed to maintain the performance standards set forth in the Growth Management Element.

- The *Resource Management Element* provides policy direction for the management of open space, hillside development, biological resources, water resources and quality, cultural and historical resources, and energy resources in relation to new growth and development.
- The *Environmental Hazards Element* addresses the constraints on growth presented by natural and man-made hazards.
- A *Development Review Program* is included as part of General Plan implementation programs. The Development Review Program is a compilation of General Plan policies affecting the review of individual development projects. This portion of the General Plan presents a comprehensive definition of the General Plan performance standards that will be used to review new development proposals in order to implement the policies of the General Plan. Thus, the Development Review Program sets forth the specific criteria that will be used to determine the consistency of proposed new developments with the General Plan.

In addition to the Development Review Program, General Plan implementation programs include Follow-up Studies, Intergovernmental Coordination, and General Plan Maintenance. These sections set forth requirements for monitoring and coordination of the City's Growth Management Element, including monitoring of compliance with stated performance standards and coordination with the City's Capital Improvement Program.

- The *Housing Element* delineates the specific programs that the City of Antioch will implement to ensure housing

opportunities for all economic segments of the economy. The Housing Element, unlike the balance of the General Plan, is intended by state law to be short-term, setting forth a five-year program. As a result, the Housing Element is required to be updated every five years. This Element sets forth specific policies and programs designed to ensure opportunities for the development of upper end housing, and for housing for service workers who could not otherwise afford for-sale housing within Antioch. State law requires that the California Department of Housing and Community Development review local Housing Elements to determine whether they meet the applicable legal requirements.

The Measure J Growth Management Program requires jurisdictions to report on their progress towards Housing Element compliance. The City must prepare a biennial report of the implementation of actions outlined in the City's Housing Element, for submittal to CCTA as part of the biennial GMP Compliance Checklist. The report will demonstrate reasonable progress using one of the following three options:

- a. Comparing the number of housing units approved, constructed or occupied within the City over the preceding five years with the number of units needed on average every year to meet the housing objectives established in the City's Housing Element; or,
- b. Illustrating how the City has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development; or,
- c. Illustrating how the City's General Plan and zoning regulations facilitate the improvement and development of sufficient housing to meet those objectives.

3.3.2 Growth Management Provisions Outside of the General Plan

3.3.2.1 Capital Improvements Program.

The City of Antioch maintains a five-year capital improvements program (CIP) that lists projects, along with their costs and funding sources. The CIP identifies proposed capital improvements for parks and trails, roadway improvements, traffic signal projects, water and wastewater system improvements, and community facilities projects (e.g., community center, art in public places, Antioch Marina, police facility, city hall, fishing pier, library). This program defines priorities for public improvements throughout the community.

3.3.2.2 Transportation Systems

Management Ordinance. The City of Antioch has adopted, and is implementing a Transportation Systems Management Ordinance to promote maximum efficiency in the existing transportation system, and to further the transportation goals of Measure J and the provisions of Contra Costa County's Congestion Management Program. The ordinance achieves these goals by:

- Promoting and encouraging the use of transit, ridesharing, bicycling, walking, flexible work hours, and telecommuting.
- Incorporating these features into the land use review process.
- Developing transportation systems management and demand management proactive programs and projects.
- Where feasible, incorporating technology in the transportation system to facilitate traffic flow, provide transit and highway information, and provide trip generation alternatives.

3.3.2.3 Participation in Regional

Transportation Planning. Antioch is an active participant in regional transportation planning efforts, including the TRANSPLAN Committee. The TRANSPLAN Committee

was formed in 1991 to serve as a transportation planning and coordinating group for the eastern portion of Contra Costa County. TRANSPLAN, whose members include the cities of Antioch, Brentwood, Oakley, and Pittsburg, as well as Contra Costa County, coordinates and represents East County's interests in the Measure J transportation planning and growth management process. TRANSPLAN projects include regional bikeway plans, East County Traffic Management Study, State Route 4 East Rail Transit Study, and the State Route 239 Interregional Corridor Study.

Members of the City Council also serve in active roles on the boards of the Contra Costa Transportation Authority and Tri-Delta Transit.

Participation In Other Regional Programs.

The City of Antioch participates in a number of other regional planning programs. These include the following:

- ABAG (regional land use and transportation planning for the San Francisco Bay Area);
- Community Advisory Board – San Francisco Bay Water Transit Authority (water-based transit);
- East Bay Division, League of California Cities (coordination regarding issues of mutual interest in relation to statewide issues and state legislation);
- East Contra Costa Regional Fee and Financing Authority (areawide financing of major transportation improvements);
- Mayor's Conference (forum for discussion of issues of mutual interest for cities within Contra Costa County); and
- State Route 4 By-Pass Authority (financing and construction of the State Route 4 by-pass east of State Route 160).

3.4 SERVICE STANDARDS FOR TRANSPORTATION FACILITIES

This portion of the Growth Management Element sets level of service¹ standards for roadways within the City of Antioch Planning Area, along with policies to ensure that these standards are maintained. These standards form the basis for the City's circulation policies, and for the ways in which land use and circulation will be correlated with each other. Roadways are grouped into two categories: "Routes of Regional Significance" and "Basic Routes."

Policies and programs to define the responsibilities of new development projects for the provision of expanded roadway facilities are provided in Chapter 7.0 of the General Plan (Circulation Element). Policy direction addressing the manner in which expansion of roadways and other public services and facilities will be financed is provided in Section 8.13 (Public Services and Facilities Element).

3.4.1 Routes of Regional Significance

"Routes of Regional Significance" include state highways and other major roadways that carry a significant amount of through traffic, and link Antioch to neighboring jurisdictions. Routes of Regional significance are subject to implementation of "Action Plans," which are a set of programs and policies that are developed with other jurisdictions in the County to address traffic impacts along these regional routes. Development projects that may impact regional routes are required to comply with adopted Action Plans. These Action Plans are described in the Circulation Element.

¹ Traffic levels of service (LOS) are expressed in terms of volume-to-capacity ratios to estimate the delay experienced by drives at intersections. They are expressed as the letters A-F with A representing free flow (volumes less than 60% of capacity, and F representing gridlock (volumes greater than 100% of capacity).

The following are officially designated as routes of regional significance.

- State Route 4, including freeway interchanges and the State Route 4 bypass
- State Route 160, including freeway interchanges
- Lone Tree Way
- Hillcrest Avenue
- Deer Valley Road
- Delta Fair Boulevard, west of Sommersville Road
- Buchanan Road, west of Sommersville Road
- James Donlon Boulevard
- Somersville Road
- Sand Creek/Dallas Ranch Road
- Standard Oil Road

While it may be desirable to add new roadways to this list, to do so in the absence of preparing and adopting "Action Plans" would leave such additional routes without enforceable performance standards. The Antioch Circulation Element identifies roadways that should be added to the County's list of Routes of Regional Significance, including 18th Street, Wilbur Avenue, Sunset Avenue, Oakley Avenue, and the Pittsburg-Antioch Highway. Each of these roadways provides access between Antioch and other communities. A program to prepare Action Plans and have these roadways designated as Routes of Regional Significance is included in Chapter 12, Implementation.

3.4.1.1 Performance Standards for Routes of Regional Significance.

Discretionary projects that impact Routes of Regional Significance shall comply with the requirements of the adopted Action Plans. The improvements proposed for each of these routes are described in the Circulation Element.

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Table 3.A – Level of Service Traffic Standards

Land Use	Level of Service (LOS)	Range of Volume-to-Capacity Ratios (V/C)
Rural	Low – C	0.70 – 0.74
Semi-Rural	High-C	0.75 – 0.79
Suburban	Low-D	0.80 – 0.84
Urban	High-E	0.85 – 0.89
Central Business District	Low-E	0.90 – 0.94

3.4.2 Basic Routes

This Growth Management Element requires consistency with the following traffic standards for Basic Routes, which are defined as all local roads not otherwise designated as Routes of Regional Significance. The standards are defined for various land uses, as illustrated in Table 3.A.

3.4.2.1 Performance Standards for Basic Routes. The minimum acceptable operating levels of service on arterials, collectors, and intersections during peak hours shall be as follows.

- a. Regional commercial portions of the Antioch Planning Area; intersections within 1,000 feet of a freeway interchange: Low “E” (v/c = 0.90-0.94)
- b. Residential and commercial portions of the Rivertown Focus Area; freeway interchanges: High “D” (v/c = 0.85-0.89)
- c. Residential and arterial roadways in non-Regional Commercial areas: Mid-range “D” (v/c = 0.83-0.87)

The locations of each of these types of routes in illustrated in the Circulation Element Map. For school facilities, the applicable performance standard is design of facilities to avoid impeding traffic on public streets before, during, and after normal school days.

3.4.3 Transportation Facilities Objective

Maintain acceptable traffic levels of service on City roadways through implementation of Transportation Systems Management, Growth

Management, and the City’s Capital Improvement Program, and ensure that individual development projects provide appropriate mitigation for their impacts.

3.4.4 Transportation Facilities Policies

- a. Place ultimate responsibility for mitigating the impacts of future growth and development, including construction of new and widened roadways with individual development projects. The City’s Capital Improvements Program will be used primarily to address the impacts of existing development, and to facilitate adopted economic development programs.
- b. Continue to develop and implement action plans for routes of regional significance (see Circulation Element requirements).
- c. Ensure that development projects pay applicable regional traffic mitigation fees and provide appropriate participation in relation to improvements for routes of regional significance (see also Circulation Element Policy 5.3.1f).
- d. Consider level of service standards along basic routes to be met if 20-year projections based on the City’s accepted traffic model indicate that conditions at the intersections that will be impacted by the project will be equivalent to or better than those specified in the standard, or that the proposed project has been required to pay its fair share of the improvement costs needed to bring operations at impacted intersections into conformance with the applicable performance standard.

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- e. The policy set forth in Paragraph d, above, is based on *projected, with project* traffic conditions and is a more stringent standard than that required by Measure J, which does not require jurisdictions to adopt local LOS standards. In cases where the standard set forth in paragraph d, above, is not met in the *no project* condition (i.e., projected traffic will not meet the applicable standard, even if the proposed project is not built), General Plan traffic standards for Basic Routes will be considered to be met if (1) the proposed project has been required to pay its fair share of the improvement costs needed to bring operations at impacted intersections into conformance with the applicable performance standard and actual physical improvements will be provided by the project so as to not result in a further degradation of projected level of service at affected intersections.

3.4.5 Transportation Systems Management (TSM) Policies

- a. Continue to implement the City's TSM program to reduce trip generation and maximize the carrying capacity of the area's roadway system.
- b. Work to establish rail transit service within Antioch.
- c. Work with Tri-Delta Transit and other service providers to promote regional transit service. Refer proposed development projects to Tri-Delta Transit, and require the provision of bus turnouts and bus stops in locations requested by the agency, where appropriate.
- d. Maintain a comprehensive system of bicycle lanes and routes as specified in the Circulation Element.
- e. Synchronize traffic signals where feasible to improve the flow of through traffic.

3.5 SERVICE STANDARDS FOR OTHER COMMUNITY SERVICES

This section of the Growth Management Element sets forth performance standards for public services and facilities other than the transportation network. Descriptions of current facilities serving Antioch and its Planning Area, as well as plans and programs for expansion of facilities maintained by the City and the special districts serving the City are described in the Public Services and Facilities Element.

Standards are presented for services and facilities provided by the City of Antioch, as well as those provided by Special Districts other than the City, including fire protection services provided by the Contra Costa County Fire Protection District, school facilities provided by the Antioch Unified School District¹, and sewage treatment facilities provided by the Delta Diablo Sanitation District. In addition to the fire, police, water, sanitary sewer, flood control, and park performance standards that are set forth in the Growth Management Element, standards are also provided for community centers, schools, and general public services and facilities. The inclusion of these additional standards recognizes the crucial role that community centers, schools and other governmental facilities will play in ensuring a high quality of life for Antioch residents.

Policies and programs to define the responsibilities of new development projects for the provision of expanded public services and facilities needed to meet the performance objectives and stated that follow are provided in the Public Services and Facilities Element of the General Plan. Policy direction addressing the manner in which expansion of roadways and other public services and facilities will be financed is provided in Section 8.13 (Public Services and Facilities Element).

¹ A small portion of the Antioch Planning Area is located within the boundaries of the Brentwood School District and the Liberty Union High School District. Standards and policies for schools will apply to each school district serving the Planning Area.

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3.5.1 Community Centers¹

3.5.1.1 Performance Objective. Ensure that community centers provide sufficient space to conduct civic meetings, recreational programs, and social activities to meet the needs of Antioch residents.

3.5.1.2 Performance Standard. Maintain a minimum of 750 square feet of community center space per 1,000 population.

3.5.2 Fire Protection Facilities

3.5.2.1 Performance Objective. Maintain competent and efficient fire prevention and emergency fire, medical, and hazardous materials response services with first responder capability in order to minimize risks to life and property.

3.5.2.2 Performance Standard. Prior to approval of discretionary development projects, require written verification from the Contra Costa County Fire Protection District that a five minute response time (including three minute running time) can be maintained for 80 percent of emergency fire, medical, and hazardous materials calls on a citywide response area basis.

3.5.3 Police Service

3.5.3.1 Performance Objective. Maintain an active police force, while developing programs and police facilities that are designed to enhance public safety and protect the citizens of Antioch by providing an average response time to emergency calls of between seven and eight minutes from the time the call is received to the time an officer arrives.

3.5.3.1 Performance Standard. Maintain a force level within a range of 1.2 to 1.5 officers,

¹ Community centers consist of buildings, other than City Hall, designed for community meetings, indoor recreational and instructional programs, and social activities. Included in the definition of community centers are such specialized facilities as senior centers, youth centers, and gymnasiums. Existing facilities include the Nick Rodriguez Community Center, Prewitt Family Park Center, and the Antioch Senior Center.

including community service officers assigned to community policing and prisoner custody details, per 1,000 population. The ratio of community service officers assigned to community policing and prisoner custody details to sworn officers shall not exceed 20 percent of the total number of sworn officers.

3.5.4 Water Storage and Distribution²

3.5.4.1 Performance Objective. Maintain a water system that is capable of meeting the daily and peak demands of Antioch residents and businesses, including the provision of adequate fire flows and storage for drought and emergency conditions.

3.5.4.2 Performance Standard. Adequate fire flow as established by the Contra Costa County Fire Protection District, along with sufficient storage for emergency and drought situations and to maintain adequate service pressures.

3.5.5 Sanitary Sewer Collection and Treatment Facilities¹

3.5.5.1 Performance Objective. A wastewater collection, treatment, and disposal system that is capable of meeting the daily and peak demands of Antioch residents and businesses.

3.5.5.2 Performance Standards.

- a. Sanitary sewers (except for force mains) will exhibit unrestricted flow in normal and peak flows.
- b. Prior to approval of discretionary development projects, require written verification from the Delta Diablo Sanitation District that the proposed project will not cause the rated capacity of

² The performance objectives and standards for water storage and distribution relate to the provision of capital facilities. Policies related to water conservation and the use of reclaimed wastewater are contained in the Open Space/Conservation Element.

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treatment facilities to be exceeded during normal or peak flows.

as determined by the responsible school district.

3.5.6 Flood Control

3.5.9 Entitlement Process and Capital Improvements Program

3.5.6.1 Performance Objective. Ensure adequate facilities to protect Antioch residents and businesses from damaging flood conditions.

3.5.9.1 Entitlement Process and Capital Improvements Program Objective. To ensure the attainment of public services and facilities standards through the City's development review process, Capital Improvements Program, and a variety of funding mechanisms.

3.5.6.2 Performance Standard. Provide sufficient facilities development to protect structures for human occupancy and roadways identified as evacuation routes from inundation during the 100-year flood event.

3.5.9.2 Entitlement Process and Capital Improvements Program Policies

3.5.7 Parks and Recreational Facilities

a. Ensure that discretionary development projects comply with the City's performance standards, by approving such projects only after making one or more of the following findings.

3.5.7.1 Performance Objective. A system of park, recreational, and open space lands of sufficient size and in the appropriate locations, including provision of a range of recreational facilities, to serve the needs of Antioch residents of all ages.

- The City's adopted performance standards will be maintained following project occupancy; or
- Project-specific mitigation measures or conditions of approval have been incorporated into the project.

3.5.7.2 Performance Standard. Provide five acres of improved public and/or private neighborhood parks and public community parkland per 1,000 population, including appropriate recreational facilities.

3.5.8 Schools

b. Require new development to fund public facilities and infrastructure, either directly or through participation in a land-based financing district, as necessary to mitigate the impacts of new development on public services and facilities.

Recognizing that provision of school facilities is the responsibility of the school district, as set forth in State law (SB50). The intent of the General Plan in setting forth objectives and a performance standard for school facilities to require the maximum mitigation allowable by law.

c. Levy mitigation requirements in proportion to each development's anticipated impacts. Where infrastructure is required to be installed in excess of a development's proportional mitigation requirement, utilize benefit districts over the area to be benefited by the infrastructure or provide reimbursement to the development for excess cost.

3.5.8.1 Performance Objective. Provision of schools in locations that are readily accessible to student populations, along with sufficient facilities to provide educational services without overcrowding.

d. Maintain a Five-Year Capital Improvement Program, designed, in part, to ensure that traffic and other public service performance standards are met and/or maintained, and to address the needs of

3.5.8.2 Performance Standard. Require new development to provide necessary funding and/or capital improvements to mitigate projected impacts on school facilities,

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existing development. Update capital improvement plans as part of the annual budget process.

3.6 MANAGING THE RATE OF GROWTH

3.6.1 Rate of Growth Objectives

- a. Provide for a reasonable rate of residential growth that ensures the ability of the City to provide housing opportunities for all economic segments of the community as required by State Housing Element law, and that facilitates the ability of public services and facilities provided by the City and outside agencies to expand at a commensurate rate.
- b. Encourage reinvestment in older neighborhoods in order to increase the efficiency and reduce the costs of providing public services, stabilize older residential neighborhoods, and revitalize the Rivertown area.

3.6.2 Rate of Growth Policies Policy

- a. ~~Prohibit the granting of new residential development allocations for the calendar years 2006 and 2007. For the five-year period from 2006 to 2010, no more than 2,000 development allocations may be issued. Thereafter, limit the issuance of development allocations as required by the Residential Growth Management Ordinance and adopted Guidelines, to a maximum annual average of 600, recognizing that the actual rate of growth will vary from year to year. Thus, unused development allocations issued after December 31, 2010 may be reallocated in subsequent years, and development allocations may be moved forward from future years, provided that the annual average of 600 development allocations may not be exceeded during any given five-year period (i.e., no more than 3,000 development allocations may be issued for any given five-year period).~~

- ~~a. b. To move development allocations forward from future years, the following finding must be made:~~

~~—The constraints posed by needed infrastructure phasing or capital facilities financing require that development allocations be moved forward from future years to avoid jeopardizing the feasibility of existing infrastructure financing mechanisms or the financing of infrastructure for the development allocations that would otherwise be granted during the calendar year.~~

- ~~e. To facilitate the development of housing required to meet the needs of all economic segments of the community and special needs groups identified in the Housing Element, age-restricted housing and multiple-family dwellings shall be counted as less than one single-family dwelling unit for the purposes of residential development allocations. The relationship between an allocation for a single-family dwelling and an allocation for age-restricted housing and multiple-family dwellings shall be based on such factors as differences in traffic generation, school impacts, and demand for new recreation facilities.~~

- ~~d. In order to avoid a predominance of any one housing type, limits shall be placed on the number of annual allocations that may be granted to age-restricted senior housing, single-family detached housing, and multifamily housing.~~

- ~~e. Permit residential projects that are subject to limitations on development allocations to proceed with other necessary approvals not directly resulting in the division of land or construction of residential dwelling units (e.g., General Plan amendments, rezoning, environmental review, annexation, etc.). The processing of such applications is not, however, a commitment on the part of the City that the proposal will ultimately receive development entitlements or allocations.~~

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~~f. To facilitate the development of housing required to meet the needs of all economic segments of the community and special needs groups identified in the Housing Element, exempt the following types of developments from limitations on the annual issuance of development allocations, whether for single-family or multi-family residential development. Dwelling units approved pursuant to the following exemptions shall not be counted against the established maximum annual development allocation.~~

- ~~(1) Income-restricted housing needed to meet the quantified objectives for very low and low income housing set forth in the Housing Element, along with "density bonus" dwelling units approved pursuant to the provisions of the Housing Element and the City's Density Bonus ordinance.~~
- ~~(2) Dwelling units designed for one or more Special Needs Groups, as defined in the Housing Element (i.e., handicapped, income-restricted senior housing), pursuant to programs set forth in the Housing Element as needed to meet the Housing Element's quantified objectives for housing of special needs groups.~~
- ~~(3) Dwelling units within development projects having vested rights through a valid (unexpired⁺) development agreement or vesting map.~~
- ~~(4) Construction of a single dwelling unit by or for the owner of the lot of record on which the dwelling unit is to be constructed.~~
- ~~(5) Construction of a second dwelling unit on a lot of record.~~
- ~~(6) Development of a project of four or fewer dwelling units.~~

- ~~(7) Development projects within the Rivertown Focused Planning Area.~~
- ~~(8) Smart growth, transit-oriented development projects.~~
- ~~(9) Properties outside the City limits, as shown on the General Plan Land Use Map, that subsequently annex to the City and otherwise provide positive impacts to the City consistent with this article. Approval of such an exemption shall be at the sole discretion of the Council, and the details shall be memorialized by a statutory development agreement or other binding instrument. However, residential development in Roddy Ranch shall be subject to the residential development allocation program.~~

3.6.3 Development Allocation Policies

- ~~a. Development allocations shall constitute a right, granted by the City Council, to apply for building permits for lots within an approved tentative map, subject to recordation of the map and conformance with all conditions of approval placed on the tentative tract map.~~
- ~~b. Development allocation reservations shall constitute a "set aside" of a portion of the maximum annual number of development allocations in future years for dwelling units within an approved large-scale development project (e.g., Specific Plan, Planned Development) for which a tentative map has not yet been approved.~~
- ~~c. At least once during each fiscal year, the City will grant development allocations for approved and proposed projects based upon the extent to which such projects meet or are consistent with the objectives set by the City Council for the following allocation period and, if appropriate, for succeeding allocation periods.~~
- ~~d. Development objectives shall be adopted by the City Council following public hearing. In defining development~~

⁺ The majority of existing development agreements expired on December 31, 2002.

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objectives, the City Council shall provide an indication to the development community of the City's expectations for residential development for the allocation period.

Base development objectives on the need to implement the provisions of the Antioch General Plan, public service and facilities capacities, recommendations of the City's Capital Improvements Program, environmental constraints, and other relevant factors.

Formulate development objectives so as to facilitate comparative review of development projects and thereby allow the City to appropriately limit the number of development allocations at times when requests for such allocations would exceed the specified annual average, or the number of allocations assigned to any given time period.

Incorporate identification of development projects providing net benefits to the community into development objectives, thereby providing such project with a priority for the granting of development allocations.

e. Permit requests for development allocations (either tentative maps or other applicable approval for residential projects not requiring a land division) in excess of the limitations on annual allocations described above, provided that the project is phased so that the no single phase exceeds the number of allocations granted to the project for a given year. Thus, development projects may be granted development allocations for use in up to four years subsequent to the original allocation[†].

f. Permit development projects to carry over unused development allocations into subsequent years.

[†] For example, a 250-dwelling-unit residential development project may, at one time, be granted 50 development allocations per year for a five-year period.

g. Upon expiration of a development entitlement, the development allocations and reservations associated with the expired entitlement shall be automatically rescinded, and may be reallocated to other development projects, consistent with the annual limits set forth above.

3.7 REGIONAL COOPERATION

3.7.1 Regional Cooperation Objectives

- a. Resolution of regional and multi-jurisdictional transportation issues for the maintenance of regional mobility as required by Measure J Growth Management Program and the Contra Costa Congestion Management Program.
- b. A regional approach to regional issues that recognizes and respects Antioch's local interests.
- c. Establishment of a system of development review within Antioch and surrounding communities based on the principle that the impacts of new development must be mitigated or offset by project-related benefits within each of the jurisdictions in which the impacts will be experienced.

3.7.2 Regional Cooperation Policies

- a. Continue participation in regional transportation planning efforts, including the Contra Costa Transportation Authority, Eastern Contra Costa Transit Authority (Tri-Delta Transit), and TRANSPLAN.
- b. As part of the evaluation of individual development projects, address and provide appropriate mitigation for impacts on regional and local transportation facilities.
- c. Maintain ongoing communications with agencies whose activities affect and are affected by the activities of the City of Antioch (e.g., cities of Brentwood, Oakley and Pittsburg; Contra Costa County;

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Antioch Unified School District; Contra Costa County Fire Protection District; Delta Diablo Sanitation District). The primary objective of this communication will be to:

- (1) Identify opportunities for joint programs to further common interests in a cost efficient manner;
 - (2) Assist outside agencies and the City of Antioch to understand each other's interests, needs, and concerns; and
 - (3) Resolve differences in these interests, needs, and concerns between Antioch and other agencies in a mutually beneficial manner.
- d. Support and promote inter-jurisdictional programs to integrate and coordinate the land use and circulation plans of area municipalities and the County, and to establish an ongoing inter-jurisdictional process for reviewing development proposals and mitigating their inter-jurisdictional impacts based on the principle that it is not appropriate for a jurisdiction, in approving a development project, to *internalize* its benefits and *externalize* its impacts.
 - e. Continue to refer major planning and land use proposals to all affected jurisdictions for review, comment, and recommendation.
- a. Maintain an inventory of employment-generating lands, providing for a variety of office-based, industrial, and commercial (retail and service) employment opportunities.¹
 - b. Maintain an inventory of residential lands that provides for a broad range of housing types including executive housing in both urban and rural settings, traditional single family neighborhoods, middle to upper end attached housing products, and affordable housing².
 - (1) Provide a balance between the types and extent of employment-generating lands planned within the City of Antioch with the types and intensity of lands planned for residential development.
 - (2) Encourage businesses to locate and expand within Antioch through an aggressive economic development program that provides essential information to prospective developers and businesses, along with tangible incentive programs for new and expanding businesses.

3.8 BALANCING EMPLOYMENT AND HOUSING OPPORTUNITIES

3.8.1 Employment and Housing Balance Objective

Achievement of a balance between housing and employment opportunities within Antioch, providing the opportunity for households of all income levels to both live and work in Antioch.

3.8.2 Employment and Housing Balance Policies

¹ This inventory, including identification of locations for employment-generating uses and the types and intensity of development appropriate for each location, is provided in the Land Use Element.

² The Land Use Element delineates the inventory of residential lands, and defines appropriate housing types and development intensities. One of the primary objectives of the Land Use Element is to increase opportunities for local employment for existing and future residents. Specific plans and programs to accomplish this objective are set forth in that Element. The primary objective of the Housing Element is to provide housing opportunities at all income levels.

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ATTACHMENT "G"

Report

City of Antioch Development Impact Fee Study

The Economics of Land Use



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1. INTRODUCTION AND RESULTS

This Antioch Development Impact Fee Report provides the City of Antioch with the necessary technical documentation to support the adoption of an updated Citywide Development Impact Fee Program and Quimby Act Parkland In-Lieu Fee. It was originally prepared by Economic & Planning Systems, Inc. (EPS) with input from City staff in April 2013 and was recently updated in August 2013. Impact fees are one-time charges on new development collected and used by the City to cover the cost of capital facilities and infrastructure that are required to serve new growth. The fees are typically collected upon issuance of a building permit.

The Fee Program described in this Report is based on growth projections and infrastructure requirements and is consistent with the most recent relevant case law and the principles of AB 1600 (the Mitigation Fee Act)/Government Code Section 66000 et seq (except where specific citations are provided, this statute will be referred to in this Report as AB 1600). New public facilities and infrastructure will be necessary to accommodate growth in the City. This report quantifies the proportionate share allocation of the proposed capital facilities to new growth in the City of Antioch. The capital facility requirements and their costs are based on capital needs associated with adequate City staffing levels.¹

This Report provides the nexus findings and analysis and the associated calculations of the maximum supportable citywide fees that could be charged. The City may elect to adopt fees below the maximum supportable level based on economic or policy considerations. For example, the City may choose to reduce the fees in specific locations or on certain types of uses to encourage new development in underutilized areas or to promote certain residential densities. Such fee reductions would either require a reduction in the overall capital facilities standards or the identification of alternative sources of capital funding.

Report Organization

Following this introductory chapter, **Chapter 2** discusses the development capacity estimates and forecasts used in this analysis. **Chapter 3** provides the necessary nexus findings for the different sets of capital facilities and cost estimates, and describes the allocation of costs between existing and new development. **Chapter 4** describes the allocation of parkland costs to new development under the Quimby Act. **Chapter 5** shows the resulting maximum fee schedule by land use consistent with AB1600 and the Quimby Act. It also presents a comparison of the City development impact fees with those in selected other jurisdictions.

Report Background and Legal Context

This Report is designed to provide the necessary technical analysis supporting a schedule of fees to be established by an Impact Fee Ordinance and Resolution and through the Quimby Act. The City currently has an Impact Fee Ordinance that enables the collection of fees for traffic and

¹ Because of the current economic downturn, City staffing levels and some capital equipment levels are below the levels required to serve the City's existing residents and businesses.

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neighborhood parks and recreation. The updated Fee Schedule, if approved, will need to be enacted through the adoption of a new City Ordinance(s) supporting the update of the parks in-lieu fee and adding new fee categories for general government/administration, public works facilities, police, and a community parks and recreation fee. This analysis does not include an update to the City's existing traffic signal fee. The new enabling Ordinance would allow the City to adopt, by Resolution, a fee schedule consistent with the supporting technical analysis and findings provided in this Report. The Resolution approach to setting the fee allows periodic adjustments of the fee amount that may be necessary over time, without amending the enabling Ordinance.

The Fee Program developed in this Report is designed to fund a portion of the capital facilities costs associated with citywide administration, public works, police, and parks and recreation. The key requirements of AB 1600 that determine the structure, scope, and amount of the proposed Fee Program are as follows:

- **Collected for Capital Facility, Equipment, and Infrastructure Improvements.** Impact fee revenue can be collected and used to cover the cost of constructing capital facilities and infrastructure improvements required to serve new development and growth in the City. However, impact fee revenue cannot be used to cover the operation and maintenance costs of these or any other facilities and infrastructure.
- **Cannot Fund Existing Needs.** Impact fee revenue cannot be collected or used to cover the cost of existing needs/deficiencies in City capital facilities or infrastructure. Thus, the cost of capital projects or facilities designed to meet the needs of the City's existing population must be funded through other sources. The costs associated with improvements that serve the needs of both new development and the existing development are split on a "fair share" basis according to the proportion attributable to each. Thus, Fee Program funding may need to be augmented by other revenue sources to meet overall funding requirements.
- **Must Be Based on a Rational Nexus.** An impact fee must be based on a reasonable nexus, or connection, between new growth and development and the need for a new facility or improvement. As such, an impact fee must be supported by specific findings that explain or demonstrate this nexus. In addition, the impact fee amount must be structured such that the revenue generated does not exceed the cost of providing the facility or improvement for which the fee is imposed.

In addition, the in-lieu parkland fee was developed and refined in this report consistent with the requirements of the Quimby Act.

This report was originally prepared by EPS in April 2013 and was based on a range of data and estimates developed in the 2011-2012 timeframe. It has subsequently been revised to exclude the development of Roddy Ranch due to the site's sale to the East Bay Regional Park District. The analysis was also adjusted from 2012 to 2013 dollars for certain construction and equipment costs².

² EPS inflated general cost estimates based on the consumer price index (CPI) for the San Francisco Metropolitan Statistical Area reported by the Bureau of Labor Statistics. The CPI rate is similar to the

Key Issues and Assumptions

The results of this analysis are based on a variety of conditions and assumptions regarding facility costs, service standards, growth projections, and facility demand. Assumptions are covered in detail in later chapters, though some of the key issues are summarized below:

- **Service Standards.** As part of this analysis, EPS estimates projected growth will generate demand for public facilities using existing or policy-defined "service standards". Service standards relate the required infrastructure/capital facility to the categories (residents, employees) that represent the primary source of demand for the facility in question. Service standards differ by the type of infrastructure/capital facility. For example, Community Center demand is primarily generated by residential development, so this report calculates the "existing Community Center space per 1,000 population" as the relevant service standard. Given the current economic downturn, some of the City's existing provision of services and associated capital facilities fall below the level required to adequately serve the population. This report quantifies the gap in capital facilities provision associated with existing development, where appropriate, as well as the new cost to be funded by new development.
- **Capital Improvement Program.** Based on the service standards and identified capital facility needs, the City of Antioch adopted *the City of Antioch 5-Year Capital Improvements Program 2012-2017* report that includes a specific listing of development impact fee-eligible projects as a basis for the fee calculation. These individual projects may be altered or replaced over time (with other qualifying projects).
- **Cost Estimates.** The fee calculations embody facility cost and land value assumptions that have been developed based on City staff and engineer estimates, EPS research and prior experience, County Assessor records, and real estate broker interviews and sale listings. All figures are provided in constant 2013 dollars. In some cases, the estimates reflect data from other cities or previous projects developed in Antioch.
- **Cost Allocation.** This analysis allocates the cost of future capital improvements and facilities between new and existing development as appropriate. It also allocates costs between single-family, multifamily, and nonresidential land use categories. The cost allocation estimates are based on the relative demand or fair share contribution of each land use category to the need for the facilities included. For parks and recreation facilities and parkland acquisition/Quimby Act costs demand is population-driven with costs allocated between residential development land use categories only. For other capital facilities, costs are also allocated to nonresidential development as businesses/employees will comprise a portion of facility demand.
- **Socioeconomic Data and Projections.** The impact fee calculations were based on residential and nonresidential development projections provided by City staff. The development forecasts reflect potential new development within the City limits through

construction cost index over the last 12 months reported by Engineering News Record, a 20-city cost index often used for inflating construction-related costs. Some cost estimates were not adjusted, e.g. police station and land value acquisition estimates, where the existing cost estimates were considered appropriate.

buildout based on the City of Antioch Adopted General Plan.³ Capital improvement program requirements were tied to or based on these development forecasts to ensure correspondence between new capital facilities and new development. Estimates of existing and new residents and jobs were derived based on these development forecasts and population and employment density factors determined using the Department of Finance (DOF) and the Association of Bay Area Governments (ABAG) population and jobs data. If the growth projections do not materialize as expected, the corresponding facilities will not be needed or impact fee revenue will not be sufficient to pay for facilities that were built in advance to accommodate projected future needs. Consequently, the estimates of development and population should be periodically reviewed and updated.

Summary of Fee Program

Updated Development Impact Fees

Table 1 shows the existing City development impact fee/park in-lieu fee schedule and the updated maximum fee schedule based on the nexus findings and analysis contained in this report. Fees apply to new development inside the City limits. The existing fee structure is nuanced given the City of Antioch's enacted Residential Development Allocation Ordinance in 2002, requiring developers to obtain allocations for residential units before granting entitlements and building permits. The nexus-based approach outlined in this analysis is designed to amend the existing fee structure, including the residential development allocation process, with a more streamlined development implementation in the City.

As shown in **Table 1**, the traffic signal fee has not been updated. New fees have been introduced for general administration, public works, police, and parks and recreation facilities (separate from Quimby Act/park in-lieu fees). The new fee schedule includes a maximum of \$7,198 per single-family unit, \$4,692 per multifamily unit, and \$0.77 per non-residential square foot. This fee schedule represents a maximum increase of \$5,786 per single-family unit, \$3,665 per multifamily unit, and \$0.31 per nonresidential square foot of new building space. The nonresidential category covers office/commercial and business park/industrial development. The cost of administering the Fee Program reflected in the fee schedule is based on 3 percent of the cost, which falls within a reasonable range typically charged through development impact fees for administrative expenses.⁴

³ November 24, 2003, page 4-15.

⁴ The 3 percent administration cost is designed to cover the costs of preparation of the development impact fee and subsequent updates as well as the required reporting, auditing, collection and other annual administrative costs involved in overseeing the program. Development impact fee programs throughout California have applied additional administrative charges similar to the one proposed here; applies to general administration, public works, police, and parks and recreation fees.

**Table 1
Existing and Maximum Updated Fee Schedule
Antioch Development Impact Fee Study; EPS# 20001**

Item	Single Family (per unit)	Multifamily (per unit)	Non-Residential (per sq.ft.)
Existing City Fees			
Traffic Signal	\$362	\$362	\$0.46 (1)
Park In-Lieu Fee	<u>\$1,050</u>	<u>\$665</u>	<u>\$0.00</u>
Total	\$1,412	\$1,027	\$0.46
Maximum Updated City Fee			
Traffic Signal (2)	\$362	\$362	\$0.46
General Administration (3)	\$458	\$290	\$0.07
Public Works (3)	\$443	\$281	\$0.06
Police (3)	\$1,186	\$752	\$0.18
Parks and Recreation (3)	\$3,249	\$2,057	\$0.00
Park In-Lieu/ Quimby Act	<u>\$1,500</u>	<u>\$950</u>	<u>\$0.00</u>
Subtotal	\$6,836	\$4,330	\$0.31
Total	\$7,198	\$4,692	\$0.77
Overall Maximum City Fee Increase Net Increase	\$5,786	\$3,665	\$0.31

- (1) Traffic signal fee varies by non-residential land use. Illustrative fee level shown is potential trip-based fee for office development.
(2) Traffic signal fee was not part of update so no change was made.
(3) An administrative fee cost of 3% is included.

Source: City of Antioch; Economic & Planning Systems, Inc.

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As stated above, these new fee increases will be introduced along with a proposal to amend the current Residential Development Allocation Ordinance and associated development charges. The fees summarized above are the maximum fees that the City may levy, as calculated in this analysis. As described in later sections, however, the City may voluntarily reduce any or all of the fees based on policy considerations.

Implementation and Administration

Annual Review

This Report and the technical information it contains should be maintained and reviewed periodically by the City as necessary to ensure Impact Fee accuracy and to enable the adequate programming of funding sources. To the extent that improvement requirements, costs, or development potential changes over time, the Fee Program will need to be updated. Specifically, AB 1600 (at Gov. C. §§ 66001(c), 66006(b)(1)) stipulates that each local agency that requires payment of a fee make specific information available to the public annually within 180 days of the last day of the fiscal year. This information includes the following:

- A description of the type of fee in the account
- The amount of the fee
- The beginning and ending balance of the fund
- The amount of fees collected and interest earned
- Identification of the improvements constructed
- The total cost of the improvements constructed
- The fees expended to construct the improvement
- The percentage of total costs funded by the fee

If sufficient fees have been collected to fund construction of an improvement, the agency must specify the approximate date for construction of that improvement. Because of the dynamic nature of growth and infrastructure requirements, the City should monitor development activity, the need for infrastructure improvements, and the adequacy of the fee revenues and other available funding. Formal annual review of the Fee Program should occur, at which time adjustments should be made. Costs associated with this monitoring and updating effort are included in the Impact Fee and are assumed at 3 percent of costs.

Credits, Reimbursement, and Exemptions

It is recommended that, under certain and limited circumstances as determined by the City, the Impact Fee Ordinance allow developers subject to the fee to obtain credits, reimbursements, or exemptions. Fee credits, reimbursements, or exemptions should not be allowed by right but rather should be subject to a case-by-case review by City staff and Council to ensure that such credits or reimbursements are warranted and appropriate.

A fee credit – as defined by an annual cost review or other recent evaluation of cost – may be allowed if a developer provides a particular off-site facility or improvement that is of citywide benefit. For example, the City may elect to offer a fee credit to developers who provide park and recreation facilities of citywide benefit. In the event there is a discrepancy between the estimated and actual costs of construction for a project where a fee credit is being provided, if the actual construction costs are less than the estimate, the City will not reimburse the

developer for any difference between the actual and estimated costs; and if the actual construction costs are more than the estimate, the City will not provide any additional funding to the developer.

Reimbursements should be considered for developers who contribute more funding and/or build and dedicate infrastructure items that exceed their proportional obligation if the project funded is of high priority. Such reimbursements should be provided as fee revenue becomes available and should include a reasonable factor for interest earned on the reimbursable amount. It should not compromise the implementation of other priority capital projects. A provision for including such interest payments as additional costs in subsequent fees can be included in the Ordinance. Reimbursements would be granted on a discretionary basis only and not granted as a right.

The City may also elect not to impose fees for certain categories of development, though alternative funding sources to offset a loss in fee revenue would need to be provided. Fee exemption could apply if a Development Agreement would be implemented exempting all or a portion of the City fees. For example, the City may elect to exempt developers from paying fees on any affordable housing units they build. Likewise, the City may enter into a Development Agreement that specifically exempts all or a portion of the City fees.

Surplus Funds

AB 1600 also requires that if any portion of a fee remains unexpended or uncommitted in an account for five years or more after deposit of the fee, the City Council shall make findings once each year: (1) to identify the purpose to which the fee is to be put, (2) to demonstrate a reasonable relationship between the fee and the purpose for which it was charged, (3) to identify all sources and amounts of funding anticipated to complete financing of incomplete improvements, and (4) to designate the approximate dates on which the funding identified in (3) is expected to be deposited into the appropriate fund (§66001(d)).

If adequate funding has been collected for a certain improvement, an approximate date must be specified as to when construction of the improvement will begin. If the findings show no need for the unspent funds, or if the conditions discussed above are not met, and the administrative costs of the refund do not exceed the refund itself, the local agency that has collected the funds must refund them (Gov. C §66001(e)(f)).

Periodic Updates

Updates will include both an automatic annual update as well as a more periodic update of this Development Impact Fee study. It is recommended that the Impact Fee Ordinance allows for an automatic annual adjustment to the fees based on the Engineering News Record Construction Cost Index, or a similar inflation factor. Over time, development forecasts, capital facility needs, and capital facility costs will change and evolve, making periodic technical updates prudent. This fee program is based on forecasts of future development in the City as well as specific capital programs developed by the City comprised of a listing of development impact fee eligible projects. These individual projects may be altered or replaced over time (with other qualifying projects) as the City administers the Development Impact Fee Program and builds the infrastructure needed to serve new development.

Securing Supplemental Funding

The Impact Fee is not appropriate for funding the full amount of all capital costs identified in this report. The City will have to identify funding and pay for improvements related to existing and new developments and improvements not funded by the Fee Program or any other established funding source. Indeed, as part of adoption of the fee, the City is likely to adopt a finding that it will obtain and allocate funding from various other sources for the fair share of the costs of improvements identified in this report that are not funded by the Fee Program. Examples of such sources include the following:

- **General Fund Revenues.** In any given year, the City could allocate a portion of its General Fund revenues for discretionary expenditures. Depending on the revenues generated relative to costs and City priorities, the City may allocate General Fund revenues to fund capital facilities costs not covered by the Fee Program or other funding sources.
- **Infrastructure Financing Districts.** The dissolution of California Redevelopment Agencies has removed tax increment financing as a method for infrastructure financing. The City could establish an Infrastructure Financing District (IFD) to issue bonds to fund infrastructure and capital improvement projects. The IFD bonds would be backed by diverted property tax increment revenues from the City's share of property tax. The City Council would need to approve the establishment of the IFD and the majority of voters/landowners in the district must approve. An IFD, unlike a redevelopment area, does not require the property to be blighted, though it cannot overlap with a redevelopment area. As is the case with redevelopment areas, the diversion of property tax has implications for the fiscal impact of new district development on the City's General Fund. While becoming more common, the procedural steps to implementation are cumbersome, though bills designed to simplify the process are under review by the California legislature.
- **Assessments and Special Taxes.** The City could fund a portion of capital facilities costs using assessments and special taxes. For example, the establishment of a Community Facilities District would allow the City to levy a special tax to pay debt service on bonds sold to fund construction of capital facilities or to directly fund capital facilities.
- **State or Federal Funds.** The City might seek and obtain grant of matching funds from State and Federal sources to help offset the costs of required capital facilities and improvements. As part of its funding effort, the City should research and monitor these outside revenue sources and apply for funds as appropriate.
- **Other Grants and Contributions.** A variety of grants or contributions from private donors could help fund a number of capital facilities. For example, private foundations and/or charity organizations may provide money for certain park and recreation or cultural facilities.

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2. DEVELOPMENT FORECAST

This chapter presents estimates of existing and future development in the City of Antioch, and associated demographic and job growth that support the development impact fee calculations. Estimates of existing and new development were provided by the City and converted into population and job estimates based on established sources as described below. These estimates were also used to drive specific cost allocations in the fee calculations. Key components of these estimates are described below.

Residential Development and Population Growth

As shown in **Table 2**, residential development in the City is expected to increase from about 34,000 units to 44,800 units, a growth of about 10,800 units through General Plan buildout. The residential growth is expected to include about 5,900 single-family units and 4,900 multifamily units. Residential growth assumptions were developed by the City of Antioch based on existing development capacity for residential uses, including the buildout of the Hillcrest Station Area⁵. Overall, 80 percent of the total capacity was assumed to materialize to account for uncertainties in site-specific development opportunities.⁶ **Table 3** provides the detailed estimates of residential development capacity. The City recognizes that this forecast is substantially higher than ABAG's 2012 Adopted Draft SCS Household Projections for the City of Antioch through 2040 and is based on the City's General Plan projections and regulatory framework rather than ABAG's regional allocation methodology.

Table 2 also shows estimates of existing and new population associated with the residential development. Existing population is based on California Department of Finance 2013 data and future population is projected based on future household size assumptions from the adopted General Plan and subsequent Specific Plans. As shown, a total of about 26,900 persons are expected to be associated with the new residential development, representing a 25.6 percent increase over the current population and 20.4 percent of the estimated buildout population. Based on current projections, about 65 percent of the new population is expected to occupy new single-family development and 35 percent to occupy new multifamily development.

⁵ Roddy Ranch is excluded from the future development capacity due to the site's recent sale to the East Bay Parks District.

⁶ The City has indicated this is a conservative assumption designed to reflect the fact that the City's major residential projects may result in a lower number of units relative to the maximum total because of various site-specific and broader constraints and economic issues.

**Table 2
Existing and Projected Housing and Population Growth
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	New		Buildout	Increase	
		Total	Distribution		Buildout over Existing	New over Existing
Housing Units (1)						
Single Family	28,140	5,859		33,999	120.8%	20.8%
Multifamily	5,861	4,904		10,765	183.7%	83.7%
Total	34,001	10,763		44,764	131.7%	31.7%
Persons per Household (2)						
Single Family	na	3.0		na	na	na
Multifamily	na	1.9		na	na	na
Total	3.1	2.5		2.9	na	na
Population						
Single Family	na	17,578	65%	na	na	na
Multifamily	na	9,318	35%	na	na	na
Total	105,117	26,896	100%	132,013	125.6%	25.6%
Allocation (3)	79.6%	20.4%		100%		

(1) Excludes mobile homes; [see Table 3]; projections for new growth are based on the Adopted General Plan.

(2) Persons per household assumptions for new development are based on the Antioch Municipal Code.

(3) Varies from the increase over existing estimate as allocation is calculated on a future base rather than existing population total.

Sources: California Department of Finance, City of Antioch, and Economic & Planning Systems, Inc.

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**Table 3
Antioch's Residential Development Capacity Estimate
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Single Family	Multifamily	Total
2003 General Plan Buildout	33,012	13,821	46,833
Hillcrest E-BART Station Specific Plan	0	2,500	2,500
Subtotal	33,012	16,321	49,333
Adjustment (1)	4,330	(4,330)	0
Adjusted Total	37,342	11,991	49,333
(less) Existing Units (2)	28,140	5,861	34,001
Total Development Capacity	9,202	6,130	15,332
(less) Vested Units	1,878	0	1,878
Subtotal	7,324	6,130	13,454
(less) Undeveloped Factor (3)	1,465	1,226	2,691
Net Remaining Capacity	5,859	4,904	10,763

(1) Reflects a density adjustment from multifamily to single family units for the medium density designation.

(2) Estimate of existing units based on County Assessor parcel information and the City's GIS program.

(3) Reflects 80 percent of the total development capacity likely to materialize. This is a conservative assumption that reflects that the City's major residential projects may result in a lower number of units relative to the maximum total due to various site-specific and other external factors.

Sources: DOF, City of Antioch, and Economic & Planning Systems, Inc.

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Nonresidential Development and Job Growth

As shown in **Table 4**, existing nonresidential development, including office/commercial and business park/industrial development, is estimated at 15.0 million square feet. According to ABAG, there are currently about 20,160 jobs, implying an overall average of about 742 square feet per job. The City has also forecast future nonresidential development of about 22.6 million square feet based on a review of development opportunities and capacity. Assuming a similar average square feet per job, an additional 30,400 jobs could be accommodated in the City through buildout. This represents a growth of 151 percent in jobs with new jobs representing 60.2 percent of total jobs at buildout. The City recognizes this forecast is substantially higher than ABAG's 2012 Adopted Draft SCS Job Projections for the City of Antioch through 2040 due to differences in forecasting methodology.⁷

Existing and New Service Population

Service population is a service measure commonly used to incorporate job as well as resident growth into allocations of capital facilities demand and associated costs. Employees tend to demand a smaller set of services than residents and, as such, their demand weighting is typically discounted. Service population estimates for the City of Antioch were derived based on a weighting of one for residents and one-third for employees⁸. As shown in **Table 4**, this results in a current service population of about 112,000 with a forecast increase of about 37,000. This increase represents a 33.1 percent increase over existing service population and 24.9 percent of estimated buildout service population.

Allocation Factors

Allocations of new development's fair share cost between different land use categories are based on different metrics of capital facilities demand. As shown in **Table 5**, service population is used as the allocation methodology for general administration, public works, and Police capital facilities. Demand for these facilities will be driven by both new residential and nonresidential development. Population is used as the measure of demand for parks and recreation as new residents will drive the primary need for these new facilities. Similarly, consistent with the Quimby Act, the parkland in-lieu fee is based on population growth. These factors are applied in the fee calculations presented in subsequent chapters.

⁷ The City's forecast is based on City development capacity and City growth expectations. By comparison, ABAG's regional growth allocation forecasts and the associated geographic focus of jobs are expected to under-estimate future job growth in the City.

⁸ Service population is a commonly used measure that estimates service needs based on relative demand generated by residents and employees.

**Table 4
Existing and Projected Job Estimates and Service Population Estimates
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	New	Buildout	Increase	
				Buildout over Existing	New over Existing
Non-Residential Development/ Jobs					
Non-Residential Development (1) Building Square Feet	14,966,714	22,594,816	37,561,530	251.0%	151.0%
Average Square Feet per Job (2)	742.4	742.4	742.4		
Jobs (3)	20,160	30,435	50,595	251.0%	151.0%
Allocation (4)	39.8%	60.2%	100%		
Service Population by Land Use Category (5)					
Single Family Population (6)	105,117	17,578		47%	
Multi Family Population (6)		9,318		25%	
Non-Residential Employees	<u>6,720</u>	<u>10,145</u>		<u>27%</u>	
Service Population (5)	111,837	37,040	148,877	133.1%	33.1%
Allocation (4)	75.1%	24.9%	100%		

(1) Based on City of Antioch GIS Division estimates of existing business park/ industrial and office/ commercial building square feet in City as well as expected non-residential development at buildout.

(2) Average square feet per job is derived based on the ABAG Projections 2009 job estimate for 2010 and City estimate of existing building square feet.

(3) Existing jobs from ABAG Projections 2009. New jobs estimated by applying existing square feet per job to City forecast of new building square feet.

(4) Varies from the increase over existing estimate as allocation is calculated on a future base rather than existing population total.

(5) Service population is based on the following ratios: 1 resident = 1 service person; 1 employee = 1/3 service person. Service population is used as a standard for cost allocation when capital facilities serve both residents and employees.

(6) Existing single family and multi-family population grouped together and equal 105,117 as shown in Table 2.

Sources: City of Antioch; ABAG 2009 Projections; Economic & Planning Systems, Inc.

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Table 5
Cost of New Development Fair Share Cost by Land Use
City of Antioch Development Impact Fee Study; EPS #20001

Item	Allocation Methodology	Residential Development		Non-Residential Development	Total
		Single Family	Multi Family		
General Administration	Service Population	47.4%	25.2%	27.4%	100.0%
Public Works	Service Population	47.4%	25.2%	27.4%	100.0%
Police	Service Population	47.4%	25.2%	27.4%	100.0%
Parks and Recreation	Population	65.4%	34.6%	0.0%	100.0%
Parkland (Quimby Act)	Population	65.4%	34.6%	0.0%	100.0%

Sources: City of Antioch; and Economic & Planning Systems, Inc.

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3. AB1600 NEXUS FINDINGS AND COST ALLOCATIONS

This chapter is divided into four sections corresponding to the following capital facilities categories:

- General Administration
- Public Works
- Police Facilities and Equipment
- Parks and Recreation Facilities

For each development impact fee category, the necessary "nexus" between new development in Antioch and the proposed capital facilities is described, as required under Government Code Section 66000 (AB1600). Nexus findings address: 1) the **purpose** of the fee and a related description of the facility for which fee revenue will be used; 2) the specific **use** of fee revenue; 3) the **relationship** between the facility and the type of development; 4) the relationship between the **need** for the facility and the type of development; and 5) the relationship between the amount of the fee and the **proportionality** of cost specifically attributable to new development. In addition, the methodology and technical calculations for determining existing deficiencies and future needs and the associated "fair share" allocation of costs to new development are provided. **Chapter 5** builds from these findings and analyses to estimate maximum supportable development impact fees. Parkland in-lieu fees under the Quimby Act are addressed in **Chapter 4**.

General Administration

The General Administration development impact fee will cover new development's share of the costs associated with new administrative facilities, land acquisition, general vehicles, and information technology equipment. New capital facilities will be required as the City's service population increases. The subsections below describe the nexus findings and the technical cost allocation analysis for the proposed General Administration capital facilities fee category.

Nexus Findings

Purpose

The fee will help maintain adequate levels of general administration service in the City of Antioch, including adequate City Hall and Council Chamber space and associated land needs as well as adequate service vehicles and technology utilized by the general government staff.

Use of Fee

Fee revenue will be used to fund expansion of civic space, acquisition of vehicles and technology, and land purchase for new public space attributed to demand from new growth.

Relationship

New development in Antioch will increase the City's demand for City Hall and Chamber space and associated land needs as well as service vehicles and information technology. Fee revenue will be used to fund the expansion of these facilities.

Need

Each new development project will add to the incremental need for general administration facilities described above. Improvements considered in this study are estimated to be necessary to maintain the City's effective service standard (i.e., ratio of general administration to service population).

Proportionality

The new facilities and costs allocated to new development are based on the existing ratio between the City's service population and its current General Administration capital facilities, vehicles, and equipment. In other words, the scale of the capital facilities and associated costs are directly proportional with the expected levels of new development and the existing relationship between service population and General Administration facilities. For general administration vehicles, a similar approach is utilized, but is based on the City's required number of vehicles rather than the existing number. Because of the current fiscal conditions, the City's existing vehicle fleet falls below the adequate level with the City intending to purchase an additional five vehicles when fiscal conditions improve. The cost of the vehicles required to backfill the City's existing deficiency is not allocated to be funded by new development.

Cost Allocation Analysis

The expected demand for additional administrative facilities, associated land, and vehicles is shown in **Table 6**, along with associated cost estimates and cost allocations to new development. As shown, a total of \$5.5 million in costs can be allocated to new development in the City of Antioch. Approximately \$90,000 will be required through other funding sources to address existing vehicle deficiencies.

- **Facilities.** The City owns its City Hall and Council Chamber that comprise about 32,700 square feet. It is assumed that demand for new space will be proportional to service population growth, an increase of 33.1 percent, as shown in **Table 4**. As a result, a nearly 10,800 square feet of new facility space will be required through buildout. The development cost, for new facility space, estimated based on comparable jurisdictions, is around \$460 per square foot, resulting in the new facility cost of \$5.0 million attributed to the impact fee.
- **Land Acquisition.** In addition to development of new facilities, the City will need to acquire land for these facilities. This analysis assumes that new space would have an average density of 0.3 floor-to-area ratio (FAR), resulting in the need for an additional 0.83 acres of land⁹. Based on an average nonresidential land value of approximately \$150,000 per acre, this results in a land acquisition cost of about \$124,000 attributable to new development.

⁹ While FAR's vary, an FAR of 0.3 reflects a typical nonresidential building density average.

**Table 6
General Administration Capital Facilities Improvement and Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing (1)	Buildout (1)	New (2)	New Allocated to New Development (3)	Unit Cost	Cost Allocated to New Dev't (rounded)
<u>Facilities (sq. ft.)</u>						
City Hall	32,675	43,497	10,822	10,822	\$460 per sq.ft.	\$4,978,000
<u>Land Purchase (acres)</u>	2.50	3.33	0.83	0.83	\$150,000 per acre (4)	\$124,000
<u>Vehicles</u>	28 (5)	37	9	9	\$17,900 per vehicle	\$161,000
<u>Information Technology (6)</u>						
Servers	20	25	5	5	\$12,200 per item	\$61,000
Data/phone network switches	41	45	4	4	\$8,250 per item	\$33,000
Data/phone UPS units	30	35	5	5	\$2,000 per item	\$10,000
Network routers/firewalls	5	7	2	2	\$8,000 per item	\$16,000
Data tape backup units	8	10	2	2	\$5,000 per item	\$10,000
Network /disk based data backup units	3	5	2	2	\$30,500 per item	\$61,000
Data network storage devices	3	6	3	3	\$15,333 per item	\$46,000
Subtotal	110	133	23	23		\$237,000
Total Cost						\$5,500,000

(1) Buildout estimates are either estimated based on the proportionate projected service population increase by buildout of 33.1 percent, as shown in Table 4, or on specific buildout needs provided by City departments.

(2) Represents the difference between "Buildout" and "Existing".

(3) Represents the quantity of new capital facilities that can be allocated to new development. In cases where the provision of proposed new facilities will increase the service standards for existing residents/ businesses, the "new allocated to new development" will be less than the total "new".

(4) Reflects commercial land value based on review of land sales data from CoStar, County Assessor, Loopnet, real estate broker interviews.

(5) Represents the level of vehicles required to support existing population. However, due to the current fiscal conditions the City currently has 23 vehicles.

The City intends to buy an additional 5 vehicles (estimated at \$89,500) when fiscal conditions improve. This cost cannot be charged to new development.

(6) City staff have indicated that the existing equipment is sufficient to serve needs of existing service population and new IT equipment will be required to serve new development. City staff also indicated that IT items listed have a life span of at least 5 years.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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- **Vehicles.** The demand for vehicles generated by future growth is calculated based on existing vehicle inventory requirements. The City currently needs 28 vehicles. However, the City has 23 vehicles, below the desired existing requirement because of the current fiscal conditions. While the City will have to fund the service improvement for five vehicles from non-impact fee sources, new growth would contribute to additional demand for ten new vehicles based on its fair share of service population increase. Based on the market cost of new vehicles provided by the Fleet Supervisor of the Public Works Department, these vehicles will result in a new cost of \$161,000 attributed to the development impact fee, with an additional \$90,000 associated with the City's existing deficiency that will need to be funded through other funding sources.
- **Information Technology (IT).** The City will need to acquire new equipment to provide services to new residents.¹⁰ The City has provided the set of equipment required to serve new service population growth. This level of new equipment does not represent an increase in overall information technology service standards and can be fully applied to new development. As shown in **Table 4**, an additional cost of \$237,000 is attributed to the impact fee.

Public Works

The Public Works development impact fee will cover new developments' share of the costs associated with new/expanded corporation yard, building space, a garbage ramp, and Public Works vehicles. New capital facilities will be required as service population increases. The subsections below describe the nexus findings and the cost allocation analysis for the proposed Public Works capital facilities fee category. The City is funding a proportional share of increase in capacity expansion of the Contra Costa County Water District's Randall-Bold water treatment plant. The impact of this expansion is not included in this analysis as the capital and operating cost increase is likely to be recovered through user fees.

Nexus Findings

Purpose

The fee will help maintain adequate levels of Public Works service in the City of Antioch, including adequate corporation yard space and facilities as well as a garbage ramp and vehicles necessary for Public Works operation.

Use of Fee

Fee revenue will be used to fund the expansion of corporation yard space, facilities, garbage ramp, and vehicles.

¹⁰ Equipment includes servers, data/phone network switches, data/phone UPS units, network routers/firewalls/data tape backup units, network/disk-based data backup units, and data network storage devices.

Relationship

New development in Antioch will increase demand for Public Works Department services and the associated capital facilities and equipment.

Need

Each new development project will add to the incremental need for Public Works services associated with new roadways, sidewalks, medians, and trees. Current Public Works capacity is only adequate for existing residents so the City must acquire new facilities and equipment to continue to provide the same level of service. The improvement costs included in this study are necessary for the City to maintain its current levels of service.

Proportionality

The costs allocated to new development are based on the expected level of new development and the existing ratio between yard space, building space and garbage ramp costs, and service population. In other words, the scale of the capital facilities and associated costs are directly proportional with the expected levels of new development and the existing relationship between service population and Public Works costs. For vehicles, a similar approach is utilized, but is based on the City's required number of vehicles rather than the existing number. Because of the current fiscal conditions, the City's existing vehicle fleet falls below the adequate level with the City intending to purchase an additional six vehicles when fiscal conditions improve. The cost of the vehicles required to backfill the City's existing deficiency is not allocated to be funded by new development.

Cost Allocation Analysis

The expected demand for additional Public Works yard, building space, a garbage ramp, and vehicles is shown in **Table 7**, along with associated cost estimates and cost allocations to new development. As shown, a total of \$5.3 million in costs can be allocated to new development in Antioch. About \$379,000 will be required from other funding sources to cover existing garbage ramp and vehicle deficiencies as well as existing development's fair share of the proposed bucket truck.

- **Corporation Yard and Building Space.** Existing facilities consist of a corporation yard and the Department's buildings. Service standards are established using the existing service population factor described above to estimate future needs associated with new growth with costs provided by the City staff. These assumptions result in the need for an additional 6.1 acres of land and about 12,500 square feet of building space. An assumed nonresidential land value of \$150,000 per acre and an estimate of facility space development costs of \$205 per square foot based on comparable jurisdictions yield a total cost of \$914,000 for the yard and \$2.6 million for building space, all allocable to new development.
- **Garbage Ramp.** The City will need four garbage ramps at buildout in order to serve existing and new development. While the City currently has two garbage ramps, this analysis assumes that new development will be responsible for its fair share of the total cost at buildout based on service population. This results in the cost of \$102,000 allocated to new development with the remaining \$102,000 to be covered through other funding sources.

Table 7
Public Works Capital Improvement Needs
City of Antioch Development Impact Fee Study; EPS #20001

Item	Existing	Buildout (1)	New (2)	New Allocated to New Development (3)	Unit Cost	Cost Allocated to New Dev't (rounded)
Yard Area (acres)	18.40	24.49	6.09	6.09	\$150,000 per acre (4)	\$914,000
Building Space	37,843	50,377	12,534	12,534	\$205 per sq.ft. (5)	\$2,568,000
Garbage Ramp (6)	2.00	4.00	2.00	1.00	\$102,000 per unit	\$102,000
Public Works Vehicles (7)						
General	169	225	56	56	\$22,000 per vehicle	\$1,232,000
Utility Truck (8)	40	45	5	5	\$41,000 per vehicle	\$205,000
10-Wheel Dump Truck (8)	6	7	1	1	\$102,000 per vehicle	\$102,000
Backhoe (8)	3	4	1	1	\$102,000 per vehicle	\$102,000
Pickup (8)	16	18	2	2	\$22,000 per vehicle	\$44,000
Bucket Truck (9)	1.00	2.00	1	0.50	\$92,000 per vehicle	\$46,000
Subtotal	235	301	66	65.50		\$1,731,000
Total Cost						\$5,315,000

(1) Buildout estimates are either estimated based on the proportionate projected service population increase by buildout of 33.1 percent, as shown in Table 4, or on specific buildout needs provided by City departments.

(2) Represents the difference between "Buildout" and "Existing".

(3) Represents the quantity of new capital facilities that can be allocated to new development. In cases where the provision of proposed new facilities will increase the service standards for existing residents/ businesses, the "new allocated to new development" will be less than the total "new".

(4) Reflects commercial land value based on review of land sales data from CoStar, County Assessor, Loopnet, real estate broker interviews.

(5) Reflects typical development cost per square foot (excluding land cost) for Class B office space.

(6) City has indicated that two additional garbage ramps are required to meet the needs of buildout development. Based on the current numbers of garbage ramps per service population, not all of the cost of the two new garbage ramps can be allocated to new development. As shown, the equivalent of 1.0 garbage ramps can be allocated to new development, while the remaining 1.0 (\$102,000) is attributable to existing development.

(7) "Existing" represents the level of vehicles required to support existing service population. Due to the current fiscal conditions the City has six fewer vehicles than shown here. The City intends to buy these additional six vehicles (2 general, 1 utility truck, 1 10-Wheel Dump Truck, and 2 pickups) (estimated at \$231,000) when fiscal conditions improve. This cost cannot be charged to new development.

(8) Net new vehicle estimates are based on input from City staff; these estimates are below those proportionally supported by service population growth due to the current fiscal conditions and the City having fewer vehicles than shown here.

(9) City has indicated that one additional bucket truck is required to meet the needs of buildout development. Based on the current numbers of garbage trucks per service population, not all of the cost of the new bucket truck can be allocated to new development. As shown, the equivalent of 0.48 bucket trucks can be allocated to new development, while the remaining 0.52 (about \$48,000) is attributable to existing development.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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- **Vehicles.** The demand for general Public Works vehicles generated by future growth is calculated based on existing inventory requirements and is increased in proportion to service population growth. The City currently needs 235 vehicles (including general and specialized vehicles), though because of current fiscal conditions, has only 229 vehicles. While the City will have to fund the existing deficiency of 6 vehicles from other funding sources, a total of 65.5 new general vehicles will be attributable to new growth through buildout. For general vehicles, utility trucks, 10-wheel dump trucks, backhoe, and pickup trucks, the need for additional vehicles is greater than the proportional service population increase attributable to new development. For bucket trucks, which will be required to serve existing and new development, the new development's cost share is estimated based on its service population at buildout. The resulting vehicle acquisition cost to the development impact fee is approximately \$1.7 million.

Police Facilities and Equipment

The Police Facilities development impact fee will cover new development's share of the costs associated with a range of capital facilities, including Police stations, vehicles and other equipment. New capital facilities will be required as the City's service population increases. The subsections below describe the nexus findings and the technical cost allocation analysis for the proposed Police capital facilities fee category.

Nexus Findings

Purpose

The fee will help maintain adequate levels of Police facilities, vehicles, and other equipment necessary for adequate Police service provision in the City of Antioch.

Use of Fee

Fee revenue will be used to fund expansion of existing Police station and animal services facilities and acquire new vehicles and specialized equipment attributable to demand from new development.

Relationship

New development in Antioch will increase the City's demand for Police service. Fee revenue will be used to fund additional capacity that will facilitate expansion of these items.

Need

Each new development project will add to the incremental need for Police facilities, vehicles, and equipment. Improvements considered in this study are estimated to be necessary to maintain the City's effective service standard (i.e., ratio of Police facilities to service population).

Proportionality

The new facilities and costs allocated to new development are based on the existing ratio between the City's service population and its current Police capital facilities, vehicles, and equipment. In other words, the scale of the capital facilities and associated costs are directly

proportional with the expected levels of new development and the existing relationship between service population and Police facilities. For Police vehicles, a similar approach is utilized, but is based on the City's required number of vehicles rather than the existing number. Because of the current fiscal conditions, the Police Department's existing vehicle fleet falls below the adequate level, with the City intending to purchase an additional three vehicles when fiscal conditions improve. The cost of the vehicles required to backfill the City's existing deficiency is not allocated to new development. In addition, the need for a new SWAT vehicle and a mobile command post will improve service to both existing and new service population, so costs are allocated proportionally.

Cost Allocation Analysis

The expected demand for additional Police facilities, vehicles, and equipment is shown in **Table 8**, along with associated cost estimates and cost allocations to new development. As shown, a total of \$14.2 million in costs can be allocated to new development in Antioch. About \$463,000 will be required from other funding sources to fund existing vehicle deficiencies as well as existing development's fair share of the additional SWAT vehicle and mobile command post.

- **Facilities.** The Police Department identified a need to expand existing facilities, including its station and animal services space. EPS used building space at existing facilities (including the Community Center substation) to establish a share of new space to be funded by the proposed fee. EPS estimated the incremental new facilities attributable to new development based on the expected increase in service population, at 33.1 percent. These facilities reflect an average development cost of \$500 per square foot based on comparable projects, as shown in **Table 9**. This estimate results in the Police facility cost of approximately \$11.9 million attributed to the development impact fee.
- **Vehicles.** The demand for general Police vehicles generated by future growth is calculated based on existing vehicle inventory requirements. The City currently has 82 general vehicles, below the needed level of 85 vehicles as indicated by the Antioch Police Department. While the City will have to fund the service improvement for 3 vehicles from non-impact fee sources, new growth would require an additional demand for 25 new general vehicles based on its fair share of service population increase. Based on the market cost of new vehicles provided by the Police Department (of \$39,000 per vehicle), about \$975,000 in general vehicle costs can be attributed to new development, while about \$114,000 will be associated with the City's existing deficiency that will need to be funded through other funding sources. In addition, the Police Department will require a new SWAT vehicle to serve new development, though because it will also improve the service level to existing and new development, the cost will be allocated to both existing and new development.
- **Other.** The City will also require a mobile command post and specialized equipment, such as portable radios, guns, and technology equipment associated with new growth in the City. The mobile command post will serve existing and new development, and so it will require funding from both new development and other sources. The costs of the other specialized equipment developed by the Police Department covers only the costs associated with serving new development. These items result in the Police cost of nearly \$1.3 million attributed to the development impact fee.

**Table 8
Police Capital Improvement Needs and Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	Buildout (1)	New (2)	New Allocated to New Development (3)	Unit Cost (4)	Cost Allocated to New Dev't (rounded)
Police Department Facility (sq.ft.)						
Police Department Portion	63,300 (5)	84,265	20,965	20,965		
Animal Services Portion	8,700	11,581	2,881	2,881		
Subtotal	72,000	95,846	23,846	23,846	\$500 per sq.ft.	\$11,923,000
<u>Vehicles</u>						
General	85 (6)	110	25	25	\$39,000 per vehicle	\$975,000
SWAT Vehicle (7)	1.00	2.00	1.00	0.50	\$154,000 per unit	\$77,000
Subtotal						\$1,052,000
<u>Other</u>						
Mobile Command Post (8)	0	1.00	1.00	0.25	\$359,000 per item	\$90,000
Other (9)						\$1,170,000
Subtotal						\$1,260,000
Total Cost						\$14,235,000

(1) Buildout estimates are either estimated based on the proportionate projected service population increase by buildout of 33.1 percent, as shown in Table 4, or on specific buildout needs provided by City departments.
(2) Represents the difference between "Buildout" and "Existing".
(3) Represents the quantity of new capital facilities that can be allocated to new development. In cases where the provision of proposed new facilities will increase the service standards for existing residents/ businesses, the "new allocated to new development" will be less than the total "new".
(4) Facility cost is estimated based on comparable projects as shown in Table 9; other unit costs were provided by City staff based on historic spending inflated to \$2013.
(5) Includes a 5,000 square foot community center substation.
(6) Represents the level of vehicles required to support existing population. However, due to the current fiscal conditions the City has 82 vehicles. The City intends to buy an additional 3 vehicles (estimated at \$117,000) when fiscal conditions improve. This cost cannot be charged to new development.
(7) City has indicated that one additional SWAT vehicle is required to meet the needs of buildout development. Based on the current numbers of SWAT vehicles per service population, not all of the cost of the new SWAT vehicle can be allocated to new development. As shown, the equivalent of 0.5 SWAT vehicles can be allocated to new development, while the remaining 0.5 (\$77,000) is attributable to existing development.
(8) City will purchase one mobile command post to serve new and existing development. As a result, and as shown, the equivalent of 0.25 mobile command posts can be allocated to new development, while the remaining 0.75 (\$269,000) is attributable to existing development.
(9) Includes mobile data equipment, intersection / park cameras, patrol car video cameras, and enduro motorbikes. City staff indicated that this equipment is needed specifically to serve new development.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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Table 9
Recent Police Station Building Development Costs in California
City of Antioch Development Impact Fee Study; EPS #20001

Item	Total Cost	Total Sq. Ft.	Cost Per Sq.Ft.	Floors
Corte Madera	\$14,000,000	18,000	\$778	2
Los Angeles	\$34,000,000	54,000	\$630	na
American Canyon	\$8,500,000	16,894	\$503	na
Inglewood	\$23,000,000	33,750	\$681	na
Bakersfield	\$3,300,000	8,000	\$413	na
Lompoc	\$3,900,000	12,581	\$310	na
Los Angeles	\$35,000,000	50,000	\$700	2
Canoga Park	\$24,000,000	53,000	\$453	na
San Diego	\$13,000,000	23,760	\$547	na
Los Angeles	\$30,000,000	50,000	\$600	na
Los Angeles	\$3,100,000	9,206	\$337	na
Loyalton	\$480,000	1,560	\$308	na
Torrance	\$700,000	2,800	\$250	na
Oxnard	\$2,800,000	12,000	\$233	na
Visalia	\$7,200,000	8,000	\$900	na
San Mateo	\$41,000,000	55,000	\$745	na
Williams	\$3,300,000	12,000	\$275	na
Rampart	\$23,000,000	57,100	\$403	na
Hawthorne	\$26,000,000	<u>108,000</u>	<u>\$241</u>	na
Average (rounded)		31,000	\$500	

Sources: Reed Construction Data, Construction Cost Consultants, C.P. O'Halloran Associates, and Economic & Planning Systems, Inc.

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Parks and Recreation Facilities

The Park and Recreation impact fee is designed to cover the costs associated with new parks and recreation facilities and equipment required to serve future growth in Antioch. It covers the appropriate share of the costs of developing new parks, Community Centers and facilities, library, and associated capital equipment (the park in-lieu fee under the Quimby Act, described in the next chapter, provides revenues based on parkland needs and costs). New capital facilities will be required as the City's population increases. The subsections below describe the nexus findings and the technical cost allocation analysis for the proposed Parks and Recreation capital facilities fee category.

Nexus Findings

Purpose

The fee will help provide adequate levels of parks and recreation facilities, Community Center, and library space.

Use of Fee

Fee revenue will contribute funding towards parks and recreational facilities in a number of community parks as well as an additional 20,172 square feet of community facility space and new library.

Relationship

New development in Antioch will increase the City's demand for park and recreation facilities, though existing population will also benefit from improvement in these capital facilities. Fee revenue will be used to increase the availability of parks and recreation facilities consistent with the needs of new population growth.

Need

Each new development project will add to the incremental need for park and recreation facilities, Community Center space, and library space. As a result, improvements considered in this study are estimated to be necessary to meet the City's service provision goals without adversely affecting the existing level of service.

Proportionality

Parks and recreation facilities in community parks and a new City-owned library facility will serve both new and existing development. As a result, the costs of these facilities are allocated between existing and new development based on the existing City population and the new, expected population through City buildout. Because the City has an existing Community Center, the majority of the new Community Center cost is apportioned to new development. However, because the new Community Center will increase the overall Community Center space standard in the City, a portion of the cost is apportioned to existing development.

Cost Allocation Approach

- **Parks.** The City owns and maintains a number of parks of various sizes and uses. The City's staff identified that Linsey Basin, Sand Creek Basin, and Prewett Park improvements would be needed in the foreseeable future. These improvements are estimated to cost approximately \$35.8 million, as shown in **Table 10**. Given that all Antioch residents would benefit from these improvements, including existing residents, only the cost attributable to new population as a share of the buildout total is allocated to the impact fee. This represents about 20 percent of the total cost or \$7.3 million.
- **Community Center Facilities.** New Community Center space will be predominantly required to maintain service standards as City population grows. While the General Plan specifies a Community Center service standard of 750 square feet per 1,000 residents, the current standard provided is below this level.¹¹ As a result, a 18 percent portion of the cost of developing new facilities to meet the City's preferred standard must be attributed to offsetting the existing deficiency for existing population, while the remaining 82 percent of costs are attributable to new development's impact on Community Center needs. The need for future space is estimated at about 20,170 square feet based on the City's preferred service standard, as shown in **Table 11**. The actual Community Center expansion cost of \$685 per square foot is based on a recently completed Community Center and is inflated to 2013 dollars. This results in a Community Center development cost of \$17.8 million with \$14.5 million eligible for funding from development impact fees.
- **Library.** The City staff estimates that a new 48,000 square foot library would be needed through buildout with a cost of \$31.9 million. The City would own the library and would be responsible for funding it. Similar to park space, existing and new City population will benefit from the library addition. Based on the projected population growth, this analysis assumes that 20 percent of the library development cost, or \$6.5 million, could be funded through impact fees.

¹¹ General Plan performance objective 3.5.1.1.

**Table 10
Parks and Recreation Capital Facilities and Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Total Program Cost (1) (rounded)	Proportionate Allocation (2)		Cost Allocation	
		Existing Development	New Development	Existing Development (rounded)	New Development (rounded)
<u>Park and Recreation Facilities</u>					
Linsey Basin	\$11,661,071	79.63%	20.37%	\$9,286,000	\$2,375,000
Sand Creek Basin	\$18,018,116	79.63%	20.37%	\$14,348,000	\$3,670,000
<u>Prewett Park:</u>					
Western area completion	\$3,750,104	79.63%	20.37%	\$2,986,000	\$764,000
Pool and diving well	\$2,343,687	79.63%	20.37%	\$1,866,000	\$477,000
Subtotal	\$35,772,978			\$28,486,000	\$7,286,000
<u>New Community Center Facilities (3)</u>					
	\$17,761,000	18.37%	81.63%	\$3,263,000	\$14,498,000
<u>Library</u>	\$31,872,296	79.63%	20.37%	\$25,380,000	\$6,492,000
Total Facilities	\$85,406,274			\$57,129,000	\$28,276,000

(1) Costs based on engineer estimates with the exception of the Community Center which is based on the City's actual cost estimate for the recently built community center.

(2) This analysis assumes that all new parks and recreation facilities, with the exception of the Community Center expansion, will equally serve existing and new City residents. As a result, the costs are allocated based on existing and new development shares estimated in Table 2.

(3) Reflects new development's fair share of the 20,172 square foot facility expansion cost that would bring the City consistent with its community center General Plan standard at buildout, as shown in Table 11.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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**Table 11
Community Center Analysis
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing Development	New Development	Buildout
Population (1)	105,117	26,896	132,013
Existing Community Center Sq. Ft.	74,300	---	---
Existing Service Standard [sq.ft. per 1,000 residents]	706.8		
General Plan Service Standard [sq.ft. per 1,000 residents]	750.0	750.0	750.0
New Community Center Facilities (2) to meet General Plan Service Standard	4,538	20,172	24,710
Community Center Costs (3) Distribution	\$3,262,000 18.37%	\$14,499,000 81.63%	\$17,761,000 100%

(1) From Table 2.
 (2) The 3,575 sq. ft. are required to bring the existing community center space standard up to the General Plan development standard of 750 sq.ft. per 1,000 residents.
 (3) Rounded; based on the City's actual cost estimate of \$685 per square foot for the recently built community center inflated to \$2013.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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4. *PARKLAND IN-LIEU FEE COST ALLOCATION*

This chapter provides the technical analysis required to support the refinement of the park in-lieu fee. Under the Quimby Act, the City has a park in-lieu fee under its adopted standard of 5.0 acres per 1,000 persons.¹² This chapter determines the parkland cost that can be attributed to the expected new residential development in the City of Antioch based on this standard and the estimated value of parkland. Calculation of the maximum parkland in-lieu fee is presented in **Chapter 5**.

Under the Quimby Act, the park in-lieu fee is based on the estimated cost of acquiring residential land. Residential land cost has fluctuated substantially over the last several years. In addition to economic and real estate market cycles, acquisition costs can vary significantly based on the characteristics of individual properties. EPS reviewed available land transactions since 2009 from a range of data sources and concluded that the use of an average land acquisition cost of \$100,000 per acre represents a reasonable and conservative estimate for fee calculation.¹³

As shown in **Table 12**, under the adopted standard, new residential development will be required to cover the cost of about 134 acres of parkland, based on the 5.0 acres per 1,000 standard and the expected addition of about 26,900 residents through General Plan buildout. At \$100,000 per acre, this represents a \$13.4 million cost allocation to new residential development.

¹² See Municipal Code section 9-4.1003.

¹³ Data sources include CoStar, County Assessor data, Loopnet, and real estate broker interviews.

**Table 12
Parkland Acquisition Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	New
Parkland Standard (per 1,000 population) (1)	5 acres
Estimate New Population (2)	26,896
Required Parkland (acres)	134.48
Parkland Acquisition Cost (Quimby Act) (3)	\$13,448,000

(1) Based on the City Municipal Code section 9-4.1003.

(2) See Table 2.

(3) Reflects a land value of \$100,000 per acre based on available residential land sale data and on real estate broker interviews.

Sources: City of Antioch and Economic & Planning Systems, Inc.

A70 633

5. DEVELOPMENT IMPACT FEE CALCULATION, PROGRAM ADMINISTRATION, AND COMPARISON

This chapter describes the development fee recommendations (development impact and Quimby Act fees) and documents the magnitude of the fees by type. In addition, this chapter provides a comparison of the current and maximum potential development impact fees in the City of Antioch with development impact fees charged by selected other cities.

Development Impact Fees by Type

Total capital facilities costs attributed to new development is summarized in **Table 13**. As shown, future infrastructure cost associated with continued growth in the City is \$124.8 million. However, only \$66.8 million, or roughly 53 percent of this cost, could be attributed to new growth based on its fair share of the overall demand for capital facilities. The remaining \$58.0 million is allocated to existing development and reflects a shortfall in existing citywide needs. The cost allocated to existing development is predominantly comprised of parks and recreation uses, which would enhance the level of service to the City's existing and new residents. The City will need to find other non-development impact fee-related mechanisms to fund the costs apportioned to existing development.

Fees are calculated by allocating costs attributable to growth among single-family residential, multifamily residential, and nonresidential uses, as shown in **Table 14**. For most capital facilities types, as previously shown in **Table 5**, this allocation is based on future service population growth, with 51 percent associated with single-family units, 31 percent with multifamily units, and 10 percent with nonresidential development (for parks and recreation facilities and parkland that primarily serve new residential development, the allocation is based on future population growth). The allocated costs by land use are then divided by the number of new units/nonresidential square feet projected through buildout in Antioch to calculate the estimated fee. This calculation results in a maximum impact fee of \$6,680 for single-family units, \$4,232 for multifamily units, and \$0.30 per nonresidential square foot, before considering an administration cost factor. These fees are illustrated in **Table 15**.

The provisions of AB 1600 allow jurisdictions to include the costs of administering the Impact Fee Program in the fee amount. Administration requirements include collecting and allocating impact fee revenue, record keeping and reporting of fund activity, and periodic updates to the Fee Program. This analysis assumes that administrative costs of 3.0 percent of the total Fee Program cost will be applied to reflect the City's overhead and administration burdens. As shown in **Table 16**, this would increase the maximum development impact fee to \$6,836 for single-family units, \$4,330 for multifamily units, and \$0.31 per nonresidential square foot. While actual Impact Fee Program administration costs will vary from year-to-year depending on development activity and other program requirements, it is important to note that the administrative fee is not applied to the parkland in-lieu, East Contra Costa Regional Fee & Financing Authority or traffic signal fees.

Table 13
Summary of Capital Facilities Cost Allocation Between New and Existing Development (rounded)
City of Antioch Development Impact Fee Study; EPS #20001

Item	Cost Allocated to Existing Development (1)	Cost Allocated to New Development (2)	Total Cost
General Administration	\$90,000	\$5,500,000	\$5,590,000
Public Works	\$379,000	\$5,315,000	\$5,694,000
Police	\$463,000	\$14,235,000	\$14,698,000
Parks and Recreation	\$57,129,000	\$28,276,000	\$85,405,000
Parkland (Quimby Act)	\$0	\$13,448,000	\$13,448,000
Total	\$58,061,000	\$66,774,000	\$124,835,000

(1) To be funded by non-fee sources.
(2) Eligible to be funded by development impact fees/ Quimby Act fees.

Source: Economic & Planning Systems, Inc.

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**Table 14
New Development Maximum Cost Allocation by Land Use (rounded, no administration cost)
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Cost Allocated to New Development	Residential Development		Non-Residential Development
		Single Family	Multi Family	
General Administration	\$5,500,000	\$2,604,800	\$1,383,800	\$1,506,500
Public Works	\$5,315,000	\$2,517,200	\$1,337,300	\$1,455,800
Police	\$14,235,000	\$6,741,700	\$3,581,500	\$3,899,000
Parks and Recreation	\$28,276,000	\$18,478,400	\$9,794,800	\$0
Parkland In-Lieu/ Quimby Act	<u>\$13,448,000</u>	<u>\$8,788,300</u>	<u>\$4,658,400</u>	<u>\$0</u>
Total	\$66,774,000	\$39,130,400	\$20,755,800	\$6,861,300
<i>Distribution</i>	100%	59%	31%	10%

Source: Economic & Planning Systems, Inc.

A73 634

Table 15
Maximum Fee by Land Use (rounded, no administration cost)
City of Antioch Development Impact Fee Study; EPS #20001

Item	Residential Development (per unit)		Non-Residential Development (per sq.ft.)
	Single Family	Multi Family	
General Administration	\$445	\$282	\$0.07
Public Works	\$430	\$273	\$0.06
Police	\$1,151	\$730	\$0.17
Parks and Recreation	\$3,154	\$1,997	\$0.00
Parkland In-Lieu/ Quimby Act	<u>\$1,500</u>	<u>\$950</u>	<u>\$0.00</u>
Total	\$6,680	\$4,232	\$0.30

Source: Economic & Planning Systems, Inc.

A74 637

**Table 16
Maximum Fee by Land Use with 3% Administration Cost (rounded) (1)
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Residential Development (per unit)		Non-Residential Development (per sq.ft.)
	Single Family	Multi Family	
General Administration	\$458	\$290	\$0.07
Public Works	\$443	\$281	\$0.06
Police	\$1,186	\$752	\$0.18
Parks and Recreation	\$3,249	\$2,057	\$0.00
Parkland In-Lieu/ Quimby Act	<u>\$1,500</u>	<u>\$950</u>	<u>\$0.00</u>
Total	\$6,836	\$4,330	\$0.31

(1) The fee of 3% falls within a reasonable range typically charged through development impact fees for administrative expenses. No administrative fee is added for Quimby Act/ Park-in-lieu fee.

Source: Economic & Planning Systems, Inc.

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Development Impact Fee Comparison

EPS prepared a development impact fee comparison for selected cities before 2012 based on available fee schedules. The findings of this fee comparison are described in this section and presented in **Table 17**. Inevitably, changes have continued to be made to fee schedules over the last two years, though the fee comparison has not been updated. **Table 17** provides a comparison of the existing and potential maximum new development impact fees in the City of Antioch with the fee levels in the cities of Brentwood, Oakley, Pittsburg, Concord, and Tracy. The purpose of this comparison was to provide some context for fee refinement decisions in the City of Antioch. It is important to note that development impact fee levels are continuously changing. Fees shown are long-term/underlying fee levels and are not intended to show the temporary fee reductions that some Cities have chosen to put in place. For example, the City of Oakley has recently extended its 2-year fee reduction through June of 2015¹⁴.

One particular complexity in considering the fee levels in the City of Antioch is the expected ending of the Residential Development Allocation system. This system historically resulted in significant per unit payments by developers (as high as \$10,000 per unit) at the peak of the market. With the ending of this program, new residential development in the City of Antioch will effectively face a substantive decrease in one-time per unit charges, though the precise dollar reduction cannot be specified as the per unit payment depended on an auctioning system.

For all citywide development fee comparisons, there are a number of additional issues that affect the implications of the relative fee levels. For example, some cities focus more on requiring project-specific or area-specific exactions/fees for infrastructure improvements as part of the development approval. As a result, some projects occurring in cities with lower citywide development impact fees still pay higher fees, when project-specific or area-specific charges are included. Furthermore, some cities, on a case-by-case basis, are providing discounts or exemptions on some or all of their fees to certain new developments. This represents a *de facto* temporary fee reduction that is not reflected in the fee schedules.

Fee Comparison

Table 17 provides a snapshot of development impact fees for five comparison cities and the City of Antioch for consistent, prototype single-family units. The fees are grouped into three categories, including water/sewer fees, other fees charged by other entities, and other City development impact/one-time fees. The fee groups are distinguished as follows:

- **Sewer/water**— typically set to cover the costs of providing water and sewer facilities/infrastructure to comply with State standards
- **Other entity fees**—fees set by other school district or regional/subregional entities
- **Other City fees**—the fees over which the City has primary control

¹⁴ The City's temporary fee reduction, originally implemented in 2011, reduced the overall development impact fee by approximately 40 percent below that shown in this analysis.

**Table 17
Citywide Development Impact Fees by Comparable City (per single family unit)
Antioch Development Impact Fee Study; EPS #20001**

Fee	Selected Cities						
	Antioch Existing	Antioch Proposed	Brentwood	Oakley	Pittsburg	Concord	Tracy
Sewer/Water Fees	\$18,087	\$18,087	\$11,752	\$27,156	\$17,201	\$26,834	\$8,832
Other Entity Fees (1)							
Regional/ County Traffic Fees (2)	\$18,710	\$18,710	\$18,710	\$18,710	\$18,897	\$0	\$0
School District	\$5,940	\$5,940	\$8,700	\$9,954	\$5,346	\$5,940	\$10,640
Subtotal	\$24,650	\$24,650	\$27,410	\$28,664	\$24,243	\$5,940	\$10,640
Other City Fees							
Fire (3)	\$591	\$591	\$781	\$749	\$633	\$591	\$0
Drainage	\$1,911	\$1,911	\$882	\$990	n/a	\$642	\$4,512
Traffic/ Transit (4)	\$362	\$362	\$10,746	\$12,258	\$7,123	\$3,166	\$12,185
Parks	\$1,050	\$4,749	\$7,199	\$8,567	\$9,857	\$16,691	\$6,596
Police/Public Facilities/Capital Improvements	\$0	\$2,087	\$3,660	\$2,701	\$0	\$0	\$3,951
Subtotal	\$3,914	\$9,699	\$23,268	\$25,265	\$17,613	\$21,090	\$27,244
Total	\$46,651	\$52,436	\$62,430	\$81,085	\$59,057	\$53,864	\$46,716

(1) Does not include special district fees.

(2) The fees are temporarily reduced by 50% due to the recent economic slowdown, and the fees for Pittsburg, Concord and Tracy differ because these cities are not members of the East Contra Costa Regional Fee & Financing Authority.

(3) Reflect a combination of city or special district fees.

(4) The City of Antioch is aware of the large difference between its Traffic/Transit fees in relation to the comparison cities and plans to undertake a future Traffic/Transit fee study as resources allow.

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As shown, the City of Antioch currently has the lowest "Other City" development impact/one-time fees—\$3,900 per single-family unit—when the Residential Development Allocation charge is not included¹⁵. The inclusion of the Residential Development Allocation charge—even at its highest level—still leaves existing fee levels at the lower end of the range, at \$13,900 per unit. The maximum potential "other city fee" levels identified in this report for Antioch (in combination with the ending of the Residential Development Allocation system) would result in a total of \$9,700 per single-family unit. This is below all other cities reviewed. The primary reason for the lower fees in the City of Antioch (even after upward adjustment) is the low traffic/transit fees relative to all the other comparison cities. On an aggregate basis, when significant variations in sewer/water fees as well as regional transportation and school district fees are considered, the City of Antioch's fees fall in a similar range to the long-term/underlying fees in other cities considered.

¹⁵ Based on the FY2011 fee schedule.

CDD Wehrmeister said to applicant that they may submit a revised building permit to building but could not be approved until after appeal period has ended.

RESOLUTION NO. 2013-20

On motion by Commissioner Pinto and seconded by Commissioner Miller, the Planning Commission hereby approves S-13-01 and amends Design Review Board Resolution 89-54 as follows:

2d. Stacked signage will be allowed only for tenants with store fronts 20 feet or less in width. Overall height of the sign shall not exceed 24".

2g. Deleted.

AYES: Hinojosa, Pinto, Motts, Miller and Westerman
NOES: None
ABSTAIN: None
ABSENT: Baatrup

4. Election of Vice Chair

Commissioner Westerman nominated Commissioner Motts for Vice Chair.

On motion by Commissioner Westerman, seconded by Commissioner Pinto, the Planning Commission members present appointed Commissioner Motts as Vice Chair.

AYES: Hinojosa, Pinto, Motts, Miller and Westerman
NOES: None
ABSTAIN: None
ABSENT: Baatrup

5. The City of Antioch is proposing General Plan and zoning ordinance amendments to revise the Residential Development Allocation Program and to adopt Development Impact Fees pursuant to Government Code 66000 et. Seq. The Planning Commission will hold a study session and accept public comments.

CDD Wehrmeister provided a summary of the staff report dated November 14, 2013, including background, summary of the RDA and summary of the proposed program. She indicated that a representative of Economic and Planning Systems was present who would be presenting a power point presentation and that she will be pausing during the presentation to allow for questions. She said that public comments will then be opened, the hearing will be closed and direction to staff received.

CDD Wehrmeister asked if there were questions about the history of the ordinance.

Chair Hinojosa asked staff about the scoring process on proposed capital improvements

with fees from developer per unit.

CDD Wehrmeister asked Public Works Director Bernal for input.

PWD Bernal said that examples of improvements would be traffic signals, road improvements and improvements to school parking lots. He said that Discovery Builders proposed improvements to drainage facilities and offsite improvements to Somersville Road but that this varies from project to project with some projects being cash only.

Chair Hinojosa asked about the impact fee study estimating fees as high as \$10,000 per unit to which PWD Bernal said that his recollection is that they were in excess of \$10,000.00 per unit.

Commissioner Pinto asked staff about Attachment B to which CDD Wehrmeister said that this is an example of the criteria in the old RDA process and that the format is not going to be used in the future.

Chair Hinojosa asked staff how the housing was allocated before Measure U to meet residential housing needs.

CDD Wehrmeister responded that there was no growth metering process in Antioch prior to Measure U. The City has not had an issue meeting moderate to above moderate RHNA goals but has not been able to meet lower income category construction goals.

CDD Wehrmeister then moved to the summary of the revised ordinance and asked for questions.

Chair Hinojosa referenced page D2 letter E and asked why the process has been changed to which CDD Wehrmeister said that one of the practical problems with the way the old RDA ordinance was implemented is developers were asking for allocations for development that was years away and that they were asked to project years into the future.

Chair Hinojosa clarified with staff that this created a problem with allocations already issued so far in advance.

CA Nerland said that under state law development entitlements is an issue whether it should be built and the growth management question is when does it get to be built. She said need to ask the question first is it going to be built, then you get into when it is going to be being built.

Chair Hinojosa asked staff about the scaling back from the original ordinance exemption to only three exemptions in the new ordinance.

CDD Wehrmeister stated that the committee felt all units should be counted so the original exemption categories were moved to the Guidelines and made priorities for

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granting allocations.

Commissioner Motts asked staff about an exemption for the Rivertown area being centered around the train and ferry to which CDD Wehrmeister said that it is not exempt but is listed as a priority factor in considering allocations.

Chair Hinojosa asked staff to explain what the thought process was behind some of the original exemptions and what has changed to now moving toward all units should be counted in metering program.

CDD Wehrmeister said that the old RDA ordinance was drafted before she came to the City but that the committee felt that all units should be counted, although this is an item the commission can discuss and can add to or amend.

Commissioner Pinto asked about Measure J on page F2 dictating what can be modified. CDD Wehrmeister said that not related to RDA specifically; that Measure J is a County wide measure, that this is not changing but that this is just eliminating references to the old RDA ordinance which would not impact Measure J compliance.

Commissioner Pinto referenced page B1 referring to projects that meet the City's infill criteria being exempt and asked staff to explain the infill criteria. CDD Wehrmeister said that the committee or council created a map of areas of infill.

Chair Hinojosa asked staff about the pros and cons of rationale behind changing from RDA committee to staff. CDD Wehrmeister said that this is an attempt to make the process less subjective and therefore felt that looking at the General Plan and the standards and criteria that are set out that staff would be able to make a recommendation to the Planning Commission. She said that this also a practical matter with having limited staff.

CA Nerland said that the development community also was not thrilled with having three bodies of public officials to go through which extended the process.

CDD Wehrmeister said that Economic and Planning Systems has a presentation and said that while it is not typical for the Planning Commission to make recommendations on fee items, she thought it would be valuable to have input on this. She said that this is the first study session before taking it to the City Council, that there will be a plan for the fee study, that comments will be received, that the fee study will be brought back to the City Council and that items for General Plan, zoning ordinance and guidelines will be brought back to the Planning Commission.

Walter Kieser with EPS gave a power point presentation including overview, development impact fees, mitigation fee act, common development impact fees, economic considerations, Antioch's development impact fee, development impact fee adoption process, fee study results, technically supported fee schedule, required funding from other sources, and next steps.

Commissioner Pinto asked Mr. Kieser if other cities include fees for public works and

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parks and recreation to which he said that there are fees being recommended for police, parks and recreation although there are no current charges for those. He said that there are a range of things that can be funded as part of this process.

Commissioner Motts asked if the system we had in place is common and would this be considered streamlining.

Mr. Kieser said that the current system is not common, that the norm for funding is through impact fees like those being considering this evening and that Antioch is a bit unusual. He said that this helps with streamlining and normalizing in that you increase certainty of the process.

Chair Hinojosa asked Mr. Kieser to go over page G4 regarding proportionate share allocation.

Mr. Kieser said that proportionate share means various things like having to identify what share of cost should be paid by development or whomever. He said the first thing is to figure out the share for new development versus the existing. That some of that proportionality should be paid by existing residents and some new development, trying to balance out to be sure everyone is paying a proportionate share and proportioning between single family and multi-family with multi-family typically have lower household sizes.

Chair Hinojosa questioned if the City can be in trouble meeting infrastructure if they get lower fees than proposed and supporting fee reductions.

Mr. Kieser said that these are political choices made by Council at their discretion, that fees are regular and certain and these fee levels are in the range and do not stress feasibility.

Chair Hinojosa asked about changing growth projections to which Mr. Kieser said that it is never known what is going to happen in the future but that annual reporting and updating of fees help if conditions change dramatically.

Chair Hinojosa asked about the periodic updates and how often updates are done to which Mr. Kieser said it is published annually, that the fee report would be made prior to the fiscal year and incorporated into the budget, and that it would be automatic requiring no council action as long as the ordinance prescribes this to be done. He said that when the development impact fee is at a stage to move to City Council that they will work with staff to incorporate a schedule for update.

CDD Wehrmeister said that annual updates occur with master fee schedule adoption.

In response to Chair Hinojosa's questions about Page G10, Mr. Keiser said that it is not uncommon in ordinances for there to be a provision for exemptions or possibility of waivers and that ordinance language specifies the terms. That there is an absolute reduction of revenue so typically this would require findings that when that was done the Council would find a way to back fill for money they did not get through that exemption.

In response to Commissioner Pinto's concern of surplus funds and the impact of AB1600, Mr. Keiser said that since AB1600 was adopted, they try to construct ordinances to have a broad enough definition so there is no such thing as surplus funds. They will be allocated to uses that meet the test of the fee study and if there was a surplus, this could be subject to reimbursement. He said that if properly set up and administered that won't happen.

In response to Chair Hinojosa questions about alternate funding sources and moving from an allocation program to adopting an impact fee, Mr. Keiser said that they are not talking about replacing the allocation system but talking about one piece of it.

CDD Wehrmeister said that this would replace capital financing and that there would be a metering process.

CA Nerland said that the growth metering aspect of the former RDA is when development could be built, and the prior RDA contained a financial component to pay for infrastructure that development needed and that financial component is being taken out of the RDA process by council direction to be the more common impact fee under state law. She said that this is ultimately a council decision and is being brought to the Planning Commission for context of how this is moving forward.

In response to Commissioner Pinto's question if the metering program is needed, CA Nerland said that this is a policy decision and not mandated by law to have a metering program except to the extent of Measure J.

In response to Chair Hinojosa's wondering if the allocation process helps further goals of the General Plan and maintain consistency and explanation of how the metering process helps to meet goals within the regional housing allocations, CDD Wehrmeister said that this is a proposed process to provide the Planning Commission with general plan consistency and that the process speaks specifically to the growth management element of the General Plan. She said do we need the allocation process to meet the General Plan, no we don't; if it is the desire of the City Council with the recommendation of the Planning Commission that you feel the metering will help us meet goals, then yes it would help. She said that the question if it meets our goals is subjective and more for the policy makers.

Chair Hinojosa asked staff how or in what way does a sustainable community strategy have a role in a metering program to which CDD Wehrmeister said not directly.

OPENED PUBLIC HEARING

CDD Wehrmeister stated that there was a letter on the dais from the Building Industry Association of the Bay Area and an e-mail from Mike Serpa, which she read.

CLOSED PUBLIC HEARING

Commissioner Westerman said that he thought the metering portion should be separate from the developer fees. He said at this point it doesn't seem like we need metering; that if the economy turns around we could. He said he would like to see some kind of a trigger to reintroduce the metering system. Also with respect to issues that are discussed in the evaluation criteria for metering, if we don't have metering these things will still be looked at by staff and by the commission. He said that just because we don't have metering doesn't mean these things won't be considered.

Commissioner Pinto referred to pages B2 and B3 and questioned staff about moving points to which CDD Wehrmeister said that at this point attachment B was a reference point for the previous RDA process and is not recommending continuation of this system.

CA Nerland said that there are school impact fees in place under state law.

Commissioner Westerman said that it seems to him that some of the things that are addressed in the old RDA in Section C, will be replaced with development fees.

Chair Hinojosa said that in looking at the letter from the Building Industry Association, feels like we should engage a larger audience on this conversation and discussion with stakeholders; for input on development fees so process would be to instruct staff to hold a community type meeting to engage and get feedback and then to come back to the commission and then the commission can provide a recommendation.

CDD Wehrmeister responded that this meeting was noticed, the notice was put out fourteen days prior to this hearing which is longer than typical, that notices were sent out to those who filed a request with the City Clerk to be notified and that the staff report was released in the normal time frame. She said that even though this is a study session, all required noticing was done. Having said that, between this hearing and the next hearing, we will certainly make further outreach in the community to incorporate comments.

Commissioner Motts said he would support that position and staff to hold stakeholder meeting if that doesn't delay the process.

CDD Wehrmeister said that it is helpful to staff to get some feedback on growth metering in general, that she is pretty sure that the development community doesn't want it and that it would be helpful to know how the commissions initial direction.

Commissioner Motts said he would be inclined to say if metering stopped at this time if there is a process to reinstitute that would be fine with him.

Commissioner Pinto concurred and said that he liked the proposal that we do away with metering for now, however have a triggering mechanism that would automatically reinstate the metering once that standard has been reached.

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Chair Hinojosa asked the commission if they agree that the City should engage in meetings with stakeholders but to discontinue with the metering program.

Commissioner Westerman said to do away with for now but maintain a mechanism to reinstate if necessary; to encourage developers for low income housing.

CA Nerland said that something for the Planning Commission to think about is the triggering concept; doing away with the metering, then if growth picks up, come back. She said that part of the issue is the process to adopt an ordinance doesn't happen overnight and is a minimum six month period. Staff has struggled with timing practicalities; perhaps instead of doing away with metering completely, try to foresee and have a process in place so time wouldn't be lost.

Commissioner Pinto said he thinks the goal should be to establish what that triggering point will be so it is built in to automatically come back.

Commissioner Miller asked if there was a way to have a stay of the growth metering program, to be held off for a period of time then see if we need to extend longer so we wouldn't have to worry about not having it just suspending it.

Chair Hinojosa said that she likes the direction we are going, wants to engage stakeholders and would like to keep in place but allow metering not allowed certain times. Separate from development fees.

Chair Hinojosa asked staff what type of meeting with stakeholders to which CDD said that she would set up a meeting with the Building Industry Association. She said that this staff report went out to all home builders who are actively pulling permits in the City and those that have maps approved and haven't received any feedback or comment except from Serpa and the Building Industry. That there has been outreach just not much interest and will continue to make that outreach and entertain any meetings with ones who are interested.

The item was continued to January 15, 2014.

ORAL COMMUNICATIONS

CDD Wehrmeister said that on the consent calendar item there were requests for minutes transcriptions. That this brought a question up in staff's mind, if we could move toward a more abbreviated minutes and prepare a summary of action and record the meetings. That way if anyone wants to review them, they can get the audio recording to listen to. This would be easier for staff and this would avoid the situation of missing things in transcription. She asked how the Commission felt.

Commissioner Miller clarified with staff that there would be audio and that on consent would be a summary of action only showing the motion, the second and the vote.

Commissioner Pinto said that there may be a legal question on how this would work for a public records request.

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**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF JANUARY 15, 2014**

Prepared by: Tina Wehrmeister, Community Development Director *fw*

Date: January 9, 2014

Subject: Amendments to the Growth Management Program

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached resolutions recommending that the City Council 1) adopt an amended Residential Growth Management Ordinance (currently known as Residential Development Allocation ordinance – RDA) and 2) adopt General Plan Growth Management Element amendments.

BACKGROUND

In November, the Planning Commission heard a study session item on the suggested amendments to the Residential Development Allocation Ordinance and the draft Development Impact Fee Study. The November 20, 2013 staff report is attached to this document and the minutes from this meeting are included in the Commission packet under the consent item. Direction was provided to staff which included 1) revising the ordinance to not require growth metering at this time but provide a trigger mechanism in the event of a large increase in new residential construction; and 2) meet with stakeholders, in particular the Building Industry Association, to get feedback on the proposals.

The Planning Commissions comments on the Draft Impact Fee Study will be addressed and incorporated into the presentation to City Council.

DISCUSSION

Stakeholder Feedback

In addition to forwarding information, notices, and requests for comments to residential developers active within the City, staff met with a representative of the Building Industry Association (BIA), which represents a majority of homebuilders in the area. The BIA is very concerned with processes that create uncertainty for developers. The BIA representative agreed with Planning Commission comments that metering does not appear to be necessary at this time.

Revisions to the Ordinance

The attached ordinance has been revised to reflect the Planning Commission's direction to not meter growth at this time but create a trigger mechanism. The ordinance would require staff to present an annual report on housing development and start the process of creating guidelines for metering once 500 units/year has been reached with metering in place by the 600 units/year threshold. The trigger of 600 units was selected because this is the annual limit in the current (although sunsetted) RDA ordinance. The 500 unit trigger for staff to start drafting the guidelines addresses the need for time to allow for public, Commission, and Council input on the guidelines prior to reaching the 600 unit/year threshold.

General Plan Growth Management Element

The proposed amendments eliminate language that is inconsistent with the proposed ordinance amendments and removes implementing language which is more properly contained in the Municipal Code.

ATTACHMENT

- A. November 20, 2013 staff report

RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE REPEALING
AND REENACTING TITLE 9, CHAPTER 5, ARTICLE 40 OF THE ANTIOCH
MUNICIPAL CODE REGARDING RESIDENTIAL GROWTH MANAGEMENT**

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the **City of Antioch** requesting approval of an amendment to Title 9, Chapter 5, Article 40 of the Antioch Municipal Code; and,

WHEREAS, pursuant to CEQA Statutes Section 15061(b)(3), the proposed amendment to the Antioch Municipal Code is exempt from CEQA because it can be seen with certainty to have no possibility of a significant effect on the environment; and,

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

WHEREAS, on November 20, 2013 the Planning Commission held a study session on this matter, provided direction to staff, and continued the item to January 15, 2014; and,

WHEREAS, on January 15, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered testimony, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend that the City Council **ADOPT** the attached ordinance amending Title 9, Chapter 5, Article 40 of the Antioch Municipal Code.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 15th day of January, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Tina Wehrmeister, Secretary to the
Planning Commission

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
REPEALING AND REENACTING TITLE 9, CHAPTER 5, ARTICLE 40 OF THE
ANTIOCH MUNICIPAL CODE**

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

SECTION 1. The City Council finds as follows:

A. The City of Antioch holds all rights and powers established by state law and holds the right to make and enforce all laws and regulations not in conflict with the general laws.

B. The City's growth control ordinance, Antioch Municipal Code Title 9, Chapter 5, Article 40, was adopted in 2002 in response to the Antioch electorate's approval of Measure U in 1998, which stated: "Shall the City of Antioch, when considering approval of residential development, be instructed to phase the rate through land-use planning with concurrent financial planning to provide adequate schools, street improvements and highway 4 improvements for a sustained high quality of life, by making new growth pay its own way through maximizing fees, assessment districts, matching fund programs and any other means effective to expedite the construction of needed infrastructure?"

C. Measure U has been incorporated into the City's current General Plan as part of the Growth Management Element of the General Plan.

D. The U.S. Census Bureau has reported that Antioch's population more than doubled between 1970 and 1990 from 28,060 to 63,062 residents and then increased another 30% percent in ten years to 90,532 residents in 2000, and increased another 12% in ten years to 102,372 residents in 2010.

E. The number of households in Antioch also increased from 1990 by 55% to 33,090 households in 2005, with the U.S. Census Bureau reporting that there were 35,252 households in Antioch in 2010, a 9% increase since 2000.

F. ABAG (Association of Bay Area Governments) Projections 2009 also indicated that the number of persons living in a household was higher in Antioch than the rest of Contra Costa County as a whole due to a larger percentage of households with children, which can cause strain on the public school district both as to facilities and providing educational services, as well as City recreational programs and spaces.

G. From 1989 to 1998 there were 7,197 new single family residential units constructed in Antioch. In the prior RHNA ("Regional Housing Needs Allocation") cycle

from 1999 to 2006, 4,937 new residential units were constructed in Antioch (4,390 single family units and 547 multi-family units) and in the RHNA cycle of 2007 - 2013, 672 new residential uses were constructed despite the unprecedented housing market collapse and economic recession.

H. The housing market collapse and national economic recession contributed to median housing prices in Antioch falling by 36% to 68% between 2006 and 2010 and over 500 Antioch homeowners per month receiving notices of default and significant numbers of foreclosure filings in Antioch for several years.

I. There remains plenty of housing stock available in Antioch, with approximately half of the single family homes being built since 1989.

J. The Contra Costa Transportation Authority in "The 2000 Update, Contra Costa Countywide Comprehensive Transportation Plan" indicated that in 1990 that the "out commute" from East Contra Costa County along State Route 4 was 44,000 persons, in 2000 was 54,000 persons, and was expected to grow to 77,000 persons in 2010.

K. "The 2009 Update, Contra Costa Countywide Comprehensive Transportation Plan" indicated that State Route 4 in Antioch would experience a 77% traffic volume increase and other areas in Antioch would experience over a 100% increase in traffic volume.

L. Although improvements to State Route 4 are occurring, they are not complete and it continues to be a highly congested freeway, which means greater congestion on local roads as commuters look for shortcuts to State Route 4, as well as the congestion of more drivers returning to more homes in Antioch.

M. As set forth in State Assembly Bill 32 (2006) and State Senate Bill 375 (2008), increased traffic volumes and congestion increase greenhouse gases and other toxic air emissions leading to health and climate change concerns.

N. With the economic recession and decline in property tax revenues, the City of Antioch's budget has been reduced by one-third and staffing levels have been reduced from 30-50% depending on department and thus property tax revenues from new residential uses are not sufficient to cover the cost of municipal services and facilities at the level provided in 2002 and standards set forth in the General Plan and in City Council policy.

O. As indicated in the adoption of the Residential Development Allocation Ordinance in 2002, the City has had, and continues to have, difficulty in funding sufficient police resources to keep pace with the rapidly-expanding population raising questions regarding the City's ability to meet police service levels for new residents and residential developments.

P. The City's General Plan calls for police staffing between 1.2 and 1.5 sworn officers for every 1000 residents and with a current population of approximately 102,000 residents, the City is not meeting this service level in the City's General Plan.

Q. The City has received and anticipates additional requests for the construction and development of new residential uses within the City.

SECTION 2. Title 9, Chapter 5, Article 40 of the Antioch Municipal Code is hereby repealed and reenacted to read as follows:

ARTICLE 40: RESIDENTIAL GROWTH MANAGEMENT

§ 9-5.4001 CITATION.

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

§ 9-5.4002 PURPOSE.

The following are the purposes and goals of this article:

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

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

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

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

§ 9-5.4003 NUMERICAL LIMITS ON RATE OF GROWTH

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

more than six hundred (600) residential units during such year (whether comprised of single-family structures, multi-family structures, or both).

§ 9-5.4004 EVALUATION OF GROWTH LIMITS

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

SECTION 3. CEQA. This Ordinance is subject to the CEQA exemption contained in CEQA Guideline section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section.

SECTION 5. Publication; Certification. The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with State law.

* * * * *

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the ___ day of ____, 2012 and adopted at a regular meeting of the City Council of the City of Antioch on _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
AMENDING THE GROWTH MANAGEMENT ELEMENT OF THE GENERAL PLAN TO
REFLECT UPDATES TO THE RESIDENTIAL GROWTH MANAGEMENT
ORDINANCE**

WHEREAS, pursuant to Resolution No. 2003/134 dated November 24, 2003, the City of Antioch adopted its latest General Plan, following certification of an Environmental Impact Report; and

WHEREAS, the City of Antioch has initiated an amendment to the Growth Management Element of the General Plan consistent with proposed amendments to the Residential Growth Management Ordinance; and

WHEREAS, pursuant to CEQA Guidelines Section 15061(b)(3), the proposed amendment to the Antioch General Plan is exempt from CEQA because it can be seen with certainty to have no possibility of a significant effect on the environment; and,

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

WHEREAS, on November 20, 2013 the Planning Commission held a study session on this matter, provided direction to staff, and continued the item to January 15, 2014; and,

WHEREAS, on January 15, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered testimony, both oral and documentary.

NOW THEREFORE BE IT RESOLVED that the Planning Commission hereby adopts the findings below in support of the approval of the proposed amendments to the Growth Management Element of the General Plan:

1. **Finding:** The proposed amendments ensure and maintain internal consistency with all the goals, policies and programs of all elements of the General Plan and any applicable specific plan.

Evidence: This finding is supported by the discussion contained in the Planning Commission staff report prepared for the November 20, 2013 and the January 14, 2014 meeting. The Growth Management Element amendments are consistent with goals, policies, and discussion in the General Plan and will also ensure consistency with the Zoning Ordinance.

- 2 **Finding:** The proposed amendments would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

Evidence: This finding is supported by the discussion contained in the Planning Commission staff report prepared for the November 20, 2013 and the January 14, 2014 meeting. The proposed General Plan amendments will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the City Council amend sections 3.3.1 and 3.6 of the Growth Management Element of the General Plan as shown in Exhibit A (incorporated herein by reference).

* * * * *

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 15th day of January, 2014.

AYES:

NOES:

ABSENT:

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On Motion by Commissioner Westerman and seconded by Commissioner Pinto, the Planning Commission continued this item to February 5, 2014.

AYES: *Hinojosa, Motts, Pinto, Miller and Westerman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Baatrup*

CONSENT CALENDAR

1. Approval of Minutes: 1A. November 6, 2013
1B. November 20, 2013
1C. December 4, 2013

Chair Hinojosa pulled the December 4, 2013, Minutes.

On motion by Commissioner Westerman, and seconded by Commissioner Motts, the Planning Commission approved the Minutes of November 6, 2013 and November 20, 2013.

AYES: *Hinojosa, Motts, Pinto, Miller and Westerman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Baatrup*

On motion by Chair Hinojosa, and seconded by Commissioner Pinto, the Planning Commission approved the Minutes of December 4, 2013.

AYES: *Motts, Pinto, Miller and Westerman*
NOES: *None*
ABSTAIN: *Hinojosa*
ABSENT: *Baatrup*

END OF CONSENT CALENDAR

CONTINUED ITEM

2. The City of Antioch is proposing General Plan and zoning ordinance amendments to revise the Residential Development Allocation Program. This item was continued from November 20, 2013.

SP Gentry provided a summary of the staff report dated January 9, 2014.

Chair Hinojosa clarified with CA Nerland that this is a regular public hearing item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

A96

Commissioner Motts confirmed with staff that the Planning Commission feedback, direction, and recommendations have all been rolled into this resolution and that while there will not be metering at this time, there is a mechanism in place.

Commissioner Pinto confirmed with Commissioner Westerman that his previous comments from the previous meeting had been taken into account.

Chair Hinojosa stated that she has no problems with what staff is proposing and that she is prepared to move this item forward.

CA Nerland clarified that the motion made is for both resolutions.

RESOLUTION NO. 2014-01

On motion by Commissioner Pinto and seconded by Commissioner Westerman, the Planning Commission recommends that the City Council ADOPT the attached ordinance amending Title 9, Chapter 5, Article 40 of the Antioch Municipal Code.

AYES: Hinojosa, Motts, Pinto, Miller, and Westerman
NOES: None
ABSTAIN: None
ABSENT: Baatrup

RESOLUTION NO. 2014-02

On motion by Commissioner Pinto and seconded by Commissioner Westerman, the Planning Commission recommends that the City Council amend Sections 3.3.1 and 3.6 of the Growth Management Element of the General Plan as shown in Exhibit A (incorporated herein by reference).

AYES: Hinojosa, Motts, Pinto, Miller, and Westerman
NOES: None
ABSTAIN: None
ABSENT: Baatrup

ORAL COMMUNICATIONS

CA Nerland said that there is a new City Manager, Steve Duran, who comes from the City of Hercules. She informed the Planning Commission about the upcoming community cafes.

Commissioner Motts and Chair Hinojosa commented on the Northern Waterfront event held last Friday.

SP Gentry gave an update on the Northeast Annexation and stated that the next Planning Commission meeting will be on February 5th.

[Print](#)

ATTACHMENT "B"

Antioch, CA Code of Ordinances

ARTICLE 40: RESIDENTIAL DEVELOPMENT ALLOCATION

§ 9-5.4001 CITATION.

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

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

§ 9-5.4002 PURPOSE.

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

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

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

§ 9-5.4003 PRECEDENCE OVER OTHER PROVISIONS.

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

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

§ 9-5.4004 FINDINGS.

The Council hereby makes the following legislative findings:

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 9-5.4005 ESTABLISHMENT OF OBJECTIVES.

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

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

§ 9-5.4006 GUIDELINES FOR OBJECTIVES.

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

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

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

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

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

(5) Development on sites located in close proximity to existing parks or recreation facilities, public transit, or that have convenient access to special services and facilities, such as libraries, day care, and neighborhood shopping;

(6) Development within large-scale projects where construction has already begun pursuant to existing city approvals, or projects subject to existing infrastructure financing mechanisms, such as assessment districts;

(7) Mixed-use, or transit-oriented development;

(8) Development projects that provide private open space, recreational facilities, streets or other features, thereby reducing the city's maintenance costs and allowing resources to be used for police and other services;

(9) Development within a previously- approved Specific Plan or Planned Development;

(10) Projects providing unique water or energy conservation features;

(11) Projects providing unique public safety/police features.

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

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

§ 9-5.4007 DEVELOPMENT ALLOCATION PROCESS.

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

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

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

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

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

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

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

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

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

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

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

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

§ 9-5.4008 NUMERICAL LIMITS ON RATE OF GROWTH.

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

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

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

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

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

§ 9-5.4009 EXEMPTIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 9-5.4010 SPECIAL ALLOCATIONS.

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

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

§ 9-5.4011 EVALUATION OF GROWTH LIMITS.

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

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

§ 9-5.4012 SUNSET OF ARTICLE.

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

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

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR
CONSIDERATION AT THE COUNCIL MEETING OF MARCH 11, 2014**

FROM: Dawn Merchant, Finance Director *DM*
APPROVED BY: Steven Duran, City Manager *[Signature]*
DATE: February 27, 2014
SUBJECT: Amend Title 3, Chapter 1, of the Antioch Municipal Code to update procedures regarding Business Licensing

RECOMMENDATION

It is recommended that the City Council approve a:

1. Motion to read the ordinance by title only; and
2. Motion to introduce an ordinance amending in its entirety Chapter 1, "Business Licensing," of Title 3 of the Antioch Municipal Code and Adding Chapter 4, "Sound Advertising Regulations" to Chapter 2 of Title 5 of the Antioch Municipal Code.

BACKGROUND INFORMATION

Update of Procedures for Business Licensing

The City's business license ordinance was first adopted in 1947 with subsequent revisions dating up to 1993. The purpose of the proposed ordinance amendments (Attachment A) is to streamline and update procedures with current practices regarding business licensing and business license taxes and remove outdated language. As one might imagine, procedures in the Finance Department for licensing businesses and collecting the business license tax have evolved since 1947.

The proposed ordinance amendments do not change the current tax structure for business licenses (i.e. the amount of the tax) as that would require a vote of Antioch residents. The changes proposed are procedural: such as when a business license application must be submitted; clarifying the procedures for how contractors and subcontractors pay the business license tax to avoid duplication; and enforcement if the business license tax is not paid.

Provisions regarding Sound Advertising/Parades

The provisions regarding sound advertising regulations were originally placed in the chapter regarding business licensing, but seem more appropriately located in Chapter 2 ("Advertising") of Title 5 ("Public Welfare, Morals and Conduct"). These provisions deal with sound advertising from vehicles and are related to parade issues.

Business License Tax

Although not part of the procedural update of the business license ordinance, by way of background, generally the business license tax is based on the following formula:

\$25 for gross receipts up to \$20,000

\$1.25 per \$1000 of gross receipts for gross receipts from \$20,000 to \$1 million

\$1,250 plus \$.20 per \$1000 of gross receipts over \$1 million

There is also a business license application fee set through the Master Fee Schedule.

A Notice of Intent to Circulate a Petition for a Business License Tax on Residential Landlords had been filed with the City Clerk. The citizen's Initiative would impose a set business license tax per year on residential landlords. Currently, apartments pay under the gross receipts formula above. The citizens can gather signatures from registered Antioch voters after publishing a notice. If sufficient signatures are verified by the County Elections Department, then the Initiative would be presented to the City Council to determine whether to order a report; whether to place the initiative on the ballot at a future election date; or whether to consider other options. Meetings are occurring with the stakeholders. However, regardless of the outcome of those meetings, it is advisable to update 20 plus years-old procedures as to how businesses are licensed and the tax collected.

A separate Rental Inspection Program was established in 2007 with inspection fees, but was abandoned when the recession forced the layoff of the Code Enforcement division.

FINANCIAL IMPACT

Although the proposed ordinance to update the business licensing procedures does not increase the amount of the business license tax, it is hoped that updated and streamlined procedures may make collection of the tax more efficient.

OPTIONS

1. Introduce the attached ordinance.
2. Provide other direction to staff.

ATTACHMENTS

Attachment A – Ordinance

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING IN ITS ENTIRETY CHAPTER 1, "BUSINESS LICENSING" OF TITLE 3 AND ADDING ARTICLE 4, "SOUND ADVERTISING REGULATIONS" TO CHAPTER 2 OF TITLE 5 OF THE ANTIOCH MUNICIPAL CODE

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

SECTION 1. Chapter 1, "Business Licensing," of Title 3 is amended in its entirety to read as follows:

"CHAPTER 1: BUSINESS LICENSING

Article 1: General Provisions

- 3-1.101 Purpose and Applicability
- 3-1.102 Definitions
- 3-1.103 License required
- 3-1.104 Annual licenses
- 3-1.105 Daily licenses
- 3-1.106 [Reserved]
- 3-1.107 Issuance to Corporations Operating Under Fictitious Names
- 3-1.108 Duties of Tax Administrator
- 3-1.109 Unlawful Business
- 3-1.110 Duplicate Licenses
- 3-1.111 Posting, carrying, and exhibiting license
- 3-1.112 Applications
- 3-1.113 Review and Approval

- 3-1.114 Investigation
- 3-1.115 Grounds for Denial
- 3-1.116 Effect of Denial
- 3-1.117 Separate Licenses; More Than One Business; Exceptions
- 3-1.118 Separate Licenses; Branch Establishments; Exceptions
- 3-1.119 Operative Date
- 3-1.120 Renewals
- 3-1.121 Transfers and Changes
- 3-1.122 Grounds for Suspension or Revocation
- 3-1.123 Effect of Revocation or Suspension
- 3-1.124 Conditions of Approval
- 3-1.125 Permits Required for Certain Businesses
- 3-1.126 Penalty

Article 2: Taxes

- 3-1.201 Imposition of Tax
- 3-1.202 Payment
- 3-1.203 Penalties
- 3-1.204 Debt to City; Suits for Collection
- 3-1.205 Exemption
- 3-1.206 Exemption; Charitable Organizations
- 3-1.207 Exemption; Veterans
- 3-1.208 Exemption; Farmers
- 3-1.209 Exemption; Interstate Commerce

- 3-1.210 Advertising Regulations
- 3-1.211 Boxing and Wrestling
- 3-1.212 Card Rooms
- 3-1.213 Circuses and Carnivals
- 3-1.214 Contractors
- 3-1.215 Dances
- 3-1.216 Fortune-tellers
- 3-1.217 [Reserved]
- 3-1.218 Professions
- 3-1.219 Skating rinks
- 3-1.220 Taxis/Limousines
- 3-1.221 Vehicular businesses
- 3-1.222 Amusement devices/vending machines
- 3-1.223 Delivery trucks/wholesale sales
- 3-1.224 Flea market sales
- 3-1.225 Reserved
- 3-1.226 Promotional sales and merchandise shows
- 3-1.227 Manufacturing, packing, and processing
- 3-1.228 Condominium conversions
- 3-1.229 Real estate brokerage business
- 3-1.230 Annual rate escalation
- 3-1.231 Books and records
- 3-1.232 Appeal

Cross-reference:

Auction, closing-out, and secondhand sales, see §§ 5-3.01 et seq.

Card rooms, see §§ 5-4.01 et seq.

ARTICLE 1: GENERAL PROVISIONS

§ 3-1.101 PURPOSE AND APPLICABILITY.

This chapter establishes the business licensing law of the city. This chapter shall apply to all business activity located or operating within the boundaries of the City of Antioch and to the extent of, but not beyond, the City's power to tax.

§ 3-1.102 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS shall mean an establishment engaged in one or more commercial or mercantile activities for the purpose of earning, in whole or in part, a profit or livelihood whether or not a profit or livelihood is actually earned thereby.

BUSINESS ACTIVITY shall mean a commercial or mercantile activity, together with all devices, machines, articles, and appurtenances used therein, which is conducted for the purpose of earning, in whole or in part, a profit or livelihood whether or not a profit or livelihood is actually earned thereby.

BUSINESS BY VEHICLE shall mean the business of providing a service or soliciting work, labor or services to be performed from a vehicle. Such business shall include, but not be limited to, the following: janitorial, gardening, pest control, mechanics, handyman, pethouse sitting, and the like. ***BUSINESS BY VEHICLE*** shall not be deemed to apply to the delivery of goods, wares, or merchandise purchased by retail merchants in the city at wholesale prices and delivered to such merchants in the city for resale by them for use or consumption by the public off the premises, nor to persons operating such vehicles together and in conjunction with a fixed place of business within the city for which such business a license fee is paid under other provisions of this chapter. This definition shall not be interpreted as reclassifying any other business as defined in this section.

CARD ROOM shall mean any room, enclosure, or space furnished with a table or tables used, or intended to be used, as a card table for the playing of cards and similar games, the use of which table is available to the public, or where card playing or instruction in card playing or both, is conducted as a whole or as a part of the activities therein and as defined in Chapter 4 of Title 19.

COMPUTER GAMING AND INTERNET ACCESS BUSINESSES are defined in Chapter 11 of Title 5.

CONDOMINIUM and CONDOMINIUM CONVERSION are defined in § 9-5.203 of Chapter 5 of Title 9.

CONTRACTOR shall mean any person who engages with the owner, lessee, or other person in possession of any lot or parcel of land or building for the erection, construction, or repair of any building or structure in the city, or for the doing of any plumbing, wiring, heating, air-conditioning, drainage, irrigation, brick laying, cement work, sewer work, painting, tile work, carpenter work, lathing, plastering, roofing, shingling, landscaping, fencing, interior decorating, or any other work in connection with any of the building trades in the city, whether the same be by contract at a fixed price, upon the cost of material and labor basis, or upon the cost of construction plus a percentage thereof basis.

ENGAGED IN BUSINESS. The conducting, managing, or carrying on of any profession, trade, calling, occupation, or commercial enterprise, or any other activity for profit or livelihood in the city as owner, officer, agent, manager, employee, servant, or lessee of any of them.

FLEA MARKET shall mean the occasional sale of used goods, wares, and merchandise on commercially zoned property operated by the licensee who is not otherwise licensed for retail sales. Any such sale shall be conducted on such property and shall not exceed two days in length and shall not be conducted more than two times per calendar year.

FORTUNE-TELLER shall mean a person who practices or who professes to practice the business or art of astrology, palmistry, phrenology, card reading, fortune-telling, cartomancy, clairvoyance, crystal gazing, hypnotism, mediumship, prophecy, augury, divination, magic, or necromancy, or who receives a gift or a fee for such practice, or where admission is charged.

GROSS RECEIPTS shall have the meaning set forth in section 3-1.201(C) of this chapter.

ITINERANT VENDOR shall mean any person who engages in a temporary or transient business in the city, selling goods, wares, merchandise, or any other thing of value with the intention of conducting such business in the city for a period of not more than 90 days and who, for the purpose of carrying on such business, hires, leases, or occupies any room, doorway, vacant lot, building, or other place for the exhibition or sale of goods, wares, merchandise, or other thing of value. If the place in which a business is conducted is rented or leased for a period of 90 days or less, such fact shall be presumptive evidence that the business carried on therein is a transient business.

LICENSEE shall mean any person to whom a license has been issued under this chapter.

MASSAGE ESTABLISHMENT, MASSAGE THERAPY AND MASSAGE THERAPY TECHNICIAN are defined in Chapter 19 of Title 5.

PERSON shall have the meaning set forth in section 1-3.13 of this Code.

PROFESSIONAL shall have the meaning set forth in section 3-1.221 of this chapter.

PROMOTIONAL SALE AND MERCHANDISE SHOW shall mean an event organized or sponsored by six or more licensees having fixed places of business holding valid business licenses under this chapter, in which itinerant vendors, authorized by the sponsoring licensees, exhibit and sell goods, wares, and merchandise. No such sale may exceed seven days.

SALE is defined in section 3-1.232 of this chapter.

STREET shall mean all streets, avenues, alleys, highways, courts, lanes, places, squares, curbing, sidewalks, and other ways in the city which have been or may hereafter be dedicated as such or which, though not dedicated, are open to public use.

TAX ADMINISTRATOR shall mean the individual designated by the City Manager to perform the duties specified under this chapter.

VENDING MACHINE or AMUSEMENT DEVICES shall mean any machine charging to dispense any item, product, amusement, or service.

§ 3-1.103 LICENSE REQUIRED.

(A) Except as provided in §3-1.120, it shall be unlawful for any person to commence, conduct or purport to commence or conduct, either directly or indirectly, any business activity in the city without having an unrevoked license under this chapter so to do, valid and in effect at the time, and without paying the required taxes and fees therefore and complying with any and all regulations of such business provided in this chapter, unless such person is exempt under this chapter. Licensees shall promptly inform the city of any change in operation, ownership, location and/or name of licensed businesses. No person who is an employee, or who is the direct representative of a licensee, shall be required to pay a license tax for doing any part of the work of such licensee.

(B) No person may advertise or announce a business activity in the city until he or she has obtained a business license, and where required by this Code, a permit. Advertising or announcement includes, but is not limited to, disseminating pamphlets or handbills, publishing newspaper announcements, electronic advertisement on the internet or otherwise, and purchasing radio and television spots.

§ 3-1.104 ANNUAL LICENSES.

Except as otherwise provided in this chapter, all business licenses shall be issued for one year from the date of issuance and must be renewed annually. It is the responsibility of the business owner to renew the business license upon expiration regardless of whether the notice of expiration was received.

§ 3-1.105 DAILY LICENSES.

The daily license taxes provided in this chapter shall be due and payable each day in advance.

§ 3-1.106 [RESERVED]

§ 3-1.107 ISSUANCE TO CORPORATIONS OPERATING UNDER FICTITIOUS NAMES.

A business license may be issued to a business entity or to a natural person lawfully operating under a fictitious name. In all other cases, an applicant business must obtain a business license in the true name of the natural person or persons who are the applicant(s).

§ 3-1.108 DUTIES OF TAX ADMINISTRATOR.

The Tax Administrator or his/her designee shall keep, as required per the City's adopted record retention policy, all applications and related records for business licenses, renewals and revocations. The Tax Administrator or his/her designee shall collect and administer the business license tax. The Tax Administrator or his/her designee, after consultation with the City Attorney, may adopt regulations to aid in interpretation and implementation of this chapter. A regulation shall take effect when notice of that regulation is given in the manner required for ordinances of the City Council; however, that no such regulation may increase the tax due from any person under this chapter as "increase" is defined by Government Code section 53750, subd. (h).

§ 3-1.109 UNLAWFUL BUSINESS.

The issuance of a license pursuant to the provisions of this chapter evidences compliance with the requirements of this chapter that a licensee obtain a license and pay a tax and all applicable fees and shall not authorize the licensee to engage in any activity which for any reason is in violation of any federal, state or local law. Any business license issued with respect to any such business shall be void.

§ 3-1.110 DUPLICATE LICENSES.

A licensee must report the loss of any license, whether in the form of a sticker, tag, card, paper, or otherwise. The Tax Administrator or his/her designee shall issue the licensee a duplicate license upon the payment of a prescribed fee which shall be established by resolution of the City Council from time to time.

§ 3-1.111 POSTING, CARRYING AND EXHIBITING LICENSE.

(A) *Posting.* Every person required to have a license pursuant to this chapter engaged in business at a fixed place shall conspicuously post such license at that place at all times business is conducted there.

(B) *Carrying.* Every person required to have such a license and not having a fixed place of business shall carry such license at all times while conducting the business activity for which the license was granted.

(C) *Presentation on Demand.* Every person having a license shall produce and exhibit the license when applying for a renewal thereof and whenever requested to do so by any police officer, the Tax Administrator or his/her designee or by any other person authorized to issue or inspect licenses or collect business license taxes, or authorized to enforce the provisions of this chapter or of this Code.

§ 3-1.112 APPLICATIONS.

(A) Every application for a business license submitted under this chapter shall include an application fee in an amount established by resolution of the City Council from time to time, be signed by the applicant and contain information prescribed by the Tax Administrator or his/her designee. The determination of whether the application is complete shall be made in the manner prescribed by the Tax Administrator or his/her designee.

(B) Such application shall contain the name, location, and ownership of the business and the actual total gross receipts thereof for the 12 months immediately preceding month in which the application is submitted, or a fair and reasonable estimate of total gross receipts for the first 12 months of operation if operated less than 12 months prior to the date upon which the application is submitted.

(C) An applicant shall furnish all other information pertinent to the provisions of this chapter or other city laws applicable to the operation of such business in the manner the Tax Administrator or his/her designee shall prescribe. Where the substantive regulations of particular business activities under this Code or applicable law require, the Tax Administrator or his/her designee may require fingerprints and photo identification of every person authorized to conduct business under the license.

§ 3-1.113 REVIEW AND APPROVAL.

(A) Business license applications shall be subject to the approval of the Tax Administrator or his/her designee. Any person aggrieved by a decision of the Tax Administrator or his/her designee may request a review of that decision by the City Manager by a writing submitted to the City Clerk within seven calendar days of the decision of which review is sought.

(B) Before issuing any business license pursuant to this chapter, the Tax Administrator or his/her designee must confirm the applicant has agreed to abide by all the conditions and restrictions imposed under this Code.

(C) Each license issued under this chapter shall state the period of its validity, the name of the licensee, the business licensed, and the location or place where the business is to be conducted.

§ 3-1.114 INVESTIGATION.

(A) *Generally.* Upon receipt of a complete application, the Tax Administrator or his/her designee shall investigate facts in consultation with appropriate city and county agencies. This investigation shall ensure that the action on each business license application is consistent with the intent and purpose of this chapter and the activity to be licensed is in compliance with zoning and other applicable laws.

(B) *First Amendment Activities.* In the case of businesses involving First Amendment activities, this investigation shall be completed within ten days and the Tax Administrator's or his/her designee decision approving or denying the business license shall be made within that ten-day period.

§ 3-1.115 GROUNDS FOR DENIAL.

(A) *Business Activities Involving Free Speech.* The Tax Administrator or his/her designee shall approve an application for business activities involving free speech unless he or she makes any of the following findings on the basis of substantial evidence in the record of the decision:

1. The building, structure, premises, or the equipment used to conduct the business activity fails to comply with all applicable health, zoning, fire, building and safety laws of the State or of the City;
2. The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the business license or in any report or statement required to be filed with the Tax Administrator; or his/her designee
3. The business is prohibited by applicable law, including but not limited to zoning requirements applicable to the propose site of the business;
4. The applicant has failed to pay any sum required by this Code or other applicable law with respect to the activity to be licensed;

(B) *Business Activities Not Involving Free Speech.* The Tax Administrator or his/her designee shall not approve an application for a business license for business activities not involving free speech if he or she makes any of the following findings:

1. The building, structure, premises, or the equipment used to conduct the business activity fails to comply with all applicable health, zoning, fire, building and safety laws of the State or of the City;
2. The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the business license or in any report or statement required to be filed with the Tax Administrator; or his/her designee
3. The business is prohibited by regulation applicable law, including but not limited to zoning requirements applicable to the propose site of the business;
4. The applicant is found to have committed a crime involving moral turpitude which is substantially related to the business activity for which the license is sought;
5. The applicant, his or her agent or employee, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, has committed, assisted in, or incited the commission of any act, or act of omission, which would be grounds for adverse action under this chapter if committed by a licensee;
6. The establishment of the business will be detrimental to the public health, safety or welfare.
7. The applicant has failed to pay any sum required by this Code or other applicable law with respect to the activity to be licensed.

§ 3-1.116 EFFECT OF DENIAL.

(A) *Limitation on New Applications.* If an application is denied, the Tax Administrator or his/her designee shall not process a new application by that applicant for the business activity described in the application for twelve months after the denial unless the Tax Administrator or his/her designee determines that the reason for the denial has been cured. The Tax Administrator or his/her designee shall refund business license taxes, but not any separate application fee, paid for a business license that is denied or withdrawn.

(B) *Appealability.* Any person aggrieved by the grant or denial of an application for a business may appeal that decision pursuant to Chapter 4 of Title 1 of the Antioch Municipal Code. If the business involves First Amendment activity, or for a license to manage such an establishment, then at the discretion of the City Manager, the City Manager or designee may hear that appeal if it is not possible to convene a quorum of the Board of Administrative Appeals in a timely manner. In such situation the City Manager or designee shall act on that appeal and render a written decision within seven days of receipt of a timely appeal unless the appellant should consent to decision at a later time.

§ 3-1.117 SEPARATE LICENSES; MORE THAN ONE BUSINESS; EXCEPTIONS.

Separate licenses shall be obtained for each kind or class of business carried on at a location; provided, however, any person carrying on a business at one location containing several departments, all of which are presided over and carried on exclusively

by such person as proprietor or by members of his or her immediate family (parents, spouse, or children) need pay only one license tax which shall be the full license tax of whichever business activity is subject to the highest license tax under this chapter.

§ 3-1.118 SEPARATE LICENSES; BRANCH ESTABLISHMENTS; EXCEPTIONS.

Separate licenses shall be obtained for each branch establishment or separate place of business in which the business is conducted.

§ 3-1.119 OPERATIVE DATE.

(A) *Generally.* The operative date for a business license shall be the date the completed and approved application is processed.

(B) *Renewals.* The operative date for a business license renewal shall be from the first day of the month following the expiration date.

§ 3-1.120 RENEWALS.

(A) *Generally.* Except as otherwise provided in subsection (E) of this section, when an applicant submits a timely business license renewal, the Tax Administrator or his/her designee shall renew the license effective the first day of the month following the expiration date.

(B) *Renewal Application Deadlines.* Every person desiring to continue in business after the expiration of a license shall apply for renewal not less than thirty days after expiration of the license. In the case of a business activity having a fixed location, a license for a different location shall be reviewed as a new application rather than as a renewal.

(C) *Conduct of Business After Expiration of License.* In recognition of the fact that applications for renewal of a business license are submitted after the expiration date the 30 day renewal grace period is from the expiration date in which to renew without penalties.

(D) *Late Application.* Failure to file an application to renew a business license within the 30 days permitted by section 3-1.120 is a violation of this Code punishable as set forth in Chapter 2 of Title 1. However, a licensee may submit a late application which shall be processed with appropriate delinquent penalties assessed after 30, 60 and 90 days. The City does not honor post mark dates; an application is considered received when physically delivered to City Hall.

(E) *Imposition of Conditions on Renewal / Hearings.* Upon thirty days' written notice to a licensee, the Tax Administrator or his/her designee may impose conditions on renewal of a license as may be required to ensure the business operates consistently with

the requirements of this Code and the public health, safety and welfare provided, however, that conditions limiting hours of operation must be approved by the City Manager.

(F) *Appeal of Conditions of Renewal.* Any person aggrieved by the imposition of conditions on a renewal may request review by the City Manager by a writing submitted to the City Clerk within thirty days of the decision to be reviewed.

(G) *Associated Fees.* No license shall be renewed unless all other city fees and taxes owed by the applicant are paid in full.

(H) *Refunds.* Payment of business license is final and non refundable for any reason except as specified in section 3.1.116.

§ 3-1.121 TRANSFERS AND CHANGES.

(A) *Transfers of Ownership.* A new business license is required upon a transfer in ownership of a business required to have a license pursuant to this chapter. The new license shall be issued upon (i) the filing of a complete application and the payment of all required fees and tax, (ii) a finding that there has been no change in the location, nature or scope of business and (iii) a finding that the previous owner has a valid business license at the time of transfer. However, if the original business license application required the business owner or manager to be fingerprinted and/or subject to a background investigation, then the new business owner or manager must also be fingerprinted and the new license shall be subject to a background investigation.

The following shall be considered transfers of licensed businesses subject to this subsection (A):

1. The addition or withdrawal of a partner or partners; or
2. The transfer of a business from one partnership to another; or
3. The transfer of a business from a partnership to a corporation; or
4. The transfer of a business from one corporation to another; or
5. The transfer of a business from a corporation to a partnership; or
6. The transfer of a business from a corporation to a natural person, or vice versa, unless the corporation's sole shareholder and the natural person are the same; or
7. The transfer of a business from a partnership to a natural person, or vice versa; or
8. The transfer of a majority share of stock in a corporation in one or more transactions within twelve months.

(B) *Change of Name or Contact Information.* Whenever a business required to be licensed pursuant to this chapter changes its name, contact information or mailing address, a business license change form is required, along with payment of an application fee pursuant to § 3-1.112. The tax imposed under Article 2 of this Chapter shall not be imposed with respect to the issuance of such a new license. If the changes are in

conjunction with and during the renewal period, then an additional application fee is not charged unless payment is delinquent.

(C) *Change of Location.* Whenever a business required to be licensed pursuant to this chapter changes its business location, a new business license application is required, along with the payment of an application fee pursuant to § 3-1.112. The tax imposed under Article 2 of this Chapter shall not be imposed with respect to the issuance of such a new license. If the changes are in conjunction with and during the renewal period, then an additional application fee is not charged unless payment is delinquent.

(D) *Change in Business.* Whenever a business required to be licensed pursuant to this chapter changes the nature or scope of the business a new business license application is required, along with the payment of an application fee pursuant to § 3-1.112. The tax imposed under Article 2 of this Chapter shall not be imposed with respect to the issuance of such a new license. If the changes are in conjunction with and during the renewal period, then an additional application fee is not charged unless payment is delinquent.

(E) *Termination/Closures in Business.* Businesses must notify the City of the termination or closure of the business in writing and surrender the Business License certificate or all fees shall be due and retroactively collected and subject to late penalties. Surrender of the business license certificate terminates business tax liability except for prior amounts due. Failure to surrender the business license certificate is prima facie evidence that the business has been operating.

§ 3-1.122 GROUNDS FOR SUSPENSION OR REVOCATION.

(A) The Tax Administrator or his/her designee may suspend or revoke a business license if he or she finds on the basis of substantial evidence in the record of his or her decision that one or more of the following conditions exist:

- (1) *For Businesses Involving First Amendment Activities.*
 - i. Any ground exists which would justify refusal to grant an initial license to the business under section 3-1.115(A) of this Code were a new license required;
 - ii. That the licensee, licensee's employees, agents or manager has violated applicable law in the exercise of any rights granted by the license;
 - iii. That the licensee, licensee's employees, agents or manager published, uttered or disseminated any false, deceptive or misleading statements or advertisements in connection with the licensed business;
 - iv. That the licensee has failed to notify the Tax Administrator or his/her designee of any change in the licensed business as required by this chapter within ten days after such change;
 - v. That the licensee, licensee's employees, agents or manager has violated any conditions or restrictions of the license;

vi. That the licensee, the licensee's employees, agents or manager have permitted, allowed or failed to take reasonable steps to prevent the use of the business as a base or magnet for unlawful activity, including, but not limited to, solicitation, prostitution or drug trafficking.

(2) *Businesses That Do Not Involve First Amendment Activities.*

i. Any ground exists which would justify revocation of a license under subsection (A)(1) above;

ii. That the licensee committed a crime of moral turpitude which bears a substantial relationship to the conduct of the licensed business activity;

iii. That the licensee has been held liable for or convicted of any offense involving the maintenance of a nuisance resulting from the exercise of any rights permitted by the license, including but not limited to the issuance of an administrative citation unless that citation is determined to be unfounded by a court of competent jurisdiction;

vi. That the licensee, licensee's employees, agents or manager, has violated any rule or regulation of any governmental agency relating to the licensed business;

v. That the licensee has conducted the licensed business in a manner contrary to the health, safety and the general welfare.

(B) Any person aggrieved by a decision to revoke or suspend a license under this chapter may appeal to the City Manager by a writing filed with the City Clerk within seven calendar days of the decision to be reviewed. The City Manager shall act on an appeal from the revocation or suspension of a license for a business involving First Amendment activities and render a written decision within seven days of receipt of a timely appeal unless the appellant should consent to decision at a later time.

§ 3-1.123 EFFECT OF REVOCATION OR SUSPENSION.

(A) No business license tax or fees shall be refunded to any licensee upon revocation or suspension of a business license.

(B) Upon revocation of any business license under this chapter, no business license to operate the same business activity shall be granted to the same person for one year and, thereafter, only upon action the City Manager.

(C) Whenever a license is suspended or revoked, the licensee shall surrender to the Tax Administrator or his/her designee all business licenses, license stickers, tags, cards, or other evidence of the license.

(D) Upon revocation or suspension of a license under this chapter, the licensee shall immediately cease operation of the licensed business. Except as otherwise provided in this chapter or other applicable law, a licensee may resume operation when a stated suspension period expires.

§ 3-1.124 CONDITIONS OF APPROVAL.

(A) *Authority to Condition License.* The Tax Administrator or his/her designee may condition any business license if he or she finds on the basis of substantial evidence in the record of the decision that grounds for denial or revocation of a business license exist including, but not limited to, a finding that business has been conducted or operated in a manner detrimental to the public health, safety and general welfare in that:

1. The licensee, the licensee's agent, manager or employees have failed to maintain the premises in a neat and clean condition and have allowed the business premises to deteriorate and become blighted;

2. The licensee, the licensee's agent, manager or employees have allowed or failed to take reasonable steps to discourage unlawful activity on or immediately adjacent to the business premises; or

3. The licensee, the licensee's agent, manager or employees have failed to provide adequate parking to serve the volume of patrons it generates or otherwise caused traffic-related noise and disturbances.

(B) *Application to Change Conditions.* The Tax Administrator or his/her designee may change, modify or eliminate conditions on a license upon written request of the licensee if he or she finds that the reasons for the conditions have been cured.

(C) *Consent to Right of Entry.* If the Tax Administrator or his/her designee finds that unannounced inspections of the business premises are necessary to enforce the provisions of this chapter, it may impose as a condition of the license that the applicant or licensee consent to entry of the applicant's or licensee's place of business at all reasonable times by any city officer or employee authorized to enforce the provisions of this Code. Upon presentation of proper credentials by any such officer or employee, the applicant or licensee shall comply with such inspection. Nothing in this subsection is intended to limit the power of the Tax Administrator, or his/her designee city officers, or employees to enter any place held open to the public or otherwise to create a reasonable expectation of privacy.

(D) *Noise Abatement.* Whenever the Tax Administrator or his/her designee determines that noise from any business licensed under this chapter interferes with the right of neighbors to the peaceful and quiet use and enjoyment of property, or has violated Chapter 5-17 (Disturbing the Peace) of this Code, the Tax Administrator or his/her designee may require the licensed premises to be soundproofed or that the licensee take other steps to reduce noise to a reasonable level. The Tax Administrator or his/her designee shall balance the interests of all affected parties with any hardship which will result from the order. The Tax Administrator or his/her designee may rely on substantial evidence, including, but not limited to that, provided by other City employees and officers.

§ 3-1.125 PERMITS REQUIRED FOR CERTAIN BUSINESSES.

(A) No license shall be issued before any land use approval under the Antioch Municipal Code is granted or any permit required under the Antioch Municipal Code pursuant to the City's police power is granted. Such permits include but are not limited to massage establishments, computer gaming and internet access businesses, taxis/limousines, and card rooms.

(B) No license shall be issued for a circus, boxing contest, boxing or sparring exhibition, sideshow, dance hall, skating rink, bowling lane, amusement or recreation parlor or place of any description, or similar enterprise until the applicant has applied for a permit to be issued by the City. The City may deny any such application if he or she determines that the granting of the permit will be contrary to the preservation of the public peace, health safety, or general welfare. The City may approve such a permit on such terms, conditions, and restrictions upon the operation, management, and conduct of such business, not in conflict with any applicable law, as he or she may deem necessary or expedient to protect the public peace, health, safety, or general welfare. In addition to the permit required by this section, the applicant shall obtain a business license authorizing such uses from the Tax Administrator or his/her designee, and shall pay the fees and taxes required by this chapter. Except as otherwise provided in this chapter, all permits shall be issued for one year and must be renewed annually.

(C) It shall be unlawful for the holder of any such permit or land use entitlement to violate or permit the violation of any of the terms, conditions, and restrictions imposed upon the issuance of such permit or entitlement.

§ 3-1.126 PENALTY.

(A) Every person who shall carry on any business, trade, profession, or calling, whether as principal, agent, clerk, solicitor, or otherwise, for which this chapter requires a license without first obtaining that license, or who shall otherwise violate any of the provision of this chapter, shall be punishable pursuant to §§ 1-2.01 et seq. of this code.

(B) The conviction and punishment of any person having engaged in business without a license shall not excuse or exempt such person from the payment of any license tax due or unpaid at the time of such conviction, and nothing in this chapter shall prevent criminal prosecution for any violation of any provision of this chapter.

ARTICLE 2: TAXES

§ 3-1.201 IMPOSITION OF TAX.

(A) Any business not specifically enumerated in this chapter which the city may tax under this chapter shall pay a business license tax according to annual gross receipts, as specified in this section.

(B) Computation. Annual gross receipts shall be based on the data required of an applicant by section 3-1.112(B) of this chapter.

(C) GROSS RECEIPTS shall mean the total sale prices of all sales, and/or the total amount charged or received for the performance of any act or service or employment, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act, service or employment is done as a part of or in connection with the sale of materials, goods, wares or merchandise, and when such act, service or employment occurs as a result of any business activity within the city. GROSS RECEIPTS includes all receipts, cash, credits and property of any kind or nature, except as excluded by this subdivision (C), without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever as shown by either the federal or state income tax return required to be filed by such person. **GROSS RECEIPTS** exclude:

1. Cash discounts allowed and taken on sales;
2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
4. Such part of the sale price of property returned by purchasers upon rescission of a contract of sale as is refunded either in cash or by credit;
5. Amounts collected for others for whom the business acts as an agent or trustee to the extent such amounts are paid to those for whom collected;
6. The amount of gross receipts which has been the measure of a license tax paid to any other local government; and

(D) Those whose annual gross receipts fall within the range limits set forth in this subdivision (D) shall pay a business license tax as indicated below:

<i>From</i>	<i>To</i>	<i>Tax</i>
\$0	\$20,000	\$25
20,001	1,000,000	\$1.25 / \$1,000 of gross receipts
1,000,001 & above		\$1,250 plus 20¢ / thousand dollars of gross receipts over \$1,000,000

§ 3-1.202 PAYMENT.

All business license taxes shall be payable to the Tax Administrator at such place as he or she shall designate. The business license tax for new business licenses is due and payable upon the submission of an application for a new business license. The business license tax for businesses submitting a renewal application is due and payable within 30 days after the expiration date of the business license for which a renewal is sought.

§ 3-1.203 PENALTIES.

(A) Unless otherwise specified by the terms of a particular license, taxes are due and payable within 30 days following expiration date of the license.

(B) Any business license tax not paid when it becomes due and payable shall be delinquent and the following penalties added to it as follows:

(1) Ten percent of the business license tax for a delinquency after 30 days from the expiration date.

(2) Thirty percent of the business license tax for a delinquency of 60 days from the expiration date plus a new application fee as provided in § 3-1.120; and

(3) Fifty percent of license tax for a delinquency of 90 days from the expiration date plus a new application fee as provided in § 3-1.120.

(C) Failure to pay the business license tax is a violation of the Antioch Municipal Code and a public nuisance. The City may seek any remedies available to it for such violation and public nuisance.

(D) Any business operating in violation of the Antioch Municipal Code or as a nuisance is subject to water service disconnection, subject to noticing requirements under the law.

§ 3-1.204 DEBT TO CITY; SUITS FOR COLLECTION.

The amount of any business license tax and any other tax or fee due under this chapter shall constitute a debt to the City and any person who fails to pay all such taxes and fees in full when due shall be subject to an action in the name of the City in any court of competent jurisdiction for the collection of the amounts due with such prejudgment and post-judgment interest as allowed by law. Such person shall also be obligated to pay the City its reasonable and actual costs of collection, and entitled to recover from the City its reasonable and actual costs of defense if a debt action results in a final judgment in favor of the defendant. No fee shall be awarded to either the City or a successful defendant unless notice of intent to seek a fee award is provided by the prayer of a complaint or answer or otherwise upon the initiation of the action.

§ 3-1.205 EXEMPTIONS.

Upon written application from a licensee filed with the City Clerk within seven days of a determination of the Tax Administrator, or his/her designee the City Manager shall resolve cases of doubt as to any applicant's entitlement to an exemption from any business license tax or fee or from the application of any provision of this chapter.

§ 3-1.206 EXEMPTIONS; CHARITABLE ORGANIZATIONS.

Pursuant to State law, this chapter does not require payment of a business license tax from any non-profit entity managed, or carried on wholly for the benefit of charitable purposes; nor shall any business license be required to conduct any entertainment, concert, exhibition, or lecture on scientific, historical, literary, religious, or moral subjects whenever the receipts are to be appropriated to any non-profit entity. Nothing in this chapter shall be deemed to exempt any non-profit entity from the permit or application fee requirements of this chapter.

§ 3-1.207 EXEMPTIONS; VETERANS.

Pursuant to the Business and Professions Code section 16001.7 and as may be amended, honorably discharged or relieved veterans shall be entitled to business licenses for sale of goods other than alcoholic beverages without payment of any tax required by this chapter, provided such persons first provides the evidence sufficient to satisfy the Tax Administrator or his/her designee (i) that the applicant has received an honorable discharge from United States military service. Applicants pursuant to this section shall comply with all other provisions of this chapter pertaining to the licensing and permitting of businesses.

§ 3-1.208 EXEMPTIONS; FARMERS.

This chapter does not require farmers to procure a license or to pay any tax or fee under this chapter to sell exclusively their own produce. This exemption shall not apply to those who buy goods for resale as well as selling their own produce.

§3-1.209 EXEMPTIONS; INTERSTATE COMMERCE.

(A) Every person claiming exemption from payment of any tax or fee imposed by this chapter on the ground that the imposition of such tax places an unlawful burden upon his or her right to engage in international, interstate or intercity commerce or conflicts with applicable law shall file an affidavit with the Tax Administrator or his/her designee containing the following information:

- (1) The name and the location of the person for whom the orders are to be solicited or secured;
- (2) The name of the nearest local or state manager, if any, and his or her address;
- (3) The goods, wares, merchandise, or services to be delivered or performed;
- (4) The place from which the same are to be shipped or forwarded or the services performed;
- (5) The method of solicitation or taking orders;
- (6) The location of any warehouse, factory, or plant within the state;
- (7) The method of delivery;
- (8) The name and the location of the residence of the applicant; and
- (9) Any other facts necessary to establish such claim of exemption.

(B) A copy of the order blank, contract form, or other papers used by such person in taking orders shall be attached to the affidavit. If it appears that the applicant is entitled to such exemption, the Tax Administrator or his/her designee or City Manager, as the case may be, shall issue the permit and licenses required by this chapter upon demonstration the applicant is entitled to them, but shall not collect the taxes or fees required by this chapter to the extent the applicant is exempted from them by law.

§ 3-1.210 ADVERTISING; REGULATIONS.

(A) *Commercial.* Every person, except those mentioned in subdivision (B) of this section, engaged in advertising by means of a loudspeaker, sound amplifier, or similar device, or a display of signs, placards, billboards, or other advertising matter, when such mechanical or electrical device and/or signs, placards, billboards, or other advertising matter is attached to a vehicle moving about on the public streets of the city, shall pay a business license tax in an amount of \$15.00 per month. Each such license shall terminate

30 days from the issuance date and be subject to the regulations set forth in Article 4, Chapter 2, Title 5 of the Antioch Municipal Code.

(B) *Noncommercial.* Every person engaged in publicizing by means of a loudspeaker or sound amplifier attached to a vehicle moving about on the public streets of the city shall pay a business license tax in the amount of \$1.00 per month. Each such license shall terminate 30 days from the issuance date and be subject to the regulations set forth in Article 4 Chapter 2, Title 5 of this Code.

§ 3-1.211 BOXING AND WRESTLING.

Every person engaged in the business of conducting boxing contests or boxing or sparring exhibitions shall pay a business license tax in the amount of \$100 per day.

3-1.212 CARD ROOM.

Every person engaged in the business of conducting card rooms shall pay a business license tax based on gross receipts or \$260.00 per card table, per year, whichever is less unless the amount of the business license tax is otherwise established by the conditions to the card room license granted by the City Council.

§ 3-1.213 CIRCUSES AND CARNIVALS.

Every person engaged in the business of conducting circuses and carnivals shall pay a business license tax in the amount of \$100 for the first day and \$50 for each day thereafter.

§ 3-1.214 CONTRACTORS.

(A) Every person engaged as a contractor in any business activity which requires a permit under Title 8 of this Code shall pay a business license tax when each building permit is issued at the rate of \$0.75 for each \$1,000 or fraction thereof of the value used to determine the charge for the building permit.

(B) No contractor shall pay more than \$2,400 under this section in any 12 month period from when the building permit is issued. It shall be the responsibility of a contractor who has paid the maximum tax to establish when a building permit is issued that he, she or it has paid the maximum tax and that no additional tax is due.

(C) Subcontractors on a job for which the subcontractor has provided written evidence acceptable to the Tax Administrator that the general contractor has paid the business license tax for the full job value pursuant to subsection A above shall only be required to obtain a business license certificate and pay such application fee, but not be required to pay the business license tax.

§ 3-1.215 DANCES.

Every person engaged in the business of conducting dances for which an admission fee is charged shall pay a business license tax in the amount of \$100 for each

such dance. The provisions of this chapter shall not apply to dance halls permitted pursuant to Chapter 6 of Title 5 of this Code.

Cross-reference: Dances, see §§ 5-6.01 et seq.

§ 3-1.216 FORTUNE-TELLERS.

Every fortune-teller defined in § 3-1.102 of this chapter that is not engaged in First Amendment activities shall pay a license tax based upon his, her or its gross receipts as provided in § 3-1.201.

§ 3-1.217 [RESERVED.]

§ 3-1.218 PROFESSIONS.

(A) **PROFESSIONAL** means:

(1) A person employed as a physician, dentist, pharmacist, psychologist, lawyer, accountant, actuary, architect, engineer, economist, scientist, nurse, teacher, computer system analyst, graphic designer and business management consultant; or

(2) A person who believes their profession is *substantially* similar to those listed in Section (A)(1) above may appeal the determination that they are not a professional to the Board of Administrative Appeals pursuant to Chapter 4 of Title 1 of the Antioch Municipal Code including payment of an appeal fee in advance as established per the Master Fee Resolution.

(B) The owner of such business shall pay a business license tax based on gross receipts as provided in § 3-1.201 provided that the maximum annual tax payable under this section shall be \$312.50 annually.

§ 3-1.219 SKATING RINKS.

Every person engaged in the business of conducting a skating rink shall pay a business license tax in the amount of \$5 per day.

§ 3-1.220 TAXIS/LIMOUSINES.

Every person engaged in the business of conducting a taxi service shall pay a business license tax based on gross receipts as provided in § 3-1.201 plus any regulatory fee(s) identified in the Master Fee Schedule.

§ 3-1.221 VEHICULAR BUSINESSES.

Every person engaged in business by vehicle shall pay a business license tax based on gross receipts as provided in § 3-1.201.

Cross-reference: Taxicabs and rent cars, see §§ 5-12.01 et seq.

§ 3-1.222 AMUSEMENT DEVICES/VENDING MACHINES.

(A) The owner of each amusement device / vending machine installed, placed or used in the city, except a machine owned by the owner / operator of the premises where it is located, shall pay a business license tax based on gross receipts as provided in § 3-1.201.

(B) When an amusement device / vending machine is owned or operated by the owner or operator of the premises where it is located, the owner shall include the receipts therefrom in his, her or its gross receipts for any computation required by this chapter.

§ 3-1.223 DELIVERY TRUCKS/WHOLESALE SALES.

Every person engaged in the business of wholesaling within the city, whether at a fixed place of business or from trucks, and including the selling of merchandise, articles and goods to retail stores, restaurants, hotels, and similar businesses shall pay a business license tax in the amount of \$115 per year.

§ 3-1.224 FLEA MARKET SALES.

Every person engaged in business as a flea market operator or vendor shall pay a business license tax in the amount of \$10 per day.

§ 3-1.225 [RESERVED]

§ 3-1.226 PROMOTIONAL SALES AND MERCHANDISE SHOWS.

Notwithstanding anything to the contrary contained within this article, itinerant vendors, invited and authorized by the sponsoring licensees conducting promotional sales or merchandise shows, shall not be required to secure a license or to pay a business license tax under this chapter, provided the sponsoring licensees pays an additional business license tax for each such itinerant vendor in the amount of \$100 per promotional sale or merchandise show.

§ 3-1.227 MANUFACTURING, PACKING, AND PROCESSING.

(A) Every person conducting or carrying on a business consisting of manufacturing, packing, or processing any goods, wares, or merchandise at a fixed place of business shall pay a business license tax based on gross receipts as provided in § 3-1.201.

(B) For the purposes of this section, the tax shall be applicable to the value of the manufactured or processed product, as reflected by the licensee's method of accounting, using generally accepted principles of accounting consistently applied, less the cost of purchased raw materials or, in the alternative, less the value of the raw materials or the value of the partially completed product when it enters the manufacturing process.

§ 3-1.228 CONDOMINIUM CONVERSIONS.

A condominium conversion business license tax is imposed upon the development of all condominium conversion projects in the amount of \$500 per dwelling unit.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONDOMINIUM and **CONDOMINIUM CONVERSION.** These terms shall be defined as in § 9-5.203 of Chapter 5 of Title 9.

DEVELOPMENT. Any and all acts connected with the creation, conversion into, marketing of, or improvement to convert an existing residential dwelling unit into a residential condominium.

SALE. The transfer of title to property, or the exclusive right to occupy it, by the execution of a deed, lease, or other instrument by a seller or lessor and unconditional delivery thereof to the purchaser or lessee. For the purposes of this section, a **SALE** shall not be deemed to be completed until a properly executed deed, lease, or other instrument is delivered to the purchaser or lessee, except in a land sale contract where the sale shall be completed upon the execution of the contract. The recordation of the deed or lease, or a memorandum thereof, shall be prima facie evidence of delivery.

(B) *Condominium conversion licenses.* The Tax Administrator or his/her designee shall issue a condominium conversion business license following (i) approval of a tentative map and use permit, (ii) upon the payment of the required business license tax provided for in this section or upon the execution and recordation of a duly notarized agreement signed by all record owners of the property contained within the condominium project, in a form approved by the City Attorney, agreeing to pay the condominium license tax prior to the transfer of title to each unit. The tax shall be paid before the City approves a final subdivision map unless record owners provide an agreement to pay, in which case at least 25% of the tax owing on the first phase of converted units available for sale shall be paid in cash before approval of a final map. Such agreement shall be recorded with the County Recorder and shall create a lien against the property until paid. Within five days after the payment of such tax, the Tax Administrator or his/her designee shall record a release of the lien.

(C) *Exemption.* The tax imposed by this section shall not apply to a condominium conversion to be occupied predominately by senior citizens or disabled persons of low income.

(D) *Tax liens; hearings.* In the event a developer shall fail to obtain a condominium conversion business license, the Tax Administrator or his/her designee shall notify him, her or it of the violation of this chapter and that if the developer does not request a hearing by a writing submitted to the City Clerk within five days of that notice, a lien will be filed against the property for the full amount of the business license tax due under this section. In the event an aggrieved person timely requests a hearing, a public hearing will be noticed to affected property owners and the developer and conducted by the Tax Administrator or his/her designee within 30 days of such request, at which time any aggrieved person may present evidence to contest the lien. The Tax Administrator or his/her designee shall determine the developer's obligation to pay the business license tax and the amount of the business license tax owed and give notice of that decision at least five days before recording the lien.

(E) *Filing notices of liens.* The Tax Administrator or his/her designee upon the determination that the business license tax is due, shall record a notice of lien in substantially the following form:

NOTICE OF LIEN - Pursuant to the authority vested in me by Section 3-1.232 of the Antioch Municipal Code, I did hold a hearing on the _____ day of _____, 20 _____, which date was within 30 days after receiving a request for hearing and more than five days after mailing notice of that hearing to interested parties, to ascertain whether a tax lien should be imposed upon the property described below for nonpayment of a required condominium conversion business license tax of which \$ _____ is still unpaid and owing; and having determined at that hearing that this amount is owed to the City of Antioch, the City does hereby claim a lien on said real property in the sum of \$ _____, and the same shall be a lien upon the real property until paid in full and discharged of record, and said sum shall be collected in the same manner and at the same time as are the taxes for the City on that real property and subject to the same penalties and procedures to foreclose.

The real property herein mentioned and upon which a lien is claimed is that certain piece or parcel of land in the City of Antioch, County of Contra Costa, State of California, and particularly described as follows (description of property):

Dated this _____ day of _____, 20 _____.

Tax Administrator or his/her designee

(F) *Remedies of this section.* The remedies for failure to pay the business license tax imposed by this section shall be supplementary to any other remedy provided by law for the failure to pay a business license tax and shall also be cumulative, both with regard to each remedy provided by this chapter and each remedy provided by law.

(G) *Tax refund.* If the condominium conversion project is never consummated by sale of a unit, the person paying the business license tax shall be entitled to a refund of tax upon the filing of a new map, reversion to acreage or other lawful means to terminate the condominium status of the property. The City shall make the refund within 30 days of adoption of a budget for the fiscal year commencing the filing with the Tax Administrator or his/her designee of a complete application for refund. The tax Administrator or his/her designee shall release any recorded lien immediately upon such refund.

§ 3-1.229 REAL ESTATE BROKERAGE BUSINESS.

All real estate brokers and agents doing business within the City, whether located within in the City or not, shall pay a yearly business license tax based on gross receipts directly attributable to business activity conducted within the City as provided in § 3-1.201. If the broker includes in the gross receipt calculation the activities of all affiliated real estate agents within the City, then the agents do not need to obtain a separate business license certificate or pay a separate business license tax.

§ 3-1.230 ANNUAL RATE ESCALATION.

The administrative fee imposed under § 3-1.112, any other fee imposed by this chapter in a flat dollar amount (rather than as a percentage of some other sum), and all business license taxes, other than those based on gross receipts under § 3-1.201, shall be adjusted from year to year to reflect the percent change in the Consumer's Price Index as defined by the U.S. Department of Labor Bureau of Labor Statistics All Items Consumer Price Index for the San Francisco/Oakland Urban Area (hereinafter referred to as "CPI factor") for March 31st of each year, multiplied by \$1. All business licenses issued on or after July 1st of each year will be based on the CPI factor of the preceding March 31st. The Tax Administrator or his/her designee shall annually apply the CPI factor and calculate all fees and taxes due under this chapter and shall give notice of those calculations in the manner required by law for ordinances of the City Council. The City Council may, but need not, direct the Tax Administrator or his/her designee to forebear from collecting the entire amount of fees and taxes as adjusted for inflation under this section in one or more fiscal years, but any such forbearance may terminate when the Council directs without constituting the increase of a tax for which additional voter approval is required it being the voters' intent to authorize, but not require inflation adjustment in any fiscal year.

§ 3-1.231 BOOKS AND RECORDS.

(A) The books and records of every licensee or applicant for license shall be subject to audit and verification by the Tax Administrator, or his/her designee or authorized employees of the City, who are hereby authorized to examine, audit, and inspect the books and records of any licensee or applicant for license as may be necessary in their judgment to verify or ascertain the amount of business license tax due.

(B) All persons subject to the provisions of this chapter shall keep complete records of business transactions, including sales, receipts, purchases, and other expenditures, and shall retain all such records for examination by the Tax for at least three years. Refusal to allow authorized representatives of the Tax Administrator or his/her designee to examine books and records at reasonable times and places shall constitute a violation of this Code and shall be sufficient grounds to refuse issuance, renewal or the continuing effectiveness of a business license.

(C) The information furnished or secured pursuant to this chapter shall be confidential, and any unauthorized disclosure or use of such information by any officer or employee of the City shall be punishable pursuant to section 1-2.01 of this Code and such officer or employee shall be subject to all other penalties provided by law. Penalty, see § 3-1.129

§ 3-1.232 APPEAL.

Any person aggrieved by any administrative action under this chapter may appeal in accordance with § 1-4.01 of this code unless a more specific appellate remedy is provided by this chapter."

SECTION 2. Article 4, “Sound Advertising Regulations,” of Chapter 2 of Title 5 is added to the Antioch Municipal Code to read as follows:

“Article 4: Sound Advertising Regulations

§ 5-2.401 SOUND ADVERTISING REGULATIONS.

(A) Sound advertising from vehicles shall be subject to the following regulations:

- (1) The only sounds permitted shall be music and human speech.
- (2) Sound advertising shall be permitted only between 9:00 a.m. and sunset.
- (3) The vehicle with the sound device shall not proceed at a speed of less than 10 miles per hour, nor shall sound be issued while the vehicle is not in motion.
- (4) No sound shall be issued within 100 yards of a hospital, school or church, theater or other place of assembly.
- (5) Human speech amplified by the sound device shall not be lewd, indecent, slanderous, or contrary to any federal, state, or municipal law; nor shall such speech be specifically addressed to individuals, pedestrians, or motorists as distinguished from the public in general.
- (6) The volume of the sound shall be controlled so that it is not audible for a distance in excess of 100 yards.
- (7) The Chief of Police shall have the authority, based upon traffic conditions and the health, safety, and general welfare, to determine the streets upon which the vehicle with the sound device shall proceed.

(B) The Chief of Police shall monitor the operation of vehicles with sound devices and shall report to the City Manager violations of the regulations set forth in this section. If the City Manager reasonably finds that the licensee has violated the regulations, the City Manager shall direct the Tax Administrator or his/her designee to refuse the issuance of a new business license to the licensee and may revoke the license already granted.”

SECTION 3. CEQA.

This ordinance is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guideline section 15061 (b) (3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 4. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Further, it is not the intention of this ordinance to increase the amount of tax on any business activity as “increase” is defined in Government Code section 53750(h). If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, determined to increase the amount of tax on any business activity, such provision shall be severed from this Ordinance.

SECTION 5. Effective Date.

This Ordinance shall be effective thirty (30) days from and after the date of its adoption.

SECTION 6. Publication; Certification.

The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with State law.

I do hereby certify that the foregoing ordinance was introduced by the City Council of the City of Antioch on _____ and passed and adopted by the City Council of the City of Antioch at a regular meeting held on the __ day of ____, 2014, by the foregoing vote:

AYES: COUNCIL MEMBERS

NOES:

ABSENT:

ABSTAIN:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

Development Impact Fee Study Results

The Economics of Land Use



presented to

City of Antioch
City Council

presented by

Walter Kieser
Economic & Planning Systems, Inc.

March 11, 2014

Economic & Planning Systems, Inc.

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Berkeley
Denver
Los Angeles
Sacramento

Presentation Overview

1. Development Impact Fee Introduction
2. Antioch Development Impact Fee Study Process
3. Impact Fee Study Results and Proposed Impact Fee

1. Development Impact Fees

- Impact fees are “one-time” charges to new development that can fund capital improvements required to serve new development
- What can they fund?
 - Funds only infrastructure, capital facilities, and other capital items (e.g., police vehicles)
 - Funds only portion of costs associated with new development (“nexus”)
 - Non-fee funded portion must be funded through other sources
 - Cannot fund ongoing services or operating costs
- Part of City’s overall infrastructure financing program

Mitigation Fee Act

- Impact fees must be adopted consistent with the *Mitigation Fee Act* (Government Code Section 66000)
- New development impact fees are adopted pursuant to a technical nexus study that must address:
 - Purpose of the Fee
 - Use of the Fee Revenue
 - Connection between capital facilities and types of new development
 - Relationship between the need for the facility and the new development
 - Proportionality between costs of facilities required to serve new development and fee levels

Common Development Impact Fees

- Transportation
- Parks and Recreation
- Public Safety
- Parks and Recreation
- Civic Facilities (City Hall, etc.)
- Water and Wastewater Facilities

Economic Considerations

- Impact fees provide certainty to developers in terms of City infrastructure requirements
- Insofar as fees are investments in necessary infrastructure and improve quality of life they “create value”
- Impact fees add to the cost of new construction
- Fees, like other costs, do not directly influence prices (markets set prices)
- Like other development costs, fees can influence development feasibility as profit margins slim
- Aggregate fees should be moderated to fund necessary capital facilities while not displacing otherwise feasible development

2. Proposed Development Impact Fees

- EPS was retained in 2010 to prepare a development impact fee “nexus” study supporting adoption of a new fee
- New impact fees proposed as a replacement for the City’s existing Residential Development Allocation (RDA) charges
- The development impact fee work program presented at a City Council Meeting in June 2010
- Since that time EPS has worked closely with City staff in developing the required inputs and conducting necessary analysis to support nexus study preparation
- Draft impact fee nexus study presented to Planning Commission on November 13, 2013

Proposed Development Impact Fees

- Development impact fees include the City's existing fees:
 - Traffic Signals
 - Park In-lieu of dedication fee (Quimby Act)
- New impact fees include:
 - General administration
 - Public works
 - Police
 - Parks and recreation (park development)
 - Update to park in-lieu fee

Development Impact Fee Adoption Process

Nexus study was prepared working closely with City staff, including the following steps:

- 1. New Development.** Determined new development and service population through General Plan Buildout
- 2. New Capital Facilities.** Identified City's additional capital facilities needs and costs
- 3. Cost Allocation.** Determined "proportionate" distribution of costs between new development and existing development
- 4. Potential Fee Levels.** Calculated maximum supportable impact fee levels by use type

Development Impact Fee Adoption Process

- 5. Other Funding Required.** Determined level of funding required from other City sources to complement fee revenues
- 6. Administrative Draft Nexus Study.** Submitted administrative draft nexus study to City staff for review, comment, and refinement where appropriate
- 7. Public Review Draft Nexus Study and Public Review.** Complete Nexus Study and begin process of public review
- 8. Council Adoption of Fee Ordinance and rate-setting Resolution.**

3. Fee Study Results

- City currently charges \$1,412 per single-family unit for traffic signal (\$362) and Park In-Lieu Fees (\$1,050)
- City does not currently have general administration, public works, police, or parks/ recreation facilities fees
- New development impact fee schedule would increase by:
 - \$5,876 per single-family unit
 - \$3,665 per multifamily unit
 - \$0.31 per nonresidential square foot
- Fees proposed to replace existing Residential Development Allocation system payments by new residential development

Technically Supported Fee Schedule (1)

Fee Category	Single-Family (per unit)	Multifamily (per unit)	Nonresid. (per sq. ft.)
Traffic Signal (2)	\$362 (same)	\$362 (same)	\$0.46 (same)
General Admin.	\$458 (+\$458)	\$290 (+\$290)	\$0.07 (+\$0.07)
Public Works	\$443 (+\$443)	\$281 (+\$281)	\$0.06 (+\$0.06)
Police	\$1,186 (+\$1,186)	\$752 (+\$752)	\$0.18 (+\$0.18)
Parks and Rec. Facilities	\$3,249 (+\$3,249)	\$2,057 (+\$2,057)	na
Park In-Lieu/ Quimby Act (3)	\$1,500 (+\$450)	\$950 (+\$285)	na
Total	\$7,198 (+\$5,786)	\$4,692 (+\$3,665)	\$0.77 (+\$0.31)

- (1) Includes 3% administrative cost. Also, does not show other fees unchanged by this study, including sewer, water, drainage, fire, and fees charged by other entities.
- (2) Unchanged from existing fee level.
- (3) Updated using statutory Quimby methodology.

Required Funding from Other Sources

- Fees are integrated into City's Capital Improvement Program financing efforts
- Proposed impact fee schedule would generate about \$66.8 million in total City capital facilities funding through General Plan buildout
- About \$58.0 million in funding from other sources will be required to cover existing development's proportionate share
- This complementary City funding is primarily required to fund the portion of new parks and recreation facilities investments that will benefit existing residents

Development Impact Fee Administration

- Fees levied at issuance of building permits
- Fee funds segregated into separate accounts
- Annual reports required to document fee revenues and expenditures
- Regular updates to the nexus study and fee are required (typically every 5 years)
- Impact fee includes a surcharge for administrative costs
- Ordinance allows for developer construction of fee funded improvements and related fee credits and reimbursements as may be appropriate.