



Council Chambers
200 H Street
Antioch, CA 94509

Study Session/Special Meeting - 5:30 P.M.
Regular Meeting - 7:00 P.M.

ANNOTATED AGENDA

for

MARCH 25, 2014

Antioch City Council
SPECIAL AND REGULAR MEETING

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

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
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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.

5:34 P.M. ROLL CALL – SPECIAL MEETING – for Council Members/City Council Members acting as Successor Agency/ Housing Successor to the Antioch Development Agency – **All Present**

PLEDGE OF ALLEGIANCE

STUDY SESSION – SPECIAL MEETING

- 1. PRESENTATION AND DISCUSSION OF BUDGET DEVELOPMENT FOR THE GENERAL FUND, RECREATION FUND, PREWETT WATER PARK FUND AND ANIMAL SERVICES FUND FOR THE 2014-15 FISCAL YEAR

Direction given to staff to provide feedback at the 04/08/14 Council Meeting Study Session

Recommended Action: Motion to provide direction and feedback

STAFF REPORT

STAFF REPORT

ADJOURNED SPECIAL MEETING to break – 7:11 p.m.

7:21 P.M. OR ROLL CALL – REGULAR MEETING – for Council Members/City Council Members acting as Successor Agency to the Antioch Development Agency – **All Present**
following the Study Session/ Special Meeting whichever is later

- 2. **PROCLAMATION** – American Red Cross Month, March 2014

Recommended Action: Motion to approve the proclamation

Approved, 5/0
STAFF REPORT

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENING

- **ECONOMIC DEVELOPMENT COMMISSION** (Deadline date to apply: 04/10/14) **and**
- **PLANNING COMMISSION** (Deadline date to apply: 04/24/14)

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

CITY COUNCIL SUBCOMMITTEE REPORTS

MAYOR'S COMMENTS

3. CONSENT CALENDAR for City /City as Successor Agency to the Antioch Development Agency

A. APPROVAL OF COUNCIL MINUTES FOR MARCH 11, 2014

Recommended Action: Motion to approve the minutes

Approved, 5/0
MINUTES

B. APPROVAL OF COUNCIL WARRANTS

Recommended Action: Motion to approve the warrants

Approved, 5/0
STAFF REPORT

C. APPROVAL OF TREASURER'S REPORT FOR FEBRUARY 2014

Recommended Action: Motion to approve the report

Approved, 5/0
STAFF REPORT

D. REJECTION OF CLAIM

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

Recommended Action: Motion to reject the listed application for a late claim

Rejected, 5/0
STAFF REPORT

E. CONSIDERATION OF ADOPTION OF DEVELOPMENT IMPACT FEES AND AMENDMENTS TO THE GROWTH MANAGEMENT PROGRAM (Introduced on 03/11/14)

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: It is recommended that the City Council approve a:

Ord. No. 2079-C-S, 5/0

1) Motion to adopt an ordinance adding Chapter 3 of Title 9 to the Antioch Municipal Code establishing Development Impact Fees

Ord. No. 2080-C-S, 5/0

2) Motion to adopt 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

Reso No. 2014/21, 5/0

3) Motion to adopt a resolution amending the Master Fee Schedule to reflect the adopted changes in development impact fees and park in-lieu fees

STAFF REPORT

CONSENT CALENDAR for City /City as Successor Agency to the Antioch Development Agency – Continued

- B) THE CITY OF ANTIOCH IS PROPOSING ZONING ORDINANCE AMENDMENTS TO REVISE THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM (GROWTH MANAGEMENT PROGRAM).

Ord No. 2081-C-S, 5/0

Recommended Action: Motion to adopt an ordinance repealing and reenacting Title 9, Chapter 5, Article 40 or the Antioch Municipal Code regarding Residential Growth Management

STAFF REPORT

- F. AMEND TITLE 3, CHAPTER 1, OF THE ANTIOCH MUNICIPAL CODE TO UPDATE PROCEDURES REGARDING BUSINESS LICENSING (*Introduced on 03/11/14*)

Ord No. 2082-C-S, 5/0

Recommended Action: Motion to adopt 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

STAFF REPORT

- G. APPROVAL OF THE FREEWAY MAINTENANCE AGREEMENT FOR STATE ROUTE 4 LOVERIDGE ROAD INTERCHANGE/CENTURY BOULEVARD OVERCROSSING (04-CC-4-PM 24.9/25.8)

Reso No. 2014/22, 5/0

Recommended Action: Motion to adopt the resolution approving and authorizing the City Manager to sign the Freeway Maintenance Agreement for State Route 4 - Loveridge Road Interchange/Century Boulevard Overcrossing (04-CC-4-PM 24.9/25.8), in substantially the same form

STAFF REPORT

- H. AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH FLOW SCIENCE INCORPORATED

Approved, 5/0

Recommended Action: Motion to approve the Eighth Amendment to the Consultant Service Agreement with Flow Science Incorporated for scientific assistance in support of our negotiations with the California State Department of Water Resources (DWR) and review of the Bay Delta Conservation Plan

STAFF REPORT

- I. RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED AGREEMENT FOR DISPATCH SERVICES BETWEEN THE CITIES OF ANTIOCH AND BRENTWOOD

Reso No. 2014/23, 5/0

Recommended Action: Motion to adopt the resolution

STAFF REPORT

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

- J. APPROVAL OF SUCCESSOR AGENCY WARRANTS

Approved, 5/0

Recommended Action: Motion to approve the warrants

STAFF REPORT

REGULAR AGENDA ITEMS #6, #7, #8 AND #9 WERE PULLED FOR DISCUSSION AFTER CONSENT CALENDAR AND BEFORE PUBLIC HEARING

COUNCIL REGULAR AGENDA

6. APPOINTMENTS TO THE SALES TAX CITIZENS' OVERSIGHT COMMITTEE
4-year terms expiring March 2018:
Appointed Hansel Ho, Barbara Herendeen, Melvin Chappel and Catherine Walker

2-year terms expiring March 2016:
Appointed Ralph Garrow, Joseph O. Adebayo, and Salvatore Sbranti – 2-year terms,
5/0

Recommended Action: Motion to receive and file applications; Mayor to make appointments and City Council to approve

STAFF REPORT

7. BOARD OF ADMINISTRATIVE APPEALS APPOINTMENTS
Appointed Frederick Rouse: Unexpired term and Ademuyiwa "Ade" Adeyemi: Alternate 2-year term, Both expiring March 2016,
5/0

Recommended Action: Motion to receive and file applications; Mayor to make appointments and City Council to approve

STAFF REPORT

8. CONTRA COSTA MOSQUITO & VECTOR CONTROL BOARD OF TRUSTEES APPOINTMENT
Appointed Lola Odunlami: 2-year term expiring March 2016,
5/0

Recommended Action: Motion to receive and file application; Mayor to make appointment and City Council to approve

STAFF REPORT

9. CONTRA COSTA COUNTY LIBRARY COMMISSION APPOINTMENT
Appointed Walter Ruehlig: Unexpired term expiring June 2014,
5/0

Recommended Action: Motion to receive and file application; Mayor to make appointment and City Council to approve

STAFF REPORT

PUBLIC HEARING

4. PD-13-03 – A.I. HOLDING, LLC IS PROPOSING TO ADD RETAIL TO THE PERMITTED USES OF AN AREA DESIGNATED MEDICAL/PROFESSIONAL OFFICE WITHIN THE WILLIAMSON RANCH PLAZA AT 4851, 4849, 4847, AND 4839 LONE TREE WAY (APN 055-011-048, -055, -056, -057). THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THIS ITEM ON MARCH 5, 2014 (5-0 VOTE).

Recommended Action: 1) Motion to introduce the ordinance by title only; and
To 04/08/14 for adoption, 5/0
2) Motion to introduce an ordinance modifying the Williamson Ranch Plaza Planned Development.

STAFF REPORT

PUBLIC HEARING – Continued

5. GP-13-01, SP-13-01, Z-13-01, PD-13-02, V-13-01, UP-13-04, AR-13-04 – STANTEC, ON BEHALF AUTOZONE, INC. REQUESTS THE APPROVAL OF A GENERAL PLAN AMENDMENT; AN AMENDMENT TO THE EAST LONE TREE SPECIFIC PLAN; A REZONE; A FINAL PLAN DEVELOPMENT; A VARIANCE; USE PERMIT; AND DESIGN REVIEW IN ORDER TO BUILD A 7,766 SQUARE FOOT RETAIL STORE LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF LONE TREE WAY AND FAIRSIDE WAY (APN: 056-120-086). AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION ARE ALSO BEING CONSIDERED FOR ADOPTION. THE PLANNING COMMISSION DID NOT ACT ON THE ENVIRONMENTAL DOCUMENT AND BY WAY OF A 5-1 VOTE, WITH ONE VACANCY, RECOMMENDED THE CITY COUNCIL DENY THE REQUESTS.

Recommended Action: It is recommended that the City Council approve a:

- 1) Motion to adopt the resolution denying the General Plan amendment;
- 2) Motion to adopt the resolution denying the East Lone Tree Specific Plan amendment;
- 3) Motion to adopt the resolution denying the rezoning of the subject property from Medium High Density Residential (R_H) to Planned Development (PD); and
- 4) Motion to adopt the resolution denying the Final Development Plan, Variance, Use Permit and Design Review.

STAFF REPORT

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STAFF REPORT

City Council approved the Autozone project with the following actions:

1. ***Motion to adopt the resolution approving and adopting the Initial Study/Mitigated Negative Declaration (IS/MND) as adequate for the Project;***
Reso No. 2014/24
2. ***Motion to adopt the resolution approving the General Plan amendment;***
Reso No. 2014/25
3. ***Motion to adopt the resolution approving the East Lone Tree Specific Plan amendment;***
Reso No. 2014/26
4. ***Motion to introduce the ordinance by title only;***
5. ***Motion to adopt the ordinance rezoning the subject property from Medium High Density Residential (R_H) to Planned Development (PD) amending section 3 to state: “The permitted use shall be an auto parts store. Any other commercial use requires a Use Permit”; and***
To 04/08/14 for adoption with the amendments
6. ***Motion to adopt the resolution approving the Final Development Plan, Variance, Use Permit and Design Review. Amending Site and Project Design condition 5e to state: “The driveway on Lone Tree Way shall be designed as a commercial driveway with curb returns to permit one-way right-out turning movements and discourage illegal right-in movements, as approved by the City Engineer” and “As Applicant indicated it intended to do, Applicant shall engage in a demonstrable effort to hire employees locally.”***

Reso No. 2014/27

5/0

9:33 P.M. **ADJOURNED TO BREAK**

9:47 P.M. **ROLL CALL for Council Members – All Present**

COUNCIL REGULAR AGENDA – Continued

10. ADOPTION OF A REVISED ORDINANCE TITLE 6, CHAPTER 1, OF THE ANTIOCH MUNICIPAL CODE REGARDING ANIMALS

Recommended Action: 1) Motion to read the ordinance by title only; and

*To 04/08/14 for adoption,
Direction given to staff to work with groups that are interested in looking
at effective TNR (Trap, Neuter & Release/Return) solutions which
may include a place to isolate feeding cats,
4/1-T*

2) Motion to introduce an ordinance amending in its entirety Title 6, Chapter 1, Animals, of the Antioch Municipal Code

STAFF REPORT

STAFF REPORT

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

ADJOURNMENT – 11:18 p.m.

STAFF REPORT TO THE ANTIOCH CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF MARCH 25, 2014

Prepared by: Dawn Merchant, Finance Director

Reviewed by: Steve Duran, City Manager

Date: March 13, 2014

Subject: Budget Development Fiscal Years 2014-16

RECOMMENDATION

Provide direction and feedback to staff regarding the budget information provided.

SUMMARY

This study session is the first of several to begin building the fiscal year 2014-2015 budget and review projections for the fiscal year 2015-2016 budget.

BACKGROUND

The purpose of this study session is to start a preliminary review of the General Fund, as well as the Recreation and Animal Services Special Revenue Funds and Prewett Enterprise Fund as subsidies to these programs are integral to the General Fund budget. We are projecting to finish fiscal year 2014-2015 with just over \$7.98M in fund balance, without utilizing reserves. The 2014-2015 budget as presented in Chart C represents full year funding of all vacancies in the General Fund and we expect there will be savings to further increase the fund balance (reserves) in this upcoming fiscal year. It is important to present staffing as fully funded in order to see a clear picture of the full impact to the General Fund and what it can afford to bear.

Projections for fiscal year 2015-2016 and 2016-2017 are also provided for the General Fund in Chart C to better analyze where we are headed based on actions to date. While we are not adopting a 2015-2016 or 2016-2017 budget at this time, the Council needs to be aware of the potential for projected General Fund deficits, based on preliminary estimates.

GENERAL FUND

June 30, 2014

Current fiscal year projections indicate a fund balance of \$7.86M, which is higher than projected with the adoption of the fiscal year 2013-2014 budget. This equates to an unassigned fund balance of 19.66% which exceeds the fund balance policy target of 15%. While this may sound like good news, it is important to note that revenues are projected to be just shy of \$37M, which is still \$10.3M short of pre-recession levels. Although the City has been successful in building up the fund balance since the recession began through severe cuts and employee concessions, fiscal year 2013-2014 is seeing the end of

one-time revenues that have been band aids for the City's economic crisis. While departments have revised their budgets for this year to account for as much anticipated expenditure savings (including vacancies) as possible, we are projecting deficit spending of \$2.24M for 2013-2014. A discussion of each of the next two fiscal years follows.

June 30, 2015

Projected revenues in fiscal year 2014-2015 have increased \$5,956,588 over fiscal year 2013-2014. The major factor contributing to this increase is Measure C, the half cent sales tax approved to take effect April 1, 2014. We have conservatively budgeted \$4,489,747 for the fiscal year until actual figures can be seen. Measure C revenue is segregated on the General Fund table that follows later in the report (Chart C) and is being allocated to Police Department and Code Enforcement expenditures as directed by the City Council. This is also segregated out on the table as well. Other assumptions included in fiscal year 2014-2015 are:

- 5% increase in property tax revenue with an additional \$450,000 estimated from the northeast annexation representing a half year of property tax revenue from the annexation, with a full year represented in fiscal year 2015-2016.
- 1.8% increase in sales tax revenue.
- APOA and APSMA are entitled to a salary increase between a minimum of 2% and a maximum of 4.25% based on the existing four-city formula September 1, 2014. The budget assumes a 3% increase.
- PERS employer contribution rate of 26.25% for miscellaneous and 34.255% for safety, representing a 2.563% increase in the miscellaneous rate and 2.575% increase for safety.
- Increased cafeteria benefit cost of 8% for APOA and APSMA bargaining groups, with 4% for all others.
- Increased workers compensation premiums of 20%.
- Continue to fund medical after retirement and police supplementary retirement plans on pay as you go basis.
- Continue to fund street light electricity costs out of Gas Tax.
- Existing elected official voluntary reductions continue.
- Furloughs still in place (\$662,765 cost to General Fund to reinstate and \$1.47M citywide).
- Continue to fund vehicle replacement account with non-General Fund sources only.
- Earthquake insurance for Prewett, City Hall and Police Facility (estimate cost of insurance to be approximately \$125,000). **Staff recommends reinstating earthquake coverage on these facilities and is requesting Council concurrence.**
- Library facility maintenance funding of \$135,000. For the past several years, this funding has been paid out of the Residential Development Allocation Fund. In fiscal year 2013-2014, that funding source was depleted and the full cost will have to be paid out of the General Fund. **Staff recommends Council consider whether or not to continue funding this maintenance.**
- Payment of \$300,000 to the Office Equipment Replacement and Vehicle Replacement Funds towards the \$1.5M borrowed in fiscal year 2009-2010 to help

- balance the budget. This was discussed with Council earlier in the year to be repaid over five years, with fiscal year 2013-2014 being the first year.
- **Code Enforcement:**
 - Increase the time allocation of Deputy Director of Community Development from 40% to 60% for Code Enforcement, funding the additional 20% with Measure C. Shift responsibility for Recreation to other staff.
 - Hiring of one more contract code enforcement position to be funded by Measure C.
 - **Police:**
 - Allocate remainder of Measure C to Police Department.
 - Sworn officer funding of 97 for fiscal year 2014-2015 (this may be adjusted at the discretion of the Chief of Police to other non-sworn positions such as CSO's).
 - Funding of Police Communications Supervisor (not funded in fiscal year 2013-2014).
 - Funding of Senior Administrative Assistant in the Police Department (not funded in fiscal year 2013-2014).
 - **Other (non Measure C) staffing adjustments:**
 - The Human Resources Technician was split 50/50 between the Police and Human Resources. We are proposing to put 100% of the position back into Human Resources. Human Resources has identified \$42,000 in cost savings to help offset the cost.
 - Funding of an Associate Planner in Community Development to assist with the increased workload. This is almost cost neutral due to contracts ending for the Northeast Annexation and that being re-directed to funding for this position.
 - Remove funding of Chief Building Official and continue to pay existing employee special assignment pay when performing some of these duties.
 - Reclassification of the following positions to better reflect job duties (which also result in minor increases to personnel costs):
 - Human Resources Director to Administrative Services Director.
 - Administrative Analyst in Economic Development to Economic Development Program Manager.
 - Secretary in the Planning Department to Community Development Technician, Assistant Level
 - Changes to Recreation staffing as discussed on page 8.

Measure C

Measure C was passed by the voters in November 2013 for “Restoring Antioch Services”. City Council has directed that the funds will be used to enhance Police and Code Enforcement activities, with the goal of putting more police and code enforcement officers on the street. Although 102 sworn positions have been authorized, the General Fund has not been able to support that level of staffing due to the financial hardships the City has been facing since 2009. Sworn staffing has hovered in the 80 FTE range in the last several years. Significant vacancy savings in the police department realized each year since 2009 have helped the City close the budget gap. In fact, vacancies for 19 sworn positions were accounted for in the fiscal year 2013-2014 budget.

In the fiscal year 2014-2015 budget, we are using the revised fiscal year 2013-2014 budget for the Police Department as the starting point for fiscal year 2014-2015 and adding projected Measure C revenue for the total budget allotment for police services in total (including the Animal Services subsidy). This is shown in Chart A.

CHART A

Police Department Measure C Funding			
	Police Budget FY15	Police Budget FY16	Police Budget FY17
13/14 Baseline Budget	\$28,447,271	\$28,447,271	\$28,447,271
Measure C projection	4,325,847	4,417,590	4,592,090
Measure C carryover	0	561,856	0
Budget Allotment	32,773,118	33,426,717	33,039,361
Proposed/projected	32,211,262	33,901,135	36,474,230
Difference under/(over) budget	\$561,856	(\$474,418)	(\$3,434,869)

In fiscal year 2014-2015 projected expenditures in Chart A, based upon staffing for 100 sworn, are under the total allocated spending threshold for the Police Department. However, based upon Chart A, the projected Police Department budget increases for fiscal year 2015-2016 and 2016-2017 exceed the projected Measure C revenues for those years. In fiscal year 2016-2017, Police Department costs are projected to significantly exceed General Fund base plus Measure C projected revenues.

Rather than spending all 2014-2015 Measure C funds in fiscal year 2014-2015, we are proposing to reduce staffing to 97 sworn in 2014-2015 and carry-forward a larger amount of unused Measure C funds to the next fiscal year to add to the fiscal year 2015-2016 spending allocation to increase staffing to 100 sworn, thereby balancing the next two fiscal years of budget allotment (shown in Chart B). This method of carrying forward the allocation ensures that expenditures are first applied to General Fund general revenues and then to Measure C. It will then be at the discretion of the Chief of Police to determine the staffing model that will best utilize allocated funds for maximum impact to safety in the City. The Chief is in the best position to determine the most effective mix of sworn officers, CSO's and other Police Department staff.

CHART B

Police Department Measure C Funding			
	Police Budget FY15	Police Budget FY16	Police Budget FY17
13/14 Baseline Budget	\$28,447,271	\$28,447,271	\$28,447,271
Measure C projection	4,325,847	4,417,590	4,592,090
Measure C carryover	0	1,036,274	0
Budget Allotment	32,773,118	33,901,135	33,039,361
Proposed/projected	31,736,844	33,901,135	36,474,230
Difference under/(over) budget	\$1,036,274	\$0	(\$3,434,869)

The City Council will need to decide, based on the overall General Fund budget, if they will dip into declining reserves or slow down the growth of the Police Department budget so that the additional Measure C funds, on top of the 2013-2014 base General Fund allocation, is sustainable beyond the next two years. The City Manager and Finance Director strongly recommend, at minimum, balancing the two year Police Department budget projection (as presented in Chart B) by effecting Measure C savings in fiscal year 2014-2015 and carrying these savings forward so that fiscal year 2015-16 is balanced. Otherwise, the City will continue with a structural deficit and General Fund reserves will dip dangerously low, necessitating lay-offs at that point.

The fiscal year 2014-2015 budget allocates \$163,900 of Measure C funding to Code Enforcement. This represents funding of one more contract code enforcement officer with necessary equipment (for a total of 3) and 20% more staffing allocation of the Deputy Community Development Director to the program.

June 30, 2016

Revenues are projected to increase 2.7% over fiscal year 2014-2015. While we are projecting a 5% increase in property tax, most other revenue sources continue to remain fairly flat.

Expenditures are projected to increase approximately \$2.25M above fiscal year 2014-2015 to \$45,052,049. This is mainly due projected salary increases in the Police Department, rising PERS and health care costs, rising insurance and other contractual costs.

Assumptions included in fiscal year 2015-2016 are:

- Overall 5.4% increase in personnel costs.
- PERS employer contribution rate of 28.3% for miscellaneous and 36.7% for safety, representing a 2.05% increase in the miscellaneous rate and 2.445% increase for safety.
- Work furloughs still maintained.
- Existing elected official voluntary reductions still in place.
- Continue to fund medical after retirement and police supplementary retirement plan benefits on a pay as you go basis.
- Maintain funded staffing levels from fiscal year 2014-2015.
- Continue to fund vehicle replacement account with non-General Fund sources only.
- Earthquake insurance for Prewett, City Hall and Police Facility at an estimated cost of \$137,500.
- Library maintenance funding of \$140,000.
- Payment of \$300,000 to the Office Equipment Replacement and Vehicle Replacement Funds towards the \$1.5M borrowed in fiscal year 2009-2010 to help balance the budget.

Projections

The revised fiscal year 2013-2014, proposed budget for fiscal year 2014-2015 and current projections for the following two fiscal years are presented in Chart C below.

CHART C

	June 30, 2014	June 30, 2015	June 30, 2016	June 30, 2017
Projected Fund Balance July 1,	\$10,109,883	\$7,867,023	\$7,984,052	\$7,004,131
Revenues:				
Taxes	28,362,078	29,639,043	30,506,020	31,442,822
Taxes – Measure C	0	4,489,747	4,579,540	4,762,722
Licenses & Permits	1,161,006	1,157,500	1,157,500	1,177,500
Fines & Penalties	45,112	35,100	35,100	40,000
Investment Income & Rentals	495,415	498,510	503,410	512,680
Revenue from Other Agencies	348,450	452,000	532,000	580,476
Current Service Charges	1,950,871	2,146,938	2,160,106	2,167,215
Other Revenue	866,610	824,040	854,040	614,040
Transfers In	3,734,473	3,677,725	3,744,412	3,799,890
Total Revenues	\$36,964,015	\$42,920,603	\$44,072,128	\$45,097,345
Expenditures:				
Legislative & Administrative	1,121,493	626,012	631,290	610,333
Finance	36,964	38,001	42,479	37,784
Nondepartmental	624,361	780,267	796,280	838,125
Public Works	5,976,206	6,209,966	6,304,168	6,422,744
Police Services	27,956,371	27,923,456	27,900,169	31,318,625
Police Services – Measure C	0	3,289,573	5,453,864	4,592,090
Police Services – Animal Support	490,900	523,815	547,102	563,515
Recreation/Community Services	799,390	830,002	846,796	872,200
Community Development	2,201,190	2,418,582	2,367,951	2,374,076
Code Enforcement – Measure C	0	163,900	161,950	170,632
Total Expenditures	\$39,206,875	\$42,803,574	\$45,052,049	\$47,800,124
Net	(2,242,860)	\$117,029	(\$979,921)	(\$2,702,779)
Projected Fund Balance June 30,	\$7,867,023	\$7,984,052	\$7,004,131	\$4,301,352
Committed for Police Services – Measure C	0	1,036,274	0	0
Committed for Compensated Absences	98,586	115,000	115,000	115,000
Committed for Litigation Reserve	500,000	500,000	500,000	500,000
Unassigned Reserve %	19.66%	14.75%	14.50%	8.17%

As you can see, we are projecting to balance the budget next year and then deficit spend in fiscal years 2015-2016 and 2016-2017. This is due to several factors: small projected increases in the major sources of revenues; previously negotiated salary increases; increases in insurance premiums; projected increases in PERS rates. Expenditures are only going to continue to rise and significantly for PERS contributions in future years beginning in fiscal year 2016-2017. New assumptions were adopted by CalPERS in 2014 to take effect in fiscal year 2016-2017 and will have a significant impact to all agencies throughout California beginning in that fiscal year. We are estimating a 4.6% rate increase in safety (for a total rate of 41.3%) and 3.5% increase in miscellaneous (for a total rate of 31.8%) employer contributions over fiscal year 2015-2016.

The projections for fiscal years 2015-2016 and 2016-2017 are working baseline estimates for planning purposes and continued vacancy and other savings may significantly lessen the deficits. The City needs to use these projections to chart our course going forward to determine funding priorities as we continue with the strategic planning process that has begun. We need to look for long term stability.

OTHER FUNDS

The Recreation Fund, Prewett Water Park Fund and Animal Services Fund all receive operating subsidies from the General Fund thus it is important to review them in conjunction with the General Fund. The budget summaries are presented next.

Recreation & Prewett Water Park Funds

Recreation Fund 219			
	2013-14	2014-15	2015-16
	Revised	Proposed	Projected
Beginning Balance, July 1	\$70,518	\$104,613	\$153,953
Revenue Source:			
Investment Income	1,000	100	100
Revenue from Other Agencies	13,000	13,000	13,000
Current Service Charges	1,078,450	1,157,450	1,207,450
Other	35,300	35,000	35,000
Transfer in from General Fund	494,650	577,002	579,796
Transfer in from Senior Bus	7,700	7,700	7,700
Transfer in from Child Care Fund	35,000	35,000	35,000
Total Revenue	1,665,100	1,825,252	1,878,046
Expenditures:			
Personnel	799,538	946,314	976,063
Services & Supplies	821,426	819,448	821,359
Transfers Out	10,041	10,150	10,259
Total Expenditures	1,631,005	1,775,912	1,807,681
Ending Balance, June 30(a)	\$104,613	\$153,953	\$224,318

(a)Fund balance maintained for monies collected for Sports Field, Memorial Field and Turf Field maintenance and replacement.

Prewett Water Park Fund 641			
	2013-14 Revised	2014-15 Proposed	2015-16 Projected
Beginning Balance, July 1	\$319	\$417	\$945
Revenue Source:			
Interest Earnings	300	300	300
Current Service Charges	931,700	938,700	938,700
Other Revenue	1,577	500	500
Transfer in from General Fund	304,740	253,000	267,000
Transfer in from Child Care Fund	35,000	35,000	35,000
Total Revenue	1,273,317	1,227,500	1,241,500
Expenditures:			
Personnel	640,601	614,662	630,020
Services & Supplies	623,075	602,664	602,259
Transfers Out	9,543	9,646	9,750
Total Expenditures	1,273,219	1,226,972	1,242,029
Ending Balance, June 30	\$417	\$945	\$416

The Recreation and Prewett Water Park Funds have a combined subsidy from the General Fund of \$830,002 in fiscal year 2014-2015. This is \$30,612 higher than the current fiscal year with only a moderate increase projected in fiscal year 2015-2016. The increase is due primarily to staffing changes being proposed for the Recreation Department. Currently, oversight falls under Community Development with direct supervision provided by the Deputy Community Development Director. Staff feels that this department would be better served by having a full time Parks & Recreation Director that can concentrate on running programs more efficiently and cost effectively. The budget tables presented above reflect staffing changes as follows:

- Parks & Recreation Director funded 50% from each fund. This classification does not currently exist and will have to be brought back to Council with a job specification and salary range.
- Removing oversight by the Deputy Community Development Director which is currently charged a total of .20 between the two funds.
- Removal of 1 recreation supervisor and 1 recreation specialist position currently funded and vacant.
- Addition of funding for 1 Aquatics Maintenance Worker, replacing a position currently funded with part time help.
- Addition of funding for 1 Recreation Coordinator, replacing a position currently funded with part time help.

Animal Control Fund

Animal Control Fund 214			
	2013-14	2014-15	2015-16
	Revised	Proposed	Projected
Beginning Balance, July 1	\$11,592	\$0	\$0
Revenue Source:			
Current Service Charges	300,000	295,000	295,000
Investment Income	14	0	0
Revenue from Other Agencies	74,000	70,000	70,000
Other Revenue	11,914	11,000	11,000
Transfer in from General Fund	490,900	523,815	547,102
Total Revenue	876,828	899,815	923,102
Expenditures:			
Personnel	615,343	638,197	661,130
Services & Supplies	272,516	261,051	261,399
Transfers Out	561	567	573
Total Expenditures	888,420	899,815	923,102
Ending Balance, June 30	\$0	\$0	\$0

The subsidy from the General Fund is moderately projected to increase over the current fiscal year mainly due to projected salary increases. Staffing is proposed at the same level. However, the current staffing authorizes 3.75 FTE's for Animal Care Attendants which are filled by several part time temporary employees and one permanent part-time employee. These positions are being changed to strictly part-time temporary employees, as the permanent part-time designation is an anomaly and inappropriate for the staffing model.

NEXT STEPS

Staff will be bringing forth budgets for remaining funds of the City for Council deliberation, including the five year capital improvement program. The final budget document incorporating all budgets that have been presented will be brought for Council approval on June 10, 2014.

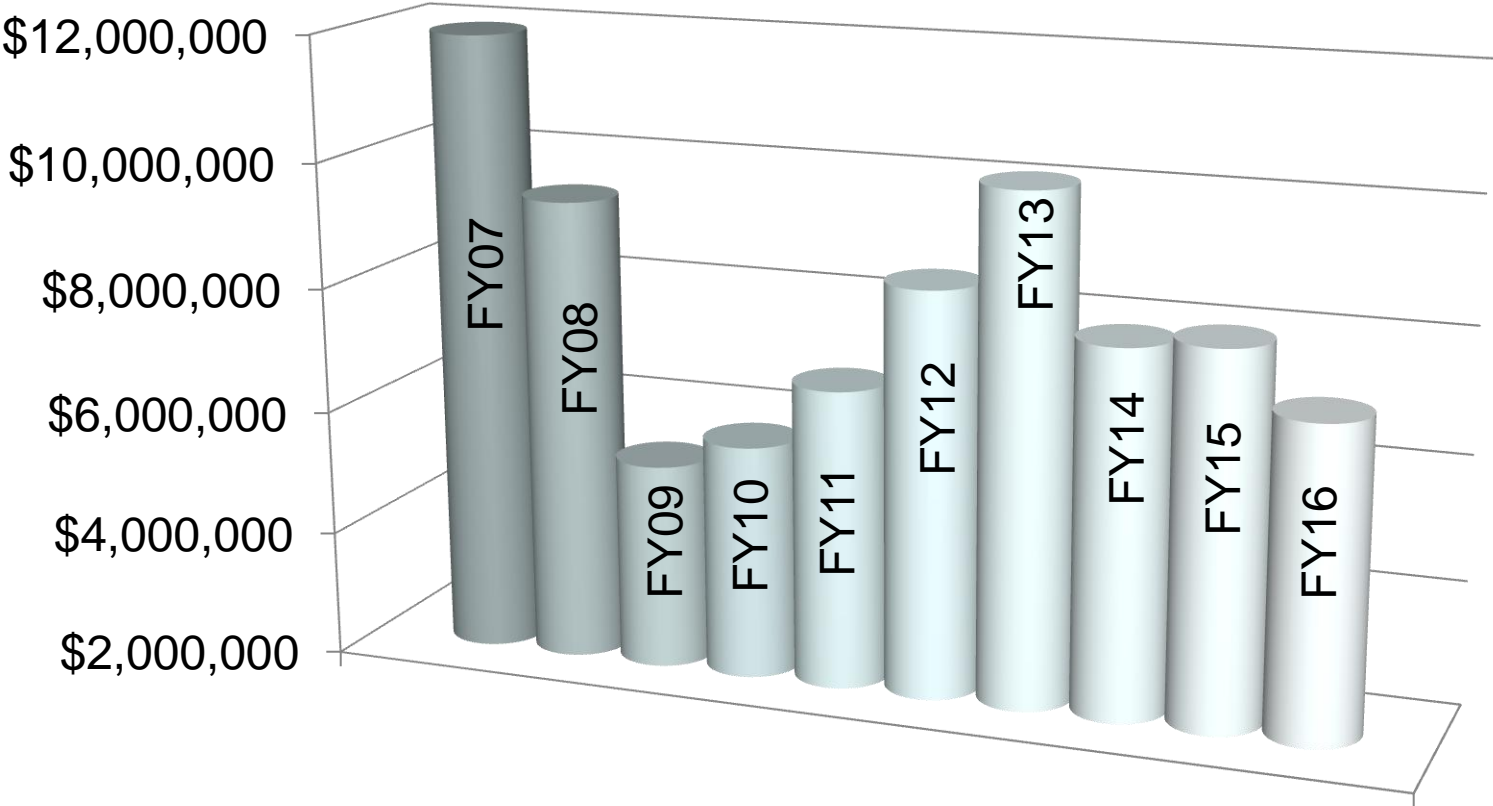
OPTIONS

1. Provide direction to staff regarding the budget information provided.



City of Antioch General Fund 2014-15

FUND BALANCE HISTORY



General Fund Fund Balance Projections

	Actual FY 12-13	Projected FY 13-14	Proposed FY 14-15
Beginning Balance	\$8,489,101	\$10,109,883	\$7,867,023
Excess/ (deficit)	1,620,782	(2,242,860)	117,029
Ending Balance	\$10,109,883	\$7,867,023	\$7,984,052

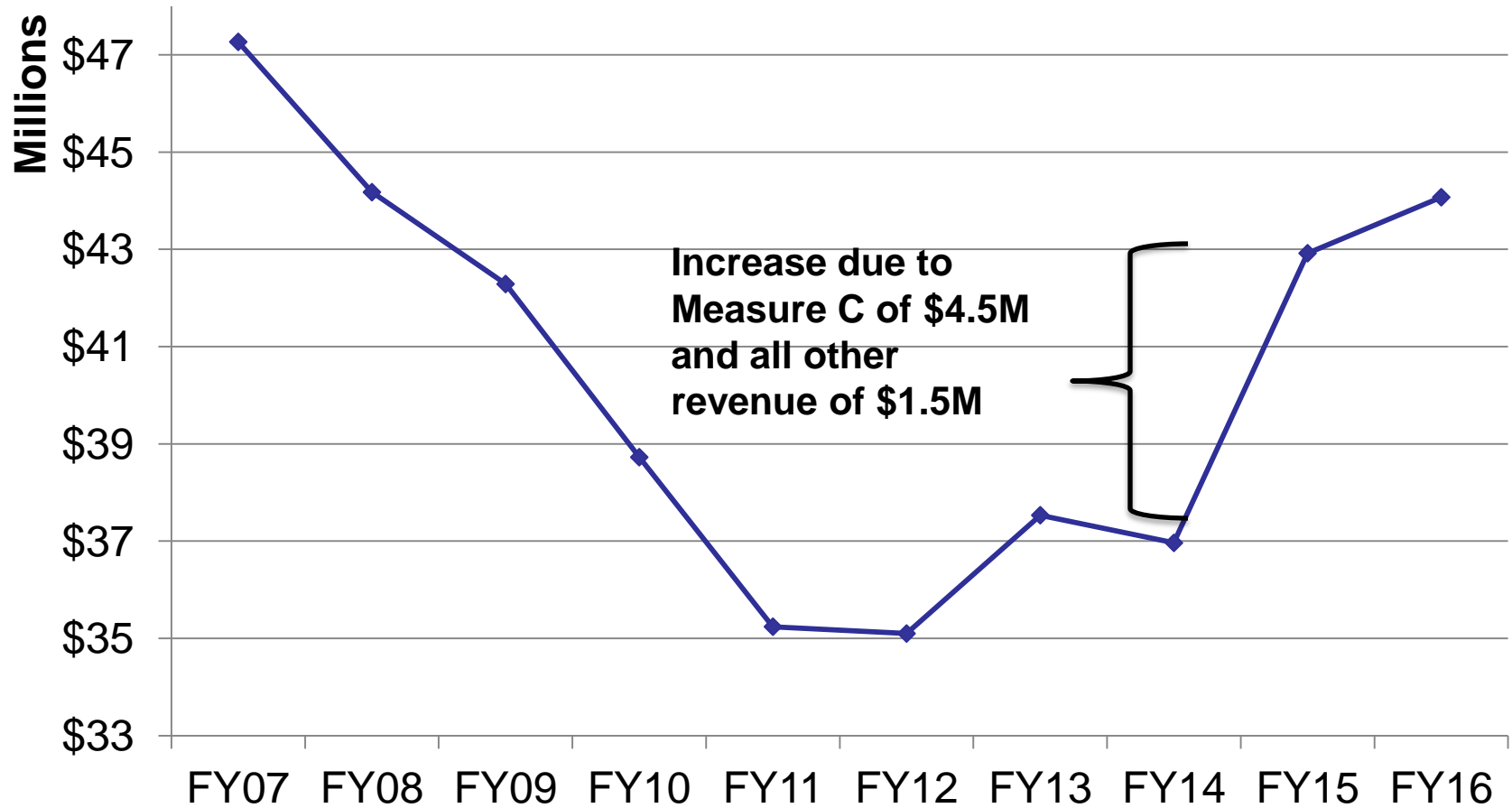
GENERAL FUND COMPARATIVE PRE-RECESSION TO NOW

	Actual FY 06-07	Projected FY 13-14	Projected FY 14-15*	Projected FY 15-16*
Revenues	\$47,267,463	\$36,964,015	\$42,920,603	\$44,072,128
Expenditures	(44,068,384)	(39,206,875)	(42,803,574)	(45,052,049)
Excess/(Deficit)	3,199,079	(2,242,860)	117,029	(979,921)

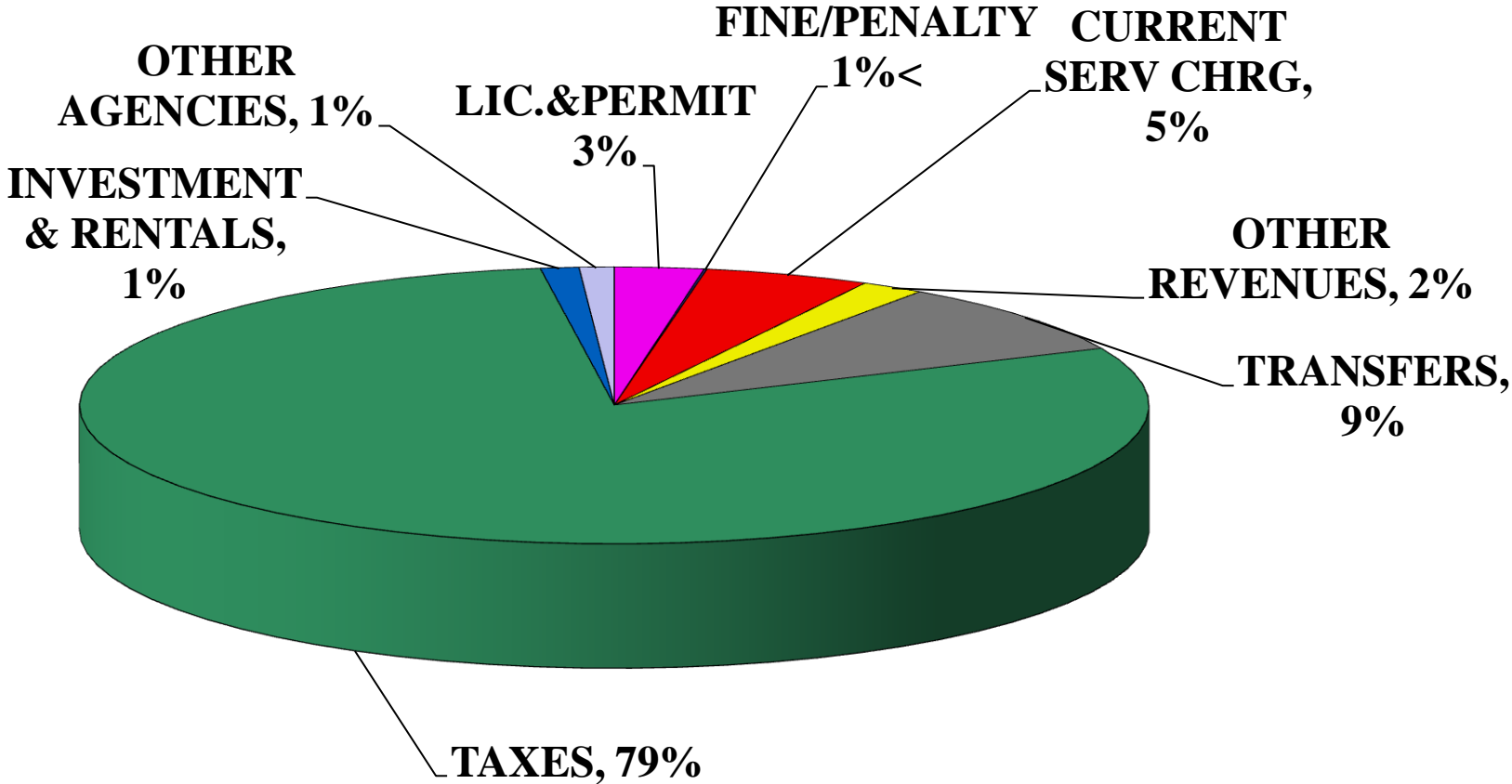
*Includes Measure C projected revenue/expense

General Fund Revenue

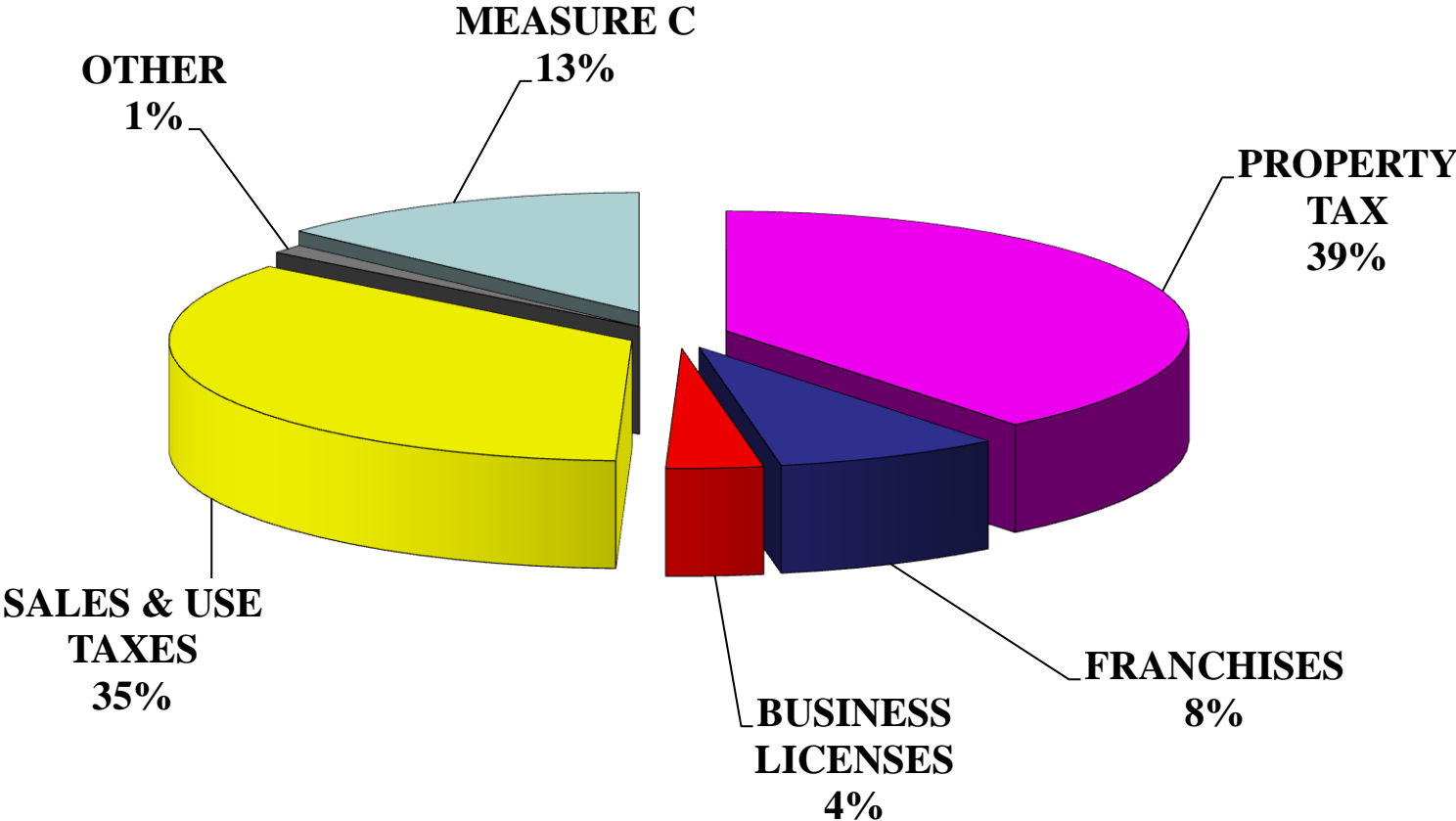
HISTORICAL REVENUES



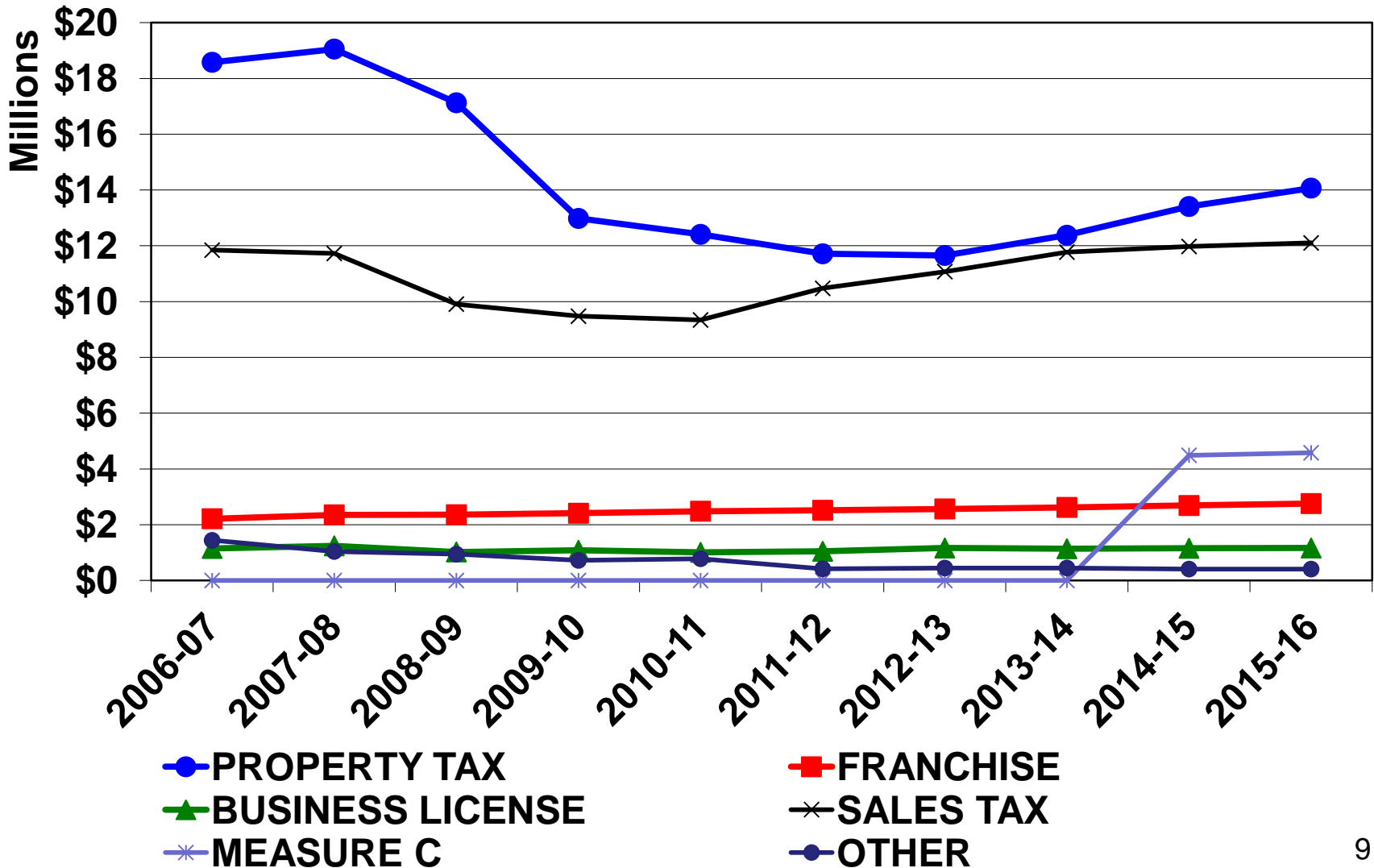
GENERAL FUND REVENUES BY CATEGORY FY 2014-15



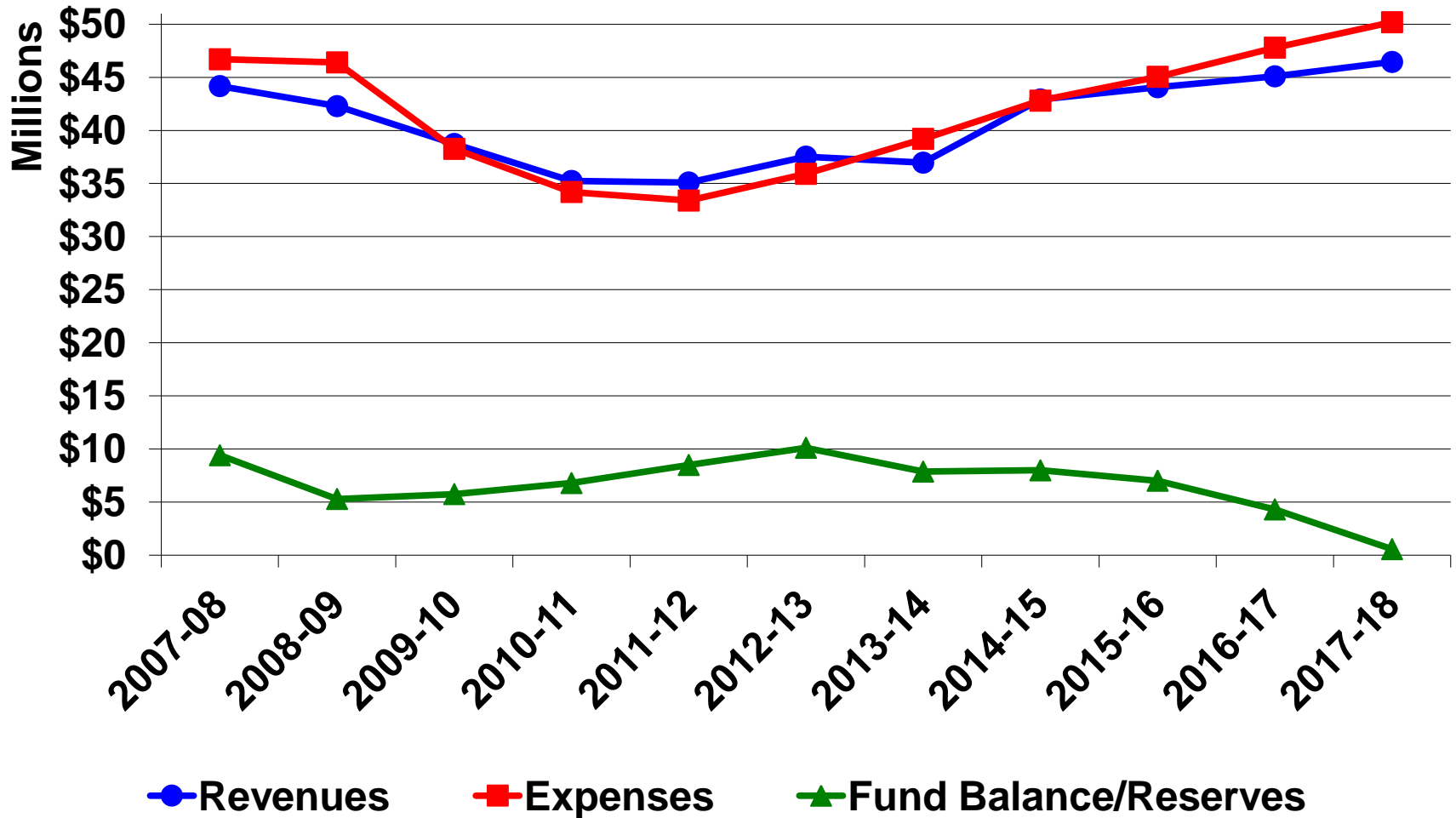
GENERAL FUND TAXES BY TYPE FY 2014-15



General Fund Tax Revenues

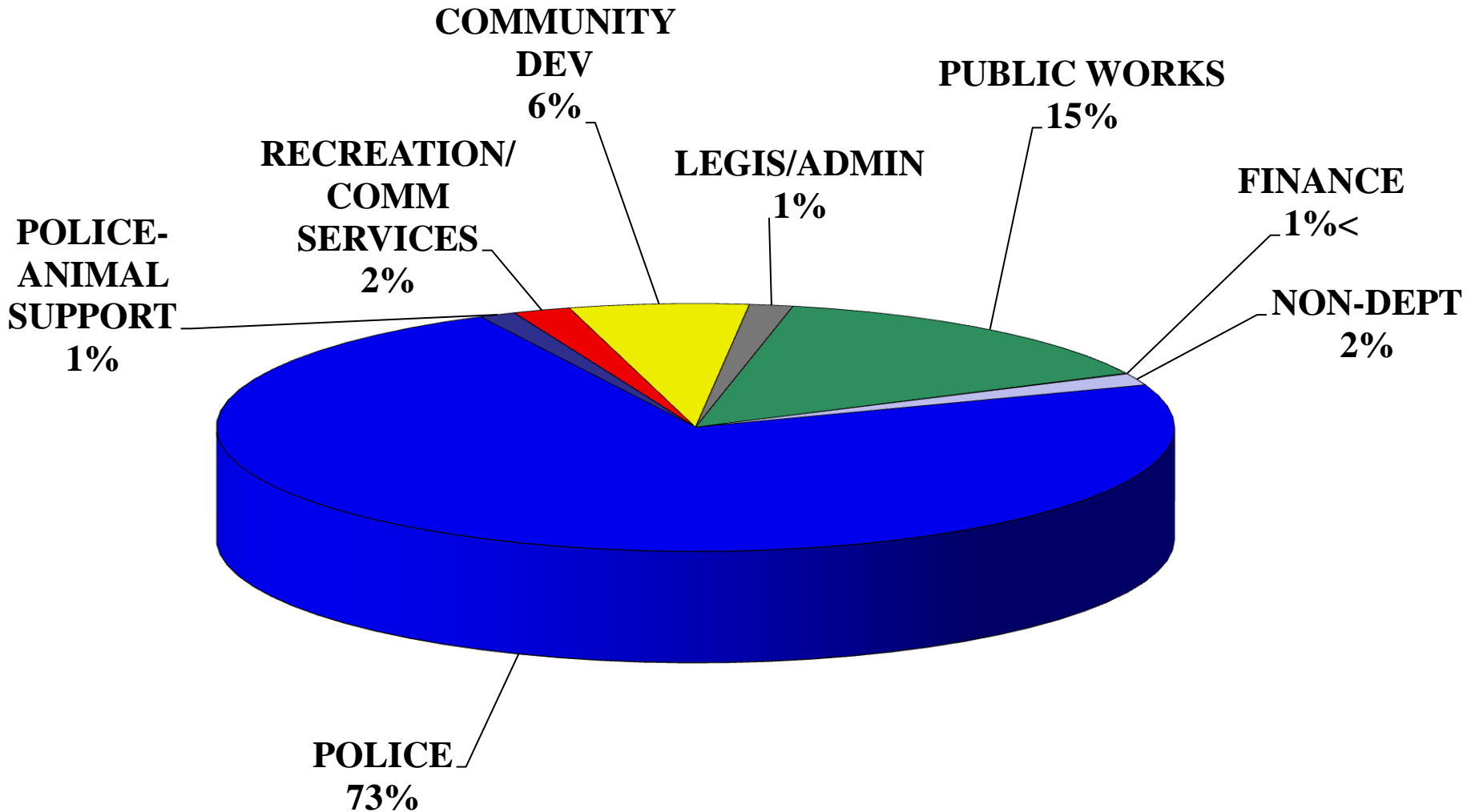


General Fund History



General Fund Expenditures

GENERAL FUND EXPENDITURES BY DEPARTMENT FY 2014-15



General Fund Police Budget

	Proposed FY 14-15	Projected FY 15-16
13/14 Baseline Budget	\$28,447,271	\$28,447,271
Measure C Projection	4,325,847	4,592,090
Measure C Carryover	0	1,036,274
Budget Allotment	\$32,773,118	\$33,901,135
Proposed/Projected	31,736,844	33,901,135
Difference under/(over) budget	\$1,036,274	\$0

General Fund Subsidies

- Golf Course water (budgeted at \$111,300 in fiscal year 2014-2015 to be paid by General Fund).
- Golf Course ABAG loan payments of approximately \$165,000 net annually that the General Fund pays cash on behalf of the Golf Course for debt service.

General Fund Subsidies

- \$577,002 projected 2014-2015 subsidy to Recreation Fund for operations.
- \$253,000 projected 2014-15 subsidy to Prewett Water Park Fund for operations.

Items needing Council Direction:

- Continued Funding of library maintenance (budgeted for \$135,000)
- Reinstatement of earthquake insurance (budgeted for \$125,000)



AMERICAN RED CROSS MONTH
March 2014

WHEREAS,

The month of March is a special time to recognize and thank the volunteers who reach out to help their neighbors when they are in need; and

WHEREAS,

The American Red Cross volunteer are on the front lines every day, volunteering their time, give blood, take lifesaving courses, or provide financial donations to help others; and

WHEREAS,

The Antioch volunteers work tirelessly to help in time of disaster, providing a comforting hand, and providing round the clock support to members of the military, veterans and their families, teaching classes in CPR, aquatics safety and first aid; and

WHEREAS,

In the past year, 3,000 local volunteers of the American Red Cross Bay Area Chapter helped more than 730 families with temporary housing, clothing and food during 433 local disasters; trained more than 177,000 people in CPR, first aid, water safety, and preparedness education; provided emergency communications, counseling, financial assistance to more than 8,000 local military families; and provided Bay Area hospitals with nearly 75,000 units of red cells, platelets, and plasma to patients in need.

NOW, THEREFORE I, WADE HARPER,

*Mayor of the City of Antioch, do hereby proclaim **MARCH 2014** as*

“AMERICAN RED CROSS MONTH”

and encourage all Antioch residents to support this organization and its noble humanitarian mission.

MARCH 25, 2014

WADE HARPER, Mayor

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

March 11, 2014
Council Chambers

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

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

PLEDGE OF ALLEGIANCE

Councilmember Wilson led the Council and audience in the Pledge of Allegiance.

PROCLAMATIONS

The Delta Valley Wolfpack Cheer Team
Nati Flores – Contra Costa Commission for Women’s Hall of Fame

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno, the Council unanimously approved the Proclamations.

Mayor Pro Tem Rocha presented the proclamation to Kimberly Scott, founder of Delta Valley Wolfpack, who thanked the City Council for the proclamation. She introduced Wolfpack Cheer Team members who performed for the audience.

Mayor Pro Tem Rocha announced the *Nati Flores – Contra Costa Commission for Women’s Hall of Fame* proclamation would be presented at the Women’s Conference.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Martha Parsons and Joy Motts, members of the Keep Antioch Beautiful Day committee stated the Citywide Cleanup event would take place from 8:30 A.M. – 11:00 A.M., April 25, 2014. They announced there would be 1st (\$500), 2nd (\$300) and 3rd (\$200) cash prizes for the elementary, middle and high schools with the most volunteers. Contact information was provided for anyone wishing to participate.

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

Lori Cook and neighbors of the Deer Valley Plaza Shopping Center presented the City Council with photos and expressed concern regarding people who engaged in criminal activity in the area. They requested the City Council contact the owner of the shopping center and request he address their concerns.

Mayor Pro Tem Rocha apologized for what the residents had experienced and stated the City needed to work with the owner of the shopping center to resolve the issues.

Councilmember Agopian suggested Ms. Cook meet with City Manager Duran to seek his input on how to move forward to resolve the situation.

City Manager Duran added that anyone unsure of who to contact regarding their concerns, could contact him and he would make sure the information would be directed to the proper employee/department.

Councilmember Tiscareno encouraged the nearby Neighborhood Watch Groups include the Deer Valley Shopping Center business owners in their meetings.

Bill Cook added that the business owners were intimidated and afraid to come forward.

Mary Lopez, Antioch resident, expressed concern regarding youth who wear their pants too low and urged the City work with the school to change the attitudes of youth. She thanked the Antioch Police Department for their service.

Julie Linford, Outcast Cat Help, spoke in opposition to the proposed ordinance that would ban the feeding of feral cats on public property. She updated the Council on their efforts to work with the City to humanely control the feral cat population and requested a meeting with an internal operations committee to identify and discuss the issues.

Karen Kops, President of Homeless Animal Response Program (HARP) and Spay Neuter Impact Program (SNIP), reported historically feral cat feeding bans were unsuccessful. She stated volunteers had been operating a Trap Neuter Return (TNR) in Antioch for ten (10) years. She requested the City establish a community endorsed TNR program and she offered to work with the City to accomplish this goal.

Ken Rickner, Bethel Island, encouraged the City to not close homeless encampments in Antioch.

Councilmember Rocha invited Mr. Rickner to attend the Suburban Poverty Task Force meeting at 9:00 A.M. on March 13, 2014, in Council Chambers.

Rafael Scott, Antioch resident, discussed homeless issues in Antioch and encouraged the City to find a workable way to address the problems.

Councilmember Rocha invited Mr. Scott to attend the Suburban Poverty Task Force meeting at 9:00 A.M. on March 13, 2014, in Council Chambers.

Michael Huckathorn, Antioch business owner, reported he had been involved in providing care for the cats that had been abandoned downtown during the housing crisis. He noted preventing people from feeding and providing water to these animals would be cruel and lacked compassion. He urged the City to instead focus their efforts on reducing criminal activity.

COUNCIL SUBCOMMITTEE REPORTS

Mayor Pro Tem Rocha reported on her attendance at the Bay Delta Conservation Plan (BDCP) forum meeting. She announced the Suburban Poverty Task Force meeting would be held at 9:00 A.M. on March 13, 2014, in Council Chambers and Coffee with the Cops for the Spanish speaking population would be held at 9:00 A.M. on March 15, 2014, at Holy Rosary Church.

MAYOR'S COMMENTS - None

1. COUNCIL CONSENT CALENDAR

A. APPROVAL OF COUNCIL MINUTES FOR FEBRUARY 25, 2014

B. APPROVAL OF COUNCIL WARRANTS

C. REJECTION OF CLAIM

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

D. ORDINANCE 2078-C-S ADDRESSING AN EXTENDED ABSENCE BY AN ELECTED OFFICIAL

E. RESOLUTION 2014/16 APPROVAL OF 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)

F. RESOLUTION 2014/17 APPROVAL OF 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)

G. RESOLUTION 2014/18 AND RESOLUTION 2014/19 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)

On motion by Councilmember Wilson, seconded by Councilmember Tiscareno, the City Council unanimously approved the Council Consent Calendar.

PUBLIC HEARING

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

Director of Community Development Wehrmeister presented the staff report dated 6, 2014 recommending the City Council: 1) Motion to introduce the ordinances by title only. 2) Motion to introduce the ordinance adding Chapter 3 of Title 9 to the Antioch Municipal Code establishing Development Impact Fees. 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.

Walter Kieser, Senior Principal Economic and Planning Systems Inc. (EPS) provided a detailed presentation on impact fees and the specific recommendations for the City of Antioch.

In response to Councilmember Agopian, Mr. Kieser explained the primary factor regarding the discrepancy in single-family and multi-family unit cost was persons per dwelling unit, as determined by the existing data. He added that the City Council would have the opportunity to review and adjust fees annually to reflect changing trends and respond to the market

Councilmember Agopian encouraged the City hold discussion with the School District regarding adequately funding schools.

In response to Councilmember Tiscareno, Community Development Director Wehrmeister clarified neighboring jurisdictions have a different type of funding mechanism to fund police operations. She stated staff was looking at putting that type of requirement on future development.

Mayor Pro Tem Rocha opened and closed the public hearing with no speakers requesting to speak.

Councilmember Agopian stated he supports the annual review to assure the fees reflect current trends. He requested staff provide a list of future park facilities.

On motion by Councilmember Agopian, seconded by Councilmember Wilson the Council unanimously 1) Motioned to introduce the ordinances by title only. 2) Motioned to introduce the ordinance adding Chapter 3 of Title 9 to the Antioch Municipal Code establishing Development

Impact Fees. 3) Motioned 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.

Community Development Director Wehrmeister presented the staff report dated March 6, 2014 recommending the City Council: 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. 3) Motion to introduce an ordinance repealing and reenacting Title 9, Chapter 5, Article 40 or the Antioch Municipal Code regarding Residential Growth Management.

In response to Councilmember Tiscareno, Community Development Director Wehrmeister stated if the ordinance were allowed to sunset, staff could provide Council with quarterly reports of the residential permits issued.

Mayor Pro Tem Rocha opened and closed the public hearing with no speakers requesting to speak.

Councilmember Tiscareno expressed concern the ordinance would be interpreted as a restriction and deter developers from bringing viable projects to Antioch. He stated he felt metering could be done without an ordinance.

Councilmember Agopian stated that he felt metering would allow the City to review and determine if infrastructure was in place to allow more residential growth.

RESOLUTION NO. 2014/20

On motion by Councilmember Agopian, seconded by Councilmember Wilson, the Council 1) Motioned to adopt the resolution amending the Growth Management Element of the General Plan to reflect updates to the residential growth management ordinance with separate direction to staff to provide quarterly reports of residential permits issued. 2) Motioned to read the ordinance by title only. 3) Motioned to introduce an ordinance repealing and reenacting Title 9, Chapter 5, Article 40 or the Antioch Municipal Code regarding Residential Growth Management. The motion carried the following vote:

Ayes: Rocha, Agopian, Wilson

Noes: Tiscareno

Absent: Harper

COUNCIL REGULAR AGENDA

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

Finance Director Merchant presented the staff report dated February 27, 2014 recommending the City Council approve: 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 regarding business licensing procedures and not the amount of the business license tax.

On motion by Councilmember Agopian, seconded by Councilmember Tiscareno the Council unanimously 1) Motioned to read the ordinance by title only; and 2) Motioned 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.

PUBLIC COMMENTS - None

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the Antioch Rotary Club luncheon, Mayor's Conference and Chamber of Commerce meeting.

COUNCIL COMMUNICATIONS

Councilmember Tiscareno reported on his attendance at the Upper Sand Creek Basin restoration project ribbon-cutting. He announced the *We're Looking Out for You* program was approaching its first year anniversary on March 14, 2014, he, along with Chief Cantando and Police Crime Prevention Commissioner Cook, would be thanking the workers at Republic Waste Management for their service.

Mayor Pro Tem Rocha thanked Councilmember Tiscareno for planting her tree at the ribbon-cutting event.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 8:48 P.M. to the next regular Council meeting on March 25, 2014.

Respectfully submitted:

Kitty Eiden

KITTY EIDEN, Minutes Clerk

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 MARCH 1-13, 2014
 FUND/CHECK#

100 General Fund

Non Departmental

203199 BURKE WILLIAMS AND SORENSEN LLP	LEGAL SERVICES	29.50
349941 ASCAP	LICENSE RENEWAL	526.50
349968 DELTA DENTAL	PAYROLL DEDUCTIONS	43.04
350060 BANK OF AMERICA	SUPPLIES	696.83
350070 BROWN AND CALDWELL INC	CONSULTING SERVICES	1,105.34
350140 UNITED STATES POSTAL SERVICE	METER POSTAGE	11,000.00

City Council

349948 BANK OF AMERICA	LODGING	792.48
349967 DANIELS, SHARON P	EXPENSE REIMBURSEMENT	18.95
350086 CONTRA COSTA TELEVISION	COUNCIL MEETING PRODUCTION	1,244.34

City Attorney

349992 JARVIS FAY AND DOPORTO LLP	LEGAL SERVICES	92.50
350000 LEXISNEXIS	ONLINE LEGAL RESEARCH	76.50
350046 WENDEL ROSEN BLACK AND DEAN	LEGAL SERVICES	380.00
350082 CONTINUING EDUCATION OF THE BAR	AUTOMATIC UPDATES	200.19

City Manager

349947 BANK OF AMERICA	MEETING EXPENSE	30.16
349955 BNSF RAILWAY COMPANY INC	ANNUAL LEASE	600.00
350062 BANK OF AMERICA	MEETING EXPENSE	137.04
350072 CA SHOPPING CART RETRIEVAL CORP	SHOPPING CART RETRIEVAL	174.00
350142 VERIZON WIRELESS	CONNECTION SERVICES	69.89
921502 KARSTE CONSULTING INC	CONSULTING SERVICES	2,040.00

City Treasurer

350021 PFM ASSET MGMT LLC	ADVISORY SERVICES	7,281.67
350095 GARDA CL WEST INC	ARMORED CAR PICK UP	210.12

Human Resources

349948 BANK OF AMERICA	TRAINING	372.00
349978 FEDEX	SHIPPING	18.42
349991 JACKSON LEWIS LLP	PROFESSIONAL SERVICES	944.00
350018 PARS	DEC13 ADMIN FEE	1,111.03

Economic Development

349948 BANK OF AMERICA	CONFERENCE REGISTRATION	1,232.42
349950 BAY ALARM COMPANY	MONITORING FEE	681.08
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	335.19
350073 CALIF ASSOC FOR ECONOMIC DEV	2014 ANNUAL CONFERENCE	595.00
350111 MUNICIPAL RESOURCE GROUP LLC	CONSULTANT SERVICES	7,488.00
921495 BERNICK, MICHAEL	PROFESSIONAL SERVICES	3,300.00

Non Departmental

203317 DISENOS UNICOS	BUS LIC APP FEE REFUND	30.00
203318 CARRIER CORP	BUS LIC APP FEE REFUND	30.00
203319 HRB TAX GROUP INC	BUS LIC APP FEE REFUND	30.00
349936 PERS	NON ELIGIBLE ADMIN FEE	1,443.26
349941 ASCAP	LICENSE RENEWAL	526.50
349959 COLLINS, PATRICIA AND MARK	LIABILITY CLAIM	250.00

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
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350010 MUTINY RESTAURANT	BUS LIC FEES REFUND	237.39
921498 RETIREE	PPPA	1,654.43
Public Works Maintenance Administration		
350012 NEXTEL SPRINT	CELL PHONE	57.50
350016 OFFICE MAX INC	OFFICE SUPPLIES	32.54
350114 OFFICE MAX INC	OFFICE SUPPLIES	36.67
Public Works General Maintenance Services		
350015 OFFICE MAX INC	OFFICE SUPPLIES	75.60
350016 OFFICE MAX INC	OFFICE SUPPLIES	185.01
350114 OFFICE MAX INC	OFFICE SUPPLIES	23.66
Public Works Street Maintenance		
350012 NEXTEL SPRINT	CELL PHONE	57.50
Public Works-Signal/Street Lights		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	5,621.73
350059 AT AND T MCI	PHONE	574.60
350083 CONTRA COSTA COUNTY	TRAFFIC SIGNAL MAINTENANCE	26,060.69
350117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	235.26
350145 WESCO RECEIVABLES CORP	FREIGHT CHARGE	179.25
921519 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	854.53
Public Works-Striping/Signing		
350012 NEXTEL SPRINT	CELL PHONE	57.50
350031 SHERWIN WILLIAMS CO	ROLLER PADS	110.39
350038 SUBURBAN PROPANE	PROPANE	761.82
350091 ENTERRA ENVIRONMENTAL	HAZWOP TRAINING	190.00
350135 SUPERCO SPECIALTY PRODUCTS	SUPPLIES	576.98
Public Works-Facilities Maintenance		
349987 HONEYWELL INTERNATIONAL INC	HVAC SERVICES	1,894.03
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	10,824.62
350050 ABBEY CARPET	REMOVE/INSTALL CARPETING	4,697.00
350059 AT AND T MCI	PHONE	48.91
350065 BAY CITIES PYROTECTOR	FIRE SYSTEM REPAIRS	3,025.80
350090 DREAM RIDE ELEVATOR	ELEVATOR SERVICE	240.00
350113 OAKLEYS PEST CONTROL	PEST CONTROL SERVICES	100.00
350126 REAL PROTECTION INC	FIRE ALARM SYSTEM TEST	493.45
Public Works-Parks Maint		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	639.87
350037 STEWARTS TREE SERVICE INC	TREE SERVICES	1,400.00
350047 WESCO RECEIVABLES CORP	SUPPLIES	1,805.98
350059 AT AND T MCI	PHONE	85.61
350066 BELUS CONSTRUCTION	DOOR REPLACEMENT	850.00
350117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	119.74
921500 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	517.41
Public Works-Median/General Land		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,439.88
350059 AT AND T MCI	PHONE	163.07
350117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	48.23

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
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Public Works-Work Alternative

350012 NEXTEL SPRINT	CELL PHONE	64.13
350031 SHERWIN WILLIAMS CO	SUPPLIES	156.29
350051 ACE HARDWARE, ANTIOCH	SIGNS	11.66

Police Administration

349940 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	90.00
349942 ASR - BRICKER MINCOLA	UNIFORMS	3,718.42
349963 CONTRA COSTA COUNTY	FELONY FILING	6,073.00
349964 CRIME SCENE CLEANERS INC	CRIME SCENE CLEANUP	250.00
349966 CSI FORENSIC SUPPLY	SUPPLIES	508.43
349985 HILTON	LODGING-VANDERPOOL WK1	453.00
349986 HILTON	LODGING-VANDERPOOL WK2	453.00
349991 JACKSON LEWIS LLP	PROFESSIONAL SERVICES	618.50
350008 MT DIABLO SILVERADO COUNCIL	RENEWAL DUES	304.00
350016 OFFICE MAX INC	OFFICE SUPPLIES	276.67
350023 PRO FORCE LAW ENFORCEMENT	TASER SUPPLIES	1,919.53
350030 SAN DIEGO POLICE EQUIPMENT CO	AMMUNITION	1,242.50
350033 SIMPSON INVESTIGATIVE SVCS GROUP	INVESTIGATION SERVICES	1,887.02
350036 STATE OF CALIFORNIA	FINGERPRINTING	821.00
350040 THOMSON WEST	PENAL CODES	575.06
350042 VANDERPOOL, JASON C	PER DIEM	610.00
350053 AMERICAN PLUMBING INC	PLUMBING SERVICES	454.41
350060 BANK OF AMERICA	TRAINING	4,522.88
350081 CONCORD UNIFORMS LLC	UNIFORM	51.07
350101 JACOBS, DANIEL	TRANSLATING SERVICES	360.00
350103 LAMOTHE CLEANERS	DRY CLEANING	7.20
350114 OFFICE MAX INC	OFFICE SUPPLIES	1,084.55
921499 HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	1,456.33
921501 IMAGE SALES INC	BADGES	433.89
921502 KARSTE CONSULTING INC	CONSULTING SERVICES	600.00
921503 MOBILE MINI LLC	PORTABLE STORAGE CONTAINER	208.96
921518 HUNTINGTON COURT REPORTERS INC	TRANSCRIPTION SERVICES	535.36

Police Prisoner Custody

349936 PERS	PAYROLL DEDUCTIONS	122.66
350103 LAMOTHE CLEANERS	DRY CLEANING	140.00

Police Community Policing

349988 HUNT AND SONS INC	FUEL	157.27
350007 MOORE K9 SERVICES	K9 TRAINING	500.00
350013 NEXTEL SPRINT	CELL PHONE EQUIPMENT	38.25
350057 ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	270.00

Police Investigations

203118 CONTRA COSTA COUNTY	CERTIFICATE FEE	16.00
349961 CONTRA COSTA COUNTY	EXTRADITION FEES	350.00
349962 CONTRA COSTA COUNTY	SART EXAMS	2,000.00
350040 THOMSON WEST	ONLINE DATABASE	652.92
350088 COURT SERVICES INC	PRISONER TRANSPORTATION	250.00

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Police Special Operations Unit

350060 BANK OF AMERICA AIRFARE-VINCELET 173.00

Police Communications

349936 PERS PAYROLL DEDUCTIONS 447.10

349938 AMERICAN TOWER CORPORATION TOWER RENTAL 219.17

349944 AT AND T MCI PHONE 2,673.79

349946 AT AND T MOBILITY HIGH SPEED WIRELESS 372.05

349960 CONTRA COSTA COUNTY SOFTWARE SUPPORT 3,267.19

349982 GLOBALSTAR TELECOMMUNICATION SERVICES 86.26

350059 AT AND T MCI PHONE 807.25

Office Of Emergency Management

350059 AT AND T MCI PHONE 317.05

Police Community Volunteers

349975 EIDEN, KITTY J TRANSCRIPTION SERVICES 121.50

350025 RASPORT INC VIPS SUPPLIES 385.19

921511 COMPUTERLAND COMPUTER EQUIPMENT 198.22

Police Facilities Maintenance

349994 JDS ACOUSTICS REPAIR SERVICES 3,325.00

350013 NEXTEL SPRINT CELL PHONE 2,886.89

350017 PACIFIC GAS AND ELECTRIC CO ELECTRIC 12,803.72

350053 AMERICAN PLUMBING INC PLUMBING SERVICES 2,347.95

350059 AT AND T MCI PHONE 306.05

350065 BAY CITIES PYROTECTOR FIRE SYSTEM INSPECTION 250.00

350090 DREAM RIDE ELEVATOR ELEVATOR SERVICE 80.00

350113 OAKLEYS PEST CONTROL PEST CONTROL SERVICES 165.00

350126 REAL PROTECTION INC FIRE ALARM SYSTEM TEST 311.38

921500 ICR ELECTRICAL CONTRACTORS ELECTRICAL SERVICES 1,055.88

Community Development Land Planning Services

350001 LOEWKE PLANNING ASSOCIATES CONSULTING SERVICES 5,772.50

CD Code Enforcement

350139 TURNAGE II, KEN ABATEMENT SERVICES 597.59

PW Engineer Land Development

350012 NEXTEL SPRINT CELL PHONE 169.27

350016 OFFICE MAX INC OFFICE SUPPLIES 207.20

350059 AT AND T MCI PHONE 31.90

Community Development Building Inspection

350012 NEXTEL SPRINT CELL PHONE 58.79

350114 OFFICE MAX INC OFFICE SUPPLIES 122.46

Capital Imp. Administration

203050 DS WATERS OF AMERICA WATER 34.35

Community Development Engineering Services

350012 NEXTEL SPRINT CELL PHONE 57.50

212 CDBG Fund

CDBG

349939 ANTIOCH CHAMBER OF COMMERCE CDBG SERVICES 7,564.72

350063 BANK OF AMERICA CAMERAS 1,117.43

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350075 CITY DATA SERVICES	CDBG SERVICES	675.00
921517 HOUSE, TERI	CONSULTING SERVICES	5,427.50
213 Gas Tax Fund		
Streets		
349956 BNSF RAILWAY COMPANY INC	WILBUR AVE PROJECT	28,022.07
350004 MARK THOMAS AND CO INC	PROFESSIONAL SERVICES	7,443.00
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	23,203.43
350019 PARSONS BRINCKERHOFF INC	WILBUR AVE PROJECT	70,099.98
350069 BNSF RAILWAY COMPANY INC	WILBUR AVE PROJECT	82,482.17
350107 MARK THOMAS AND CO INC	PROFESSIONAL SERVICES	1,325.00
350117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	76.47
214 Animal Control Fund		
Animal Control		
349973 EAST BAY VETERINARY EMERGENCY	VETERINARY SERVICES	149.04
349974 EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	576.52
349984 HILLS PET NUTRITION	ANIMAL FOOD	1,753.42
349997 KOEFRAN SERVICES INC	ANIMAL DISPOSAL SERVICES	3,700.00
350011 MWI VETERINARY SUPPLY CO	VETERINARY SUPPLIES	2,245.09
350013 NEXTEL SPRINT	CELL PHONE	387.75
350016 OFFICE MAX INC	OFFICE SUPPLIES	311.45
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	673.88
350049 ZOETIS LLC	ANIMAL CARE SUPPLIES	490.40
350114 OFFICE MAX INC	OFFICE SUPPLIES	3.81
921497 HAMMONS SUPPLY COMPANY	SUPPLIES	435.02
Maddie's Fund Grant		
349974 EAST HILLS VETERINARY HOSPITAL	VETERINARY SERVICES	647.75
216 Park-In-Lieu Fund		
Parks & Open Space		
921515 GRAINGER INC	SUPPLIES	205.26
219 Recreation Fund		
Non Departmental		
350028 ROMERO, GUILLERMO	DEPOSIT REFUND	1,000.00
350098 HUB INTERNATIONAL INSURANCE	INSURANCE PREMIUM	377.94
Recreation Admin		
349951 BAY CITIES PYROTECTOR	SPRINKLER REPAIR	782.53
350017 PACIFIC GAS AND ELECTRIC CO	GAS	8,279.06
350063 BANK OF AMERICA	SUPPLIES	367.88
350126 REAL PROTECTION INC	REPAIR SERVICE	150.00
Senior Programs		
350017 PACIFIC GAS AND ELECTRIC CO	GAS	1,306.00
350059 AT AND T MCI	PHONE	97.37
350126 REAL PROTECTION INC	FIRE ALARM SYSTEM TEST	94.63
Recreation Classes/Prog		
350063 BANK OF AMERICA	SUPPLIES	39.68
350089 CPR FAST	CONTRACTOR PAYMENT	100.80

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Recreation Sports Programs

350017 PACIFIC GAS AND ELECTRIC CO ELECTRIC 925.37

Recreation Concessions

350059 AT AND T MCI PHONE 16.80
 350077 COCA COLA BOTTLING CO CONCESSION SUPPLIES 437.20
 350102 KELLY MOORE PAINT CO SUPPLIES 385.05
 350122 PITCHER, JUSTIN WILLIAM EXPENSE REIMBURSEMENT 198.80

Recreation-New Comm Cntr

350047 WESCO RECEIVABLES CORP SUPPLIES 295.14
 350058 AT AND T MCI PHONE 63.10
 350059 AT AND T MCI PHONE 19.16
 350063 BANK OF AMERICA SUPPLIES 127.13
 350064 BAY BUILDING MAINTENANCE INC JANITORIAL SERVICES 995.00
 350080 COMCAST CONNECTION SERVICES 1,599.48
 350108 MARLIES CLEANING SERVICE CLEANING SERVICES 280.00
 350126 REAL PROTECTION INC FIRE ALARM SYSTEM TEST 405.00
 350145 WESCO RECEIVABLES CORP SUPPLIES 486.51

221 Asset Forfeiture Fund

Asset Forfeiture

350118 PARCEL QUEST ANNUAL RENEWAL 2,701.72

222 Measure C Fund

Streets

349977 FEDERAL ADVOCATES INC ADVOCACY SERVICES 5,000.00
 349978 FEDEX SHIPPING 69.22

229 Pollution Elimination Fund

Channel Maintenance Operation

350012 NEXTEL SPRINT CELL PHONE 48.80
 350026 RMC WATER AND ENVIRONMENT CONSULTING SERVICES 25,681.88
 350125 QUESADA CHIROPRACTIC DMV PHYSICAL 75.00

251 Lone Tree SLLMD Fund

Lonetree Maintenance Zone 1

350017 PACIFIC GAS AND ELECTRIC CO ELECTRIC 628.57
 350059 AT AND T MCI PHONE 68.04

Lonetree Maintenance Zone 2

350017 PACIFIC GAS AND ELECTRIC CO ELECTRIC 611.49
 350059 AT AND T MCI PHONE 130.32

Lonetree Maintenance Zone 3

350017 PACIFIC GAS AND ELECTRIC CO ELECTRIC 1,105.70
 350059 AT AND T MCI PHONE 50.41

Lonetree Maintenance Zone 4

350017 PACIFIC GAS AND ELECTRIC CO ELECTRIC 304.12

252 Downtown SLLMD Fund

Downtown Maintenance

350017 PACIFIC GAS AND ELECTRIC CO ELECTRIC 332.99

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253 Almondridge SLLMD Fund		
Almondridge Maintenance		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	182.06
254 Hillcrest SLLMD Fund		
Hillcrest Maintenance Zone 1		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	495.17
350059 AT AND T MCI	PHONE	34.02
Hillcrest Maintenance Zone 2		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	629.10
350059 AT AND T MCI	PHONE	117.83
Hillcrest Maintenance Zone 4		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	526.27
350059 AT AND T MCI	PHONE	99.00
255 Park 1A Maintenance District Fund		
Park 1A Maintenance District		
349945 AT AND T MCI	PHONE	17.33
350017 PACIFIC GAS AND ELECTRIC CO	GAS	122.79
256 Citywide 2A Maintenance District Fund		
Citywide 2A Maintenance Zone 3		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	65.57
Citywide 2A Maintenance Zone 4		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	239.75
Citywide 2A Maintenance Zone 5		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	375.85
Citywide 2A Maintenance Zone 6		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	188.95
Citywide 2A Maintenance Zone 8		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	256.58
Citywide 2A Maintenance Zone 9		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	410.72
350059 AT AND T MCI	PHONE	68.04
Citywide 2A Maintenance Zone10		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	112.42
257 SLLMD Administration Fund		
SLLMD Administration		
350012 NEXTEL SPRINT	CELL PHONE	165.40
350016 OFFICE MAX INC	OFFICE SUPPLIES	77.22
350027 ROBERTS AND BRUNE CO	SUPPLIES	889.70
350039 TARGET SPECIALTY PRODUCTS	CHEMICALS	4,423.61
350114 OFFICE MAX INC	OFFICE SUPPLIES	12.56
350136 TARGET SPECIALTY PRODUCTS	CHEMICALS	4,581.96
259 East Lone Tree SLLMD Fund		
Zone 1-District 10		
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	73.43
350117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	93.86

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311 Capital Improvement Fund
Measure WW

921502 KARSTE CONSULTING INC CONSULTING SERVICES 960.00

Streets

349993 JD PARTNERS CONCRETE SIDEWALK REPAIR PROJECT 39,563.94

312 Prewett Family Park Fund

Parks & Open Space

350063 BANK OF AMERICA SUPPLIES 158.95

376 Lone Diamond Fund

Assessment District

349952 BENCHMARK CONSULTANTS PROFESSIONAL SERVICES 1,920.00

350026 RMC WATER AND ENVIRONMENT CONSULTING SERVICES 40,261.18

350083 CONTRA COSTA COUNTY TRAFFIC SIGNAL MAINTENANCE 1,559.40

569 Vehicle Replacement Fund

Equipment Maintenance

350147 WINNER CHEVROLET NEW VEHICLE PURCHASE 19,689.98

570 Equipment Maintenance Fund

Non Departmental

350099 HUNT AND SONS INC FUEL 16,331.80

Equipment Maintenance

203346 WALNUT CREEK CHRYSLER JEEP DODGE FUEL HOSE 50.33

203347 FIRST CALL SUPPLIES 43.37

349958 CHUCKS BRAKE & WHEEL SERVICE BATTERIES 1,033.56

350009 MUNICIPAL POOLING AUTHORITY SUPPLEMENTAL INSURANCE 78.75

350017 PACIFIC GAS AND ELECTRIC CO ELECTRIC 401.34

350020 PETERSON AUTO PARTS REPAIR 2,173.50

350035 SPRAYER SALES COMPANY VALVE 175.40

350041 TRED SHED, THE TIRES 2,197.77

350043 WALNUT CREEK FORD CAM SENSOR 137.73

350055 ANTIOCH AUTO PARTS BRAKE PADS & ROTORS 371.62

350057 ARROWHEAD 24 HOUR TOWING INC TOWING SERVICES 45.00

350071 C AND C CRANE AND AERIAL INC ANNUAL INSPECTION 800.00

350092 FERRIS HOIST AND REPAIR INC HOIST REPAIR 105.00

350121 PETERSON AUTO REPAIR PARTS 2,016.33

350124 PURSUIT NORTH VEHICLE SUPPLIES 3,066.60

350128 ROBERTSON ENGINEERING PROFESSIONAL SERVICES 335.00

350143 WALNUT CREEK FORD COOLING FAN 726.26

921505 UNLIMITED GRAPHIC & SIGN NETWORK DECALS 813.75

573 Information Services Fund

Information Services

350012 NEXTEL SPRINT CELL PHONE 56.51

350059 AT AND T MCI PHONE 59.63

Network Support & PCs

349970 DIGITAL SERVICES WEBSITE MAINTENANCE 2,925.00

349976 EMBERLIN, DAVID C EXPENSE REIMBURSEMENT 399.09

350006 MISAC NORTHERN CA REGION SEMINAR FEES 799.00

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350012 NEXTEL SPRINT	CELL PHONE	120.87
350059 AT AND T MCI	PHONE	93.17
350079 COMCAST	INTERNET SERVICE	152.70
350080 COMCAST	CONNECTION SERVICES	1,026.55
350118 PARCEL QUEST	ANNUAL RENEWAL	4,052.59
Telephone System		
203077 AMERICAN MESSAGING	PAGER	39.42
349943 AT AND T MCI	PHONE	16.28
349945 AT AND T MCI	PHONE	2,202.20
350058 AT AND T MCI	PHONE	216.39
350059 AT AND T MCI	PHONE	0.63
GIS Support Services		
350061 BANK OF AMERICA	COMPUTER EQUIPMENT	44.45
Office Equipment Replacement		
350016 OFFICE MAX INC	OFFICE SUPPLIES	32.71
350097 HEWLETT PACKARD COMPANY	COMPUTER EQUIPMENT	715.15
577 Post Retirement Medical-Police Fund		
Non Departmental		
349936 PERS	MEDICAL AFTER RETIREMENT	4,928.95
578 Post Retirement Medical-Misc Fund		
Non Departmental		
349936 PERS	MEDICAL AFTER RETIREMENT	5,950.50
921496 RETIREE	MEDICAL AFTER RETIREMENT	4.95
579 Post Retirement Medical-Mgmt Fund		
Non Departmental		
349936 PERS	MEDICAL AFTER RETIREMENT	9,607.45
921520 RETIREE	MEDICAL AFTER RETIREMENT	484.23
611 Water Fund		
Non Departmental		
349965 CRWA	MEMBERSHIP DUES	795.01
350027 ROBERTS AND BRUNE CO	SUPPLIES	7,416.66
350048 WILCO SUPPLY	LOCKS	425.62
350068 BISHOP CO	SUPPLIES	1,586.04
350116 PACE SUPPLY CORP	SUPPLIES	2,891.09
350127 ROBERTS AND BRUNE CO	SUPPLIES	884.71
350146 WILCO SUPPLY	SUPPLIES	182.41
921512 CRYSTAL CLEAR LOGOS INC	SUPPLIES	58.59
921516 HAMMONS SUPPLY COMPANY	SUPPLIES	42.38
Water Supervision		
350012 NEXTEL SPRINT	CELL PHONE	99.01
350029 RT LAWRENCE CORP	LOCKBOX PROCESSING FEE	714.72
350114 OFFICE MAX INC	OFFICE SUPPLIES	268.80
Water Production		
349936 PERS	PAYROLL DEDUCTIONS	894.20
349945 AT AND T MCI	PHONE	66.66
349965 CRWA	MEMBERSHIP DUES	264.99

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349979 FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	405.90
349980 FLOW SCIENCE INCORPORATED	PROFESSIONAL SERVICES	4,564.50
349989 HYDEC	VALVE KIT	1,280.30
349995 KARL NEEDHAM ENTERPRISES INC	EQUIPMENT RENTAL	39,512.12
349999 LAW OFFICE OF MATTHEW EMRICK	LEGAL SERVICES	3,514.50
350005 MEFFORD, ANNETTE R	EXPENSE REIMBURSEMENT	27.10
350012 NEXTEL SPRINT	CELL PHONE	62.57
350016 OFFICE MAX INC	OFFICE SUPPLIES	393.38
350017 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	70,536.49
350032 SHUTE MIHALY AND WEINBERGER LLP	LEGAL SERVICES	31.50
350034 SPAULDING, ANN B	CONSULTING SERVICES	2,375.00
350044 WALTER BISHOP CONSULTING	PROFESSIONAL SERVICES	2,544.86
350051 ACE HARDWARE, ANTIOCH	SUPPLIES	28.46
350054 ANIMAL DAMAGE MANAGEMENT	ANIMAL CONTROL SERVICES	125.00
350058 AT AND T MCI	PHONE	126.24
350059 AT AND T MCI	PHONE	756.34
350087 CONTRA COSTA WATER DISTRICT	RAW WATER	430,711.69
350091 ENTERRA ENVIRONMENTAL	HAZWOP TRAINING	1,045.00
350093 FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	103.55
350094 FOSTER, GARY A	EXPENSE REIMBURSEMENT	50.00
350096 HASA INC	MULTI CHLOR	556.46
350100 HYDEC	VALVE KIT	1,280.30
350104 LAW OFFICE OF MATTHEW EMRICK	LEGAL SERVICES	2,029.50
350106 LOZANO SMITH LLP	LEGAL SERVICES	24,311.47
350117 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	157.30
350127 ROBERTS AND BRUNE CO	SUPPLIES	415.32
350129 SARTI, LORI A	EXPENSE REIMBURSEMENT	165.00
350130 SETON IDENTIFICATION PRODUCTS	SUPPLIES	117.15
921502 KARSTE CONSULTING INC	CONSULTING SERVICES	2,400.00
921506 VINCENT ELECTRIC MOTOR CO	MOTOR FANS	239.79
921508 AIRGAS SPECIALTY PRODUCTS	AMMONIA	3,939.30
921513 EUROFINS EATON ANALYTICAL INC	SAMPLE TESTING	125.00
921514 EVOQUA WATER TECHNOLOGIES LLC	SERVICE DI H2O SYSTEM	431.00
921523 OLIN CHLOR ALKALI PRODUCTS	CAUSTIC	5,890.47
Water Distribution		
349990 INFOSEND INC	PRINT/MAIL SERVICES	3,642.61
350002 LONE TREE TRUCKING INC	SAND	1,443.38
350012 NEXTEL SPRINT	CELL PHONE	504.47
350016 OFFICE MAX INC	OFFICE SUPPLIES	115.21
350027 ROBERTS AND BRUNE CO	PIPE & FITTINGS	2,696.23
350059 AT AND T MCI	PHONE	17.01
350061 BANK OF AMERICA	CELL PHONE EQUIPMENT	71.91
350067 BIG B LUMBER	SUPPLIES	290.98
350091 ENTERRA ENVIRONMENTAL	HAZWOP TRAINING	1,140.00
350109 MCGARD	SUPPLIES	531.48
350110 MT DIABLO LANDSCAPE CENTERS INC	CONCRETE MIX	435.04

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350127	ROBERTS AND BRUNE CO	PIPE & FITTINGS	7,866.26
921502	KARSTE CONSULTING INC	CONSULTING SERVICES	600.00
921509	ALTURA COMMUNICATION SOLUTIONS	PHONE	379.75
Water Meter Reading			
350012	NEXTEL SPRINT	CELL PHONE	47.15
921510	BADGER METER INC	METER STRAINER	11,147.88
Public Buildings & Facilities			
349953	BLACK AND VEATCH CORP	SCANNING SERVICES	2,282.64
349969	DIGITAL ONE	SCANNING SERVICES	2,745.90
350003	LOZANO SMITH LLP	LEGAL SERVICES	21,612.52
350022	PLEWS SHADLEY RACHER & BRAUN	LEGAL SERVICES	251.32
350024	QUIVX	SCANNING SERVICES	1,864.63
921504	TRANSDYN INC	ELECTRONIC SERVICES	14,000.00
921522	NICHOLS CONSULTING ENGINEERS	PROFESSIONAL SERVICES	3,353.38
Warehouse & Central Stores			
350012	NEXTEL SPRINT	CELL PHONE	61.13
350146	WILCO SUPPLY	SUPPLIES	74.49
612 Water Line Expansion Fund			
Water Systems			
349972	DSS COMPANY DBA KNIFE RIVER	WATER MAIN PROJECT	1,166,201.95
349996	KLEINFELDER INC	PROFESSIONAL SERVICES	1,118.75
621 Sewer Fund			
Sewer-Wastewater Supervision			
349971	DOWNEY BRAND ATTORNEYS LLP	LEGAL SERVICES	198.00
350015	OFFICE MAX INC	OFFICE SUPPLIES	54.61
350016	OFFICE MAX INC	OFFICE SUPPLIES	33.68
350061	BANK OF AMERICA	TRAINING	844.00
350074	CHALK, BRANDON S	PER DIEM	280.00
350114	OFFICE MAX INC	OFFICE SUPPLIES	90.23
Sewer-Wastewater Collection			
349990	INFOSEND INC	PRINT/MAIL SERVICES	3,642.60
350002	LONE TREE TRUCKING INC	SAND	1,443.37
350012	NEXTEL SPRINT	CELL PHONE	162.81
350014	NOR CAL PIPELINE SERVICES	EQUIPMENT REPLACEMENT	2,800.00
350016	OFFICE MAX INC	OFFICE SUPPLIES	60.86
350029	RT LAWRENCE CORP	LOCKBOX PROCESSING FEE	714.73
350045	WECO INDUSTRIES INC	SEWER HOSE	3,077.15
350051	ACE HARDWARE, ANTIOCH	SUPPLIES	6.52
350056	ANTIOCH BUILDING MATERIALS	ASPHALT MATERIALS	386.08
350059	AT AND T MCI	PHONE	65.21
350091	ENTERRA ENVIRONMENTAL	HAZWOP TRAINING	855.00
350105	LEHR AUTO ELECTRIC	VEHICLE SUPPLIES	323.33
350112	NOR CAL PIPELINE SERVICES	SEWER LINE	36,339.00
350144	WECO INDUSTRIES INC	SUPPLIES	672.54
921507	3T EQUIPMENT COMPANY	TRUCK PARTS	701.74

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Wastewater Collection

921522 NICHOLS CONSULTING ENGINEERS PROFESSIONAL SERVICES 3,353.37
622 Sewer Facilities Expansion Fund

Wastewater Collection

350026 RMC WATER AND ENVIRONMENT CONSULTANT SERVICES 3,394.30
631 Marina Fund

Marina Administration

203341 OFFICE MAX INC OFFICE SUPPLIES 84.96
 350012 NEXTEL SPRINT CELL PHONE 56.51
 350017 PACIFIC GAS AND ELECTRIC CO GAS 3,351.21
 350059 AT AND T MCI PHONE 79.91
 921519 ICR ELECTRICAL CONTRACTORS ELECTRICAL SERVICES 521.12

Marina Maintenance

349936 PERS PAYROLL DEDUCTIONS 1,412.67
 350048 WILCO SUPPLY LOCKS 18.75

Major Projects

349978 FEDEX SHIPPING 24.47

641 Prewett Water Park Fund

Non Departmental

349949 BARAJAS, LISSET DEPOSIT REFUND 1,000.00
 349957 CAPTAIN, BRENDA DEPOSIT REFUND 1,000.00
 349998 LAMPE, ANTHONY DEPOSIT REFUND 500.00
 350098 HUB INTERNATIONAL INSURANCE INSURANCE PREMIUM 251.96

Recreation Water Park

350017 PACIFIC GAS AND ELECTRIC CO ELECTRIC 6,372.27
 350052 AMERICAN LOCKER SECURITY REPAIR PARTS 592.97
 350053 AMERICAN PLUMBING INC PLUMBING SERVICES 518.94
 350059 AT AND T MCI PHONE 47.83
 350063 BANK OF AMERICA SUPPLIES 151.26
 350076 CITY MECHANICAL INC POOL REPAIR 4,050.00
 350078 COLE SUPPLY CO INC SUPPLIES 86.64
 350126 REAL PROTECTION INC FIRE ALARM SYSTEM TEST 196.88
 921515 GRAINGER INC SUPPLIES 569.35

Recreation Community Cnter

350053 AMERICAN PLUMBING INC PLUMBING SERVICES 518.92
 350063 BANK OF AMERICA RED CROSS TRAINING 975.00

Rec Prewett Concessions

350053 AMERICAN PLUMBING INC PLUMBING SERVICES 228.62
 350059 AT AND T MCI PHONE 48.60

721 Employee Benefits Fund

Non Departmental

349936 PERS PAYROLL DEDUCTIONS 287,494.09
 349937 AFLAC PAYROLL DEDUCTIONS 7,510.90
 349954 BLUE SHIELD LIFE PAYROLL DEDUCTIONS 2,425.42
 349968 DELTA DENTAL PAYROLL DEDUCTIONS 27,649.67
 350084 CONTRA COSTA COUNTY PAYROLL DEDUCTIONS 400.00

Prepared by: Georgina Meek
 Finance Accounting
 3/20/2014

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 MARCH 1-13, 2014
 FUND/CHECK#

350085 CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
350115 OPERATING ENGINEERS TRUST FUND	PAYROLL DEDUCTIONS	4,698.75
350119 PARS	PAYROLL DEDUCTIONS	2,902.64
350120 PERS LONG TERM CARE	PAYROLL DEDUCTIONS	72.02
350123 PERS	PAYROLL DEDUCTIONS	298,248.00
350131 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	250.00
350132 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	60.00
350133 STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	200.00
350134 STATE OF FLORIDA DISBURSE UNIT	PAYROLL DEDUCTIONS	150.00
350137 TEXAS CHILD SUPPORT DISBURSE UNIT	PAYROLL DEDUCTIONS	422.77
350138 RECIPIENT	PAYROLL DEDUCTIONS	112.15
350141 US DEPT OF EDUCATION	PAYROLL DEDUCTIONS	373.55
921521 NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	22,791.51
921524 VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	1,484.13



STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE COUNCIL MEETING OF MARCH 25, 2014

SUBMITTED BY: Donna Conley, City Treasurer *DC*

DATE: March 19, 2014

SUBJECT: Treasurer's Report – FEBRUARY 2014

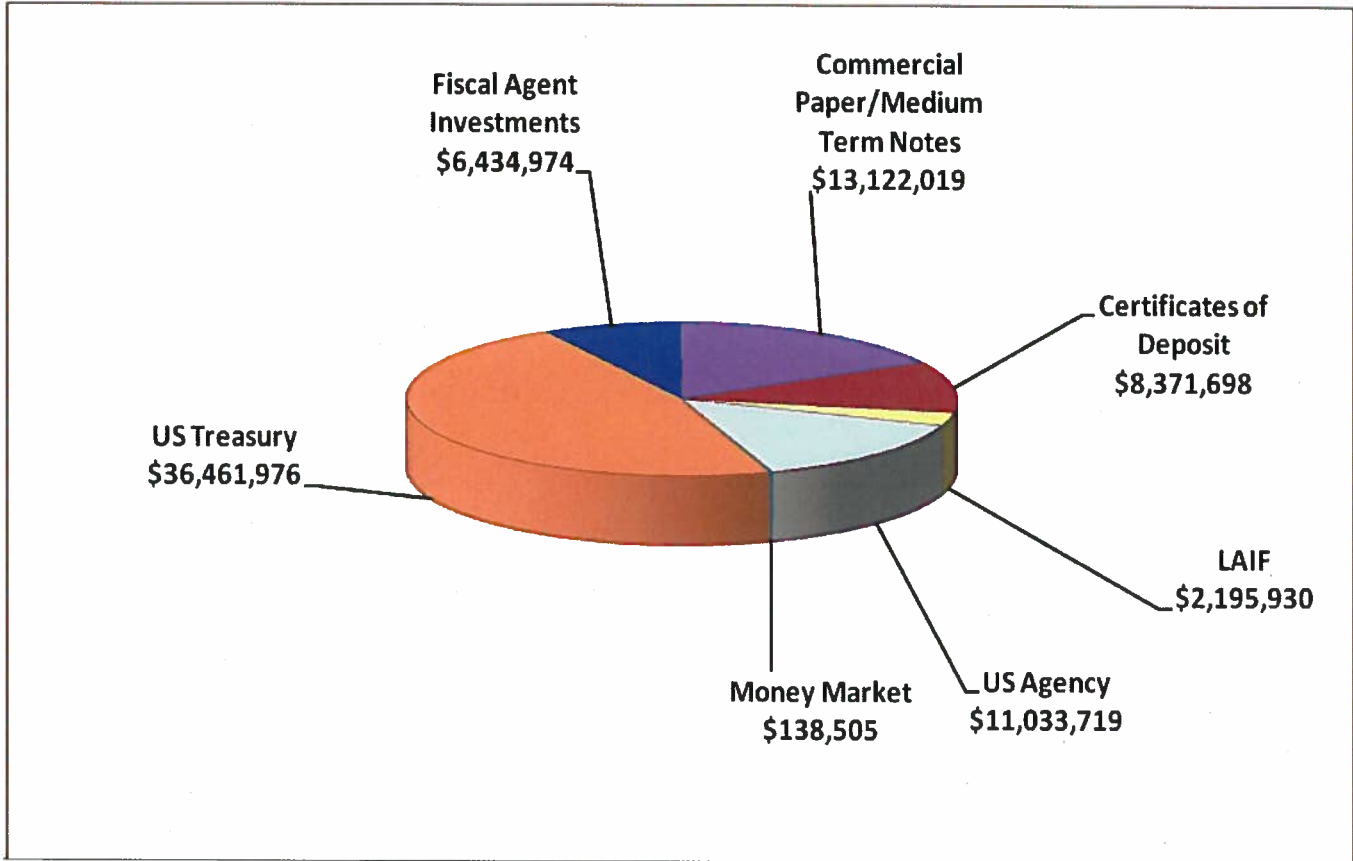
RECOMMENDATION: Review and file.

C

3-25-2014

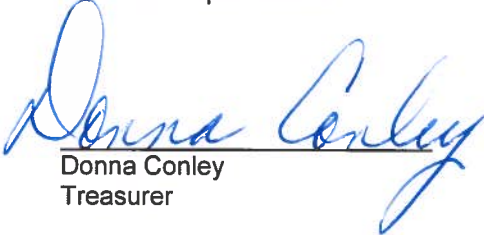
CITY OF ANTIOCH
SUMMARY REPORT ON THE CITY'S INVESTMENTS

FEBRUARY 28, 2014



Total of City and Fiscal Agent Investments = \$77,758,821

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


Donna Conley
Treasurer


Dawn Merchant
Finance Director

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

	<u>Amount</u>
Antioch Public Financing Authority 2002 Lease Revenue Bonds	285,556
Antioch Public Financing Authority 1998 Reassessment Revenue Bonds	5,422,392
Antioch Development Agency 2000 Tax Allocation Bonds	126,236
Antioch Development Agency 2009 Tax Allocation Bonds	168,090
ABAG Lease Revenue Bonds	<u>432,700</u>
	<u><u>\$6,434,974</u></u>



Managed Account Issuer Summary

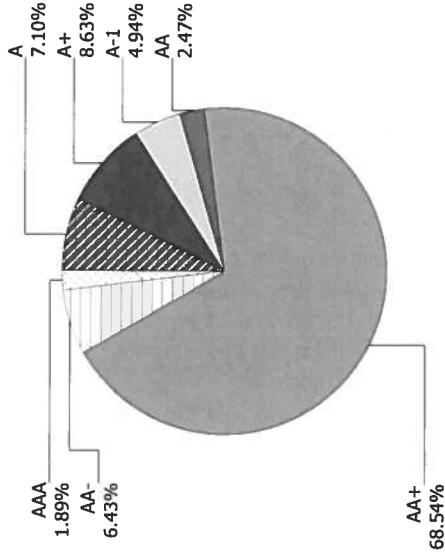
For the Month Ending February 28, 2014

CITY OF ANTIOCH, CA - 04380500

Issuer Summary

Issuer	Market Value of Holdings	Percent
AMERICAN HONDA FINANCE	589,780.62	0.86
APPLE INC	639,239.04	0.93
BANK OF NEW YORK	1,446,506.78	2.10
BANK OF NOVA SCOTIA	1,353,557.25	1.96
BERKSHIRE HATHAWAY INC	936,633.69	1.36
CA ST DEPT OF WATER REV BONDS	501,385.00	0.73
CATERPILLAR INC	252,288.50	0.37
CREDIT SUISSE GROUP	1,704,136.10	2.47
DEERE & COMPANY	453,570.75	0.66
FANNIE MAE	4,436,334.87	6.44
FEDERAL HOME LOAN BANKS	1,375,301.13	2.00
FREDDIE MAC	2,071,278.27	3.01
GENERAL ELECTRIC CO	2,221,327.13	3.22
IBM CORP	306,049.20	0.44
JP MORGAN CHASE & CO	2,677,324.05	3.88
MET WATER DISTRICT OF SOUTHERN CA	800,789.25	1.16
RABOBANK NEDERLAND	1,698,386.70	2.46
SKANDINAVISKA ENSKIDA BANKEN AB	1,703,621.00	2.47
STATE OF CALIFORNIA	1,509,949.00	2.19
SVENSKA HANDELSBANKEN	1,701,142.40	2.47
TOYOTA MOTOR CORP	728,078.35	1.06
UNITED STATES TREASURY	36,490,331.66	52.94
UNIVERSITY OF CALIFORNIA	366,359.70	0.53
WAL-MART STORES INC	400,706.00	0.58
WELLS FARGO & COMPANY	2,557,339.48	3.71
Total	\$68,921,415.92	100.00%

Credit Quality (S&P Ratings)



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending February 28, 2014

CITY OF ANTIOCH, CA - 04380500

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note											
US TREASURY NOTES	DTD 03/01/2010 2.375% 02/28/2015	912828MR8	AA+	Aaa	06/20/12	06/21/12	1,104,919.92	0.42	67.76	1,070,412.06	1,073,050.65
US TREASURY NOTES	DTD 03/15/2012 0.375% 03/15/2015	912828SK7	AA+	Aaa	03/13/12	03/15/12	169,428.91	0.49	294.10	169,801.34	170,391.85
US TREASURY NOTES	DTD 03/15/2012 0.375% 03/15/2015	912828SK7	AA+	Aaa	06/27/12	06/28/12	824,355.47	0.40	1,427.23	824,752.71	826,901.63
US TREASURY NOTES	DTD 08/02/2010 1.750% 07/31/2015	912828NP1	AA+	Aaa	10/23/12	10/26/12	337,098.63	0.39	455.63	331,232.61	332,160.08
US TREASURY NOTES	DTD 08/02/2010 1.750% 07/31/2015	912828NP1	AA+	Aaa	08/22/12	08/23/12	483,418.36	0.39	651.90	473,929.11	475,244.42
US TREASURY NOTES	DTD 08/02/2010 1.750% 07/31/2015	912828NP1	AA+	Aaa	09/06/12	09/10/12	3,772,832.03	0.33	5,082.01	3,697,842.56	3,704,862.38
US TREASURY NOTES	DTD 11/30/2010 1.375% 11/30/2015	912828PJ3	AA+	Aaa	11/01/12	11/05/12	911,204.30	0.40	3,042.19	899,984.54	901,974.30
US TREASURY NOTES	DTD 11/30/2010 1.375% 11/30/2015	912828PJ3	AA+	Aaa	11/29/12	12/05/12	2,627,595.70	0.35	8,765.63	2,595,567.96	2,598,909.00
US TREASURY NOTES	DTD 01/31/2014 0.375% 01/31/2016	912828B41	AA+	Aaa	02/04/14	02/07/14	4,655,994.14	0.31	1,396.93	4,655,810.69	4,656,175.20
US TREASURY NOTES	DTD 05/02/2011 2.000% 04/30/2016	912828OF0	AA+	Aaa	03/27/13	03/28/13	997,277.34	0.38	6,350.83	983,181.05	982,804.45
US TREASURY NOTES	DTD 06/30/2009 3.250% 06/30/2016	912828KZ2	AA+	Aaa	05/10/13	05/15/13	2,394,218.75	0.41	11,850.83	2,345,208.78	2,342,313.60
US TREASURY NOTES	DTD 06/30/2009 3.250% 06/30/2016	912828KZ2	AA+	Aaa	05/22/13	05/24/13	3,204,783.20	0.44	15,890.88	3,142,033.55	3,140,829.60
US TREASURY NOTES	DTD 06/30/2009 3.250% 06/30/2016	912828KZ2	AA+	Aaa	05/24/13	05/31/13	3,574,570.31	0.53	17,776.24	3,508,298.34	3,513,470.40
US TREASURY NOTES	DTD 08/31/2011 1.000% 08/31/2016	912828RF9	AA+	Aaa	08/29/13	08/30/13	1,106,015.63	0.82	29.89	1,105,013.34	1,113,492.60



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending February 28, 2014

CITY OF ANTIPOCH, CA - 04380500

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury Bond / Note										
US TREASURY NOTES DTD 08/31/2011 1.000% 08/31/2016	912828RF9	AA+	Aaa	02/27/14	03/03/14	4,050,468.75	0.49	326.09	4,050,468.75	4,049,064.00
US TREASURY NOTES DTD 11/30/2011 0.875% 11/30/2016	912828RU6	AA+	Aaa	11/27/13	12/03/13	3,136,726.56	0.58	6,803.13	3,134,582.72	3,133,082.03
US TREASURY NOTES DTD 11/30/2011 0.875% 11/30/2016	912828RU6	AA+	Aaa	10/31/13	11/01/13	3,476,683.59	0.62	7,546.88	3,473,855.96	3,475,605.47
Security Type Sub-Total						36,827,591.59	0.45	87,758.15	36,461,976.07	36,490,331.66
Municipal Bond / Note										
METRO WTR DIST AUTH, CA TXBL REV BONDS DTD 06/28/2012 0.616% 07/01/2014	59266THP9	AAA	Aa1	06/21/12	06/28/12	575,000.00	0.62	590.33	575,000.00	575,287.50
UNIV OF CAL TXBL REV BONDS DTD 10/02/2013 0.528% 05/15/2015	91412GSW6	AA	Aa1	09/26/13	10/02/13	230,000.00	0.53	502.63	230,000.00	230,487.60
METRO WTR DIST AUTH, CA TXBL REV BONDS DTD 06/28/2012 0.943% 07/01/2015	59266THO7	AAA	Aa1	06/21/12	06/28/12	225,000.00	0.94	353.63	225,000.00	225,501.75
CA ST DEPT OF WATER TXBL REV BONDS DTD 09/27/2012 0.650% 12/01/2015	13066KX87	AAA	Aa1	09/19/12	09/27/12	500,000.00	0.65	812.50	500,000.00	501,385.00
CA ST TXBL GO BONDS DTD 03/27/2013 1.050% 02/01/2016	13063BN73	A	A1	03/13/13	03/27/13	551,859.00	0.93	481.25	551,256.95	552,491.50
UNIV OF CAL TXBL REV BONDS DTD 10/02/2013 0.907% 05/15/2016	91412GSX4	AA	Aa1	09/26/13	10/02/13	135,000.00	0.91	506.79	135,000.00	135,872.10
CA ST TAXABLE GO BONDS DTD 11/05/2013 1.250% 11/01/2016	13063CFD7	A	A1	10/22/13	11/05/13	954,455.50	1.09	3,826.39	953,981.48	957,457.50
Security Type Sub-Total						3,165,000.00	0.85	7,073.52	3,170,238.43	3,178,482.95
Federal Agency Bond / Note										



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending February 28, 2014

CITY OF ANTIPOCH, CA - 04380500

Security Type/Description	Dated Date/Coupon/Maturity	CUSIP	Federal Agency Bond / Note	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
FANNIE MAE GLOBAL NOTES	DTD 04/19/2012 0.500% 05/27/2015	3135G0KM4		1,030,000.00	AA+	Aaa	04/17/12	04/19/12	1,027,023.30	0.59	1,344.72	1,028,805.86	1,033,386.64
FREDDIE MAC GLOBAL NOTES	DTD 07/11/2012 0.500% 08/28/2015	3134G3ZA1		1,825,000.00	AA+	Aaa	07/30/12	07/31/12	1,827,129.78	0.46	25.35	1,826,040.51	1,830,710.43
FANNIE MAE GLOBAL NOTES	DTD 11/16/2012 0.375% 12/21/2015	3135G0S80		950,000.00	AA+	Aaa	11/14/12	11/16/12	947,786.50	0.45	692.71	948,705.78	951,008.90
FHLB (CALLABLE) GLOBAL NOTES	DTD 12/30/2013 0.375% 12/30/2015	3130A0GK0		1,375,000.00	AA+	Aaa	12/12/13	12/30/13	1,374,587.50	0.39	873.70	1,374,622.34	1,375,301.13
FANNIE MAE GLOBAL NOTES	DTD 02/15/2013 0.500% 03/30/2016	3135G0VA8		800,000.00	AA+	Aaa	02/14/13	02/15/13	799,088.00	0.54	1,677.78	799,390.80	801,347.20
FREDDIE MAC GLOBAL NOTES	DTD 03/07/2013 0.500% 05/13/2016	3137EAD09		240,000.00	AA+	Aaa	03/06/13	03/07/13	239,985.60	0.50	360.00	239,989.90	240,567.84
FNMA NOTES	DTD 08/19/2011 1.250% 09/28/2016	3135G0CM3		655,000.00	AA+	Aaa	10/01/13	10/03/13	664,674.35	0.75	3,479.69	663,355.00	665,315.60
FNMA NOTES	DTD 08/19/2011 1.250% 09/28/2016	3135G0CM3		970,000.00	AA+	Aaa	10/01/13	10/03/13	984,555.92	0.74	5,153.13	982,570.65	985,276.53
Security Type Sub-Total				7,845,000.00					7,864,830.95	0.53	13,607.08	7,863,480.84	7,882,914.27

Corporate Note	Dated Date/Coupon/Maturity	CUSIP	Federal Agency Bond / Note	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
JP MORGAN CHASE & CO NOTES	DTD 05/18/2009 4.650% 06/01/2014	46625HHN3		1,010,000.00	A	A3	12/19/11	12/22/11	1,062,853.30	2.43	11,741.25	1,015,540.71	1,019,377.85
GENERAL ELEC CAP CORP GLOBAL NOTES	DTD 01/09/2012 2.150% 01/09/2015	36962G5M2		865,000.00	AA+	A1	05/23/12	05/29/12	874,419.85	1.72	2,686.31	868,133.75	878,531.20
IBM CORP GLOBAL NOTES	DTD 02/06/2012 0.550% 02/06/2015	459200HB0		305,000.00	AA-	Aa3	02/01/12	02/06/12	303,508.55	0.72	116.49	304,534.01	306,049.20
BANK OF NEW YORK MELLON (CALLABLE) NOTES	DTD 02/21/2012 1.200% 02/20/2015	06406HCC1		375,000.00	A+	A1	02/13/12	02/21/12	374,658.75	1.23	137.50	374,888.25	377,981.63



PFM Asset Management LLC



For the Month Ending February 28, 2014

Managed Account Detail of Securities Held

CITY OF ANTIOCH, CA - 04380500

Security Type /Description	Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate Note												
CATERPILLAR FIN CORP NOTES	14912L5D9	14912L5D9	250,000.00	A	A2	05/22/12	05/30/12	249,920.00	1.11	702.78	249,966.46	252,288.50
DTD 05/30/2012 1.100% 05/29/2015												
JOHN DEERE CAPITAL CORP GLOBAL NOTES	24422ERS0	24422ERS0	450,000.00	A	A2	06/26/12	06/29/12	449,878.50	0.96	736.25	449,945.81	453,570.75
DTD 06/29/2012 0.950% 06/29/2015												
WELLS FARGO & COMPANY	94974BFE5	94974BFE5	750,000.00	A+	A2	03/26/13	03/28/13	762,978.08	0.73	1,875.00	757,688.36	760,215.00
DTD 06/27/2012 1.500% 07/01/2015												
WELLS FARGO & COMPANY	94974BFE5	94974BFE5	750,000.00	A+	A2	03/27/13	03/28/13	762,757.50	0.74	1,875.00	757,558.16	760,215.00
DTD 06/27/2012 1.500% 07/01/2015												
JPMORGAN CHASE & CO GLOBAL NOTES	46623ER1	46623ER1	650,000.00	A	A3	10/15/12	10/18/12	649,733.50	1.11	2,701.11	649,854.33	653,788.20
DTD 10/18/2012 1.100% 10/15/2015												
BANK OF NEW YORK MELLON (CALLABLE)	06406HCD9	06406HCD9	425,000.00	A+	A1	10/18/12	10/25/12	424,562.25	0.73	1,057.78	424,758.43	426,406.75
DTD 10/25/2012 0.700% 10/23/2015												
BANK OF NEW YORK MELLON (CALLABLE)	06406HCD9	06406HCD9	640,000.00	A+	A1	12/17/12	12/20/12	638,067.20	0.81	1,592.89	638,876.78	642,118.40
DTD 10/25/2012 0.700% 10/23/2015												
WAL-MART STORES INC GLOBAL NOTES	931142DE0	931142DE0	400,000.00	AA	Aa2	04/04/13	04/11/13	399,716.00	0.62	933.33	399,799.61	400,706.00
DTD 04/11/2013 0.600% 04/11/2016												
APPLE INC GLOBAL NOTES	037833AH3	037833AH3	640,000.00	AA+	Aa1	04/30/13	05/03/13	638,841.60	0.51	944.00	639,159.52	639,239.04
DTD 05/03/2013 0.450% 05/03/2016												
TOYOTA MOTOR CREDIT CORP	89236TAL9	89236TAL9	725,000.00	AA-	Aa3	05/14/13	05/17/13	724,702.75	0.81	1,675.56	724,780.24	728,078.35
DTD 05/17/2013 0.800% 05/17/2016												
GENERAL ELEC CAP CORP (FLOATING)	36962G7A6	36962G7A6	1,330,000.00	AA+	A1	07/09/13	07/12/13	1,330,000.00	0.93	1,515.31	1,330,000.00	1,342,795.93
DTD 07/12/2013 0.892% 07/12/2016												
WELLS FARGO & COMPANY	94974BFL9	94974BFL9	1,025,000.00	A+	A2	07/22/13	07/29/13	1,024,016.00	1.28	1,459.20	1,024,207.13	1,036,909.48
DTD 07/29/2013 1.250% 07/20/2016												
BERKSHIRE HATHAWAY FIN GLOBAL NOTES	084664BX8	084664BX8	930,000.00	AA	Aa2	08/06/13	08/15/13	929,507.10	0.97	392.67	929,595.52	936,633.69
DTD 08/15/2013 0.950% 08/15/2016												
AMERICAN HONDA FINANCE GLOBAL NOTES	02665WAB7	02665WAB7	585,000.00	A+	A1	10/03/13	10/10/13	582,964.20	1.24	2,577.66	583,226.50	589,780.62
DTD 10/10/2013 1.125% 10/07/2016												



PFM Asset Management LLC



Managed Account Detail of Securities Held

For the Month Ending February 28, 2014

CITY OF ANTIOCH, CA - 04380500

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
JPMORGAN CHASE & CO DTD 02/18/2014 1.350% 02/15/2017	46623EY6	A	A3	02/12/14	02/18/14	999,500.00	1.37	487.50	999,505.91	1,004,158.00
Security Type Sub-Total						13,182,585.13	1.12	35,207.59	13,122,019.48	13,208,843.59
Certificate of Deposit										
SVENSKA HANDELSBANKEN NY FLOATING LT CD	86958CVF8	AA-	Aa3	04/03/13	04/05/13	1,699,741.11	0.48	1,058.30	1,699,872.60	1,701,142.40
DTD 04/05/2013 0.423% 10/06/2014										
CREDIT SUISSE NEW YORK CERT DEPOS (FLOAT)	22549TDK1	A-1	P-1	07/11/13	07/15/13	1,700,000.00	0.68	1,464.10	1,700,000.00	1,704,136.10
DTD 07/15/2013 0.639% 01/15/2015										
BANK OF NOVA SCOTIA HOUS CERT DEPOS (FLT)	06417FPL8	A+	Aa2	03/04/13	03/06/13	1,350,000.00	0.59	1,578.00	1,350,000.00	1,353,557.25
DTD 03/06/2013 0.480% 03/06/2015										
RABOBANK NEDERLAND NV NY CD	21684BEP5	AA-	Aa2	04/25/13	04/29/13	1,700,000.00	0.61	3,485.00	1,700,000.00	1,698,386.70
DTD 04/29/2013 0.600% 04/29/2015										
SKANDINAVISKA ENSKILDA BY NY FLOAT CD	83051HUD6	A-1	P-1	01/07/14	01/10/14	1,700,000.00	0.56	1,327.18	1,700,000.00	1,703,621.00
DTD 01/10/2014 0.562% 01/04/2016										
Security Type Sub-Total						8,149,741.11	0.58	8,912.58	8,149,872.60	8,160,843.45
Managed Account Sub-Total						69,196,063.28	0.62	152,558.92	68,767,587.42	68,921,415.92
Securities Sub-Total						\$69,196,063.28	0.62%	\$152,558.92	\$68,767,587.42	\$68,921,415.92
Accrued Interest										\$152,558.92
Total Investments										\$69,073,974.84

Bolded items are forward settling trades.



PFM Asset Management LLC



Managed Account Security Transactions & Interest

For the Month Ending February 28, 2014

CITY OF ANTIOCH, CA - 04380500

Transaction Type	Trade	Settle	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
BUY											
	02/04/14	02/07/14	US TREASURY NOTES DTD 01/31/2014 0.375% 01/31/2016	912828BA1	4,650,000.00	(4,655,994.14)	(337.19)	(4,656,331.33)			
	02/12/14	02/18/14	JPMORGAN CHASE & CO DTD 02/18/2014 1.350% 02/15/2017	46623EJY6	1,000,000.00	(999,500.00)	0.00	(999,500.00)			
	02/27/14	03/03/14	US TREASURY NOTES DTD 08/31/2011 1.000% 08/31/2016	912828RF9	4,000,000.00	(4,050,468.75)	(326.09)	(4,050,794.84)			
Transaction Type Sub-Total					9,650,000.00	(9,705,962.89)	(663.28)	(9,706,626.17)			
INTEREST											
	02/01/14	02/01/14	CA ST TXBL GO BONDS	13063BN73	550,000.00	0.00	2,887.50	2,887.50			
	02/03/14	02/03/14	DTD 03/27/2013 1.050% 02/01/2016 MONEY MARKET FUND	MONEY0002	0.00	0.00	1.86	1.86			
	02/06/14	02/06/14	IBM CORP GLOBAL NOTES	459200HB0	305,000.00	0.00	838.75	838.75			
	02/15/14	02/15/14	DTD 02/06/2012 0.550% 02/06/2015 BERKSHIRE HATHAWAY FIN GLOBAL NOTES	084664BX8	930,000.00	0.00	4,417.50	4,417.50			
	02/15/14	02/15/14	DTD 08/15/2013 0.950% 08/15/2016 US TREASURY NOTES	912828SE1	1,000,000.00	0.00	1,250.00	1,250.00			
	02/20/14	02/20/14	DTD 02/15/2012 0.250% 02/15/2015 BANK OF NEW YORK MELLON (CALLABLE) NOTES	06406HCC1	375,000.00	0.00	2,250.00	2,250.00			
	02/28/14	02/28/14	DTD 02/21/2012 1.200% 02/20/2015 US TREASURY NOTES	912828MR8	1,500,000.00	0.00	17,812.50	17,812.50			
	02/28/14	02/28/14	DTD 03/01/2010 2.375% 02/28/2015 FREDDIE MAC GLOBAL NOTES	3134G3ZA1	1,825,000.00	0.00	4,562.50	4,562.50			
	02/28/14	02/28/14	DTD 07/11/2012 0.500% 08/28/2015 US TREASURY NOTES	912828RF9	1,100,000.00	0.00	5,500.00	5,500.00			
	02/28/14	02/28/14	DTD 08/31/2011 1.000% 08/31/2016 US TREASURY NOTES	912828MR8	2,500,000.00	0.00	29,687.50	29,687.50			
	02/28/14	02/28/14	DTD 03/01/2010 2.375% 02/28/2015								
Transaction Type Sub-Total					10,085,000.00	0.00	69,208.11	69,208.11			





Managed Account Security Transactions & Interest

For the Month Ending February 28, 2014

CITY OF ANTIPOCH, CA - 04380500

Trade	Settle	Transaction Type	Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
SELL											
02/04/14	02/07/14	STANDARD CHARTERED BK NY LT CD (FLOAT)	85325BV50	1,000,000.00	1,000,170.46	149.69	1,000,320.15	170.46	170.46	170.46	SPEC LOT
02/04/14	02/07/14	DTD 03/18/2013 0.315% 03/18/2014 US TREASURY NOTES	912828SE1	500,000.00	500,468.75	597.83	501,066.58	3,066.41	1,366.96	1,366.96	SPEC LOT
02/04/14	02/07/14	DTD 02/15/2012 0.250% 02/15/2015 FHLB NOTES	313371PC4	2,950,000.00	2,967,611.50	3,943.58	2,971,555.08	(10,089.00)	9,466.23	9,466.23	SPEC LOT
02/12/14	02/18/14	DTD 11/08/2010 0.875% 12/12/2014 JPMORGAN CHASE & CO GLOBAL NOTES	46623EJR1	1,000,000.00	1,004,670.00	3,758.33	1,008,428.33	5,080.00	4,899.05	4,899.05	SPEC LOT
02/27/14	03/03/14	DTD 10/18/2012 1.100% 10/15/2015 US TREASURY NOTES	912828SE1	1,000,000.00	1,001,171.88	110.50	1,001,282.38	6,367.19	2,852.57	2,852.57	SPEC LOT
02/27/14	03/03/14	DTD 02/15/2012 0.250% 02/15/2015 US TREASURY NOTES	912828MR8	2,500,000.00	2,555,371.09	484.03	2,555,855.12	(84,082.04)	6,344.39	6,344.39	SPEC LOT
02/27/14	03/03/14	DTD 03/01/2010 2.375% 02/28/2015 US TREASURY NOTES	912828MR8	450,000.00	459,966.80	87.13	460,053.93	(13,570.31)	1,266.40	1,266.40	SPEC LOT
Transaction Type Sub-Total						9,489,430.48	9,131.09	9,498,561.57	(93,057.29)	26,366.06	
Managed Account Sub-Total						(216,532.41)	77,675.92	(138,856.49)	(93,057.29)	26,366.06	
Total Security Transactions						(\$216,532.41)	\$77,675.92	(\$138,856.49)	(\$93,057.29)	\$26,366.06	

Bolded items are forward settling trades.



**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF MARCH 25, 2014**

FROM: Lynn Tracy Nerland, City Attorney 

DATE: March 12, 2014

SUBJECT: Rejection of Claims

RECOMMENDATION:

Reject the application for a late claim:

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

LTN/spd

cc: Anthony S. Allenza, Risk Management

3/25/14

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 25, 2014**

Prepared by: Tina Wehrmeister, Community Development Director *TW*
Date: March 20, 2014
Subject: Adoption of Development Impact Fees and Update to Park In-Lieu/Quimby Act Fee

RECOMMENDATION

It is recommended that the City Council:

1. Motion to adopt an ordinance adding Chapter 3 of Title 9 to the Antioch Municipal Code establishing Development Impact Fees.
2. Motion to adopt 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.
3. Motion to adopt a resolution amending the Master Fee Schedule to reflect the adopted changes in development impact fees and park in-lieu fees.

BACKGROUND INFORMATION

The attached ordinances were introduced by the Council on March 11, 2014. The Council made no changes to the ordinances at this meeting.

The recommended amendments to the Master Fee Schedule reflect the adopted changes in development impact fees and park in-lieu fees.

FINANCIAL IMPACT

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

OPTIONS

None, the recommended actions are consistent with the City Council's introduction of the ordinances on March 11, 2014 and the Master Fee Schedule change implements the ordinances.

ATTACHMENTS

None.

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 2014 and passed and introduced at a regular meeting thereof, held on the 25th day of March 2014 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

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, 2014 and passed and introduced at a regular meeting thereof, held on the 25th day of March, 2014 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

RESOLUTION NO. 2014/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING THE
MASTER FEE SCHEDULE RELATED TO DEVELOPMENT IMPACT FEES
AND PARK IN-LIEU FEES**

WHEREAS, the City of Antioch requests an amendment to the Master Fee Schedule to reflect new Development Impact Fees and Park In-lieu fee amendments adopted under Ordinance _____ and _____ introduced on March 11, 2014 and adopted on March 25, 2014; and

WHEREAS, the City Council considered this item at a regularly scheduled public meeting on March 25, 2014.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby ADOPTS revisions to the Master Fee Schedule as follows:

COMMUNITY DEVELOPMENT BUILDING FEES

DESCRIPTION	FEE AMOUNT		
Development Impact Fees, charged per unit for residential and per sq. ft. non-residential:	<u>Effective 6/24/14:</u>		
	<u>Single Family</u>	<u>Multi-Family</u>	<u>Non-Residential</u>
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
Total	\$ 5,180	3,282	0.30
	A 3% administrative charge shall be applied to all fees listed above.		

PUBLIC WORKS

DESCRIPTION	FEE AMOUNT
Park In Lieu Fees (per unit):	<u>Effective 4/24/14:</u>
Single-family, detached	\$1,500
Single-family, attached	1,100
Duplexes	950
Multi-family	950
Mobile home	950

RESOLUTION NO. 2014/**

March 25, 2014

Page 2

* * * * *

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 25th day of March, 2014.

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 25, 2014**

Prepared by: Tina Wehrmeister, Community Development Director *TW*
Date: March 20, 2014
Subject: Amendments to the Growth Management Program

RECOMMENDATION

It is recommended the City Council adopt the attached ordinance repealing and reenacting Title 9, Chapter 5, Article 40 or the Antioch Municipal Code regarding Residential Growth Management.

BACKGROUND INFORMATION

The attached ordinance was introduced by the Council on March 11, 2014. The Council made no changes to the ordinance at this meeting.

FINANCIAL IMPACT

None.

OPTIONS

None, the recommended action is consistent with the City Council's introduction of the ordinance on March 11, 2014.

ATTACHMENTS

None.

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 March 25, 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

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR
CONSIDERATION AT THE COUNCIL MEETING OF MARCH 25, 2014**

FROM: Dawn Merchant, Finance Director 
APPROVED BY: Steven Duran, City Manager 
DATE: March 12, 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 adopt 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

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 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.

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.

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

No options are presented because the City Council already introduced the ordinance as presented.

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 INTERNETACCESS 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, curbs, 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

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 25, 2014**

Prepared by: Ken Warren, Assistant Engineer *KW*

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

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

Date: March 10, 2014

Subject: Approval of the Freeway Maintenance Agreement for State Route 4
Loveridge Road Interchange/Century Boulevard Overcrossing
(04-CC-4-PM 24.9/25.8)

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution approving and authorizing the City Manager to sign the Freeway Maintenance Agreement for State Route 4 - Loveridge Road Interchange/Century Boulevard Overcrossing (04-CC-4-PM 24.9/25.8), in substantially the same form as attached to this resolution.

BACKGROUND INFORMATION

The City has two types of agreements with the California State Department of Transportation (Caltrans). One is the Freeway Agreement, which makes provision for the State highway in Antioch to be constructed, modified and maintained, including all required right-of-way acquisitions, local street closures, detours and all other construction affecting City streets, as shown on the State's highway construction and improvement plans. The other is the Freeway Maintenance Agreement, which details the City's maintenance responsibilities for specific facilities affected by freeway construction. Freeway Agreements are used as the basis for the establishment of Freeway Maintenance Agreements with local agencies.

On September 13, 1994 a Freeway Agreement was executed between the City and the State, wherein the City agreed to certain adjustments of local street and road systems required for the development of the portion of State Route 4 from Standard Oil Avenue (located parallel to the western city limits between Buchanan Road and State Route 4) to ½-mile east of Somersville Road.

The limits of the Freeway Maintenance Agreement are Post Mile (PM) 24.9 to PM 25.8, covering approximately 0.9 miles from the western City limits (160' west of Century Boulevard) to approximately 900 feet west of Somersville Avenue. If approved, the City is responsible for street pavements, shoulders, curbs and sidewalks, wall surfaces (including graffiti), landscaping, drainage installations, and any lighting installations and traffic service facilities that may be required for the benefit or control of traffic using the

Century Boulevard undercrossing, and which are part of Caltrans' right-of-way and outside their fenced areas. This is typical in all Freeway Maintenance Agreements.

State procedures require a formal action by the City to authorize execution of proposed agreements that involve the State. Although not anticipated, staff will bring back for Council's consideration any significant proposed changes to the attached Agreement and will consult with the City Manager and City Attorney when making these determinations, if necessary. The City Attorney has reviewed the proposed Freeway Maintenance Agreement and has approved it as to form.

FINANCIAL IMPACT

Staff has worked diligently to ensure that no significant additional maintenance responsibilities are added to the City by approval of the proposed Freeway Maintenance Agreement. Maintenance funding comes from Gas Tax and Measure "J" Transportation Sales Tax.

OPTIONS

No options considered.

ATTACHMENTS

None.

RESOLUTION NO. 2014/ **

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A
FREEWAY MAINTENANCE AGREEMENT BETWEEN THE STATE OF CALIFORNIA
AND THE CITY OF ANTIOCH AND AUTHORIZING THE CITY MANAGER TO SIGN
THE FREEWAY MAINTENANCE AGREEMENT IN SUBSTANTIALLY THE SAME
FORM AS ATTACHED TO THIS RESOLUTION**

WHEREAS, the State of California has presented the City of Antioch with a Freeway Maintenance Agreement covering a portion of State Route 4 ("SR4") from Post Mile (PM) 24.9 to PM 25.8, approximately 0.9 miles, from the western City limits (160' west of Century Boulevard) to approximately 900 feet west of Somersville Avenue; and

WHEREAS, said freeway has now been completed or is nearing completion and the parties hereto mutually desire to clarify the division of maintenance responsibility as to separation structures, local City streets and roads or portions thereof, and landscaped areas lying within and outside the freeway limits; and

WHEREAS, the City Council has considered said Freeway Maintenance Agreement in full and is familiar with the content thereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Antioch does hereby approve and authorize the City Manager to execute the Freeway Maintenance Agreement in substantially the same form as attached.

* * * * *

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 25th day of March 2014, by the following vote:

AYES:

NOES:

ABSENT:

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

EXHIBIT A

04-CC-4-PM 24.9/25.8
City of Antioch

FREEWAY MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into in duplicate, effective this _____, day of _____, 20____, is by and between the State of California, acting by and through its Department of Transportation, hereinafter referred to as "STATE," and the City of Antioch, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, on September 13, 1994, a Freeway Agreement from Standard Oil Avenue to 0.5 miles east of Somersville Road was executed between CITY and STATE wherein CITY agreed and consented to certain adjustments of the local street and road system required for the development of that portion of State highway Route 4 ("SR 4"), within the jurisdictional limits of CITY as a freeway; and

WHEREAS, on June 4, 2009, STATE Cooperative Agreement No. 4-2168-C was executed between STATE and Contra Costa Transportation Authority, not a party to this Agreement, for the construction of SR 4 improvements consisting of freeway widening, replacement of Century Boulevard Undercrossing and construction of soundwall in CITY, wherein the parties agreed to the terms and conditions of construction, and maintenance upon completion of construction.

WHEREAS, said freeway has now been completed or is nearing completion, and the parties hereto mutually desire to clarify the division of maintenance responsibility as to separation structures, and local CITY streets and roads, or portions thereof, and landscaped areas lying within or outside the freeway limits; and

WHEREAS, under the above said Freeway Agreement, CITY has resumed or will resume control and maintenance over each of the relocated or reconstructed CITY streets except on those portions thereof adopted as a part of the freeway proper.

NOW THEREFORE, IT IS AGREED:

1. EXHIBIT A

- A. Exhibit "A", which is attached to and made a part hereof by this reference, consists of plan drawings that delineate the areas within the STATE right of way which are CITY's responsibility to maintain in accordance with this Agreement.
- B. When a planned future improvement has been constructed and/or a minor revision has been effected within the limits of the freeway herein described which affects division of maintenance responsibility, STATE will provide a newly dated and revised Exhibit "A", which, when executed by both parties, shall be made a part hereof by this reference to supersede the original Exhibit "A" as part of this Agreement.

2. CENTURY BOULEVARD UNDERCROSSING

- A. STATE will maintain the structure proper of the vehicular undercrossing of STATE freeway while the roadway sections, including the traveled way, shoulders, curbs sidewalks, wall surfaces (including eliminating graffiti), drainage installations, lighting installations and traffic service facilities that may be required for the benefit or control of traffic using the undercrossing will be maintained by CITY.
- B. CITY will inform STATE District Transportation Permit Engineer and obtain the necessary Encroachment Permit for any proposed change in minimum vertical clearances between the traveled way portion of the under-roadway surface and the Structure that results from modifications to the under-roadway (except when said modifications are made by STATE). If the planned modifications will result in a reduction in the minimum clearance within the traveled way, an estimate of the clearance reduction must be provided to the STATE District Transportation Permit Engineer for review and approval prior to starting work. Upon completion of that work, a clearance diagram will be furnished to the STATE District Transportation Permit Engineer that shows revised minimum clearances for all affected movements of traffic, both at the edges of the traveled way and at points of minimum clearance within the traveled way.

3. LANDSCAPED AREAS ADJACENT TO CROSSING STRUCTURES

Responsibility for the maintenance of any plantings or other types of roadside development lying outside of the area reserved for exclusive freeway use shall lie with CITY and not with STATE.

4. LEGAL RELATIONS AND RESPONSIBILITIES:

- A. Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement or affect the legal liability of either party to the Agreement by imposing any standard of care with respect to the operation and maintenance of State Highways or the improvements different from the standard of care imposed by law.
- B. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction conferred upon CITY and arising under this Agreement. It is understood and agreed that CITY shall fully defend, indemnify and save harmless STATE and all its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY under this Agreement.

C. Neither CITY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction conferred upon STATE and arising under this Agreement. It is understood and agreed that STATE shall fully defend, indemnify and save harmless CITY and all its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including, but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this Agreement.

5. EFFECTIVE DATE

This Agreement shall be effective upon date of its execution by STATE, and shall terminate only by mutual agreement of the parties.

The PARTIES are empowered by Street and Highways Code section 114 & 130 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

CITY OF ANTIOCH

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By _____
STEVEN DURAN
CITY MANAGER

MALCOLM DOUGHERTY
Director of Transportation

ATTEST:

By _____ Date
NADER ESHGHIPOUR
Deputy District Director
Maintenance

By _____
CITY Clerk

APPROVED AS TO FORM

By _____
CITY Attorney

DIST	COUNTY	ROUTE	POST MILES
D4	CC	4	24.9725.8

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
FREWAY MAINTENANCE AGREEMENT
 with the
CITY OF ANTIOCH

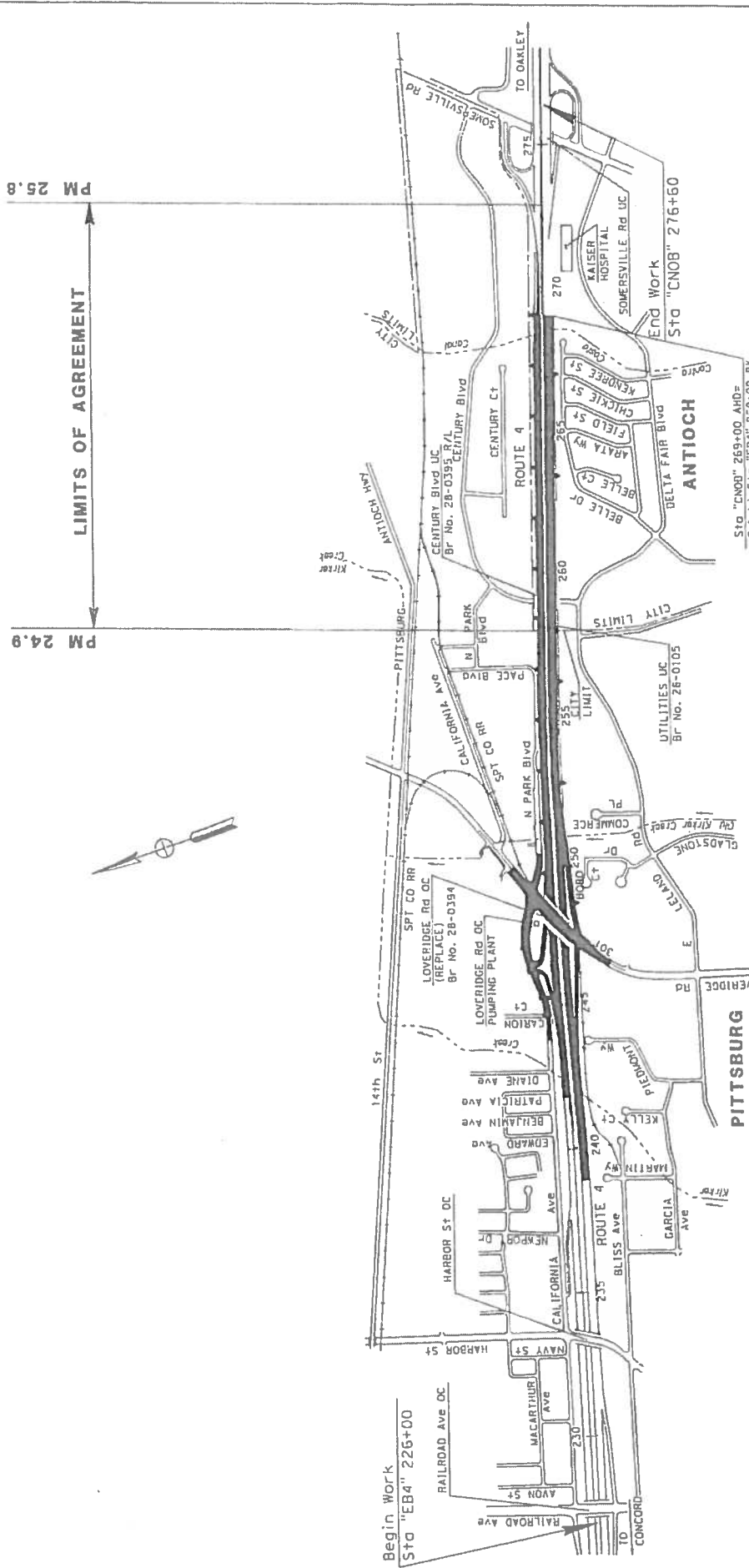


EXHIBIT A
 (Sheet 1 of 2)
LOCATION MAP
 FREEWAY MAINTENANCE AGREEMENT
 WITH THE CITY OF ANTIOCH
 04-CC-4-PM 24.9/25.8

NO SCALE

DIST	COUNTY	ROUTE	POST MILES
04	CC	4	24.9/25.6

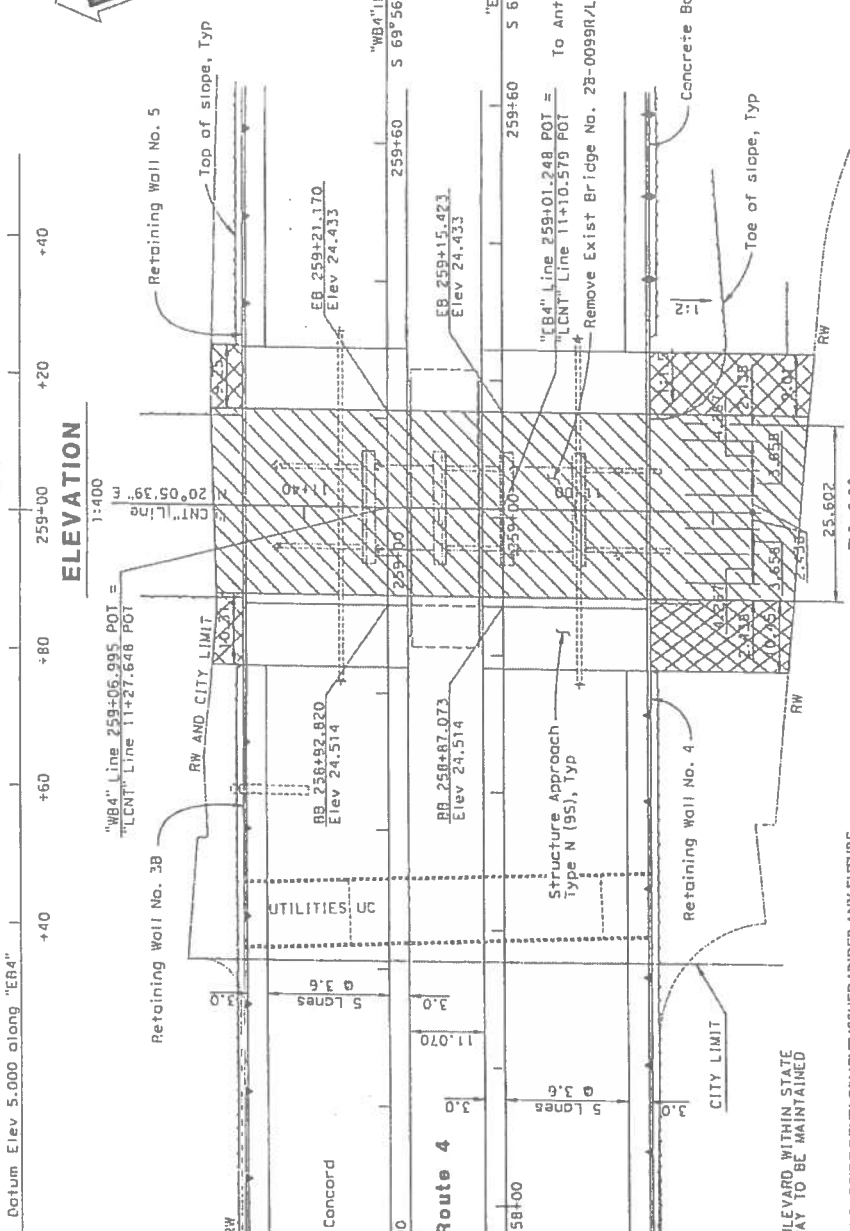
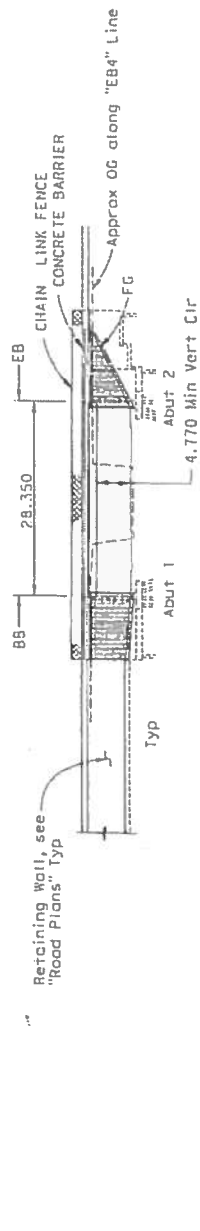
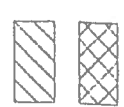


EXHIBIT A
(Sheet 2 of 2)
CENTURY BOULEVARD UC

FREIGHTWAY MAINTENANCE AGREEMENT
 WITH THE CITY OF ANTIPOCH
 04-CC-4-FM 24.9/25.6

CENTURY BOULEVARD WITHIN STATE
 RIGHT OF WAY TO BE MAINTAINED
 BY THE CITY

PLANTING OR ROADSIDE DEVELOPMENT ISSUED UNDER ANY FUTURE
 STATE ENCROACHMENT PERMIT TO BE MAINTAINED BY CITY



**STAFF REPORT TO CITY COUNCIL FOR CONSIDERATION
AT THE MEETING OF MARCH 25, 2014**

FROM: Ron Bernal, Public Works Director/City Engineer *RB*

DATE: March 17, 2014

SUBJECT: Amendment to the Consultant Services Agreement for Professional Services with Flow Science Incorporated

RECOMMENDATION

It is recommended that Council approve the Eighth Amendment to the Consultant Service Agreement with Flow Science Incorporated for scientific assistance in support of our negotiations with the California State Department of Water Resources (DWR) and review of the Bay Delta Conservation Plan.

BACKGROUND INFORMATION

Flow Science Incorporated is a key component of the City's water rights consultant team. Flow Science continues to provide technical support to the City of Antioch in the modeling and analysis of water quality at the City's water intake on the San Joaquin River, the terms of the City's agreement with DWR, as well as the analysis of federal, state and local projects and processes that have the potential to impact Delta flow circulation and Antioch's reliance on the Delta as a primary surface water supply. Several on-going Delta processes, such as the Delta Plan, the Bay Delta Conservation Plan (BDCP) and new state legislation and bond proposals, have the potential to impact the existing circulation pattern of Delta flow, which in turn can create a negative impact on the City's surface water supply and quality, recreational opportunities and our existing water rights.

Flow Science is currently analyzing hydraulic modeling data as it is made available from the BDCP and participating with Contra Costa Water District (CCWD) modeling staff to ensure that any proposed changes to either Delta conveyance or management of flow operations do not have negative impacts within the Western Delta and that adequate mitigations measures are being considered for Antioch.

Staff is recommending the term of the contract be extended until June 30, 2015 and increase the compensation by an additional \$72,000.00 (seventy-two thousand). The original contract has been approved by both the City Manager and City Attorney.

FINANCIAL IMPACT

The City's Fiscal Year 2013/14 and 2014/15 Water Enterprise Account include funding for these professional services.

OPTIONS

No options are suggested at this time.

ATTACHMENTS

A: Eighth Amendment to Agreement for Professional Services

RB:lm

3-25-14

EIGHTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES

THIS EIGHTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES is entered into this 11th day of March, 2014, by and between the CITY OF ANTIOCH, a municipal corporation (“CITY”) and FLOW SCIENCE INCORPORATED (“CONSULTANT”).

RECITALS

WHEREAS, on February 1, 2007, CITY and CONSULTANT entered into an Agreement for Professional Consulting Services; and

WHEREAS, the parties have agreed to modify the services and compensation of that Agreement;

NOW, THEREFORE, THE PARTIES DO MUTALLY AGREE AS FOLLOWS:

1. **SERVICES.** Section 1 of the Agreement, “Services” is amended to include the following provision:

The term of the contract is extended until June 30, 2015.

2. **COMPENSATION.** Section 2 of the Agreement, “Compensation” is amended to include the following provisions:

CITY hereby agrees to Pay Consultant an additional sum not to exceed \$72,000.00 (seventy-two thousand dollars), notwithstanding any contrary indications that may be contained in the Consultant’s proposal, for services to be performed and reimbursable costs incurred under this Agreement.

Consultant shall provide to City the services described in the Scope of Work attached as Exhibit A at the time and place and in the manner specified therein.

The total contract amount is not to exceed \$421,900.00.

All other terms and conditions of the existing Agreement shall remain in full force and effect.

CITY OF ANTIOCH

FLOW SCIENCE INCORPORATED

By: _____
Steven Duran, City Manager

By: _____
Dr. Susan C. Paulsen, President

APPROVED AS TO FORM:

By: _____
Lynn Tracy Nerland, City Attorney

EXHIBIT "A"

Flow Science Incorporated

48 S. Chester Ave., Ste. 200, Pasadena, CA 91106

(626) 304-1134 • FAX (626) 304-9427



March 11, 2014

Public Works Department, City of Antioch
P.O. Box 5007, 200 "H" Street
Antioch, CA 94531

Attention: Lori Medeiros, Capital Improvements Division

Subject: Proposal for Consulting Services
FSI 064136

Dear Ms. Medeiros,

Flow Science is pleased to provide this proposal for consulting services, per the City's request. As with prior consulting services, Flow Science proposes to assist the City with the following tasks:

- Modeling and analysis of water quality at the City's intake
- Review and comment upon various plans and proposals for the Delta that may affect water quality at Antioch's intake (e.g., the Bay-Delta Conservation Plan (BDCP), DWR's proposal to install "drought barriers")
- Analysis of the terms of Antioch's Agreement with DWR
- Additional services at the City's request

Flow Science proposes to provide these services on a time-and-expense basis in accordance with our current rate sheet (Attachment A) and via an amendment to our current Purchase Order (P070651). Although it is difficult to know in advance the precise level of effort that may be required, we anticipate working closely with City staff and estimate that \$72,000 will be required to provide these services over the coming year (i.e., through the end of March 2015). This amount will not be exceeded without prior authorization. We also request that the current contract be extended to March 31, 2015, to cover the time period corresponding to these services.

We appreciate the opportunity to provide this proposal, and we look forward to continuing to work with you.

Sincerely,

A handwritten signature in blue ink that reads "Susan C. Paulsen".

Susan C. Paulsen, Ph.D., P.E.
President and Principal Scientist



**ATTACHMENT A
SCHEDULE OF HOURLY BILLING RATES**

REGULATORY AND LEGAL ASSISTANCE

Effective January 2014

PROFESSIONAL	
Principal Consultant	\$314
Principal Engineer	239
Senior Engineer	163
Project Engineer III	163
Project Engineer II	156
Project Engineer I	131
Associate Engineer II	113
Associate Engineer I	108
Assistant Engineer II	98
Assistant Engineer I	86
Principal Scientist	265
Senior Scientist II	184
Senior Scientist I	156
Project Scientist II	135
Project Scientist I	126
MANAGERIAL	163
ADMINISTRATIVE	92
CLERICAL	60
INTERN	47
EXPENSES	At Cost
MILEAGE	Prevailing IRS Rate

Note: There is a 50% surcharge for depositions and trial testimony.

**STAFF REPORT TO THE MAYOR AND CITY COUNCIL FOR CONSIDERATION AT
THE COUNCIL MEETING OF MARCH 25, 2014**

FROM: Steve Duran, City Manager

REVIEWED

BY: Allan Cantando, Chief of Police
Michelle Fitzer, Human Resources/Economic Development Director

DATE: March 17, 2014

**SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN
AMENDED AGREEMENT FOR DISPATCH SERVICES BETWEEN THE
CITIES OF ANTIOCH AND BRENTWOOD**

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing the City Manager to execute an amended Agreement for Dispatch Services between the cities of Antioch and Brentwood, in substantially the same form as attached.

BACKGROUND

The City of Antioch has been providing Police dispatch services to the City of Brentwood for over 20 years. Periodically the Agreement for Services has been amended. The most recent amendment was in 2007.

In the Summer of 2013 Brentwood City Manager Paul Eldredge contacted then Antioch City Manager Jim Jakel regarding possible amendments to the Dispatch Agreement. In particular Brentwood had three interests:

- Better predictability of their dispatch costs.
- Amendment to the formula used to calculate their share of dispatch costs.
- Establishment of service goals.

Discussions between Antioch and Brentwood occurred over several months. At times the discussions included representatives from both cities Police Departments, and at times it was strictly Management staff.

At the conclusion of the discussions, the attached draft Agreement was tentatively agreed to by both City Managers. The substantive changes to the Agreement include:

- Eliminating the formula used to calculate each city's share of operating costs.
- Establishing a FY 2013/14 baseline operating cost for the purposes of calculating the FY 2014/15 fee, along with a six percent (6%) annual fixed operating cost escalator.
- Providing for a twelve (12) month notice of termination, rather than eighteen (18).
- Clarifying that capital costs are separate from, and in addition to, the operating costs.
- Establishing service goals for both cities.

I
3/25/14

FINANCIAL IMPACT

The calculated operating cost baseline, including a four percent (4%) Administrative Fee, for FY 2013/14 is \$797,602.89. When applying the six percent (6%) annual cost escalator, the FY 2014/15 Dispatch Services Operating Fee (revenue) will be \$845,459.06. For FY 2015/16 the Dispatch Service Operating Fee (revenue) will go up to \$896,186.60.

This new set increase percentage provides Antioch with fiscal stability when planning for the annual revenue to be collected from Brentwood for Dispatch services.

As has been the practice, eight percent (8%) of the revenue will be set aside in the Equipment Replacement Fund for Antioch's share of Dispatch equipment costs.

OPTIONS

1. Approve the attached resolution authorizing execution of the Agreement. This action is recommended.
2. Provide direction on alternative amendments to the Agreement.
3. Do not approve the Agreement. This action is not recommended. In this event, the current Agreement continues unless terminated or amended.

ATTACHMENTS

- A. Resolution Authorizing the City Manager to Execute an Amended Agreement for Dispatch Services between the Cities of Antioch and Brentwood
- B. Draft Agreement for Dispatch Services Between the Cities of Antioch and Brentwood

RESOLUTION NO. 2014/XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED
AGREEMENT FOR DISPATCH SERVICES
BETWEEN THE CITIES OF ANTIOCH AND BRENTWOOD**

WHEREAS, the City of Antioch has been providing Police Dispatch services to the City of Brentwood for over 20 years; and

WHEREAS, periodically the Agreement for Dispatch Services is amended, most recently in 2007; and

WHEREAS, the City Managers of Antioch and Brentwood have met several times to discuss possible changes to the current Agreement, to establish service goals and address fiscal considerations; and

WHEREAS, the City Managers of Antioch and Brentwood recommend the attached draft Agreement for Dispatch Services; and

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized to execute an amended Agreement for Dispatch Services between the Cities of Antioch and Brentwood, in substantially the form attached, without further Council authorization.

* * * * *

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 25th day of March, 2014, by the following vote:

AYES:

NOES:

ABSENT:

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

**AGREEMENT FOR DISPATCH SERVICES
(Cities of Antioch and Brentwood)**

THIS AGREEMENT FOR DISPATCH SERVICES ("Agreement") is entered into this 1st day of July, 2014 by and between the City of Antioch, California ("Antioch") and the City of Brentwood, California ("Brentwood") (each a "City" and collectively, the "Cities"), both being California municipal corporations.

Recitals

A. The Cities acknowledge that each requires dispatch services and that fair, equitable and proportional sharing of reasonable dispatch costs will benefit both Cities and their citizens.

B. Antioch has been providing dispatch services to Brentwood for more than 20 years. In exchange for monetary compensation, Antioch agrees to continue to provide dispatch services to Brentwood.

C. The Cities have agreed to simplify the calculation of annual operating costs by using the fiscal year 2013/14 charges to determine a new baseline upon which to calculate future annual costs. Capital costs will continue to be a separate expenditure fee, in addition to the annual operating costs.

D. At this time, the Cities desire to update the written agreement for the provision of dispatch service, effective July 1, 2014. The previous agreement is in full force and effect through June 30, 2014.

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Provision of Services. Antioch and Brentwood shall perform those services and carry out that work described in the "Service Plan" attached hereto as Exhibit "A" and incorporated herein by reference (the "Services").
2. Payment for Services. Brentwood shall pay Antioch those costs/fees described in the Cost and Payment Provisions, attached hereto as Exhibit "B" and incorporated herein by reference. The costs/fees set forth are effective July 1, 2014 and any costs/fees for the preceding periods are as set forth in the previous agreement, that this Agreement replaces.
3. Term. This Agreement shall commence on July 1, 2014 and shall continue on a fiscal year to fiscal year basis, unless terminated as hereafter provided.
4. Termination of Agreement. This Agreement may be terminated by either City, at its sole discretion, upon at least twelve (12) month's advance written notice to the other City. This Agreement may also be terminated without such notice upon the written agreement of both Cities.

5. Termination by Default. Upon the default of either City in the performance of any of its obligations under this Agreement, where such failure continues for a period of ten (10) calendar days after written notice of such default is received, then the non-defaulting City may immediately terminate this Agreement upon giving notice of termination to the defaulting City. Prior to termination, either Party may request a dispute resolution proceeding pursuant to the terms of this Agreement. However, if the default cannot reasonably be cured within ten (10) calendar days, then the Agreement may not be terminated if the defaulting City commences cure within the ten (10) days and thereafter diligently prosecutes such cure to completion.
6. Modification and Amendments. This Agreement may be modified or amended in writing upon mutual agreement of the Cities. However, the Service Plan may be amended or modified in writing upon mutual agreement of each City's Chief of Police, as long as such amendments or modifications do not materially change the Service Plan or this Agreement.
7. Legal Relationship of the Cities. The only legal relationships established by this Agreement are those created by contract. This Agreement is not intended to, and does not, create the relationship of agent, servant, employee, partnership, joint venture or association, nor of a joint powers authority.
8. Implementation of Agreement. The Cities acknowledge that not every detail, issue or definition affecting the implementation of the Agreement can be contemplated at the time of this Agreement's drafting and execution. Therefore, each City will implement this Agreement in good faith, respecting the intent of this Agreement and the provisions thereof. This Agreement is the product of the mutual drafting efforts of both Cities and thus no interpretation shall be given that would favor one City over the other.
9. Indemnity. Except as to the sole negligence or willful misconduct of Antioch, Brentwood will defend, indemnify and hold Antioch, its officers, agents and employees, harmless from any and all loss, damage, claims, demands, liability, expense or cost, including attorney's fees, which arises out of, or is in any way connected with the performance of, the services by Brentwood or any of Brentwood's employees, agents or subcontractors, notwithstanding that Antioch may have benefited from their services.

Except as to the sole negligence or willful misconduct of Brentwood, Antioch will defend, indemnify and hold Brentwood, its officers, agents and employees, harmless from any and all loss, damage, claims, demands, liability, expense or cost, including attorney's fees, which arises out of, or is in any way connected with the performance of, the services by Antioch or any of Antioch's employees, agents or subcontractors, notwithstanding that Brentwood may have benefited from their services.

10. Liability. The Cities acknowledge that they both have memoranda of coverage against claims, lawsuits and damages from a common joint powers authority. If any third party files a claim or lawsuit against either City in connection with the performance of obligations under this Agreement, and if such claim or lawsuit represents a covered event as defined by the joint powers authority, the Cities acknowledge that the joint powers authority will provide a common defense, unless there is a conflict (see Section 9 titled Indemnity). The terms of this section will not preclude either Party from requesting a dispute resolution proceeding pursuant to the terms of this Agreement.
11. Notices, Contact Persons. The contact persons for this Agreement shall be, and any notice required to be given, shall be deemed properly delivered if mailed, postage pre-paid to:

For Antioch:
Chief of Police
Antioch Police Department
300 "L" Street
Antioch, CA 94509
(925) 779-6901

For Brentwood:
Chief of Police
Brentwood Police Department
9100 Brentwood Blvd.
Brentwood, CA 94513
(925) 634-6911

Each City will notify the other of any changes of address that would require any notice or delivery to be directed to another address.

12. Payment. In accordance with the Cost and Payment Provisions set forth in Exhibit B, Brentwood shall make quarterly payments to Antioch for their annual operating dispatch services costs. Brentwood shall also pay Antioch for capital costs as outlined in Section C of Exhibit B.
13. Dispute Resolution. Should any dispute arise out of this Agreement including but not limited to the termination thereof, either City may request that it be submitted to mediation. If the Cities cannot agree upon the identity of a mediator within thirty (30) days after a City requests mediation, then each City shall select a mediator and those two mediators will select a third mediator to mediate the dispute. The Cities shall meet in mediation within thirty (30) days of the selection of a mediator. The cost of mediation shall be borne equally by the Cities. Neither City shall be deemed the prevailing party. No party shall be permitted to file a legal action without first requesting mediation and making a good faith attempt to reach a mediated settlement. The mediation process, once commenced by a meeting with the mediator shall last until agreement is reached by the Cities but not more than sixty (60) days, unless the maximum time is extended by the Cities. Should litigation be commenced, each Party shall be responsible for its own attorneys' fees and costs, and not entitled to collect such fees and costs from the other Party.

14. Entire Agreement. This Agreement, together with any other written document referred to or contemplated by it, embody the entire Agreement and understanding between the Cities relating to the subject matter of it. Neither this Agreement nor any of its provisions may be amended, modified, waived or discharged except in a writing signed by both Cities. This Agreement replaces, in its entirety, the agreement for Dispatch Services between the Parties dated August 3, 2007.
15. Successors and Assigns. It is mutually understood and agreed that this Agreement will be binding upon the Cities and their respective successors. Neither this Agreement nor any part of it nor any monies due or to become due under it may be assigned by Antioch without the prior consent of Brentwood, which shall not be unreasonably withheld.
16. Authority. The individuals executing this Agreement and the instruments referenced in it on behalf of the Cities each represent and warrant that they have the legal power, right and actual authority to bind the Cities to the terms and conditions of this Agreement.
17. Severability. If any section, clause, or phrase of this Agreement, or the application thereof to any City or any other person or circumstance, is held to be invalid by a final decision of a court of competent jurisdiction, it shall be deemed severable and the remainder of this Agreement, or the application thereof to any City or any other person or circumstance, shall not be affected thereby.
18. Section Headings. The section headings herein are for the convenience of the Cities only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions or language of this Agreement.
19. Choice of Laws. This Agreement is made in Contra Costa County, State of California, under the Constitution and laws thereof, and shall be construed and enforced in accordance with the laws of the State of California.

IN WITNESS WHEREOF, this Agreement is executed by the City of Antioch, City Manager, authorizing such execution, and by the City of Brentwood, acting through its City Manager.

CITY OF ANTIOCH:

CITY OF BRENTWOOD

By: _____
Steve Duran, City Manager

By: _____
Paul R. Eldredge, City Manager

Date: _____

Date: _____

ATTEST:

ATTEST

Arne Simonsen, City Clerk

Margaret Wimberly, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Lynn Tracy Nerland
City Attorney

By: _____
Damien Brower
City Attorney

EXHIBIT "A"
Service Plan

PURPOSE

This Service Plan specifies the terms and conditions by which Antioch, through its Police Department, will provide Police Communications Dispatch Services for Brentwood. It is intended that this Service Plan will mutually provide economical and operational benefits to the Cities through the consolidation of resources available for dispatch communication services.

SCOPE

A. Service Levels.

1. Police communications dispatch services provided to Brentwood will continue at its current level including, but not limited to:
 - a. Stolen Vehicle System (SVS) processing (including but not limited to stolen, stored, impounded, and recovered vehicles)
 - b. Dispatching service - no mailer responses
 - c. Verbal notification to Brentwood Police Department supervisor of outside agency inquiries and/or recoveries (e.g., stolen vehicle recoveries).
2. Brentwood recognizes that circumstances may arise which can impact Antioch's delivery of dispatch services. Reductions or additions to dispatch services based on reasonable necessity, shall be referred to the Chief of Police of each City for resolution. Reductions or additions to dispatch services not based on reasonable necessity, shall be referred to the City Manager of each City for resolution. Failure to resolve the issues at this level will be resolved through the Agreement's dispute resolution provision.

B. Service Goals. Antioch and Brentwood will strive to achieve the following service goals:

1. Dispatchers will continue to handle 9-1-1 calls efficiently so as to minimize the need to place emergency calls on hold, or for callers to receive a busy signal. Antioch will continue to adequately staff the Dispatch Center, and will maintain the number of 9-1-1 lines allocated by the State of California.
2. Brentwood and Antioch Police Officers will continue to receive the same priority when dispatching calls for service and processing information requests.

3. Antioch will upgrade the Public Safety Emergency Communications system by December 31, 2014, to allow data gathering regarding the number of calls placed on hold, how long calls are holding, and the number of callers receiving a busy signal. Effective January 1, 2015, Antioch will provide Brentwood with a summary of these call statistics every six (6) months. It is understood that Antioch does not control the number of 9-1-1 lines assigned to the Dispatch Center by the State of California, which impacts the data discussed in this section.

C. Equipment Cost. To the extent possible, Antioch will utilize existing communications equipment owned by the Cities for the purpose of dispatch operations.

1. It is agreed that all dispatch operations hardware, equipment and software in which Antioch paid the higher proportionate cost (greater than 50%) is Antioch's sole property.
2. It is agreed that all dispatch operations hardware equipment and software in which Brentwood paid the higher proportionate cost (greater than 50%) is Brentwood's sole property.

D. Frequencies. Antioch will utilize Antioch's available licensed frequencies toward the mutual benefit of providing dispatch services to Antioch and Brentwood. As long as this Service Plan is in effect, Antioch shall be responsible for coordinating all issues relative to the proper use of said frequencies as it relates to dispatch services. In accordance with guidelines and limitations set forth by the Federal Communications Commission, Antioch will maintain its frequency licenses.

E. Mobile Data Systems. The Cities will each be responsible for equipping and maintaining all first responder emergency units with remote data communications capability accomplished with the use of "Mobile Data Systems" (MDS) devices. Remote data communication protocol will be established by Antioch through its Computer Aided Dispatch (CAD) and will be the standard set forth for Brentwood.

F. Service Lines. The Cities will individually be responsible for establishing and maintaining their own service lines (e.g. T-1) required for dispatch operations.

G. Telephone Lines. Antioch will be responsible for establishing and coordinating the required number of 9-1-1 telephone lines necessary to operate the dispatch center, per the State requirements.

H. Telephone Support. Antioch agrees to provide emergency and "after regular business hours/holidays" non-emergency telephone support for Brentwood, but only to the extent that calls are related to providing dispatch communication services. It is

agreed that for the purpose of this Agreement, "after regular business hours/holidays" non-emergency support shall include Antioch answering Brentwood Police Department's external wall telephone. Antioch will also provide "after regular business hours/holidays" call answering and forwarding of Brentwood's public works emergency calls; however, Antioch shall have no obligation to handle such calls when Brentwood Police Department's administrative offices are open.

I. Records. Antioch is responsible for coordinating the preparation, maintenance and storage of dispatch related records necessary for providing dispatch service to Brentwood, including but not limited to, CAD records and audio recordings. Brentwood is responsible for maintaining their Geographical Information Systems (GIS) as it relates to address and parcel number identification to support CAD and Auto Vehicle Locate (AVL). Antioch and Brentwood individually maintain the right to control and otherwise limit access to their own Records Management System (RMS). It is Brentwood's responsibility to notify Antioch immediately of any "litigation hold" or e-discovery requirement that requires dispatch-related records to be maintained, segregated or copied. Such notification shall be in writing to the Police Chief with a copy to the Antioch City Attorney at P.O. Box 5007, Antioch, CA 94531-5007.

J. Software Update Notifications. Antioch and Brentwood are responsible for notifying each other one week prior to software updates that affect the database structure for dispatch software systems.

EXHIBIT "B"
COST AND PAYMENT PROVISIONS

A. Operating Costs. Brentwood's standard annual fiscal year operating costs for dispatch services shall be six percent (6) above the prior fiscal year's operating costs. In order to establish the cost for FY 2014/15 the following formula shall be used:

The FY 2013/14 prior formula cost, plus a one-time four percent (4%) Administrative Fee, shall be the baseline fee upon which the six percent (6%) annual escalator shall be applied. The calculation is:

FY 2013/14 Formula Cost	\$766,925.89
4% Administrative Fee	\$ 30,667.00
Baseline	<u>\$797,602.89</u>
6% Annual Increase	<u>\$ 47,856.17</u>
FY 2014/15 Operating Fee	\$845,459.06

B. Payment Schedule. It is agreed that Brentwood shall make quarterly payments to Antioch on October 1, January 1, April 1, and July 1 of each year, for dispatch services rendered under this Agreement. The quarterly amount due is one-fourth (1/4) the annual amount.

C. Capital Costs. The total annual dispatch services operating costs established under this Agreement do not provide for capital costs, such as the purchase of remote data communications equipment as described in Section E of the Service Plan, additional telephone lines and connections described in Sections F and G of the Service Plan, or any other expected or unexpected capital expenses. Each City shall be responsible for the purchase, installation, and maintenance of its own remote data communications devices. Anticipated capital expenses will be discussed between Antioch and Brentwood in advance of the fiscal year budget cycle during which the purchase will be made, and Brentwood's proportionate share of the cost, which shall be determined by a mutually agreeable methodology at a later date, will be added to the appropriate fiscal year billing. In the event of an unforeseen capital expense during a fiscal year, the Cities agree to meet and discuss the expense and the timing of budget adjustment(s) and payment(s) for said expense. In no event shall payment for Brentwood's share of a capital expense borne exclusively by Antioch be made to Antioch more than 60 days following full payment by Antioch, unless mutually agreed upon in writing.

D. Late Payment. If Brentwood is more than 45 days late with any payment to Antioch, then the payment shall accrue interest payable to Antioch at a rate of one (1%) percent higher than LAIF.

E. Dispute of Payment, Costs and/or Calculations. If Brentwood disputes any planned increase or calculation of its proportionate share of costs (Item C above), it shall

promptly pay, pursuant to the quarterly payment schedule, any portion of its allocation of costs not disputed. The Cities shall attempt to resolve the dispute at the lowest possible administrative level. If attempts to resolve the dispute are unsuccessful, the dispute shall be submitted to the two City Managers for resolution. If the dispute is still unsettled, the Cities may utilize the Agreement's dispute resolution provisions.

CITY OF ANTIOCH AS SUCCESSOR AGENCY TO
THE ANTIOCH DEVELOPMENT AGENCY
CLAIMS BY FUND REPORT
FOR THE PERIOD OF
FEBRUARY 14-MARCH 13, 2014
FUND/CHECK#

239 Redevelopment Obligation Retirement Fund

203255 NATURES BOUNTY	MEETING EXPENSE	97.80
349981 FRASER AND ASSOCIATES	CONSULTING SERVICES	1,794.09
349983 GOLDFARB AND LIPMAN LLP	LEGAL SERVICES	424.90

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 25, 2014**

Prepared by: Cindy Gnos, Contract Planner
Approved by: Tina Wehrmeister, Community Development Director *tw*
Date: March 6, 2014
Subject: PD-13-03 – Williamson Ranch Plaza Planned Development Amendment

MOTION

The Planning Commission recommended that the City Council:

1. Motion to introduce the ordinance by title only; and
2. Motion to introduce an ordinance modifying the Williamson Ranch Plaza Planned Development.

APPLICATION

A.I. Holding, LLC is proposing to add Retail to the permitted uses of an area designated medical/professional office within the Williamson Ranch Plaza to match the other permitted uses in the center. The applicant owns and represents 4851 Lone Tree Way. City staff is recommending that the City Council consider amending the permitted uses for similarly situated properties in Williamson Ranch Plaza at 4849, 4847, and 4839 Lone Tree Way (APNs 055-011-048, -055, -056, -057; see Attachment "B"). These property owners have been noticed and contacted by the applicant with favorable responses.

BACKGROUND INFORMATION

The Williamson Ranch Plaza shopping center was developed in several phases and subdivided. In 1998, the east side of the development was entitled and the existing Wal-Mart, 7-Eleven/gas station, Orchard Supply Hardware (currently vacant), and Staples were subsequently constructed, along with other buildings and tenants. The Williamson Ranch Plaza Development Standards (Attachment "C") were approved by City Council in 1998 and govern the land uses and the form and appearance of development on the project site. In 2000, the western half of the shopping center was entitled which included a speculative plan showing two pad buildings, an office building, and a day care center. The City Council did not approve the day care center, opting for additional office space instead. Subsequently, the developer processed entitlement amendments to construct several office buildings rather than one large structure and each building was sold to separate entities.

The buildings at 4851, 4849, 4847, and 4839 Lone Tree Way, which is the subject of this application, are part of the Williamson Ranch Plaza. The Development Standards allow retail uses in most of the center, with the exception of the four buildings described above which are restricted to medical/professional offices. Most recently a use permit application was submitted for the building at 4851 Lone Tree Way in order to allow a taekwondo studio in one of the suites.

The Planning Commission denied this proposed use. The building owner is now requesting the permitted uses be modified to match the other uses in the center. Staff is recommending that the City Council consider amending the permitted uses for similarly situated properties in Williamson Ranch Plaza including the proposed 4851, as well as 4849, 4847, and 4839 Lone Tree Way in order to maintain consistency within the Development Standards and avoid "spot zoning".

ENVIRONMENTAL

In compliance with the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the development of the shopping center in 1998. The change in permitted uses would not result in environmental impacts not previously addressed and does not require additional environmental review.

ANALYSIS

The property owner provided a detailed letter which outlines the reasons for the requested amendment to permitted uses (Attachment "D"). In summary, the applicant notes that the limitation in permitted uses has contributed to a 75 percent vacancy of the building for four years. The applicant states that tenants looking for office space want to be in an office park or office environment not offered by the center. In addition, medical offices typically want to be close to a hospital or with other medical uses. The applicant has had three different brokers market the space and 95 percent of the requested tenants would meet the permitted uses of the center, but not the medical/professional office restrictions of the particular building. The applicant further notes that the developers of the center had a vision to provide some office space in the retail center, but it was at the height of the real estate market and the vision is out of touch with the actual use of the center. The final reason noted by the applicant is that vacant buildings hurt everyone: graffiti, illegal dumping, little revenue for property upkeep, and loss of tax revenue to the City.

FISCAL IMPACTS

Amending the zoning to allow more types of uses in the subject buildings will increase sales tax revenue (amount variable depending on tenant).

OPTIONS

The Council has the option to deny the request, continuing to restrict the subject properties to professional or medical office use.

ATTACHMENTS

- A: Ordinance
- B: Aerial site photo
- C: Williamson Ranch Plaza Development Standards
- D: Application Information Submitted

ATTACHMENT "A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A MODIFICATION OF THE WILLIAMSON RANCH PLANNED DEVELOPMENT (PD)

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

SECTION 1. Findings. The Antioch City Council hereby finds, determines and declares as follows:

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

B. The Planning Commission conducted a duly noticed public hearing on March 5, 2014 at which it adopted a resolution to recommend approval to the City Council of this ordinance regarding modification of the Williamson Ranch PD Standards. The City Council held a duly noticed public hearing on March 25, 2014 at which all interested persons were allowed to address the Council regarding adoption of this ordinance.

C. The Project will have no impact to the environment beyond what was analyzed in the original Mitigated Negative Declaration approved for the shopping center development in 1998.

D. The modification to the PD Standards is in conformance with the City of Antioch General Plan.

E. The Project is similar in nature to the surrounding development and is requesting similar uses therefore the Project is not detrimental to the surrounding properties.

F. The modifications to the permitted uses will allow a long-term vacant building to be more readily occupied and contribute to the neighborhood and the economy.

SECTION 2. The Williamson Ranch Planned Development Standards are hereby modified to delete the restriction to medical/professional offices for the building at 4851, 4849, 4847, and 4839 Lone Tree Way. These documents are on file at the City of Antioch Community Development Department.

SECTION 3. The permitted uses shall be those allowed in the Williamson Ranch Planned Development Standards for the remainder of the shopping center.

SECTION 4. Publication; Effective Date.

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

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch, held on the 25th day of March, 2014 and passed and adopted at a regular meeting thereof, held on the ____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch



4849, 4847, 4839 LTW

ATTACHMENT "C"

Principally Permitted Uses:

Major Tenants (50,000 square feet+)

Auto Repair

General Merchandise
General Retail
Gifts & Notions
Grocery
Hardware Store

Home Improvement

Interior Decorating Supplies

Lumber Yard

Minor Tenants (8,000 to 50,000 sf)

Apparel Store
Appliance Sales & Repairs
Art Supply Store

Bakeries
Banks & Financial Institutions

Book & Stationary Store
Business Machine Sales
Clothing & Costume
Computer Sales & Repairs

Delicatessen

Electronic Appliances

Furniture Store
Garden Supply Store
General Merchandise
General Retail
Gifts & Notions
Grocery
Hardware Store

Home Improvement

Ice Cream

Interior Decorating Supplies

Lumber Yard

Music Sales & Repair

Office Supplies & Equipment

In-line Shops

Antique Shop
Apparel Store
Appliance Sales & Repairs
Art Supply Store
Audio Visual Equipment

Auto Supply Store

Banks & Financial Institutions
Barber Shop
Beauty Parlor
Bicycle Repair & Sales
Book & Stationary Store
Business Machine Sales
Clothing & Costume

Convenience Food Store
Delicatessen
Dry Cleaning
Electronic Appliances
Exterior Storage/Materials
Fast Food
Furniture Store
Garden Supply Store
General Merchandise

Gifts & Notions

Hardware Store
Health/Exercise Center
Hobby, Stamps & Coins
Home Improvement
Hunting & Fishing Supplies
Ice Cream
Insurance Sales
Interior Decorating Supplies
Jewelry & Metal Craft
Leather Goods & Luggage
Lock & Key Shop
Lumber Yard
Mail Order Catalog Store
Medical/Dental Clinic
Medical/Dental Appliance
Movie Rental
Music Sales & Repair
News Stands & Magazines
Office Supplies & Equipment
Optician

Pads

Antique Shop
Apparel Store
Appliance Sales & Repairs
Art Supply Store
Audio Visual Equipment
Auto Repair
Auto Supply Store

Banks & Financial Institutions
Barber Shop
Beauty Parlor
Bicycle Repair & Sales
Book & Stationary Store
Business Machine Sales
Clothing & Costume

Convenience Food Store
Delicatessen
Dry Cleaning
Electronic Appliances
Exterior Storage/Materials
Fast Food without Drive-Thru
Furniture Store
Garden Supply Store
General Merchandise

Gifts & Notions

Hardware Store
Health/Exercise Center
Hobby, Stamps & Coins
Home Improvement
Hunting & Fishing Supplies
Ice Cream
Insurance Sales
Interior Decorating Supplies
Jewelry & Metal Craft
Leather Goods & Luggage
Lock & Key Shop
Lumber Yard
Mail Order Catalog Store
Medical/Dental Clinic
Medical/Dental Appliance
Movie Rental
Music Sales & Repair
News Stands & Magazines
Office Supplies & Equipment
Optician

<u>Major Tenants</u>	<u>Minor Tenants</u>	<u>In-line Shops</u>	<u>Pads</u>
Paint & Wallpaper	Paint & Wallpaper Party Supply	Package Liquor Store * Paint & Wallpaper	Package Liquor Store * Paint & Wallpaper
Photo Equipment & Supply	Pet Shop Pet Supply Photo Equipment & Supply	Pet Shop Pet Supply Photo Equipment & Supply Photography Studio	Pet Shop Pet Supply Photo Equipment & Supply Photography Studio
Plant Nursery Plumbing Shop	Plant Nursery Plumbing Shop	Plant Nursery Plumbing Shop Professional Administration & General Business	Plant Nursery Plumbing Shop Professional Administration & General Business
Restaurant Radio/Television Sales	Restaurant Radio/Television Sales	Restaurant Radio/Television Sales Sit Down Restaurant Shoe Sales & Repairs	Restaurant Radio/Television Sales Sit Down Restaurant Shoe Sales & repairs
Sporting Goods	Specialty Retail Sporting Goods	Specialty Retail Sporting Goods Tailor Shop	Specialty Retail Sporting Goods Tailor Shop
Tire Sales, Repair & Mount Toy Store	Tire Sales, Repair & Mount Toy Store	Tire Sales, Repair & Mount Toy Store	Tire Sales, Repair & Mount Toy Store
	Variety Store	Travel Agent Variety Store	Travel Agent Variety Store

Note:

Uses similar to those listed may be permitted through Review and approval by the City of Antioch Planning Department.

Principally Permitted Uses:

Professional Office
 Medical Office
 Day-Care Center COUNCIL REVIEWED & FINAL APPROVAL

Note:
Office and day care shall be limited in size and general location as shown on the Exhibit "H" site plan

CZ

Accessory Uses:

Major Tenants

Minor Tenants

In-line Shops

Pads

Food Sales Indoor & Outdoor

Food Sales Indoor & Outdoor

Fast Food

Fast Food without Drive-Thru

Exterior Staging & Temporary Storage of Merchandise

Exterior Staging & Temporary Storage of Merchandise

Food Sales Indoor & Outdoor

Food Sales Indoor & Outdoor

Exterior Staging & Temporary Storage of Merchandise

Exterior Staging & Temporary Storage of Merchandise

Sales of Seasonal Items from Parking Area and Sidewalk- Including Christmas Trees

Sales of Seasonal Items from Parking Area and Sidewalk- Including Christmas Trees

Sales of Seasonal Items from Parking Area and Sidewalk- Including Christmas Trees

Sales of Seasonal Items from Parking Area and Sidewalk- Including Christmas Trees

24 Hr. Convenience Market - Alcoholic Beverage for Off-Premises Consumption

24 Hr. Convenience Market - Alcoholic Beverage for Off-Premises Consumption

"Use - Permit" Uses:

Major Tenants

Minor Tenants

In-line Shops

Pads

			Fast Food with Drive-Thru
		Gas Station	Gas Station
		Pawn Shop	Pawn Shop
		24 Hr. Convenience Market - Alcoholic Beverage for Off- Premises Consumption	24 Hr. Convenience Market - Alcoholic Beverage for Off- Premises Consumption

14

ATTACHMENT "D"

To: City of Antioch Planning Commission
From: A.I. Holdings LLC
Re: 4851 Lone Tree Way, Antioch
Application to Amend Permitted Uses at Williamson Ranch
Date: September 9, 2013

Dear City of Antioch Planning Commission Members:

A.I. Holdings, LLC is the owner of the property located at 4851 Lone Tree Way in the Williamson Ranch Plaza. We are applying to add Retail to the permitted uses of the subject building to match the other permitted uses in the center. Previously in June, this commission heard from Givans Taekwondo who is located in our building and applied for a use permit but was denied due to non-conforming uses.

Our goal today is to demonstrate how 1) the permitted uses for the subject building should match the permitted uses of the other businesses in the center; 2) the economy and vision when the initial Planned Development was instituted for the subject building is very different from the today; and, 3) the high vacancy rate caused by the current permitted uses are creating a host of problems in the community and the Williamson Ranch Plaza.

Reason 1 – A Medical/Professional Building is an Oddity in a Retail Center.

Williamson Ranch Plaza is a retail center. It is anchored by big box retailers, such as Big 5 Sporting Goods, Wal-Mart, and Staples, as well as national chain restaurants such as Denny's and Chicago Grill, and national brands like Payless Shoes and 7-11. (See Attachment 1 - Shopping Center Map)

However, the subject building can *only* have professional or medical use. This limitation of use has contributed to a 75% vacancy rate in the past 4 years. Furthermore, limiting uses to only professional or medical in a retail center has been detrimental to the subject property and has resulted in vandalism, graffiti, illegal dumping, and homeless occupancy in and around the building (discussed further on page 4).

Our building is 14,000 square feet and has been 75% vacant for the last 4 years due to the limited pool of tenants in the market that are professional or medical. We have used 3

different, major real estate agencies and secured only 2 tenants. The most recent lessee is Givans Taekwondo whose use does not comply with the zoning (despite allowance pursuant to the Center's CC&Rs) and was denied a use permit by this commission in June of this year.

Agent History:

1. Feb-2010-Feb-2011 - Cassidy Turley/BT Commercial, Chris Baker
2. Feb-2011-Sept-2012 - Colliers, Bill Hillis et al
3. Sept-2012 to present - Equity Real Estate Solutions, Linda Martin

We also have met with the City Planners and members of the Community Development Department over the years to address this problem:

City Meetings History:

1. August 2009 – Phone call with Mindy Gentry
2. May 2010- Phone call with Kim Stahl and Cassidy Turley
3. December 2010 – Meeting with Mindy Gentry and Brian Nunnally
4. June 2013 – Meeting with Tina Wehrmeister

We have seen 95% of inquiries from tenants qualify as allowable uses in the center, but they did not qualify as professional/ medical uses. (See Attachment 2 – Letter from our listing agent, Linda Martin)

- Tenants looking for office space want to be in an office park or office environment which the Center does not have.
- Medical tenants want to be closer to a hospital or located in more of a medical use area.
- Professional tenants want smaller spaces like at Blue Rock or Venture Business Park.

A retail center should have retail businesses to cater to the needs of the residents already coming to the center for the established retail and restaurants.

We have tested the planned development's designation of professional / medical use, and it's not working. We can no longer continue to limit the tenant pool and have no other option than to apply for this zoning change. We want to have more of the center's permitted uses apply to our building so we match the rest of the center. (See Attachment A – Williamson

Ranch Development Standards) We are open to restricting undesirable businesses (such as liquor stores, smoke and head shops, etc. as the CC&Rs already do) with the goal of bringing economic vibrancy to the center.

Reason 2 – The Planned Development for Professional/Medical is Outdated and Misunderstood.

Back in year 2000, the developers of the center had a vision to provide some office space in a newly developed retail center. We were at the height of the real estate bubble then with people lining up for a lottery to buy a home. Real estate investment, localized living, and less migration to larger cities was envisioned for Antioch. But, over leveraged, investments crumbled, homes fell to foreclosure and individuals in to bankruptcy. That economy almost brought down our nation with failing banks and historical foreclosures that we have yet to fully recover from and was the mindset in which the planned development document was written.

That was 13 years ago.

The developers plan for medical and professional uses has been fully tested in the past 13 years and has resulted in 75% vacancy rates for the past 4-6 years. Professional / medical space in a retail center is out of touch with the actual use of the center and is not helping anyone:

- The current planned development is supposed to help the *residents* by bringing the right businesses to the area, but it's not because the building has been empty for years.
- The current planned development does not help the *city* because no taxes and additional revenues are being generated by an empty building.
- The current planned development does not help the *Williamson Ranch* because no tenant means negative cash flow after CAMs, upkeep, and property taxes and ultimately bankruptcy.

In addition to an outdated vision, the planned development conflicts with the developer's uses called for the CC&Rs. (See Attachment 3 – CC&Rs Article 7, Permitted Uses and Use Restrictions)

As we understand, the CC&Rs are reviewed by the city attorney, and the city has the right to enforce them, but they are not even regarded (example, Givans Taekwondo). The city is not following the CC&Rs so why follow the vision of the developers at all for medical/professional

use? The developers themselves even interpreted the permitted uses to be "retail or office."
(See Attachment 4 - Email from Potter-Taylor dated August 11, 2009)

Instead of looking to the future and trying to predict or dictate it, we must look at our history to know where we must go next. Medical and professional uses called for in a retail center is not working, is contrary to the center's CC&Rs, and makes no sense from any angle.

Reason 3 – Vacant Buildings Hurt Everyone

Buildings that are vacant year over year decrease desirability and increase troubles in the center. The ability to maintain empty buildings eventually diminishes when there are no tenants to support the required expenses. Ultimately, property values go down and emptiness breeds vagrancy, graffiti, defecation, damage, and litter - all of which our building has suffered from over the years. (See Attachment 5- Photos)

- Several instances of homeless living and defecating in our garbage enclosure (which we had to install wire to completely enclose and put a lock on the exterior)
- Vagrants living in the attic of our building (many concerned calls from our tenant and to the police department for which we had to cut the roof access ladder)
- Graffiti along the entire rear of the building, enclosure, and electric cabinets (which we had to have painted)
- Illegal dumping in and around the premises and enclosure (mattresses, car front seat, etc.)
- Exterior PGE cabinet filled with clothes and belongings like a closet
- Brass fire valve caps stolen for value (and replaced several times in cast iron instead)

Day after day, we do all that we can to make the building desirable for new tenants. But we have exhausted what we can do. Our agents can't bring the tenants because none fit the permitted uses. It is time for the City to contribute by widening the permitted uses to add retail.

You are elected officials with the job of looking out for the best interests of the community. Which would you prefer for the sprawling Williamson Ranch Plaza: empty degrading buildings or a flourishing community center?

In closing, please evaluate the above points in relation to the effectiveness of the current medical / professional uses. As commercial property owners, we understand that vacancies

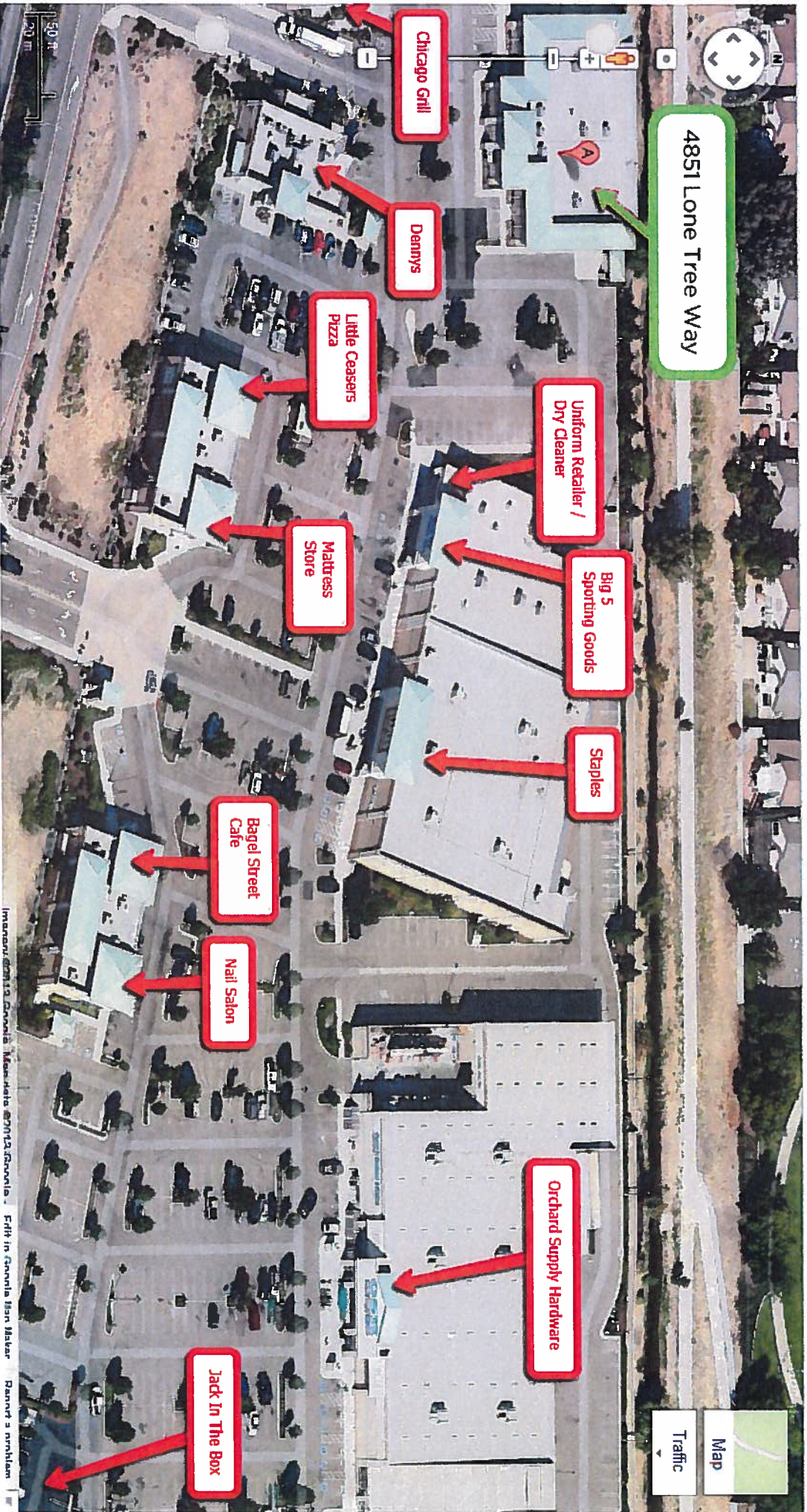
come and go, but the subject building cannot operate under the limited classification of medical/ professional in a market that has no such prospects, year over year.

The developer's vision of medical/professional failed. We have gone through the expenses of 4 years of CAMs, maintenance, and property taxes with no tenants. Please allow us to have a wider pool of tenants so that we can make the economics work and bring vibrancy to a center that needs it. Changing the zoning is the only option left to bring about real change that will be for everyone's benefit.

Thank you, and respectfully submitted.

A.I.Holdings, LLC

A handwritten signature in blue ink, appearing to read "A. I. Holdings, LLC" or similar, written over the typed name.





EQUITY
REAL ESTATE
Solutions Inc.

August 16, 2013

Jamie Claire
A.I. Holdings, LLC
5205 Prospect Road #135-108
San Jose, CA 95129

RE; 4851 Lone Tree Way, Antioch, CA

Dear Jamie,

I writing to you as a follow up to our telephone conversation last week. As you know we have been assisting you in your search for tenants at the above referenced property for almost a year.

To date we located and placed only one tenant; Edward Gavens, a martial arts studio. As it turns out his business is not consistent with the approved zoning at your location. Because the zoning is so narrowly defined we have been unable to locate qualified prospective tenants.

Over the past year we have aggressively marketed your property for lease and during that time I have only received two inquiries for office use and none for medical office use. I would estimate sixty-five percent (65%) of the inquires have come from businesses such as fitness/exercise centers, dance/cheer studios, martial arts or similar uses. I would estimate the balance of the inquires (30%) have come from retail or restaurant uses.

Moving forward, in my opinion if the zoning for your location could be altered to include these type businesses, we can be much more successful in placing tenants in your building.

Sincerely,

EQUITY REAL ESTATE SOLUTIONS INC.

Linda Martin

Linda Martin
President

181 Sand Creek Rd, Ste. L
Brentwood, CA 94513
Tel: (925) 240-6600
Efax: (925) 476-3996

Criteria and Objectives (Purpose and Intent):

To promote the quality of design desired for this project, these development guidelines will define criteria for site planning, architecture, landscaping, exterior lighting and exterior signing. Our goal is to develop a project that provides an aesthetic, organizational and functional cohesiveness, while providing a unique identity that is compatible with the surrounding community and the adjacent Williamson Ranch Plaza.

All development must comply with applicable City of Antioch Zoning Ordinances unless otherwise noted within this document. *The City of Antioch's Design Review Board shall approve the design of all structures and landscaping if different from the elevations and landscaping as shown on Exhibits "G" and "D", respectively.* If a supplemental Use Permit is required, such permits will be considered by either the Zoning Administrator or Planning Commission, as appropriate. *(Other than as stated above, all city approvals required by this document shall be approved by the City of Antioch's Planning Department, and all approvals required by this document must be in writing.* To the extent that this document may require more restrictive controls over the project's design, this document will control. All site planning, architectural, landscape, lighting, and signing design shall be coordinated through this document to provide a consistent and comprehensive design character for the project.

- Site Planning:*** The objective for site planning is to provide a practical and effective organization of buildings, which delivers concise circulation patterns for vehicular and pedestrian traffic, while providing convenient parking and service areas that will meet the tenant's requirements. In addition, the site plan will coordinate circulation and organizational requirements with the adjacent public way and surrounding community, while establishing its own, unique identity. (See Exhibit "H")
- Architectural Design:*** The objective for architectural design is to create a distinctive but compatible building image that will portray a design theme consistent with the City's heritage, while distinguishing the unique activities the project will support. The architecture shall maintain a design quality consistent with forms, massing and materials prevalent in the Contra Costa County. (See Exhibit "G")
- Landscape Design:*** The objective for landscape design is to create a pleasant and distinctive setting within the project that strengthens the site plan, enhances building elevations, softens parking areas, buffers service areas and maintains continuity with the public way. (See Exhibit "D")
- Exterior Lighting:*** The objective for exterior lighting is to create a nighttime environment that promotes safe movement of vehicular and pedestrian traffic, while offering a distinctive visual aesthetic for the project and tenants. In addition, careful consideration will be given to avoid adverse impact on the surrounding developments. (See Exhibit "E")
- Exterior Signing:*** The objective for exterior signing is to provide concise identity and information for the tenants and consumer using the site, while avoiding visual competition with the building's aesthetic and site landscaping.

Principally Permitted Uses:

Major Tenants
(50,000 square feet+)

Minor Tenants
(8,000 to 50,000 sf)

In-line Shops

Pads

Major Tenants (50,000 square feet+)	Minor Tenants (8,000 to 50,000 sf)	In-line Shops	Pads
Auto Repair	Apparel Store Appliance Sales & Repairs Art Supply Store	Antique Shop Apparel Store Appliance Sales & Repairs Art Supply Store Audio Visual Equipment Auto Supply Store	Antique Shop Apparel Store Appliance Sales & Repairs Art Supply Store Audio Visual Equipment Auto Repair Auto Supply Store
	Bakeries Banks & Financial Institutions	Banks & Financial Institutions Barber Shop Beauty Parlor Bicycle Repair & Sales Book & Stationary Store Business Machine Sales Clothing & Costume Computer Sales & Repairs	Banks & Financial Institutions Barber Shop Beauty Parlor Bicycle Repair & Sales Book & Stationary Store Business Machine Sales Clothing & Costume
	Book & Stationary Store Business Machine Sales Clothing & Costume Computer Sales & Repairs	Convenience Food Store Delicatessen Dry Cleaning Electronic Appliances Exterior Storage/Materials Fast Food Furniture Store Garden Supply Store General Merchandise	Convenience Food Store Delicatessen Dry Cleaning Electronic Appliances Exterior Storage/Materials Fast Food without Drive-Thru Furniture Store Garden Supply Store General Merchandise
General Merchandise General Retail Gifts & Notions Grocery Hardware Store	Delicatessen Electronic Appliances Furniture Store Garden Supply Store General Merchandise General Retail Gifts & Notions Grocery Hardware Store	Gifts & Notions Hardware Store Health/Exercise Center Hobby, Stamps & Coins Home Improvement Hunting & Fishing Supplies Ice Cream Insurance Sales Interior Decorating Supplies Jewelry & Metal Craft Leather Goods & Luggage Lock & Key Shop Lumber Yard Mail Order Catalog Store Medical/Dental Clinic Medical/Dental Appliance Movie Rental Music Sales & Repair News Stands & Magazines Office Supplies & Equipment Optician	Gifts & Notions Hardware Store Health/Exercise Center Hobby, Stamps & Coins Home Improvement Hunting & Fishing Supplies Ice Cream Insurance Sales Interior Decorating Supplies Jewelry & Metal Craft Leather Goods & Luggage Lock & Key Shop Lumber Yard Mail Order Catalog Store Medical/Dental Clinic Medical/Dental Appliance Movie Rental Music Sales & Repair News Stands & Magazines Office Supplies & Equipment Optician
Home Improvement	Home Improvement		
Interior Decorating Supplies	Ice Cream Interior Decorating Supplies		
Lumber Yard	Lumber Yard		

DA

Major Tenants

Paint & Wallpaper

Photo Equipment & Supply

Plant Nursery
Plumbing Shop

Restaurant
Radio/Television Sales

Sporting Goods

Tire Sales, Repair & Mount
Toy Store

Minor Tenants

Paint & Wallpaper
Party Supply

Pet Shop
Pet Supply
Photo Equipment & Supply

Plant Nursery
Plumbing Shop

Restaurant
Radio/Television Sales

Specialty Retail
Sporting Goods

Tire Sales, Repair & Mount
Toy Store

Variety Store

In-line Shops

Package Liquor Store *
Paint & Wallpaper

Pet Shop
Pet Supply
Photo Equipment & Supply
Photography Studio
Plant Nursery
Plumbing Shop
Professional Administration &
General Business

Restaurant
Radio/Television Sales
Sit Down Restaurant
Shoe Sales & Repairs
Specialty Retail
Sporting Goods
Tailor Shop
Tire Sales, Repair & Mount
Toy Store

Travel Agent
Variety Store

Pad:

Package Liquor Store *
Paint & Wallpaper

Pet Shop
Pet Supply
Photo Equipment & Supply
Photography Studio
Plant Nursery
Plumbing Shop
Professional Administration &
General Business

Restaurant
Radio/Television Sales
Sit Down Restaurant
Shoe Sales & repairs
Specialty Retail
Sporting Goods
Tailor Shop
Tire Sales, Repair & Mount
Toy Store

Travel Agent
Variety Store

Note:

Uses similar to those listed may be permitted through
Review and approval by the City of Antioch Planning
Department.

Principally Permitted Uses:

Professional Office

Medical Office

Day-Care Center COUNCIL REVIEWED & FINAL APPROVAL

Note:

Office and day care shall be limited in size and general location as shown on the Exhibit "H" site plan

Accessory Uses:

<u>Major Tenants</u>	<u>Minor Tenants</u>	<u>In-line Shops</u>	<u>Pads</u>
Food Sales Indoor & Outdoor	Food Sales Indoor & Outdoor	Fast Food	Fast Food without Drive-Thru
Exterior Staging & Temporary Storage of Merchandise	Exterior Staging & Temporary Storage of Merchandise	Food Sales Indoor & Outdoor	Food Sales Indoor & Outdoor
Exterior Staging & Temporary Storage of Merchandise	Exterior Staging & Temporary Storage of Merchandise	Exterior Staging & Temporary Storage of Merchandise	Exterior Staging & Temporary Storage of Merchandise
Sales of Seasonal Items from Parking Area and Sidewalk- Including Christmas Trees	Sales of Seasonal Items from Parking Area and Sidewalk- Including Christmas Trees	Sales of Seasonal Items from Parking Area and Sidewalk- Including Christmas Trees	Sales of Seasonal Items from Parking Area and Sidewalk- Including Christmas Trees
		24 Hr. Convenience Market - Alcoholic Beverage for Off-Premises Consumption	24 Hr. Convenience Market - Alcoholic Beverage for Off-Premises Consumption

D11

"Use - Permit" Uses:

Major Tenants

Minor Tenants

In-line Shops

Pads

Fast Food with Drive-Thru

Gas Station

Gas Station

Pawn Shop

Pawn Shop

24 Hr. Convenience Market -
Alcoholic Beverage for Off-
Premises Consumption

24 Hr. Convenience Market -
Alcoholic Beverage for Off-
Premises Consumption

(COVER PAGE)

60

RECORDING REQUESTED, AND
WHEN RECORDED RETURN TO:

Stuart A. Hanson, Esq.
Law Offices of Stuart A. Hanson
1425 River Park Drive, Suite 201
Sacramento, CA 95815



CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder
DOC- 2001-0290722-00

Check Number
Thursday, SEP 27, 2001 08:00:00
MIC \$1.00 MOD \$60.00 REC \$64.00
TCF \$59.00
Ttl Pd \$184.00 Nbr-0000543651
kat/R6/1-60

DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
AND GRANT OF RECIPROCAL EASEMENTS
FOR
WILLIAMSON RANCH PLAZA

THIS DECLARATION is made and effective on the date hereinafter set forth by and between WILLIAMSON RANCH PLAZA, L.P., a California Limited Partnership ("WRP"), and LUX P. AND ROBIN R. TAYLOR (collectively, "L. Taylor"), TIMOTHY J. AND CATHERINE J. TAYLOR (collectively, "T. Taylor"), and STEVE AND CYNTHIA EDWARDS (collectively, "Edwards"), as tenants-in-common (collectively, "Taylor") (WRP and Taylor are sometimes collectively herein called "Declarant"), who hereby agree and declare as follows:

ARTICLE 1. BACKGROUND AND STATEMENT OF INTENT.

1.1. Description of Phases and Lots; Commercial Center Plan. WRP is the owner of five (5) parcels of real property located in Contra Costa County, California, hereafter respectively called "Parcel 1", "Parcel 2", "Parcel 3", "Parcel 4" and "Parcel 5", as shown on the parcel map which is attached hereto as Exhibit "A" (the "Parcel Map"), and collectively called the "WRP Parcels". L. Taylor, T. Taylor and Edwards each own a one-third undivided tenancy-in-common interest in four (4) parcels of real property located in Contra Costa County, California, hereafter respectively called "Parcel 6", "Parcel 7", "Parcel 8" and "Parcel 9", as shown on the Parcel Map, and collectively called the "Taylor Parcels". The WRP Parcels are each legally described on Exhibit "B-1" hereto, and the Taylor Parcels are each legally described on Exhibit "B-2" hereto. Parcel 1 is sometimes herein called the "Phase 1 Property"; Parcel 2 is sometimes herein called the "Phase 2 Property"; Parcels 3, 4 and 5 are sometimes herein

years after the end of the year which is the subject of the reconciliation, the Manager shall have no further right to submit a reconciliation or collect for any amounts underpaid by an Owner for such year. Any Owner desiring to inspect or audit the Manager's records with regard to either the Lighting Costs charged pursuant to Section 4.1 and/or the Offsite Landscaping Costs charged pursuant to Section 6.4 shall have the right to do so within one (1) year following the date the reconciliation is due hereunder, such inspection or audit to occur at the Manager's office at a mutually convenient time. Any such inspection or audit may only be performed by a CPA or other qualified person which does not charge a "contingency fee" or other compensation determined by the amount of overcharges allegedly or actually discovered. If the inspection or audit discovers that the amount of such Costs paid by the Owner exceeds the Owner's actual share thereof by more than five percent (5%), the Manager shall reimburse the Owner for the costs of the inspection or audit, up to one thousand dollars (\$1,000). If an overcharge of more than 5% is not discovered, then the inspecting/auditing Owner shall reimburse the Manager \$350 for the Manager's staff costs of responding to the inspection or audit. Any overcharge or undercharge which is discovered shall be settled by payment to or from the Owner, as the case may be, within thirty (30) days after such discovery. The records for any period may only be audited once by each Owner.

ARTICLE 7. PERMITTED USES AND USE RESTRICTIONS.

7.1. Permitted Uses. Any operation and use which is authorized by the appropriate governmental authorities and is not restricted or prohibited by this Declaration shall be permitted within the Commercial Center so long as: (a) such use is consistent with the uses typically found in first class shopping and mixed-use commercial centers of comparable size and nature located in the same geographic area as the Commercial Center; (b) such use is performed or carried out in a manner that does not cause or produce a nuisance to adjacent Parcels; and (c) all licenses, permits and other authorizations necessary for such use of the Parcel are possessed by the Owner or Occupant and the Owner or Occupant complies with all building and zoning laws and all other laws, ordinances, orders, codes, rules, regulations and requirements of all federal, state, county, municipal governmental agencies and other governmental or quasi-governmental body having jurisdiction with respect to such use.

7.2. Prohibited Uses. No portion of the Commercial Center shall be used for any of the following: (a) a school, library, reading room or house of worship (except that, so long as the lease between WRP and Staples the Office Supply Superstore ("Staples") is in effect (as it may be modified, extended or replaced), a school may be permitted on the Phase 4 Property if the prior written consent of the Occupant of the Staples Building is obtained); (b) a movie theater, gallery, auditorium, meeting hall, hotel or motor inn; (c) any residential use; (d) massage parlor, adult bookstore, the sale or display of "X-rated" adult movies or other establishment engaged in selling, exhibiting or delivering pornographic or obscene materials (in pictures, video, CD, DVD or any other format), a so-called "head shop", off-track betting, gaming or gambling facility; (e) a check-cashing facility; (f) a car wash (unless incident to an automobile service station), automobile repair work or automotive service (unless incident to a full-line automotive parts retailer), automobile body shop or automobile, boat, trailer or truck leasing or sales; (g) a

laundromat; (h) a tavern or bar or banquet facility (unless operated incidental to, in conjunction with and under the same name as, a restaurant permitted hereunder), an amusement park, carnival, dance hall, disco, lounge, nightclub or other entertainment facility, including video game, virtual reality or laser tag room or facility, a pool hall, arcade, indoor children's recreational facility or other amusement center; (i) any manufacturing, warehouse or office use, except for offices which are permitted by Section 7.3; (j) a funeral parlor, animal raising or storage (except incidental to a full-line retail pet supply operation), pawn shop, flea market, swap meet or junk yard; (k) any drilling for and/or removal of subsurface substances, or any dumping, disposal, incineration or reduction of garbage or refuse, other than in enclosed receptacles intended for such purposes; (l) any health, exercise or racquet club or spa, gymnasium, bowling alley, skating rink or other sports or recreational facility, except as permitted by Section 7.3; (m) a recycling facility (except as required by law); (n) an auditorium, sports or other entertainment viewing facility; and, (o) any so-called high density parking user (except as otherwise permitted under Section 7.3, below) or any other use which is obnoxious or constitutes a private or public nuisance or produces objectionable noise or vibration.

7.3 Restricted Uses. (a) Office uses shall only be allowed as follows: (1) offices which are incidental to a retail operation; and, (2) typical storefront office uses (such as travel or real estate agencies), so long as such use complies with Section 7.3(e)(3)(bb), below, and so long as no such use (except as provided in 7.3(b), below) occupies more than 1,500 square feet and all such uses within the Commercial Center (except as provided in 7.3(b), below) in the aggregate do not occupy more than 4,500 square feet; (b) office uses shall be permitted on the Phase 4 Property, so long as the parking ratio serving the same and located on Phase 4 is no less than four and one-half (4.5) spaces per 1,000 leaseable square feet of office use; (c) a health club, exercise or racquet club or spa, or gymnasium (or a facility combining some or all of such activities) may be located on the Phase 4 Property, so long as the same does not occupy in excess of twenty five thousand (25,000) leaseable square feet and the parking ratio serving the same and located on Phase 4 is no less than eight (8) spaces per 1,000 leaseable square feet of such use; (d) so long as the lease between WRP and Staples the Office Superstore, Inc. ("Staples") is in effect (as it may be modified, extended or replaced), then, without the written consent of the Occupant of the Staples Building (which such Occupant may withhold in its sole discretion), no part of the Commercial Center within 300 feet of the Staples Building shall be used for a restaurant except as follows: (1) the entirety of the area on Parcel 2 designated on the Site Plan as "Pad A" may be used for a restaurant; and, (2) up to fifty percent (50%) of the gross leasable area of any building on Parcel 5 may be used for a restaurant (each of the restaurant areas allowed under the foregoing (1) and (2) may have outdoor seating, the area of which shall not be counted as part of the leaseable area unless waiter/waitress service is provided to such outdoor area); and, (3) restaurants shall be permitted on the Phase 4 Property so long as the parking ratio serving the same and located on the Phase 4 Property is no less than ten (10) spaces per 1,000 square feet of leaseable square feet of restaurant use; (e) so long as the lease between Sears, Roebuck & Co. ("Sears" or "Orchard Supply Hardware") and WRP is in effect (as it may be modified, extended or replaced), then, without the written consent of the Occupant of the Orchard Supply Building (which such Occupant may withhold in its sole discretion), (1) no portion of Phase 2, Phase 3 or the Expansion Parcel shall be used for movie theatres, food supermarkets within 400

feet of the front entrance to the Orchard Supply Building (provided, this does not in any way modify the restriction in Section 7.4 A), or any other so-called high-density parking user; (2) no building space in excess of 5,000 square feet shall be allowed within two hundred feet (200') of the front entrance to the Orchard Supply Building, and, (3) no portion of any building located on "Pad A" as designated on the Site Plan shall be used for (aa) a "full service" restaurant (i.e., providing waiter service for ordering and serving food) seating 30 or more patrons whose business is primarily for on-premises consumption (i.e., less than thirty percent (30%) of its sales are for "carry-out" dining); or, (bb) more than 3,500 square feet of office space; and, (f) so long as the lease between WRP and Staples is in effect (as it may be modified, extended or replaced), then, without the written consent of the Occupant of the Staples Building (which such Occupant may withhold in its sole discretion), the total leaseable square footage constructed on Phase 4 (excluding Parcel 7 and Parcel 8) shall not exceed 60,000 leaseable square feet.

7.4 Exclusive Use Restrictions:

A. Discount Department Store/Discount Drug/Grocery Store Exclusive. No part of the Commercial Center shall be used for (1) a discount department store whose overall retail concept is based on a discounting price structure, or a wholesale membership club or warehouse club; or, (2) a discount drug store selling prescription drugs required to be dispensed by a licensed pharmacist; or, (3) a retail or discount grocery store devoted to selling food or grocery items, specifically including, but not limited to, the wholesale or retail sale of dairy products, bakery goods, meat, poultry, fish, frozen goods, produce, and shelf grocery items; as well as any sale of those items, except for, as part of a restaurant which is allowed under this Declaration or as an incidental part of another use which is allowed under this Declaration, the sale of miscellaneous small food snack items, prepared sandwiches, or other items which are intended to be consumed upon the premises, including but not limited to the sale of nuts, candy, similar snack items. This exclusive is for the benefit of the owner and occupant of the property currently owned by Wal-Mart which lies to the east of the Commercial Center (the "Wal-Mart Property", and the same shall be deemed third party beneficiaries hereof and may enforce this restriction by any legal and equitable means. If the written consent of the owner and occupant of the Wal-Mart Property and of the owner of Parcel 2 and of the occupant of the Orchard Supply Building is obtained (which consent may be withheld in each such party's sole discretion), the Expansion Area may be used for the operation of a grocery store/food supermarket.

B. Home Improvement Exclusive. No part of the Commercial Center other than Parcel 2 shall be used for a home improvement store, which use shall include, but not be limited to, hardware, home décor, tools, lumber, wood and nonwood building materials, plumbing and electrical fixtures and equipment, paint, nursery (gardening) products, lawn and garden tools and supplies, home contracting services for the installation of merchandise which is available from the home improvement store and such other related items normally sold in a majority of the stores of the home improvement store tenant located on Parcel 2 (the "Home Improvement Use"), or other business conducted separately or as a part, department or concession of another business, that engages principally in the sale of a Home Improvement Use, or any such items or combination thereof. The foregoing shall not prohibit (i) any Occupant of the Commercial

Jamie Claire

From: Randy Bacchus [randy.bacchus@potter-taylor.com]
Sent: Tuesday, August 11, 2009 10:45 AM
To: jamie@gointernetmedia.com
Subject: Williamson Ranch
Attachments: williamson ranch use restrictions.pdf

Attached is the section from the CC&R's on Use. It looks like you can do either retail or office from the 4851 building.

Randy Bacchus, CPM
POTTER-TAYLOR & CO.
1792 Tribute Rd., Suite 270
Sacramento, CA 95815
(916) 923-0200
(916) 614-8888 Direct Line
(916) 923-5823 Fax

ATTACHMENT 3

- REAR OF BUILDING

D18



FUCK

911

AC DRYER BUSH

WILLIAMS

DRYER

11.22.2011 08:02

D19

D20

11.22.2011 08:02



ENCLOSURE



DZ1

ROOF/ATTIC



DZZ



D23



D24



D25

FIRE VALUES



D26

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 25, 2014**

Prepared by: Scott Davidson, Contract Planner
Review by: Mindy Gentry, Senior Planner *MG*
Approved by: Tina Wehrmeister, Community Development Director *TW*
Date: March 20, 2014
Subject: **AutoZone (GP-13-01, SP-13-01, Z-13-01, PD-13-02, V-13-01, UP-13-04, AR-13-04)**

RECOMMENDATION/ACTIONS

It is recommended that the City Council uphold the Planning Commission's decision and deny the Project (see resolutions contained in Attachment "A") by taking the following actions:

1. Motion to adopt the resolution denying the General Plan amendment;
2. Motion to adopt the resolution denying the East Lone Tree Specific Plan amendment;
3. Motion to adopt the resolution denying the rezoning of the subject property from Medium High Density Residential (R_H) to Planned Development (PD); and
4. Motion to adopt the resolution denying the Final Development Plan, Variance, Use Permit and Design Review.

CEQA does not apply to project denials; therefore, it is further recommended that the City Council take no action on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Project.

OPTIONS

If the City Council finds that the merits of the Project support project approval and that modifying City policy documents and standards is appropriate, staff has drafted alternative language (see resolutions contained in Attachment "B") for the City Council to review and to approve the Project by taking the following actions:

1. Motion to adopt the resolution approving and adopting the Initial Study/Mitigated Negative Declaration (IS/MND) as adequate for the Project;
2. Motion to adopt the resolution approving the General Plan amendment;
3. Motion to adopt the resolution approving the East Lone Tree Specific Plan amendment;
4. Motion to introduce the ordinance by title only;
5. Motion to adopt the ordinance rezoning the subject property from Medium High Density Residential (R_H) to Planned Development (PD); and
6. Motion to adopt the resolution approving the Final Development Plan, Variance, Use Permit and Design Review.

APPLICATION

Stantec, on behalf of, AutoZone, Inc. submitted a proposal to develop a 7,928 sq. foot retail store (AutoZone Store – Store #4166) on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (Attachment “C”). The proposed Project consists of an AutoZone store, master use list for the site, monument sign, parking lot, loading area, site improvements and landscaping on a vacant 0.56 acre lot. The Project includes applications for approval of amendments to the General Plan and to the East Lone Tree Specific Plan, a rezoning to Planned Development, a final development plan, a variance, a conditional use permit, and design review (Attachment “D”). The property has been owned by the Liberty Union High School District since March 2006, but the District has never used the property for school purposes.

BACKGROUND INFORMATION

The Planning Commission recommended that the City Council deny the proposed Project because it would result in spot zoning; create the potential for land use conflicts; is incompatible with the surrounding neighborhood; and overburdens property that has inadequate land area to accommodate Project components and to incorporate necessary design amenities on-site (Refer to Planning Commission Minutes – Attachment “F”). This decision was reached following submittal of Project revisions as described below:

- 1/09/14 Staff report circulated for the Planning Commission hearing on January 15, 2014;
- 1/13/14 Applicant submitted request to continue the Project hearing from January 15, 2014 to a hearing in February;
- 1/24/14 The applicant submitted revised site and architectural plans;
- 2/13/14 Staff circulated a supplemental staff report containing analysis of the Project revisions (Attachment “E”);
- 2/19/14 Planning Commission voted 5 – 1 to deny the Project and it’s various applications.

PROJECT REVISIONS

The Project plans were revised to incorporate an architectural element at the street intersection, increase building articulation, incorporate additional landscaping, and to adjust building standards as summarized in **Table 1**.

Table 1: Submittal Comparison

Standard	Original	Revised	Increase/(Decrease)
Building Area	7,928 sf	7,766 sf	(162) sf
Landscape Area	5,222 sf	5,229 sf	7 sf
Parking /Loading	8,274 sf	9,243 sf	969 sf
Sidewalks	1,443 sf	1,119 sf	(324)
Height	23'	31' – 2"	8' – 2"
Drive Width	27' – 10"	24'	(3' – 10")
Setback to parking (N)	3' (approx.)	5'	2' (approx.)
Setback to parking (E)	5' (approx.)	10' – 7"	5' (approx.)
Setback (S)	8' – 9"	8' – 9"	No Change
Setback (W)	11' – 7"	11' – 7"	No Change

The Project continues to include applications for approval of amendments to the General Plan and to the East Lone Tree Specific Plan, a rezoning to Planned Development, a final development plan, a variance, a conditional use permit, and design review.

The following summarizes the Project benefits identified by the Project sponsors and impacts identified by staff.

Pros and Cons

PROS

- \$10,000 – \$14,000/year in sales tax revenue;
- 20-30 construction jobs;
- 15 permanent jobs;
- Elimination of a vacant lot

CONS

- Conflicts with neighboring residential uses;
- Spot zoning;
- Lack of deceleration lane results in traffic conflicts;
- Lack of adequate parking without any on-street overflow within close proximity

ENVIRONMENTAL

The City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). Staff has evaluated the Project revisions, particularly with respect to the findings contained in CEQA Guideline Section §15162, and has concluded that the proposed Project revisions do not modify the findings, conclusions or recommendations contained in the IS/MND. In summary, the IS/MND found that the proposed project would have significant impacts to air quality, biology, cultural resources, geology, noise and traffic, but that those impacts could be mitigated to a less significant level if the proposed mitigation measures were implemented.

The IS/MND and Mitigation Monitoring and Reporting Program (MMRP) have been prepared for the Project in conformance with the California Environmental Quality Act (CEQA). The IS/MND and MMRP are available for review at the City's Community Development Department and are located on the City's website:

<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>.

Pursuant to CEQA Guidelines Section 15270, staff continues to recommend that the City Council take no action on the IS/MND and deny the Project.

ANALYSIS

The Planning Commission denial was based on the following considerations.

Issue #1: General Plan – Land Use

The Project revisions discussed above, address aesthetic issues; however do nothing to eliminate conflicts with Housing Element policies. The Project modifications only resulted in a 5 foot setback, versus the three feet that were previously proposed, between the parking and

loading areas and the residential property lines. Therefore the minimal setback continues to create the potential for land use conflicts. Consequently, staff continues to find the Project to be inconsistent with other elements of the General Plan and the proposed amendment would create internal conflicts within the General Plan as discussed in greater detail below:

- a) The Land Use Element of the General Plan establishes Commercial Land Use Policies (Attachment "G") that require commercial development to be designed in a manner that complements and does not conflict with residential uses. The proposed Project includes commercial activities that will generate truck traffic and noise on-site and on local streets that have the potential to detract from the use and enjoyment of neighboring residential uses. The commercial activity would occur during hours when residential uses typically enjoy quiet (e.g. during dinner). The Project does not provide adequate screening or buffering, as established in the General Plan and Zoning Code, between the proposed use and neighboring homes to ensure the continued use and enjoyment of the adjoining residential property.
- b) The Community Image and Design Element of the General Plan establishes Community Design Policies (Attachment "G") that have the goal of ensuring adequate buffering in the design of new development proposed along a boundary between residential and non-residential uses. The burden for providing such buffers and transitions belongs to the second use to be developed. The Project fails to accomplish this objective because it locates noise-generating activities (e.g. parking areas, loading docks, outdoor storage, and trash collection areas) in close proximity to neighboring residential uses.
- c) The General Plan Housing Element indicates that the City has a shortage of sites available to satisfy the Regional Housing Needs Allocation (RHNA) (Attachment "G"). To facilitate a broad array of housing types (Goal 2), the Housing Element calls for rezoning property to higher density residential. The General Plan and Specific Plan designations for the subject property help to address the City's need to provide residential property with density standards that permit at least 16 units per acre. The proposal to amend the General Plan to Neighborhood/Community Commercial would eliminate this site from the City's inventory of eligible housing sites contrary to Housing Element Goal 2 which is inconsistent with the City's housing objectives as expressed in the General Plan.

Given the constraints of the site, the above discussed General Plan inconsistencies do not appear to be resolvable through redesign or re-siting of the proposed facilities. This creates the potential for unavoidable land use conflicts that are inconsistent with General Plan goals. The City's General Plan and zoning designations identify a number of properties that are better suited to support commercial activity such as that proposed for the Project site without resulting in the potential for conflict with non-commercial uses. Staff is recommending denial of the proposed General Plan amendment because it would interfere with the City's ability to accomplish Housing Element Goal number 2, and the proposed Project overburdens the site resulting in inconsistencies with General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

Issue # 2: Specific Plan Amendment

The East Lone Tree Specific Plan (ELTA) implements the provisions of the General Plan. The current Specific Plan designation for the Project property is Medium High Density Residential (R_H). Originally the site was designated for Public Facilities (FP) and was intended for use as a fire station. Per the Specific Plan, the site designation was changed to R_H when the fire station

use did not come to fruition. The application for the amendment proposes to change this designation to Community Retail (C_R) to accommodate the Project. Similar to the General Plan inconsistencies discussed above, the proposed Specific Plan amendment would result in conflicts with neighboring residential uses, the City's design standards, and the Housing Element. Specifically, staff is recommending denial of the proposed Specific Plan amendment because it would not be consistent with General Plan Land Use Policy 4.4.3.2, Community Image, and Design Policy 5.4.12, and Housing Element Goal number 2.

Issue # 3: Rezoning and Final Development Plan

The proposed rezoning would create a 0.56-acre site with unique development standards that are specific to the Project. While the proposed land uses would be comparable to those allowed in other Neighborhood/Community Commercial (C-2) districts in the City, no such commercial uses exist in the immediate vicinity of the Project site which is surrounded by residential uses. This condition would result in the application of zoning to a specific parcel of land at odds with the surrounding General Plan and zoning designations (arguably "spot zoning").

Table 2: Proposed Development Standards for the Project

Standard	Required
Minimum Building Site	20,000 sq. ft
Minimum Lot Width	100' (Interior) 100' (Corner)
Maximum Height	32', with exceptions to architectural features encompassing less than 20% of the total roof area and less than 8 feet in height and parapets less than 30 inches in height.
Maximum Lot Coverage	35% (Building Area)/75% Hard Surfaces
Minimum Front and Side Yard	Reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows: Arterial street: Minimum 8-foot setback with landscaping on all frontages. Local street: Minimum 11-foot setback
Minimum Interior Yard	5-foot minimum setback
Minimum Rear Year Yard	10-foot minimum setback
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
Parking Lot Design	As approved by the Planning Commission (PC), parking lot landscape buffers may be as little as 5 feet and no landscape islands are required within the parking lot.

The rezoning would be for the benefit of a particular developer (AutoZone) and would create development standards and land uses that are inconsistent and incompatible with those established for surrounding properties and have the potential to result in development and uses that are inconsistent with what neighboring property owners could reasonably expect at the time they purchased their property. The findings described above in the General Plan amendment analysis and below in the Design Review analysis, would likely apply to many other development scenarios that could occur under the proposed zoning. In particular, the potential traffic generation and limited buffering (setback) between development at the Project site and adjoining residential uses have the potential to detract from the use and enjoyment of the neighborhood.

Further, while PD districts allow for more flexible development standards, the applicant has tried to place a building and use on a parcel that has been slated for residential development and is essentially too small for the Project. The landscape setback on Lone Tree Way is proposed at 8', which is a much smaller setback than the 30' setback that is required for arterial streets within the City of Antioch. Further, the building has been set so close to the intersection that the building had to be angled in order to meet the sight vision triangle requirements to prevent any visual obstacles for vehicular traffic. PD districts also require the land uses to be mutually supportive and compatible with existing and proposed development on surrounding properties. The applicant has not been able to design the Project in a way that provides a buffer or is compatible with the surrounding residential properties.

Staff is recommending denial of the proposed zone change because it would result in spot zoning on an infill Project that would conflict with the surrounding single family residential (directly west) and multi-family residential uses (directly north and east). This proposal would create its own specific design standards (as noted above) on this small isolated property.

Issue #4: Use Permit

A use permit for the Project application is required under Antioch's Zoning Ordinance. The use permit is required prior to the construction of any phase of an approved PD District to clarify the details of the development phase. Staff is unable to make the necessary Use Permit findings to approve the Project because the proposed commercial use on a small, constrained property has the potential to detract from the use and enjoyment of neighboring residential properties. The Project also has the potential to create traffic conflicts that could be injurious to property in the Project vicinity.

The proposed Project would not only allow the AutoZone store to be located on this 0.56 acre lot, it would also permit all uses allowed the Neighborhood/Community Commercial (C-2) Zoning District. Uses permitted by right in the C-2 zone include appliance maintenance and repair, antique stores, bakeries, banks, beauty salons, clothing stores, communication facilities, dry cleaners, florists, supermarkets, furniture stores, gift shops, hardware stores, fitness centers, hotels and motels, jewelry stores, paint stores, pet shops, pharmacies, recycling facilities, restaurants (including take-out and delivery), studios (e.g. dance, martial arts), and variety stores.

Allowed uses in a C-2 zone include uses that will generate traffic, noise, and odors that may require separation from surrounding uses. Further, the uses identified in the C-2 zone will require parking as outlined in the zoning code and the variance may not be able to accommodate such uses; the parking study that was provided was based on the AutoZone use. The Zoning Code notes in §9-5.301(H) that the Neighborhood District typically occupies four to 10 acres of area and the Community Commercial District may occupy 10 acres or more far in excess of the 0.56 acres contained on the Project site. The City's General Plan and zoning designations identify a number of properties that are better suited to support commercial activity such as that proposed for the Project site without resulting in the potential for conflict with non-commercial uses.

Issue #5: Circulation

The two proposed Project driveways, one each on Lone Tree Way and Fairside Way, are unsignalized and right-in/right-out only.

The Traffic Impact Study prepared by Kimley Horn and Associates included as an attachment to the Planning Commission staff report (pages E73-E103) identified conditions that result in access and circulation issues related to the Project:

- The median on Fairside Way would divert traffic exiting the Project site through the neighboring residential neighborhood. This condition would affect traffic associated with construction and operations that has the potential to impact neighboring homes.
- Vehicles exiting the Project site onto Lone Tree Way can only make a right turn and would be required to make a u-turn at the Vista Grande/Lone Tree Way intersection in order to travel east toward State Route 4. The Vista Grande/Lone Tree Way intersection is inadequate to accommodate large vehicles making a u-turn. All vehicles exiting the Project site onto Lone Tree Way will be inclined to attempt crossing travel lanes to make a u-turn at Fairside Way rather than traveling further west to make a u-turn in order to travel east on Lone Tree Way. To avoid this condition, the Project would need to modify the median on Fairview Way to allow left turning movements from the Project site.

In addition to potential traffic impacts, the City Engineer has further concluded that right-turning movements from Lone Tree Way into the Project site have the potential to interfere with vehicles traveling at permitted speeds on Lone Tree Way unless a deceleration lane were constructed. Because there is inadequate land within the right-of-way to construct a deceleration lane, the proposed right turn from Lone Tree Way into the Project site is inconsistent with City objectives and standards.

While the potential environmental impacts associated with the above-described constraints may be reduced to a less than significant level through mitigation, the traffic patterns that would result from the mitigations would not be ideal and are likely to result in unsafe turning movements on both exits for vehicles that want to travel east on Lone Tree Way. Vehicles may try to cross three lanes of traffic exiting onto Lone Tree Way in order to make a u-turn at the Heidorn Ranch Road/Fairside Way intersection to travel east on Lone Tree Way. Staff is recommending against amending the City's planning documents and relaxing City standards in order to create conditions that could result in unsafe traffic movements from Project traffic.

Issue #6: Variance - Parking

Variance approval is required in order to reduce on-site parking from 39 spaces required by the Zoning Code to 23 (21 standard and 2 accessible) and to deviate from Parking Lot Landscaping Design standards established by Municipal Code Section 9-5.1716. The design standard variance is required to waive the requirement for a 10-foot landscape buffer adjacent to residential development north of the Project site, to reduce the 10-foot landscape buffer to approximately 5 feet adjacent to the residential property to the east of the Project site, and to waive the requirement for two landscape islands within the parking lot.

A variance is permission given to a property owner/developer to build a structure or engage in some action regarding physical standards not otherwise permitted by the current zoning ordinance, because the owner would otherwise suffer a unique hardship because the particularly parcel is different from others due to its size, shape, topography, location or surroundings. The criteria for granting a variance is set forth in Government Code section 65906. In order to approve the variance, the City must find that there is some unique condition at the Project site that deprives the subject property of privileges enjoyed by similar properties and that the granting of a variance will not be injurious to property in the vicinity.

Because the site is regularly configured, relatively flat, and compatible in size with other properties in similar zones and in the Project vicinity, such findings are difficult to make. Further, as discussed above in the above General Plan amendment analysis and below in the Design Review analysis, the proposed variances from parking lot design (e.g. reduced landscape buffers and elimination of landscape islands) will exacerbate the potential for land use conflicts and compatibility issues that may lessen the use and enjoyment of surrounding properties. Lastly, as described above the variance for parking may only be able to accommodate the AutoZone use and not the other uses permitted by right in the C-2 zoning designation. The parking generation study that was provided was only for AutoZone and did not address other uses permitted by right that would be allowed under the master use list.

Issue #7: Design Review

The Project has been designed primarily to satisfy the functional requirements of the business. As a consequence, the focus of the design is on improving operational and construction efficiency rather than on providing building articulation or architectural or site planning elements that provide adequate buffers to adjoining properties or that acknowledge the importance of this site as a corner lot. Given the small size of the site, not only is the Project unable to develop without variance approval to reduce parking and landscaping requirements, the Project is unable to provide adequate buffering between Project improvements and neighboring properties or to incorporate adequate landscaping to screen improvements from off-site locations. The City's consulting architect has reviewed the Project (Attachment "H") for consistency with Chapter 3.0, Commercial Design Guidelines of the City of Antioch Citywide Design Guidelines, and found the Project to be inconsistent with the City's design standards as described below.

- 3.1.3B Land Use Buffering: The trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building. To comply with paragraph 4 of this section, the Project would need to incorporate a larger setback and landscape buffer along the northern property line. Given the site geometry and Project layout, there doesn't appear to be adequate space to accommodate this needed design amenity.
- 3.1.3D Site Amenities: To comply with this section, decorative paving and more urban landscape treatments should be used to create a more attractive project.
- 3.1.3F Trash and Storage Areas: Additional architectural and site plan information would need to be provided demonstrating compliance with this section by integrating the roof structure with the proposed architecture similar to the illustration on page 3-7 of the City of Antioch Citywide Design Guidelines.
- 3.1.8 Lighting: The proposed exterior lighting is not consistent with the current architectural style of the building.

Issue #8: Comment Letters

The City is in receipt of letters regarding the proposed Project and the Initial Study/Mitigated Negative Declaration. In total, the City received 7 letters commenting on the Project. One letter provided comments to the environmental document asserting that the Project would have potential impacts to land values, parking, traffic, noise, and neighborhood compatibility. Three of the letters primarily identify concerns with the merits of the Project focusing on potential noise and traffic and incompatibility with the neighboring residential uses. A letter was received from the Liberty Union High School District indicating that they intend to make use of the property if

the Project is denied. Two letters were received opposing the Project just prior to finalizing the staff report; one from LCA Architects and the other from Mark Marcotte. All of the comment letters received are included as Attachment "I".

FISCAL IMPACTS

The applicant has indicated that the Project is expected to generate \$16,000 per year in retail sales tax. The City's sales tax consultant estimated that a 7,800 square foot auto parts retailer would more likely generate between \$10,000 and \$14,000 in annual sales tax revenue. Not all of that revenue would be "new" revenue to the City in that a portion will include sales that would have occurred at another auto parts store within the City. The benefit to the City would be further reduced by the cost of providing services to the site. While staff expects the Project to generate positive fiscal results for the City, it is also possible that sales tax revenue could be reduced or eliminated should the anticipated land use conflicts that would result from the Project turn into calls for code enforcement or police service to enforce noise and traffic ordinances at the site.

ATTACHMENTS

- A: Resolutions Denying the Project
- B: Resolutions and an Ordinance to Approve the Project
- C: Aerial Photograph
- D: Application Materials
- E: Staff Report from the February 19, 2014 Planning Commission Hearing
- F: Minutes from the February 19, 2014 Planning Commission Hearing
- G: General Plan Excerpts
- H: Architectural Peer Review
- I: Comment Letters

ATTACHMENT "A"

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DENYING A GENERAL PLAN AMENDMENT FOR THE AUTOZONE PROJECT

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the amendment to the General Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

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

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration and recommended denial to the City Council of the Project; and

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

WHEREAS, on March 25, 2014 the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the City Council took no action on the Initial Study/Mitigated Negative Declaration in conformance with §15270 of the CEQA Guidelines; and

WHEREAS, the proposal to eliminate the existing high-density residential designation could interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the Housing Element; and

WHEREAS, the Project site is not large enough to accommodate site improvements to comply with City codes and standards or to include amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform with General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; and

WHEREAS, the proposed Project has the potential to detract from the orderly development in the City of Antioch; and

RESOLUTION NO. 2014/**

March 25, 2014

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NOW, THEREFORE BE IT RESOVED, that the City Council does hereby make the following findings for denial of the General Plan amendment:

1. The proposed General Plan Amendment is not in the public's interest, and would inhibit the City's ability to satisfy other General Plan objectives. The proposed General Plan Amendment would eliminate a site with the potential for high-density residential development that could thwart City efforts to fulfill the goals and objectives of the General Plan Housing Element.
2. The proposed General Plan Amendment would not be consistent with General Plan Land Use Policy 4.4.3.2 or Community Image and Design Policy 5.4.12. The Project does not provide an adequate setback between the residential and non-residential uses to ensure the continued use and enjoyment of the adjoining residential property, and site constraints do not allow for design solutions to these conflicts.
3. The proposed General Plan amendment would be detrimental to the public's health, safety, and welfare. The Project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation and creates the potential for conflict between residential and non-residential uses due to hours of commercial operation and activity that could detract from the quiet enjoyment of neighboring residential properties.
4. The General Plan amendment would conflict with the East Lone Tree Specific Plan. The Project would result in a small isolated commercial property that is not contiguous to other commercial sites and in conflict with the East Lone Tree Specific Plan Focus Area policies and goals that support a scale and character of development that complements and enhances single family residential neighbors.

NOW, THEREFORE BE IT RESOLVED, the City Council cannot make findings that the proposed General Plan Amendment is in the public interest of the people and hereby denies the amendment to City of Antioch's General Plan.

* * * * *

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 25th day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

AZ

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DENYING AN AMENDMENT TO THE EAST LONE TREE SPECIFIC PLAN FOR THE AUTOZONE PROJECT

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the amendment to the General Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration and recommended denial to the City Council of the Project; and

WHEREAS, on March 25, 2014, the City Council duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, the City Council took no action on the Initial Study/Mitigated Negative Declaration in conformance with §15270 of the CEQA Guidelines; and

WHEREAS, Section 65359 of the California Government Code provides for the amendment of all or part of an adopted East Lone Tree Specific Plan as affected by a General Plan amendment; and

WHEREAS, the primary purpose of the Specific Plan amendment is to ensure consistency between the City of Antioch East Lone Tree Specific Plan, the Project, and the General Plan; and

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

WHEREAS, on March 25, 2014, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the City Council denied the request for the proposed General Plan amendment for the AutoZone Project.

NOW, THEREFORE BE IT RESOVED, that the City Council does hereby make the following findings for denial of the Specific Plan amendment;

RESOLUTION NO. 2014/**

March 25, 2014

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1. The proposed Specific Plan amendment is not consistent with the General Plan. The proposed amendment would eliminate the existing Medium High Density Residential (R_H) designation and replace it with a commercial designation, which could interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the General Plan's Housing Element.
2. The proposed Specific Plan amendment would be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed amendment would create the potential for conflict by allowing commercial operations that, due to hours of operation, traffic, and noise generation, have the potential to detract from the quiet enjoyment of neighboring residential properties. The Project site is not large enough to accommodate site improvements to comply with City codes and standards or to include setbacks and amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.
3. The subject property is not physically suitable for the requested Specific Plan designation and the proposed land use development. The proposed Project has the potential to detract from orderly development by allowing uses at a site that is not physically suitable for the intensity of use contemplated by the Project. The Project site does not accommodate adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation, and cannot provide adequate setbacks to avoid potential land use conflicts with neighboring homes.
4. The Project is inconsistent with provisions of the East Lone Tree Specific Plan that are designed to ensure orderly development which is harmonious with existing and proposed development in the surrounding neighborhood. The East Lone Tree Specific Plan's policies and goals support development that has a scale and character that complements and enhances the surrounding residential neighborhoods and the proposed amendment would allow for use of the property that results in inadequate setback, site improvements, and traffic circulation that would disrupt surrounding residential uses.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the City Council cannot make findings that the proposed Specific Plan amendment is in the public interest of the people and hereby denies the proposed amendments to the East Lone Tree Specific Plan.

RESOLUTION NO. 2014/**

March 25, 2014

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* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 25th day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DENYING THE ADOPTION OF AN ORDINANCE REZONING THE AUTOZONE PROJECT SITE FROM SPECIFIC PLAN (SP) TO PLANNED DEVELOPMENT (PD)

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the request for a zone change is from Specific Plan (SP) to Planned Development (PD) with Neighborhood/Community Commercial (C-2) land use regulations as outlined in Section 9-5.3803 – Table of Land Use within the Antioch Municipal Code and the following development standards:

Development Standards for the Project:

Standard	Required
Minimum Building Site	20,000 sq. ft
Minimum Lot Width	100' (Interior) 100' (Corner)
Maximum Height	32', with exceptions to architectural features encompassing less than 20% of the total roof area and less than 8 feet in height and parapets less than 30 inches in height.
Maximum Lot Coverage	35% (Building Area)/75% Hard Surfaces
Minimum Front and Side Yard	Reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows: Arterial street: Minimum 8-foot setback with landscaping on all frontages. Local street: Minimum 11-foot setback
Minimum Interior Yard	5-foot minimum setback
Minimum Rear Year Yard	10-foot minimum setback
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
Parking Lot Design	As approved by the Planning Commission (PC), parking lot landscape buffers may be as little as 5 feet and no landscape islands are required within the parking lot.

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the amendment to the General Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary; and

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WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration and recommended denial to the City Council of the Project; and

WHEREAS, on March 25, 2014, the City Council duly held a public hearing, received and considered evidence, both oral and documentary;; and

WHEREAS, the City Council took no action on the Initial Study/Mitigated Negative Declaration in conformance with §15270 of the CEQA Guidelines; and

WHEREAS, the City Council denied the proposed General Plan amendment for the AutoZone Project; and

WHEREAS, the City Council denied the proposed East Lone Tree Specific Plan amendment for the AutoZone Project.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the City Council hereby denies a rezone of the Project site because it cannot make the findings for approval.

1. The proposed rezone will allow uses that are not suitable for the area. The Project will not promote a harmonious visual and functional relationship between commercial and non-commercial uses. The proposed rezoning would create a 0.56-acre site with unique development standards that do not exist elsewhere in the City. While the proposed land uses would be comparable to those allowed in other Neighborhood/Community Commercial (C-2) districts in the City, no such zoning or commercial uses exist on the north side of Lone Tree Way in the vicinity of the Project site as the site is surrounded by existing residential uses. The request would result in the application of zoning to a specific parcel of land within a larger zoned area that is at odds with a City's General Plan and current zoning restrictions ("spot zoning"). The rezoning would be for the benefit of a particular developer (AutoZone), and would create unique administrative processes, development standards, and land uses that are inconsistent and incompatible with those established for surrounding properties and have the potential to result in development and uses that are inconsistent with what neighboring property owners could reasonably expect at the time they purchased their property.
2. The uses permitted by the proposed rezoning will be detrimental to adjacent and surrounding properties. The Project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation and creates the potential for conflict between residential and non-residential uses due to the hours of commercial operation and activity that could detract from the quiet enjoyment of neighboring residential properties.
3. No evidence has been presented to demonstrate that changes in the Project area have altered the overall vision presented in the General or Specific Plans or that the use of other properties in the Project area has changed in a way that warrants reconsideration of the land use or zoning for the Project site. Similarly, there have been no changes in the surrounding community that have rendered the existing land

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use or zoning obsolete or incompatible with adjoining uses or that warrant a change of zoning on this property.

4. The requested zone change is in conflict with the General Plan and the East Lone Tree Specific Plan. The proposed zoning is inconsistent with the General Plan and the Specific Plan because it would eliminate a residential designation which will interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the Housing Element. The Project site is also not large enough to accommodate site improvements to comply with City codes and standards or to include setbacks and amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby denies the change to the City of Antioch's zoning code found in Title 9 of the Antioch Municipal Code.

* * * * *

I **HEREBY CERTIFY** that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 25th day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH DENYING A FINAL DEVELOPMENT PLAN, VARIANCE, USE PERMIT AND DESIGN REVIEW FOR THE AUTOZONE PROJECT

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the amendment to the General Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration and recommended denial to the City Council of the Project; and

WHEREAS, on March 25th, 2014, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and denied the Project; and

WHEREAS, the City Council took no action on the Initial Study/Mitigated Negative Declaration in conformance with §15270 of the CEQA Guidelines; and

WHEREAS, the City Council denied the proposed General Plan amendment for the AutoZone Project; and

WHEREAS, the City Council denied the proposed East Lone Tree Specific Plan amendment for the AutoZone Project; and

WHEREAS, the City Council denied the proposed rezoning for the AutoZone Project.

NOW THEREFORE BE IT RESOLVED, that the City Council does hereby make the following findings for denial of a final development plan as set for in Section 9-5.2308 of the Antioch Municipal Code:

SECTION 9-5.2308(A): Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.

CITY COUNCIL'S DETERMINATION: The proposed Project would eliminate an existing high-density residential designation which could interfere with the City's ability to provide diverse

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housing types to satisfy the Regional Housing Needs Allocation and fulfill the City's objectives as expressed in the Housing Element. The Project site is not large enough to accommodate site improvements to comply with City codes and standards or to include setbacks and amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

SECTION 9-5.2308(B): The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

CITY COUNCIL'S DETERMINATION: The streets and thoroughfares are not adequate to serve the Project. Existing roadways that serve the Project site would result in traffic patterns that are not intuitive or convenient and are likely to result in unsafe turning movements at both exits from the Project site; in particular for vehicles wanting to travel east on Lone Tree Way. The City Council does not want to amend the City's planning documents or to deviate from City standards which could create conditions that result in unsafe traffic movements.

SECTION 9-5.2308(C): The commercial components of the Project are justified economically at the location proposed.

CITY COUNCIL'S DETERMINATION: The City's General Plan and zoning designations identify a number of properties that are better suited to support commercial activity such as that proposed for the Project site without resulting in the potential for conflict with non-commercial uses. There is no evidence of public benefit, including economic benefit that justifies activities that have the potential to conflict with the use and enjoyment of neighboring residential uses.

SECTION 9-5.2308(D): Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

CITY COUNCIL'S DETERMINATION: There are no residential components to the Project.

SECTION 9-5.2308(E): That any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

CITY COUNCIL'S DETERMINATION: There are no industrial components to the Project.

SECTION 9-5.2308(F): Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

CITY COUNCIL'S DETERMINATION: The Project does not conform to the development policies in the General Plan or the East Lone Tree Specific Plan. The Project is not offering

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unusual redeeming features or amenities to warrant deviations from the standard zoning requirements. The Project consists of more commercial improvements that do not promote harmonious development between the commercial and residential uses.

SECTION 9-5.2308(G): That the area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

CITY COUNCIL'S DETERMINATION: The area surrounding the Project is already developed with homes and the proposed commercial use is not complementary with the existing development.

SECTION 9-5.2308(H): The P-D district conforms to the General Plan of the City.

CITY COUNCIL'S DETERMINATION: The Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12. The City Council did not approve the required General Plan amendment; therefore the use would not be in conformance with the General Plan.

BE IT FURTHER RESOLVED that the City Council is not able to approve the variance application based on the following findings:

SECTION 9-5.2703(B)(2)(a): That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

CITY COUNCIL'S DETERMINATION: Approval of the variance would constitute a grant of special privileges inconsistent with the limitations of other properties in the vicinity and zoning district in which it is located. The property is flat, rectangular in shape, and has no unique topographical features. Approving a 40% reduction of the parking requirements as set out in the zoning ordinance would constitute a grant of special privileges.

SECTION 9-5.2703(B)(2)(b): That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

CITY COUNCIL'S DETERMINATION: The Project would be inconsistent with the limitations of other properties in the vicinity and the residential zoning district in which it is located, would not comply with Chapter 3.0, Commercial Design Guidelines of the City of Antioch Citywide Design Guidelines, and would interfere with the use and enjoyment of other properties in the surrounding community.

SECTION 9-5.2703(B)(2)(c): That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.

CITY COUNCIL'S DETERMINATION: There are no special circumstances related to size, shape, topography, location, or surroundings of this parcel such that the strict application of zoning ordinance development standards would deprive the property of privileges enjoyed by

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other properties in similar circumstances in the same zoning district. The shape of the property is rectangular and typical of the majority of the parcels in the neighborhood. There is little to no topography on the site, which is also typical of other properties in the area.

SECTION 9-5.2703(B)(2)(d): That the granting of such variance will not adversely affect the comprehensive General Plan.

CITY COUNCIL'S DETERMINATION: The Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; therefore would adversely affect the General Plan.

BE IT FURTHER RESOLVED that the City Council is not able to approve a Use Permit application based on the following findings:

SECTION 9-5.2703(B)(1)(a): That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

CITY COUNCIL'S DETERMINATION: The Project is not compatible with the City of Antioch's long-term vision established in the General Plan that the properties in this area be established as residential. The Project will be detrimental to the public health and welfare by creating a conflict with the adjacent residential properties due to the hours of operation, traffic, and noise generation. Further, the Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12. Further, access to the Project site from Lone Tree Way has the potential to interfere with through traffic inconsistent with City standards. Because there is inadequate right-of-way to construct a deceleration lane to avoid this traffic conflict, the Project would be injurious to improvements in the Project vicinity.

SECTION 9-5.2703(B)(1)(b): That the use applied for at the location indicated is properly one for which a use permit is authorized.

CITY COUNCIL'S DETERMINATION: The Project would not meet the Land Use and Community design policies as set out in the General Plan. Specifically, the Project would interfere with the City's ability to accomplish Housing Element Goal number 2, and the proposed Project overburdens the site resulting in unavoidable land use conflicts inconsistent with General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12. Further, the Project does not comply with municipal code requirements related to parking, landscape buffers, or circulation standards and is inconsistent with the City's Commercial Design Guidelines 3.1.3B, 3.1.3D, 3.1.3F, and 3.1.8. The inability to comply with General Plan policies, code requirements, and design standards indicates that the proposed use is inappropriate for the site and could result in conflicts between commercial and non-commercial uses and could interfere with traffic circulation in the Project vicinity.

SECTION 9-5.2703(B)(1)(c): That the site for the proposed use is adequate in size and shape to accommodate such use, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood.

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CITY COUNCIL'S DETERMINATION: The Project site is not physically suitable for the proposed development and has inadequate land area to accommodate Project components necessary to meet the access and parking needs of the Project. The small, constrained nature of the site is such that the Project is unable to incorporate necessary design amenities or adequate buffers to prevent noise and hour of operation conflicts between commercial and non-commercial uses that could detract from the use enjoyment of neighboring residential properties.

SECTION 9-5.2703(B)(1)(d): That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

CITY COUNCIL'S DETERMINATION: The Project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation, and is unable to construct a deceleration lane on Lone Tree Way to avoid circulation conflicts at the primary access point to the site.

SECTION 9-5.2703(B)(1)(e): That the granting of such use permit will not adversely affect the comprehensive General Plan.

CITY COUNCIL'S DETERMINATION: The Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; therefore will adversely affect the General Plan.

BE IT FURTHER RESOLVED that the City Council is not able to approve the design review application based on the following findings:

1. When commercial buildings abut residential projects or open space, the rear setback area shall be landscaped to be functionally and/or visually combined with the residential open space where possible. The Project does not conform to Design Standard 3.3.1B in that the trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building, and the Project would need to incorporate a larger landscape buffer along the northern property line than the property appears able to accommodate.
2. Trash enclosures shall be located away from sensitive uses, such as residences or schools, to minimize nuisance for adjacent property owners. The Project does not conform to Design Standard 3.3.1B in that the trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building.
3. All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped while encouraging pedestrian enhancements. To comply with Design Standard 3.1.3D, the Project would need to incorporate decorative paving and more urban landscape treatments. To comply with Design Standard 3.1.7, the Project would need to be revised to include a pedestrian connection between the public sidewalk and the building that is independent of the driveway.

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BE IT FURTHER RESOLVED that the City Council, after reviewing the staff report and considering testimony offered, does hereby deny the final development plan, variance, use permit, and design review applications proposed by the Project.

* * * * *

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 25th day of March, 2014.

AYES:

NOES:

ABSTAIN:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

ATTACHMENT "B"

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE AUTOZONE PROJECT

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a Variance, a Use Permit, and Design Review;

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, a draft Initial Study and Mitigated Negative Declaration ("IS/MND") was circulated for a 20-day review period, with the public review period commencing on December 12, 2013 and ending on January 2, 2014;

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and took no action and made no recommendation to the Council related to the Final IS/MND and MMRP;

WHEREAS, on March 25, 2014, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary on the Final IS/MND and MMRP; and

WHEREAS, the City Council has reviewed the Final IS/MND for this Project and the comments received during the comment period; and

WHEREAS, the custodian of the Final IS/MND is the Community Development Department and the Final IS/MND is available for public review on the second floor of City Hall in the Community Development Department, Monday - Thursday 8:00 am - 11 :30 am and the MMRP is attached as Exhibit A to this Resolution.

NOW THEREFORE BE IT RESOLVED

1. The City Council of the City of Antioch hereby FINDS, on the basis of the whole record before it (including the Initial Study and all comments received) that:
 - a. The City of Antioch exercised overall control and direction over the CEQA review for the Project, including the preparation of the Final Initial Study and Mitigated Negative Declaration, and independently reviewed the Final Initial Study and Mitigated Negative Declaration; and
 - b. There is no substantial evidence that the Project will have a significant effect on the environment once mitigation measures have been followed and assuming

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approval of the General Plan, Specific Plan, and Zoning Ordinance amendments;
and

- c. The Final Initial Study and Mitigated Negative Declaration reflect the City's independent judgment and analysis.
2. The City Council of the City of Antioch APPROVES AND ADOPTS the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 25th day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

EXHIBIT A

LONE TREE AUTOZONE #4166 PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City of Antioch in its implementation and monitoring of measures adopted from the Lone Tree AutoZone #4166 Project Mitigated Negative Declaration (MND).

MITIGATION MEASURES

The mitigation measures are taken from the Lone Tree AutoZone #4166 Project MND and are assigned the same number they had in the MND. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for monitoring the actions.

MMRP COMPONENTS

The components of each monitoring form are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in the Lone Tree AutoZone #4166 Project MND are presented and numbered accordingly.

Timing/Implementation: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified. The project applicant would be responsible for implementation of the mitigation measures.

Enforcement/Monitoring Party: The City of Antioch is responsible for ensuring that mitigation measures are successfully implemented.

**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>AQ-1 The project applicant shall require that the project contractor fully implement all of the BAAQMD dust abatement measures provided below.</p> <ul style="list-style-type: none"> a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered. c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d) All vehicle speeds on unpaved roads shall be limited to 15 mph. e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points. g) All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. h) A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 	<p>Ongoing during construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>AQ-2 The project applicant shall specify in project plans the implementation of the following measures to be implemented in order to reduce the emissions of toxic pollutants generated by heavy-duty diesel-powered equipment during construction.</p> <ul style="list-style-type: none"> a) Keep all construction equipment in proper tune in accordance with 	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	

**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>manufacturers' specifications.</p> <p>b) Use late-model heavy-duty diesel-powered equipment during construction to the extent that it is readily available in the San Francisco Bay Area.</p> <p>c) Use diesel-powered equipment that has been retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is readily available in the San Francisco Bay Area.</p> <p>d) Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at construction sites to the extent that it is readily available and cost effective in the San Francisco Bay Area. (This requirement does not apply to diesel-powered trucks traveling to and from the site.)</p> <p>e) Utilize alternative-fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the San Francisco Bay Area.</p> <p>f) Limit truck and equipment idling time to 5 minutes or less.</p> <p>g) Rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible.</p>			
<p>BIO-1 Burrowing Owl. If clearing and construction activities will occur during the nesting period for burrowing owls (February 1–August 31), a qualified biologist shall conduct focused surveys for burrowing owls on and adjacent to the project site. Surveys shall be conducted in accordance with the CDFG's Staff Report on Burrowing Owl Mitigation, published March 7, 2012. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season.</p> <p>If no burrowing owls are detected, no further mitigation is required. If active burrowing owls are detected, the project proponent will implement the avoidance, minimization, and mitigation methodologies outlined in the CDFG's Staff Report on Burrowing Owl Mitigation prior to initiating project-related activities that may impact burrowing owls.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	

**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>BIO-2 Migratory Birds. If clearing and/or construction activities will occur during the migratory bird nesting season (April 15-August 15), preconstruction surveys for nesting migratory birds shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot buffer surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season.</p> <p>If active nest(s) are identified during the preconstruction survey, a qualified biologist shall monitor the nest to determine when the young have fledged. Monthly monitoring reports, documenting nest status, will be submitted to the City of Antioch Planning Division until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird. Reference to this requirement and the Migratory Bird Treaty Act shall be included in the construction specifications.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>BIO-3 Active Raptor Nests. If construction activities will occur during nesting season for raptors (January 15-August 15), all suitable raptor nesting habitat within 0.5 mile of the impacted area shall be surveyed for active raptor nests within 14 days of construction commencement. If an active raptor nest is located within 0.5 mile of the construction site, a no-activity buffer will be erected around the nest while it is active to protect the nesting raptors. This buffer distance may be amended to account for nests that are not within the line-of-sight of the construction activity. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>CUL-1 If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. A Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial</p>	<p>Ongoing during construction activities</p>	<p>City of Antioch Planning Division</p>	

**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>Sites established by the Native American Heritage Commission, may also be required.</p> <p>Work cannot continue within the no-work radius until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either (1) not cultural in origin; or (2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially eligible resource is encountered, the archaeologist, lead agency, and project proponent shall arrange for either (1) total avoidance of the resource, if possible; or (2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.</p>			
<p>GEO-1 The project applicant shall incorporate all of the recommendations from the geotechnical report (GeoRox Engineering 2012) into project design, grading plans, and site preparation and construction activities. Recommendations include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Overexcavation of the building area and parking area. • Special sloping and shoring procedures for excavations. • Use of clean fills and soils with appropriate moisture contents to reduce impacts associated with expansive soil. • Use of drilled concrete piers in the foundation design. <p>The geotechnical report also recommends that a geotechnical consultant examine imported fill soils to ensure their suitability for use as backfill. The geotechnical consultant shall also be present during excavation activities to review depth of overexcavation, provide expertise in the event that subsurface obstructions or unsuitable materials are encountered, observe exposed excavation, and verify acceptability of temporary slopes.</p>	<p>Prior to project design review and during excavation activities</p>	<p>City of Antioch Building Division</p>	
<p>NOI-1 The following measures shall be included as conditions of the project:</p> <ol style="list-style-type: none"> a) Use of forklifts for the loading and unloading of trucks shall be prohibited. b) The loading and unloading of trucks shall be limited to the daytime hours of between 7:00 a.m. and 7:00 p.m. c) Delivery trucks shall be prohibited from accessing and parking on-site 	<p>Prior to project occupancy</p>	<p>City of Antioch Planning Division</p>	

City of Antioch
January 20

**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>between the hours of 7:00 p.m. and 7:00 a.m. Signs identifying this requirement shall be prominently posted at the site entrance.</p> <p>d) The on-site idling of haul trucks associated with loading/unloading activities shall be prohibited. Signs identifying this requirement shall be prominently posted at the loading/unloading area</p>			
<p>NOI-2 Prior to the issuance of any grading permits, the applicant shall submit a construction-related noise mitigation plan for City review and approval, to include the following:</p> <p>a) The plan shall depict the location of construction equipment storage and maintenance areas, and document methods to be employed to minimize noise impacts on adjacent noise-sensitive land uses.</p> <p>b) The required construction-related noise mitigation plan shall specify that haul truck deliveries are subject to the same hours specified for construction equipment.</p> <p>c) The plan shall denote any construction traffic haul routes where heavy trucks would exceed 100 daily trips (counting those both to and from the construction site). To the extent feasible, the plan shall denote haul routes that do not pass sensitive land uses or residential dwellings.</p> <p>d) The plan shall incorporate any other restrictions imposed by the City.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>NOI-3 Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.</p>	<p>During construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>TRAF-1 The median on Fairside Way shall be modified to allow passenger vehicles and large semi-trucks to make left turns directly from the west driveway in a manner similar to that depicted in Figure 8 (of the MND). The median should be configured to prevent southbound left turns from Fairside Way into the project west driveway, and a "NO LEFT TURN" sign prohibiting the movement shall be placed in the median along Fairside Way. This would preclude the need to U-turn around the existing median or drive through the residential neighborhood along Fairside Way to Vista Grande Drive.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division; City of Antioch Engineering and Development Services Division</p>	

**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>The project applicant shall hire a professional engineer to design and a professional contractor to construct the median modification. The median modification shall be constructed prior to or concurrent with construction of the proposed project. The modified median shall be completed prior to operation of the proposed project.</p>			
<p>TRAF-2 A sign prohibiting right turns for non-local traffic, including delivery truck traffic, shall be placed by the project applicant at the Fairside Way driveway exit.</p>	<p>Prior to project occupancy</p>	<p>City of Antioch Planning Division; City of Antioch Engineering and Development Services Division</p>	
<p>TRAF-3 The project applicant shall develop delivery access routes and provide that information to vendors that make deliveries to the proposed project. A map illustrating acceptable routes along major streets and indicating that truck traffic along Fairside Way is prohibited shall also be developed and available at the AutoZone store, so staff working during deliveries can provide the map to delivery drivers. Truck deliveries shall also be limited to non-peak daytime hours to minimize disruption to other street traffic and nearby uses.</p>	<p>Prior to project occupancy</p>	<p>City of Antioch Planning Division; City of Antioch Engineering and Development Services Division</p>	

RESOLUTION NO. 2014/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING THE GENERAL PLAN AMENDMENT FOR THE AUTOZONE PROJECT**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a Variance, a Use Permit, and Design Review;

WHEREAS, the proposed General Plan Amendment (GPA) would modify the land use designation shown on the map in Figure 4.3 from High Density Residential to Neighborhood/Community Commercial and is not considered to be a "substantial" amendment;

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included analysis of proposed amendments to the General Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, the Planning Commission held a duly noticed public hearing on February 19, 2014, accepted testimony, both written and oral, and recommended that the City Council deny the proposed General Plan Amendment and take no action on the environmental document pursuant to §15270 of the CEQA Guidelines;

WHEREAS, the CEQA document found that potentially significant impacts associated with the Project could be mitigated to a less than significant level;

WHEREAS, on March 25, 2014, the City Council duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, the City Council approved and adopted an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program that was prepared for the AutoZone Project; and

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

WHEREAS, the proposed GPA was circulated in compliance with California State Law;

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record and the findings established in this resolution, the City Council finds that the amendment shown to the General Plan in Exhibit A is in the public's interest pursuant to the following findings:

- a. The Final IS/MND and MMRP determined the Project's environmental impacts could be mitigated to a less-than significant level through modifications to the site and architectural plans and facility operations.

RESOLUTION NO. 2014/**

March 25, 2013

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- b. The Project is considered infill development on a site that is presently served by necessary infrastructure improvements and that is substantially surrounded by developed properties.
- c. The site is appropriate for commercial use because:
 - 1) There are commercial uses across Lone Tree Way and within proximity to the Project.
 - 2) The Project is located on an arterial street, which is consistent with other retail uses within the City of Antioch.
 - 3) The Project will provide retail services that will benefit surrounding residential uses.
- d. The Project will help to fulfill the commercial and tax revenue-generating goals of the East Lone Tree Focus Area by providing jobs that generate disposable income while increasing retail sales tax to defray the cost of City services.
- e. The Project will provide job within Antioch and will further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch.

BE IT FURTHER RESOLVED, that based on the entire record and the findings established in this resolution, the City Council hereby APPROVES and ADOPTS the proposed amendment to change the General Plan Figure 4.3 from High Density Residential to Neighborhood Commercial for the Project site.

* * * * *

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 25th day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

EXHIBIT A

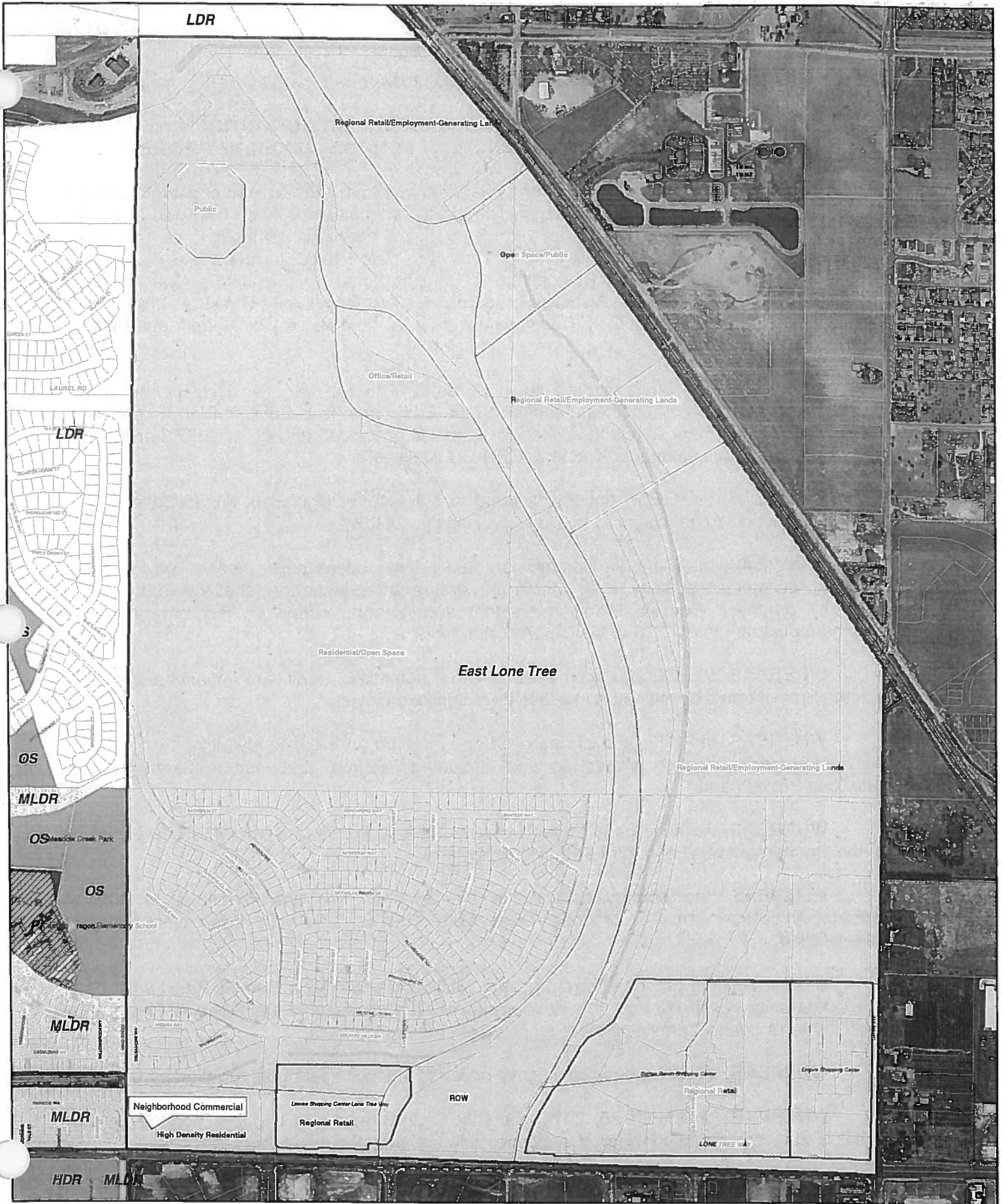


Figure 4.9



RESOLUTION NO. 2014/**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING A SPECIFIC PLAN AMENDMENT FOR THE AUTOZONE PROJECT**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a Variance, a Use Permit, and Design Review;

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included analysis of a proposed amendment to the East Lone Tree Specific Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, the CEQA document found that potentially significant impacts associated with the Project could be mitigated to a less than significant level;

WHEREAS, the Planning Commission held a duly noticed public hearing on February 19, 2014, accepted testimony, both written and oral, and recommended that the City Council deny the proposed Specific Plan Amendment and take no action on the environmental document pursuant to §15270 of the CEQA Guidelines;

WHEREAS, the CEQA document found that potentially significant impacts associated with the Project could be mitigated to a less than significant level;

WHEREAS, the City Council approved and adopted an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program that was prepared for the AutoZone Project; and

WHEREAS, Section 65450 through 65457 of the California Government Code provides for the amendment of all or part of a Specific Plan; and

WHEREAS, the primary purpose of the Specific Plan amendment is to ensure consistency between the City of Antioch East Lone Tree Specific Plan, the Project and the General Plan;

WHEREAS, the proposal to replace the existing Medium High Density Residential (R_H) with Community Retail (C_N) on the Project site will further support the General Plan's and Specific Plan's goals of providing more employment generating uses;

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

WHEREAS, on March 25, 2014, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

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WHEREAS, the City Council finds that the proposed amendment to the East Lone Tree Specific Plan is consistent with the General Plan because:

- a. The proposed Specific Plan amendment is necessary to maintain consistency with the General Plan Land use designation for the Project site, would not result in conflicts with other Elements of the General Plan, and will fulfill the commercial and tax revenue-generating goals of the East Lone Tree Focus Area by providing jobs that generate disposable income while increasing retail sales tax to defray the cost of City services.
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because the Project would provide for future in-fill commercial development on a site that is already served by infrastructure and that will provide convenient serves for nearby residential uses.
- c. The subject property is physically suitable for the Project because it has access from an arterial street, which is consistent with other retail uses within the City of Antioch, is located directly across Lone Tree Way from other commercial uses.
- d. The proposed Specific Plan amendment ensures development of desirable character which would be harmonious with the commercial development across Lone Tree Way and will provide services to benefit nearby neighborhoods.
- e. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

WHEREAS, based on the oral and written record and the findings established in this resolution, the City Council adopts the amendment shown to the Specific Plan in Exhibit A pursuant to the following findings:

- a. The Project is considered infill development and is substantially surrounded by the developed properties.
- b. The Project will help to fulfill the commercial and tax revenue generating goals of the East Lone Tree Focus Area by providing jobs and creating disposable income.
- c. The Project will provide jobs within Antioch and will further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch.
- d. The Specific Plan amendment provides for the continuing internal consistency between the East Lone Tree Specific Plan and the General Plan, as required by Government Code.
- e. As required by Government Code Section 65450 through 65457, the proposed Specific Plan Amendment are in the public interest of the people of the City of Antioch.

NOW, THEREFORE BE IT RESOVED that the City Council APPROVES and ADOPTS the proposed Specific Plan amendment.

RESOLUTION NO. 2014/**

March 25, 2013

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* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 25th day of March, 2014 by the following vote:

AYES:

NOES:

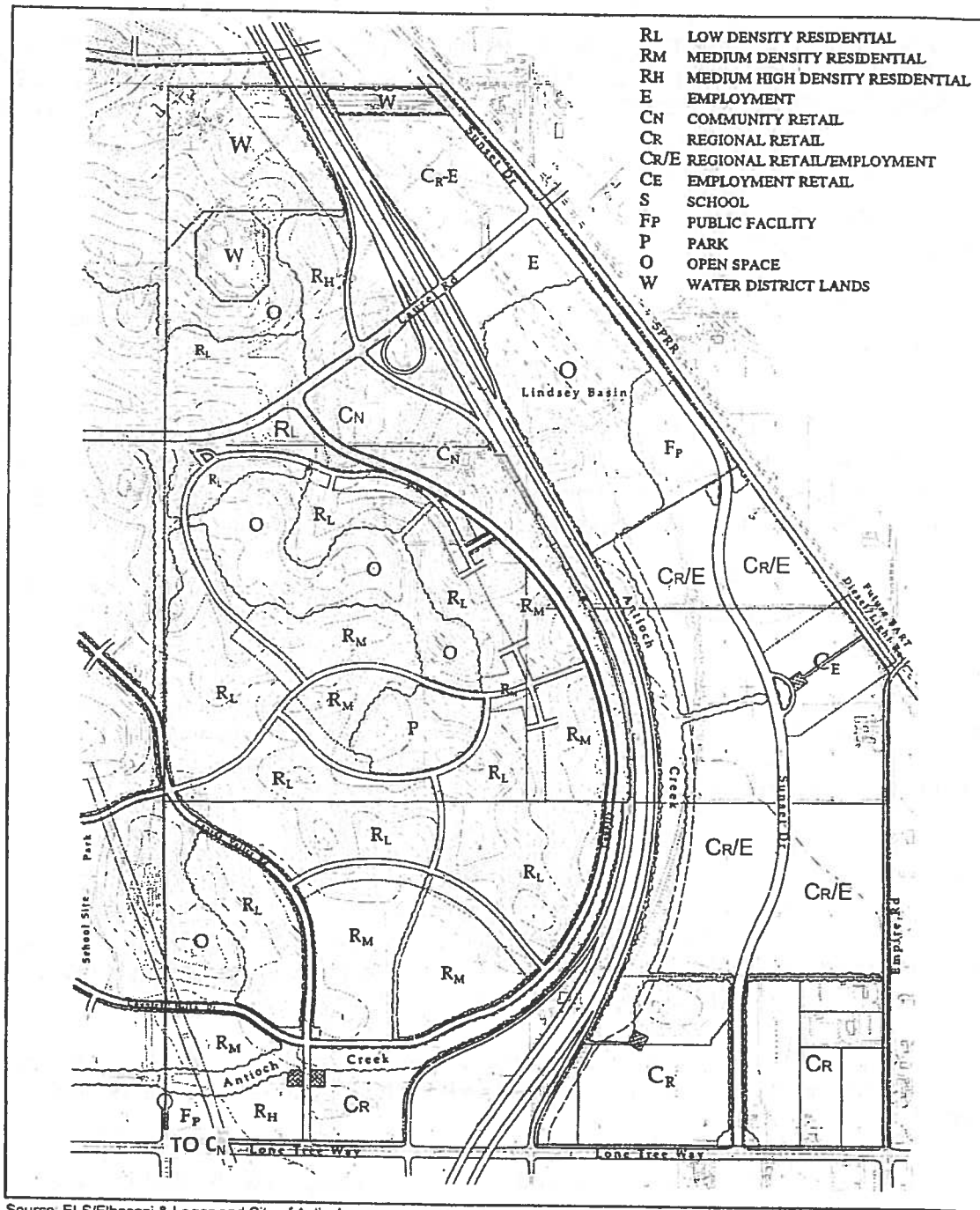
ABSENT:

ABSTAIN:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

EXHIBIT A

East Lone Tree Specific Plan Revised Map



Source: ELS/Elbasani & Logan and City of Antioch



East Lone Tree Specific Plan Land Uses

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A REZONING OF APPROXIMATELY 0.56 ACRES REFERRED TO AS THE AUTOZONE PROJECT FROM SPECIFIC PLAN (SP) TO PLANNED DEVELOPMENT (PD) DISTRICT

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

SECTION 1. Findings. The Antioch City Council hereby finds, determines and declares as follows:

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

B. The Planning Commission conducted a duly noticed public hearing on February 19, 2014 at which it adopted a resolution that declined to initiate amendments to Title 9 "Planning and Zoning" and recommended that the City Council deny the proposed rezoning approximately 0.56 acres from Specific Plan (SP) to Planned Development (PD) District.

C. The City Council held a duly noticed public hearing on March 25, 2014 at which time all interested persons were allowed to address the Council regarding adoption of this ordinance.

D. The City prepared an IS/MND and MMRP to evaluate the potential environmental impacts of the AutoZone Project, including this Ordinance, in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). The City Council deemed the Final IS/MND to be adequate on March 25, 2014.

E. The Final IS/MND and MMRP determined the Project's environmental impacts could be mitigated to a less-than-significant level.

F. The City Council approved a General Plan map amendment changing the Project site's designation from High Density Residential to Neighborhood/Community Commercial. The rezone is in conformance to the General Plan.

G. The City Council approved an amendment to the Specific Plan from Medium High Density Residential (R_H) to Community Retail (C_N). The rezone is in conformance with the Specific Plan.

H. The Project is considered infill development on a site that is presently served by necessary infrastructure improvements and that is substantially surrounded by developed properties.

I. The site is appropriate for commercial use because:

- 1) There are commercial uses across Lone Tree Way and within close proximity to the Project.
- 2) The Project is located on an arterial street, which is consistent with other retail uses within the City of Antioch.

3) The Project will provide retail services that will benefit surrounding residential uses.

J. The Project will help to fulfill the commercial and tax revenue-generating goals of the East Lone Tree Focus Area by providing jobs that generate disposable income while increasing retail sales tax to defray the cost of City services.

K. The Project will provide jobs within Antioch and will further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch.

SECTION 2. The real property described in Exhibit A, attached hereto, is hereby rezoned from Specific Plan (SP) to Planned Development (PD) District and the zoning map is hereby amended accordingly. The Final Development Plan, with attachments consisting of various maps, written documents, and renderings of the proposed development along with all conditions imposed by the City of Antioch are hereby incorporated by reference and made a part of this zoning change. These documents are on file at the City of Antioch Community Development Department.

SECTION 3. The permitted uses shall be the same as the Neighborhood/Community Commercial (C-2) designation as outlined in Section 9-5.3803 – Table of Land Use Regulations.

SECTION 4. Development Standards for the AutoZone Planned Development District are presented in **Table 1 – AutoZone Planned Development Standards:**

Table 1 – AutoZone Planned Development Standards

Standard	Required
Minimum Building Site	20,000 sq. ft
Minimum Lot Width	100' (Interior) 100' (Corner)
Maximum Height	32', with exceptions to architectural features encompassing less than 20% of the total roof area and less than 8 feet in height and parapets less than 30 inches in height.
Maximum Lot Coverage	35% (Building Area)/75% Hard Surfaces
Minimum Front and Side Yard	Reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows: Arterial street: Minimum 8-foot setback with landscaping on all frontages. Local street: Minimum 11-foot setback
Minimum Interior Yard	5-foot minimum setback
Minimum Rear Year Yard	10-foot minimum setback
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
Parking Lot Design	As approved by the Planning Commission (PC), parking lot landscape buffers may be as little as 5 feet and no landscape islands are required within the parking lot.

SECTION 5. Publication; Effective Date. This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch, held on the 25th day of March and passed and adopted at a regular meeting thereof, held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Mayor of the City of Antioch

City Clerk of the City of Antioch

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Exhibit A

LEGAL DESCRIPTION

RESOLUTION NO. 2014/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A FINAL PLANNED DEVELOPMENT, VARIANCE, USE PERMIT, AND DESIGN REVIEW FOR THE AUTOZONE PROJECT

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a Variance, a Use Permit, and Design Review;

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included analysis of proposed amendments to the East Lone Tree Specific Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, the CEQA document found that potentially significant impacts associated with the Project could be mitigated to a less than significant level;

WHEREAS, the Planning Commission held a duly noticed public hearing on February 19, 2014, accepted testimony, both written and oral, and recommended that the City Council deny the proposed Planned Development, Variance, Use Permit and Design Review, and take no action on the environmental document pursuant to §15270 of the CEQA Guidelines;

WHEREAS, the City Council approved and adopted an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program that was prepared for the AutoZone Project; and

WHEREAS, the City Council approved a General Plan map amendment changing the Project site's land use designation from High Density Residential to Neighborhood/Community Commercial.

WHEREAS, the City Council amended the Specific Plan from Medium High Density Residential (R_H) to Community Retail (C_N); and

WHEREAS, the City Council has motioned to introduce an ordinance to rezone the AutoZone Project site from Specific Plan (SP) to Planned Development (PD) District; and

NOW THEREFORE BE IT RESOLVED, that the City Council makes the following required findings for approval of a Final Planned Development as set for in Section 9-5.2308 of the Antioch Municipal Code:

SECTION 9-5.2308(A): The development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.

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CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The Project is located within an area designated for residential and commercial development in the General Plan. After approval of the General Plan and Specific Plan amendments and the rezone, the Project is consistent with the policies of both the General Plan and zoning code and can exist independently without the need to expand infrastructure services or develop surrounding property to support the Project. The Project site is surrounded by existing, developed residential and commercial lands therefore the Project will not be detrimental to the planning area, rather it will further the commercial and tax revenue generating goals of the East Lone Tree Focus Area and further the goals of the General Plan by offering jobs to improve the jobs and housing balance.

SECTION 9-5.2308(B): The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The City commissioned Kimley-Horn and Associates to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Project. A copy of the report is included in the Appendices to the Project's Final IS/MND. The report evaluated the most recent traffic data and projections for the Project area and the region, and found that the Project satisfies the standards of the City's Growth Management Program. Other infrastructure services are provided to the Project site as follows: the Antioch Public Works Department (PWD) Water Distribution Division supplies water to the Project site; wastewater collection and conveyance is provided by PWD, and the Delta Diablo Sanitation District (DDSD) processes effluent at their Water Pollution Control Facility; the PWD operates a storm water collections maintenance program; and solid waste generated by the Project will be collected and taken to the Keller Canyon Landfill.

SECTION 9-5.2308(C): The commercial components of the Project are justified economically at the location proposed.

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The Project will result in 20-30 construction jobs and 15 new permanent jobs as well as additional annual sales tax revenue in the City of Antioch consistent with the employment and tax revenue generating goals of the East Lone Tree Focus Area.

SECTION 9-5.2308(D): Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

CITY COUNCIL DETERMINATION: There are no residential components to the Project.

SECTION 9-5.2308(E): Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

CITY COUNCIL DETERMINATION: There are no industrial components to the Project.

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SECTION 9-5.2308(F): Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The rezoning of the property from Specific Plan (SP) to Planned Development (PD) District allows for flexibility of the Project's design. The Project is located in an area with the potential to offer a wide variety of commercial uses to serve the neighboring residential uses while improving the jobs and housing balance. In combination with other uses located south of Lone Tree Way, the Project would contribute to commercial synergy by increasing the diversity of available services in the area.

SECTION 9-5.2308(G): The area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The area surrounding the Project is already developed with homes and compatible commercial uses in close proximity to the site and the Project is consistent with the job and tax creation objectives of the East Lone Tree Focus Area.

SECTION 9-5.2308(H): The Project conforms to the General Plan of the City.

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The approval of the General Plan amendment resulted in a Project that conforms to the General Plan.

BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for approval of a Variance:

SECTION 9-5.2703(B)(2)(a): That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: Corner properties require large land reservations to ensure adequate buffers and separation between improvements and the public right-of-way. At this site, this condition results in site constraints that are unique to, and inhibit use and enjoyment of the property. The granting of a variance is necessary to allow the owner to develop and use of the property in a way that is comparable with the rights enjoyed by other properties in the Project vicinity.

SECTION 9-5.2703(B)(2)(b): That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The approval of the variance for a commercial use of this scale would not be detrimental to the public health and welfare or injurious to the property or its environs as there are other similar uses in proximity to the Project. As modified by conditions of approval, the Project would incorporate adequate

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buffers, landscaping, screening and architectural improvements that are compatible with surrounding uses as established by City Design Guidelines.

SECTION 9-5.2703(B)(2)(c): That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications; and

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The Project site is small when compared to other commercial property in the Project vicinity that is similarly sited at the corner of an intersection. Due to the setback and site distance requirements of corner properties, this condition results in site constraints that are unique to the subject property and that inhibits the owners use and enjoyment of the property. The granting of a variance is necessary to allow the owner to develop and use of the property in a way that is comparable with the rights enjoyed by other properties in the Project vicinity.

SECTION 9-5.2703(B)(2)(d): That the granting of such variance will not adversely affect the comprehensive General Plan.

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: Granting a variance approval will not adversely affect the comprehensive General Plan in that it will result in small scale non-residential development consistent with the job creation and jobs-housing balance objectives of the City.

BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for approval of a Use Permit:

SECTION 9-5.2703(B)(1)(a): That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The approval of a Use Permit for commercial use of this scale would not be detrimental to the public health and welfare or injurious to the property or its environs as there are similar uses in proximity to the Project. As modified by conditions of approval, the Project would incorporate adequate buffers, landscaping, screening and architectural improvements that are compatible with surrounding uses as established by City Design Guidelines.

SECTION 9-5.2703(B)(1)(b): That the use applied for at the location indicated is properly one for which a use permit is authorized;

CITY COUNCIL DETERMINATION: The proposed master use list is similar to other commercial districts within the City that are zoned Neighborhood/Community commercial (C-2). More specifically, the proposed commercial use is consistent and compatible with a neighborhood commercial activity and provides services to surrounding residential properties.

SECTION 9-5.2703(B)(1)(c): That the site for the proposed use is adequate in size and shape to accommodate such use, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood;

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CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The Project site contains adequate land area to a support commercial use and is configured to allow for development that is compatible with the Project's needs and adjoining uses. As modified by conditions of approval, the Project will incorporate site improvements (e.g. parking, mechanical equipment and screening, etc.) and necessary amenities to support the use and enjoyment of the property in a manner that is compatible with the property and its environs.

SECTION 9-5.2703(B)(1)(d): That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use; and

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: The Project site is located at the intersection of Lone Tree and Fairside Ways. These roadways have adequate width and improvements to accommodate the traffic that would be generated by the proposed Project. This conclusion is supported by the Kimley-Horn and Associates Traffic Impact Study dated November, 2013 indicating the traffic generated by the proposed use is adequately handled by the adjacent streets and highways.

SECTION 9-5.2703(B)(1)(e): That the granting of such use permit will not adversely affect the comprehensive General Plan.

CITY COUNCIL DETERMINATION IN SUPPORT OF THIS FINDING: Granting a Use Permit approval will not adversely affect the comprehensive General Plan in that it will result in small scale non-residential development consistent with the job creation and jobs-housing balance objectives of the City.

BE IT FURTHER RESOLVED that the City Council approves the Design Review application because the Project is consistent with the purpose of design review because the development complies with the objectives of the General Plan, The East Lone Tree Specific Plan, and the Citywide Design Guidelines as follows:

1. As modified by conditions of approval, the Project includes adequate articulation of the building form and elevations to create varied rooflines, building shapes, and patterns of shade and shadow and create architectural interest and compatibility with surrounding development. The site plan and architectural form are consistent with the Design Guidelines 3.1.2, 3.1.3B, 3.1.3.C, 3.1.3D, 3.1.3E, 3.1.3F, 3.1.4A; 3.1.4B; 3.1.4C; 3.1.4D; 4.1.4E, and 4.1.4F, 3.1.7, and 3.1.8.
2. As modified by conditions of approval, the building includes sculpted building corners and incorporates an architectural element that increases the building height and mass to "anchor's" the property corner at the intersection of Lone Tree and Fairside Ways. The corner treatment is designed to conform to the City's design standards through the conditions of approval. While the building corner has been angled to provide vehicle site distance at the intersection, project conditions are intended to further orient the structure to the corner conditions by creating architectural interest and orienting active areas to the street.
3. As modified by conditions of approval, trash enclosures will be located away from neighboring residences and visually screened from public view to minimize nuisance

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for adjacent property owners. Similarly, conditions of approval requiring screening of utility and mechanical equipment (e.g. electric and gas meters, electrical panels, and junction boxes) from the view of public streets and neighboring properties.

4. All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped while encouraging pedestrian enhancements. To comply with section 3.1.3D of the Design Guidelines, conditions of project approval require the applicant to incorporate decorative paving and more urban landscape treatments (e.g. tree grates within the paved area of the south eastern corner of the building). To comply with section 3.1.7 of the Design Guidelines, conditions of approval further require the Project to include a pedestrian connection between the public sidewalk and the building that is independent of the driveway.

BE IT FURTHER RESOLVED that the City Council, after reviewing the staff report and considering testimony offered, does hereby APPROVE the Final Planned Development, Variance, Use Permit, and Design Review (PD-13-02, V-13-01, UP-13-04, and AR-13-04) to construct the AutoZone Project subject to the following conditions and the findings for the conditions, which are attached to this resolution as Exhibit A:

A. GENERAL CONDITIONS

1. The Project shall be constructed and operated in compliance with City of Antioch Municipal Code requirements and standards.
2. Conditions required by the City Council, which call for a modification or any change to the site plan shall be submitted, and shall be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the City Council and the standards of the City.
3. City staff shall inspect the site for compliance with conditions of approval prior to final inspection approval.
4. This approval becomes valid 30-days following adoption of the Ordinance rezoning the property from Specific Plan (SP) to Planned Development (PD) District and expires two years from the date of approval (Expires March 25, 2016), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
5. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement or environmental review. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
6. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments and other fees that are due.

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7. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way.
8. This approval supersedes previous approvals that have been granted for this site.
9. All required easements or rights-of-way for off tract improvements shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.

B. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall be restricted to weekdays between the hours 8:00 A.M. and 5:00 P.M., or as approved in writing by the City Manager.
2. The Project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and Demolition Debris Recycling.
3. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The applicant shall post dust control signage with a contact number of the applicant, City staff, and the air quality control board.

C. SITE AND PROJECT DESIGN

1. Prior to issuance of a building permit, the applicant shall submit site and architectural plans demonstrating that the Project will conform to the following access requirements:
 - a. The required 50 foot sight distance triangles shall be maintained at all intersections and no object greater than 3 feet in height shall be placed in that triangle. All fencing, landscaping, signage, and slopes shall also not restrict sight distance.
 - b. Asphalt paving shall have a minimum slope of 2%, concrete paving shall have a minimum slope of 0.75%, and asphalt paving for identified accessible parking stalls and access routes may have a minimum slope of 1.5% and a maximum 2% slope, or as approved by the City Engineer.
 - c. All access driveways shall be constructed to City standards, subject to review and approval by the City Engineer.
 - d. All damaged sidewalks be removed and replaced as required by the City Engineer.
 - e. All parking lot dimensions and striping shall meet minimum City standards.
 - f. All parking and access shall meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.
 - g. Bike racks shall be provided in compliance with the Antioch Municipal code and shall be durable and visually subdued. Based on their performance, "loop racks" and "ribbon bars" are encouraged, and shall be sized according to parking requirements. The applicant shall submit details of the bike racks for staff review and approval.
 - h. Any cracked or broken sidewalks be replaced as required by the City Engineer.
2. The City Engineer shall determine if it is necessary to engage in soils and structural engineers as well as any other professionals deemed necessary to review and verify the

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adequacy of the building plans submitted for this project. If deemed necessary by the City, this may be extended to include field inspections by such professional to verify implementation of the plans. Cost of these services shall be borne by the developer.

3. Prior to issuance of a building and/or grading permits, the applicant shall submit revised site plans for review and approval by the Planning Department that incorporate the following:
 - a. Increased landscape buffers (at least 10 feet) between proposed trash enclosures and residential buildings along the northern property line. Trash enclosures shall be provided to screen dumpsters from public view. Trash enclosures shall have a pitched metal roof and accommodate recycling containers. The interior floor shall be sloped to a centralized floor drain and plumbed to the sanitary sewer system. The location and design of trash enclosures shall be subject to City staff approval and the trash enclosures shall not be located within any easement areas.
 - b. Incorporate decorative paving and landscape improvements (e.g. landscape islands) in the parking area and on the Project site;
 - c. Incorporate adequate and appropriate design elements to screen all utilities, utility connections, mechanical equipment, and trash enclosures from public view; and
 - d. A lighting plan that ensures adequate lighting for safety and security without resulting in excessive spillover or glare on surrounding properties. Light standards shall be designed to be attractive and to avoid heights in excess of 25 feet.

4. Prior to issuance of a building and/or grading permits, the applicant shall submit revised architectural plans for review and approval by the Planning Department that incorporate the following:
 - a. Detailed building specifications and samples to demonstrate that exterior finishes are compatible with City design objectives and the surrounding environment; and
 - b. Architectural improvements to screen building mounted equipment and utilities so that they are screened from public view.
 - c. Signage will be subject to staff review and approval.
 - d. Any revisions to the building exterior materials, paint colors, and/or overall color scheme shall require a new application and shall be subject to Design Review approval.

5. Prior to issuance of a building and/or grading permits, the applicant shall submit revised site plans and delivery plan for review and approval by the Planning Department that ensures that site access and circulation accomplish the following:
 - a. Delivery trucks shall enter the site from Lone Tree Way and exit onto Fairside Way.
 - b. The median on Fairside Way shall be modified to allow large trucks and passenger vehicles to make left turns directly onto Fairside Way. The median opening shall be configured to prevent southbound left turn from Fairside Way into the AutoZone driveway with a NO LEFT TURN sign posted, as directed by the City Engineer.
 - c. A sign shall be posted at the Fairside Way driveway exit indicating that truck and non-local traffic are not permitted on Fairside Way.
 - d. The median landscaping on Fairside shall be restored and re-landscaped as approved by the City Engineer.
 - e. The driveway from Lone Tree Way shall be designed as a commercial driveway with curb returns as approved by the City Engineer.

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D. UTILITIES

1. All existing and proposed utilities shall be undergrounded (e.g. transformers and PMH boxes) and subsurface in accordance with the Antioch Municipal Code, except existing P.G.& E. towers, if any or as approved by the City Engineer.
2. Underground utilities shall be designed to flow approximately parallel to the centerline of the street, or as approved by the City Engineer.
3. All on-site curbs, gutters and sidewalks be constructed of Portland Cement concrete.
4. The sewer collection system shall be constructed to function as a gravity system.
5. The applicant shall submit hydrology and hydraulic analysis with a storm water control plan to the City for review and approval prior to the recordation of the final and to Contra Costa County Flood Control for review at no cost to the City as directed by the City Engineer.
6. A public utilities easement that encompasses public utilities shall be provided as directed by the City Engineer.
7. All ground mounted utility appurtenances such as transformers, AC condensers, backflow devices, etc., shall be located out of public view and adequately screened in such a manner as to minimize the visual and acoustical impact. Screening may include a combination of landscaping and/or masonry to the satisfaction of the Community Development Department. All gas and electrical meters shall be concealed and/or painted to match the building.
8. The applicant shall prepare a final site plan and elevations of all on-site mechanical equipment (including HVAC condensers, transformers, switch boxes, backflow devices, PG&E transformers, etc.) and specifics of how such equipment shall be screened from public view. This plan, with an approval stamp from the City of Antioch shall be submitted to the utility provider for review. Any necessary changes or deviations from the approved utility location and/or screening shall be reviewed by the Community Development Department prior to installation and may be subject to discretionary Design Review processing and fees.
9. Improvements and fees that are required by the Contra Costa County Flood Control District shall be implemented, as approved by the City Engineer.
10. The developer shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
11. A reduced backflow prevention device shall be installed on all City water meter services.
12. Street lighting shall be provided in accordance with the Antioch Municipal Code.

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E. LANDSCAPING

1. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans.
2. Landscaping and signage shall not create a sight distance problem.
3. That detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.
4. All trees shall be a minimum 15-gallon size and that all shrubs be a minimum 5-gallon size, with the exception that trees along the frontage of the Project site may be larger than 15 gallons, if determined necessary by staff.
5. Landscape shall show immediate results and be permanently maintained at an "A" level.
6. There shall be a minimum of five feet (5') clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten feet (10') to such concrete or asphalt paving shall use approved root guards.

F. FIRE REQUIREMENTS

1. The applicant shall comply with the following conditions provided by the Contra Costa County Fire Protection District:
 - a. The applicant shall provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard. (503) CFC
 - b. Access roadways of less than 28-feet unobstructed width shall have signs posted or curbs painted red with the words NO PARKING-FIRE LANE clearly marked. (22500.1)CVC, (503.3)CFC. Access roadways of 28 feet or greater, but less than 36-feet unobstructed width shall have NO PARKING - FIRE LANE signs posted, allowing for parking on one side only or curbs painted red with the words NO PARKING-FIRE LANE clearly marked. Parking is permitted only on the side of the road that does not have hydrants. (22500.1)CVC, (503.3)CFC
 - c. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 1250 GPM. Required flow must be delivered from not more than two hydrants flowing simultaneously for a duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (507.1), (B105) CFC This includes the reduction for fire sprinklers.
 - d. The developer shall provide one hydrant of the East Bay type. Hydrant shall be located on the southeast corner of the property. (C103.1) CFC

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- e. The developer shall submit three (3) copies of site improvement plans indicating all existing or proposed fire apparatus access for review and approval prior to building permit. Final replacement of hydrants shall be determined by the Contra Costa County Fire Protection District and located as part of this review. (501.3) CFC
- f. The building as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2010 edition of NFPA 13. Submit three (3) sets of plans to the Contra Costa County Fire Protection District for review and approval prior to installation. Contra Costa County Ordinance 2010-15
- g. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with the development. (21351) CVC
- h. The developer shall submit three (3) complete sets of plans and specifications of the subject project, including plans for any of the following required submittals, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. (105.4.1)CFC, (901.2) CFC, (107)CBC
 - Building construction plans
 - Private underground fire service water mains
 - Fire sprinklers
 - Sprinkler Alarm and Supervisory system
 - Aboveground flammable or combustible liquid storage tanks
- i. Plan review and inspection fees shall be submitted at the time of plan review submittal. Checks may be made payable to Contra Costa County Fire Protection District (CCCFPD). Submit plans to: Contra Costa County Fire Protection District, 2010 Geary Road, Pleasant Hill, CA 94523.

G. FEES

1. The applicant shall pay all fees as required by the City Council.
2. The applicant shall pay the Regional Traffic Impact Fee as well as all other applicable fees, including any future increase in the Regional Traffic Impact Fee.
3. The applicant shall pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance.
4. The applicant shall pay any required Drainage Area fees prior to the issuance of any building permits for this project.
5. The developer shall pay all applicable Delta Diablo Sanitation District fees prior to the issuance of any building permits for this project.

H. GRADING

1. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.

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2. All lots shall be graded to drain positively from the rear to the street or as approved by the City Engineer.
3. The grading plan for this development shall be approved by the City Engineer.
4. The final grading plan for this development shall be signed by a California licensed civil engineer and approved by the City Engineer.
5. All elevations shown on the improvement plans shall be on the USGS 1929 sea level datum.
6. The minimum concrete gutter flow slope shall be 0.75%.

I. PROPERTY MAINTENANCE

1. A parking lot sweeping program shall be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
2. Any undeveloped areas on-site shall be maintained in an attractive manner which ensures fire safety.
3. The Project shall comply with Property Maintenance Ordinance Section 5-1.204. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in Section 5-1.204 (G).
4. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
5. No signs shall be installed on this site without prior City approval.

J. CONSERVATION/NPDES

1. Prior to issuance of a building permit, the applicant shall revise project plans and construction documents to incorporate water conservation measures, including low volume toilets and the use of drought tolerant landscaping.
2. The Project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). Under NPDES regulations, the Project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the Project include storm water treatment and source control measures, as well as run-off flow controls, so that post-project runoff does not exceed estimated pre-project runoff. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved. The SWCP shall be submitted simultaneously with the Project plans. An Operation and Maintenance Plan (O&M) for the treatment and flow-controls in the approved SWCP shall be submitted and approved before the Building Department will issue permits and shall be included in the Project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.

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3. All areas used for washing, steam cleaning, maintenance, repair, or processing shall be discharged into the sanitary sewer as approved by the City Engineer.
4. The following requirements of the federally mandated NPDES program (National Pollutant DISCHARGE Elimination System) shall be complied with as appropriate, or as required by the City Engineer:
 - a. Prior to issuance of permits for building, site improvements, or landscaping, the applicant shall submit a permit application consistent with the applicant's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.
 - b. The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the Project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).
 - c. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for review and approval by the City, a final Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&M plan shall incorporate City comments on the draft O&M plan and any revisions resulting from changes made during construction. The O&M plan shall be incorporated into the CC&Rs for the Project.
 - d. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute and record any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long term maintenance of storm water treatment or hydrograph modification BMPs.
 - e. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
 - f. Collect and convey all storm water entering, and/or originating from, the site to an adequate downstream drainage facility. Submit hydrologic and hydraulic calculations with the Improvement Plans to Engineering Services for review and approval.
 - g. Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge Identification Number (WDID#) issued from the Regional Water Quality Control Board.
 - h. Submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for review to the Engineering Department prior to issuance of a building and/or grading permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.

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

K. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

- 1. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 25th day of March, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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EXHIBIT A

EXHIBIT A

AUTO ZONE (GP-13-01, SP-13-01, Z-13-01, PD-13-02, V-13-01, UP-13-04, DR-13-04)

FINDINGS IN SUPPORT OF CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. The City of Antioch has established a Municipal Code to protect the public health, safety, and welfare of the citizens within the City. This condition of approval is necessary for the developer to mitigate any project impacts that may threaten the health, safety, or welfare of its citizens.
- 2-3. In order for the project to be constructed to the City's approved standards, the plans need to adequately reflect the changes made by the City Council and City staff needs to inspect the site for compliance with the conditions of approval prior to final inspection approval. These conditions protects the public safety, health, and general welfare of the residents of the Project and surrounding residential and other uses by providing an adequate reflection of the approved project prior to the issuance of building permits and a follow up site inspection to ensure the Project was built as conditioned.
4. The regulatory environment of land development and base line conditions change frequently as well as thresholds established by the California Environmental Quality Act; therefore this condition is necessary to ensure any project going forward is subject to the most current regulations in order to promote the public health, safety, and welfare in the City of Antioch.
5. The Project is being pursued by a developer and the City's responsibility is to promote orderly development within the City. This condition is necessary to protect the City from the financial and time expenses for defending challenges to land use entitlements or environmental reviews that are financially benefitting the applicant, particularly given the City's own financial challenges.
- 6-7. The Project takes City time and staff to process development applications through the land use entitlement process. The development of property is at the benefit of the applicant; therefore the conditions are necessary to ensure the applicant pays the expenses to process the application rather than having that burden placed on the taxpayers for another's benefit and satisfies all necessary requirements to make use of public lands that serve the project site.
8. It is necessary to ensure administrative consistency and avoid confusion between plan versions by identifying the most recent entitlements that govern site development and use.
9. The project requires the use of public lands in order to provide access and extend infrastructure to the project site. These conditions are necessary to allow the project sponsors to make use of public lands to benefit the project.

B. CONSTRUCTION CONDITIONS

- 1-3. The construction of the Project will span approximately one year and will include site preparation, earthmoving, and general construction, which includes the development of buildings, structures, and facilities. Construction activities will produce impacts related to noise, dust, vibrations, and traffic that must be addressed and mitigated. In addition, the City is under a State-wide mandate to divert its waste by 50% and thus the City has adopted an ordinance to reduce construction and demolition debris from going to the landfill. These conditions of approval are necessary to address these impacts from the Project to ensure the public health, safety, and welfare of the Antioch community are protected and that development in the City occurs in an orderly fashion consistent with the City's General Plan and Municipal Code and to not create temporary or permanent nuisances.

C. SITE AND PROJECT DESIGN CONDITIONS

1. Access to and circulation around the Project site has the potential to detract from harmonious development. This condition is necessary to ensure safe access and circulation in the project vicinity.
2. This condition is necessary to ensure that site and project design respond to soils conditions as they become known through project refinements and additional technical study.
3. This condition is necessary to ensure harmonious development and avoid land use conflicts as established by Design Guidelines 3.1.3B, 3.1.3D, 3.1.3F, and 3.1.8.
4. This condition is necessary to ensure harmonious development and appropriate building design as established by Design Guidelines 3.1.3B, 3.1.3D, 3.1.3F, and 3.1.8.
5. The Project will be constructing streets and driveways to serve the Project and in order to maintain the health, safety, and welfare of the residents and those that will visit this Project; the streets and driveways need to be adequately designed for safe travel and maneuverability. Therefore these conditions are necessary for the Project.

D. UTILITIES

- 1-12. The Project will require electrical, water, sewer, and storm drain facilities. The Antioch Municipal Code requires all utility facilities (including, but not limited to, electric, communication, and cable television lines) which are located on-site or adjacent to the subdivision shall be placed underground. In order to minimize visual clutter utilities should be placed underground or subsurface. This condition is necessary to promote the desirability of the City through the minimization of visual clutter and to maintain the aesthetics of the City as well as adherence to the Antioch Municipal Code.

E. LANDSCAPING CONDITIONS

- 1-6. The project has one commercial building to serve the Project with parking lot and will require landscaping. The City has also adopted Citywide Design Guidelines, which sets standards for streetscape design in regards to landscaping. These conditions are

necessary to promote the health, safety and general welfare of the citizens of the City of Antioch and adhering to the Design Guidelines by preserving and enhancing the City's natural environment to facilitate the creation of a convenient, attractive, and harmonious community; to minimize erosion and disturbed lands through revegetation; to conserve energy by the provision of shade trees over streets, sidewalks, and other paved areas; to reduce the risk of fire by the management of flammable vegetation; to improve the appearance of the built environment; and to encourage the appropriate use of and orderly development of land.

F. FIRE REQUIREMENTS

1. The Contra Costa Fire Protection District provides fire services for the City of Antioch and follows the California Fire Code. The conditions of approval are necessary on the Project to protect the public health and provide for the safety and welfare of life and property from fire and explosion hazards or dangerous conditions in new buildings and existing buildings; structures and premises; and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

G. FEES

- 1-5. The City of Antioch, the Contra Costa Flood Protection District, and the Antioch Unified School District provide existing infrastructure such as streets, utilities, traffic signals, schools, public right-of-way, parks, flood mitigation improvements, parks, and police services. The fees required by the conditions of approval serve two functions: 1) the funds will provide mitigation for the project's fair share impact and the Project's responsibility of costs for the existing infrastructure due to the increase in population and 2) to mitigate the costs of additional infrastructure and maintenance necessary due to the impact of the Project. The conditions of approval are necessary to mitigate impacts to public infrastructure from deterioration as well as provide additional infrastructure to serve the additional population.

H. GRADING

- 1-6. The project requires grading of the project site, which could have impacts on the final elevations for the overall development and the adjacent properties. These conditions are necessary to ensure public health, safety, and welfare because the grading has to be designed and approved by a licensed geotechnical engineer. The licensed geotechnical engineer is responsible for the development of a plan detailing the site conditions, design, and construction recommendations based on specific information on subsurface soil, rock, and water conditions. The impacts of the grading will be mitigated by the conditions of approval to ensure appropriately functioning utilities, and the development will be in accordance with the surrounding properties.

I. PROPERTY MAINTENANCE

- 1-5. These conditions are necessary to ensure that the project site is kept in good working order to ensure adequate trash collection, to avoid localized flooding, reduce fire risks, and ensure the continued health, safety and welfare of the project environs.

J. CONSERVATION/NPDES

- 1-3. The Project is proposing one commercial building, a parking lot and landscaping. These conditions of approval pertaining to water conservation measures, and water quality are necessary to reduce water demand and to protect aquatic resources. The condition of approval protects the general welfare of the State to use water resources efficiently and to not waste water.
4. The Project is proposing to create impervious surface as well as engage in land disturbing construction activities which will lead to increase storm water runoff. The City is under Federal and State mandate to control water pollution by regulating point sources that discharge into local water bodies. Point sources are discrete conveyances such as pipes or man-made ditches. The Project is proposing two storm water control basins and a variety of conveyances to handle the storm water from the development. These conditions of approval are necessary to address these impacts from the Project to ensure the public health, safety, and welfare of the Antioch community is protected by control point source pollutants.

K. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

1. As required by the State of California, through the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Project. The impacts of the Project were identified to produce significant environmental impacts without mitigations. With the implementation of the mitigation measures, it reduces the project's impact to a less-than-significant level. The condition of approval is necessary to ensure the project complies with all mitigation measures so the Project does not create a significant environmental impact. The mitigation measures will ensure provision of a high quality environment with acknowledgement of the relationship to the general welfare of the people of the State. The capacity of the environment is limited and CEQA maintains thresholds for the health and safety of the people and take necessary action to prevent such thresholds from being reached. Lastly, the environmental document is to regulate activities which affect the quality of the environment so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment.

ATTACHMENT "C"

Aerial Photo



ATTACHMENT "D"



123 South Front Street, Memphis, TN 38103 Phone (901)

AutoZone Inc. has performed over its history numerous of studies to identify the number of customers and employees for an average \$1.6 million in annual sales AutoZone Store at any given time. The studies looked at timed cash register receipts for the (3) three busiest months of the year for numerous of AutoZone Stores.

The maximum number of customers and employees summary is shown in the table below:

Maximum Number of Customers and Employees for an average \$1.6 million in annual sales AutoZone Auto Parts Store

<i>Day</i>	<i>Peak Time</i>	<i>Maximum Number of Customers and Employees</i>
Monday	6 p.m. – 8 p.m.	11 – 12
Tuesday	6 p.m. – 8 p.m.	9 – 10
Wednesday	6 p.m. – 8 p.m.	9 – 10
Thursday	6 p.m. – 8 p.m.	9 – 10
Friday	5 p.m. – 8 p.m.	12 – 13
Saturday	10 a.m. – 1 p.m.	16 – 18
Sunday	1 p.m. – 3 p.m.	13 – 14
<i>Average Time Customer spends in store = 10 – 15 minutes</i>		

As shown in the table above, the maximum number of customers and employees in the store at any given time for an average \$1.6 million in annual sales AutoZone Store is 18 people on Saturday from 10 a.m. to 1:00 p.m.

The proposed AutoZone Store in Antioch, CA has a sales projection of 1.583 million. And will have a total of 7,928 square feet, which requires 39 parking spaces per strict reading of the City's Zoning Ordinance ("1 spaces per 200 square feet of gross floor area"). The actual gross "Retail Floor Area" of this facility is only 3636 sf and at 1 space per 200 would only require 18 parking spaces. If you take into account the fact that a percentage of those customers will be more than one customer per car. (i.e. carpooling) and a small percentage walk up or pedestrian oriented traffic along with the historical data and research provided, AutoZone can feel comfortable that the 23 parking spaces shown is more than adequately sufficient to serve our customers at this location and maintain the profitability requirements as noted.

Please call me if you have any questions or if there are any problems.

Sincerely,

Mitch

Mitch Bramlitt
Assistant Design Manager
901-495-8714 fax 901-495-8991
Mitch.Bramlitt@AutoZone.com

Attachment to Environmental Assessment Form – Lone Tree AutoZone

GENERAL INFORMATION

No. 1 – Project approvals include: General Plan Amendment; Rezone; CUP & Design Review; Variance (parking) and; subsequent building permits.

No. 15 – A variance is required due to the limited number of parking spaces proposed. Rezoning is required from Residential to PD in order to allow the commercial use and facilitate reduced setbacks.

No. 24 – The AutoZone store will store/sell materials that would qualify as hazardous and/or flammable. A complete list of such materials (an HMMP) can be provided upon request.

No. 28 – The site as it exists before the project is currently vacant, save for some small ornamental trees and vegetation. The topography is relatively flat, soils are stable (geotech report attached) and there are no known animals inhabiting the site. Likewise, there are no known cultural, historical or scenic aspects particular to this site. Photos are attached.

No. 29 – The site is bordered by multi-story to the north, east and southwest. To the west there is single-family residential and to the south is commercial/retail development. Street setbacks for the residential developments appear to vary between 15' and 30'. The commercial setbacks to the south appear to be 15' to 20'. Photos are attached.

Description of the proposal and discussion of merit (General Plan Amendment/Rezone)

The proposal is to amend the General Plan and rezone the property in order to facilitate development of a 7,928 square foot AutoZone store. The project would result in development of a corner parcel that is otherwise undersized for other types of the development. The project would include 22 on-site parking spaces and formal landscaping of nearly 23% of the site, including both currently unimproved frontages. The \$1.5 million project would result in 20 to 30 new construction jobs and 15 new permanent jobs. At an estimated \$1.6 million in annual sales, the project will bring in approximately \$16,000.00 in annual sales tax revenue to the City of Antioch. Additionally, the sale of the property for commercial development will generate needed funds for the Liberty Union High School District.

Summary explaining the need for the variance and statements regarding the four necessary findings

- (a) Exceptional or extraordinary circumstances or conditions: At 24,590 square feet, the site is considerably smaller that would be required to achieve high-density residential development consistent with that of the properties to the north and east. The corner location at a signalized intersection on a major arterial roadway is ideally suited for a small commercial use.
- (b) A commercial use at the scale of which is proposed will in no way be detrimental to the public health or welfare. The hours of the use – primarily daytime – are complimentary with the residential nature of the surrounding parcels and the physical improvements proposed – particularly the new perimeter landscaping – will provide a “finished” look to what is otherwise a vacant, unimproved entry to the neighboring residential developments.
- (c) Due to its limited size, strict application of the parking ordinance would effectively prohibit all but smallest of developments. Other developments in the immediate area have had the benefit of much larger parcels on which to design. Additionally, the reduction in parking is congruent with the nature of the single-use project proposed since much of the gross floor area provided is used for storage and parts stock – not direct retail merchandising.
- (d) Granting of the variance will not adversely affect the comprehensive General Plan in that it will result in small scale non-residential development where such development had previously been considered (as evidenced by the owner by the school district and consideration of a municipal – fire house – use).

ATTACHMENT "E"

SUPPLEMENTAL STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF FEBRUARY 19, 2014

Prepared by: Scott Davidson, Contract Planner

Reviewed by: Mindy Gentry, Senior Planner *MB*

Date: February 13, 2014

Subject: Supplemental Staff Report (in conjunction with December 18, 2013 staff report) - AutoZone (GP-13-01, SP-13-01, Z-13-01, PD-13-02, V-13-01, UP-13-04, AR-13-04)

RECOMMENDATION

Staff recommends that the Planning Commission recommend denial to the City Council (Attachment "A") of the application to construct an AutoZone retail store at the corner of Lone Tree Way and Fairside Way (Attachment "B"). Though the project has been revised to address aesthetic issues, the revisions do nothing to address the policy and land use compatibility problems that form the basis for denial. Consequently, staff continues to recommend denial because the Project is incompatible with the General Plan; would result in spot zoning; create the potential for land use conflicts; is incompatible with the surrounding community; and overburdens property that has inadequate land area to accommodate Project components and to incorporate necessary design amenities on-site.

BACKGROUND

Following distribution of the original staff report, the applicant submitted revised plans and a request to continue the hearing for the Project to February according to the following chronology.

- 1/6/14 Revised building architectural plans submitted, which did not provide adequate time to include in the staff report for the January 15, 2014 Planning Commission hearing;
- 1/9/14 Staff report circulated for the Planning Commission hearing on January 15, 2014 (Attachment "C");
- 1/13/14 Applicant submitted request to continue the project hearing from January 15, 2014 to a hearing in February;
- 1/24/14 Revised site and architectural plans submitted.

The January 15, 2014 Planning Commission Staff Report is attached to this memorandum as Attachment "C". References to documents in Attachment "C" include a note indicating the referenced attachment is from the January 15, 2014 Planning Commission to distinguish them from Attachments to this Staff Report.

PROJECT MODIFICATIONS

The project plans have been revised to incorporate an architectural element at the street intersection, increase building articulation, incorporate additional landscaping, and to adjust building standards as summarized in **Table 1**.

Table 1: Development Standards Comparison

Standard	Original	Revised	Increase/(Decrease)
Building Area	7,928 sf	7,766 sf	(162) sf
Landscape Area	5,222 sf	5,229 sf	7 sf
Parking /Loading	8,274 sf	9,243 sf	969 sf
Sidewalks	1,443 sf	1,119 sf	(324)
Height	23'	31' - 2"	8' - 2"
Drive Width	27' - 10"	24'	(3' - 10")
Setback to parking (N)	3' (approx.)	5'	2' (approx.)
Setback to parking (E)	5' (approx.)	10' - 7"	5' (approx.)
Setback (S)	8' - 9"	8' - 9"	No Change
Setback (W)	11' - 7"	11' - 7"	No Change

The Project continues to include applications for approval of amendments to the General Plan and to the East Lone Tree Specific Plan, a rezoning to Planned Development, a final development plan, a variance, a conditional use permit, and design review as described in greater detail in the original Staff Report (Attachment "C").

PROJECT ANALYSIS

Staff has evaluated the revised Project for consistency with the Antioch General Plan and Municipal Code and finds that the Project is incompatible with the General Plan; would result in spot zoning; create the potential for land use conflicts; is incompatible with the surrounding community; and overburdens property that has inadequate land area to accommodate Project components and to incorporate necessary design amenities on-site. The following discussion explains the basis for denial for each project issue.

ANALYSIS

Issue #1: General Plan – Land Use

The project revisions address aesthetic issues and do nothing to eliminate conflicts with Housing Element policies. Project modifications that increase setbacks only result in a 5 foot separation between parking and loading areas and residential property lines and continue to create the potential for land use conflicts. Consequently, staff continues to find the project to be inconsistent with other elements of the General Plan and the proposed amendment would create internal conflicts within the General Plan as discussed in greater detail below:

- a) The General Plan Housing Element indicates that the City has a shortage of sites available to satisfy the Regional Housing Needs Allocation (RHNA). To facilitate a broad array of housing types (Goal 2), the Housing Element calls for rezoning property to higher density residential. The General Plan and Specific Plan designations for the subject property help to address the City's need to provide residential property with density standards that permit at least 16 units per acre. The proposal to amend the General Plan to Neighborhood/Community Commercial would eliminate this site from the City's inventory of eligible housing sites contrary to Housing Element Goal 2 which is inconsistent with the City's housing objectives as expressed in the General Plan.
- b) The Land Use Element of the General Plan establishes Commercial Land Use Policies (§4.4.3.2- Attachment "D" from the January 15, 2104 Staff Report) that require commercial development to be designed in a manner that complements and does not conflict with residential uses. The proposed Project includes commercial activities that will generate truck traffic and noise on-site and on local streets that have the potential to detract from the use and enjoyment of neighboring residential uses. The commercial activity would occur during hours when residential uses typically enjoy quiet (e.g. during dinner). The Project does not provide adequate screening or buffering, as established in the General Plan and Zoning Code, between the proposed use and neighboring homes to ensure the continued use and enjoyment of the adjoining residential property.
- c) The Community Image and Design Element of the General Plan establishes Community Design Policies (§5.4.12 – Attachment "D" from the January 15, 2104 Staff Report) that have the goal of ensuring adequate buffering in the design of new development proposed along a boundary between residential and non-residential uses. The burden for providing such buffers and transitions belongs to the second use to be developed. The Project fails to accomplish this objective because it locates noise-generating activities (e.g. parking areas, loading docks, outdoor storage, and trash collection areas) in close proximity to neighboring residential uses.

Given the constraints of the site, the above discussed General Plan inconsistencies do not appear to be resolvable through redesign or re-siting of the proposed facilities. This creates the potential for unavoidable land use conflicts that are inconsistent with General Plan goals. Staff is recommending denial of the proposed General Plan amendment because it would interfere with the City's ability to accomplish Housing Element Goal number 2, and the proposed Project overburdens the site resulting in inconsistencies with General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

Issue # 2: Specific Plan Amendment

The East Lone Tree Specific Plan (ELTA) implements the provisions of the General Plan. The current Specific Plan designation is Medium High Density Residential (R_H). The application for the amendment proposes to change this designation to Community Retail (C_N) to accommodate the Project. Similar to the General Plan inconsistencies discussed above, the proposed Specific Plan amendment would result in conflicts with the Housing Element, neighboring residential uses, and the City's design standards. Specifically, staff is recommending denial of the proposed Specific Plan amendment because it would not be consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image, and Design Policy 5.4.12.

Issue # 3: Rezoning and Final Development Plan

The proposed rezoning would create a 0.56-acre site with unique development standards that are specific to the Project and do not exist elsewhere in the City. While the proposed land uses would be comparable to those allowed in other C-2 districts in the City, no such zoning exists on the north side of Lone Tree Way in the vicinity of the Project site. This condition results in the application of zoning to a specific parcel of land within a larger zoned area that is at odds with a City's General Plan and current zoning restrictions ("spot zoning").

Table 2: Proposed Development Standards for the Project

Standard	Required
Minimum Building Site	20,000 sq. ft
Minimum Lot Width	100' (Interior) 100' (Corner)
Maximum Height	32', with exceptions to architectural features encompassing less than 20% of the total roof area and less than 8 feet in height and parapets less than 30 inches in height.
Maximum Lot Coverage	35% (Building Area)/75% Hard Surfaces
Minimum Front and Side Yard	Reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows: Arterial street: Minimum 8-foot setback with landscaping on all frontages.

	Local street: Minimum 11-foot setback
Minimum Interior Yard	5-foot minimum setback
Minimum Rear Yard	10-foot minimum setback
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
Parking Lot Design	As approved by the Planning Commission (PC), parking lot landscape buffers may be as little as 5 feet and no landscape islands are required within the parking lot.

The rezoning would be for the benefit of a particular developer (AutoZone) and would create unique administrative processes, development standards, and land uses that are inconsistent and incompatible with those established for surrounding properties and have the potential to result in development and uses that are inconsistent with what neighboring property owners could reasonably expect at the time they purchased their property. The findings described in the General Plan amendment analysis and below in the Design Review analysis, would likely apply to many other development scenarios that could occur under the proposed zoning. In particular, the potential traffic generation and limited buffering (setback) between development at the Project site and adjoining residential uses have the potential to detract from the use and enjoyment of the neighborhood.

Further, while PD districts allow for more flexible development standards, the applicant has tried to place a building and use on a parcel that has been slated for residential development and is essentially too small for the Project. The landscape setback on Lone Tree Way is proposed at 8', which is a much smaller setback than the 30' setback that is required for other zoning districts within the City of Antioch. Further, the building has been set so close to the intersection that the building had to be angled in order to meet the sight vision triangle requirements to prevent any visual obstacles for vehicular traffic. PD districts also require the land uses to be mutually supportive and compatible with existing and proposed development on surrounding properties. The applicant has not been able to design the Project in a way that provides a buffer or is compatible with the surrounding residential properties.

Staff is recommending denial of the proposed zone change because it would result in spot zoning on an infill Project that would conflict with the surrounding single family residential (directly west) and multi-residential uses (directly north and east). This proposal would create its own specific design standards (as noted above) on this small isolated property without any substantial public purpose or benefit.

Issue #4: Use Permit

A use permit for the Project application is required in Antioch's Zoning Ordinance. The use permit is required prior to the construction of any phase of an approved PD District to clarify the details of the development phase. Staff is recommending denial of the Use Permit because the Project is proposed on a small, constrained property which has the

potential to detract from the use and enjoyment of neighboring residential properties. The project also has the potential to create traffic conflicts that could be injurious to property in the project vicinity.

Issue #5: Circulation

The two proposed Project driveways, one each on Lone Tree Way and Fairside Way, are unsignalized and right-in/right-out only.

The Traffic Impact Study prepared by Kimley Horn and Associates (Attachment "E" from the January 15, 2104 Staff Report) identified conditions that result in access and circulation issues related to the Project.

- The median on Fairside Way would divert traffic exiting the Project site through the neighboring residential neighborhood. This condition would affect traffic associated with construction and operations that has the potential to impact neighboring homes.
- Vehicles exiting the Project site onto Lone Tree Way can only make a right turn and would be required to make a u-turn at the Vista Grande/Lone Tree Way intersection in order to travel east toward State Route 4. The Vista Grande/Lone Tree Way intersection is inadequate to accommodate large vehicles making a u-turn. All vehicles exiting the Project site onto Lone Tree Way will be inclined to attempt crossing travel lanes to make a u-turn at Fairside Way rather than traveling further west to make a u-turn in order to travel east on Lone Tree Way.

In addition to potential traffic impacts, the City Engineer has further concluded that right-turning movements from Lone Tree Way into the Project site have the potential to interfere with vehicles traveling at permitted speeds on Lone Tree Way unless a deceleration lane were constructed. Because there is inadequate land within the right-of-way to construct a deceleration lane, the proposed right turn from Lone Tree Way into the Project site is inconsistent with City objectives and standards.

While the potential impacts associated with the above-described constraints may be reduced to a less than significant level through mitigation, the traffic patterns that would result from the mitigations would not be intuitive or convenient and are likely to result in unsafe turning movements on both exits for vehicles that want to travel east on Lone Tree Way. Staff is recommending against amending the City's planning documents and relaxing City standards in order to create conditions that could result in unsafe traffic movements from Project traffic.

Issue #6: Variance - Parking

Variance approval is required in order to reduce on-site parking from 39 spaces required by the Zoning Code to 23 (21 standard and 2 accessible) and to deviate from Parking Lot Landscaping Design standards established by Municipal Code Section 9-

5.1716. The design standard variance is required to waive the requirement for a 10-foot landscape buffer adjacent to residential development north of the Project site, to reduce the 10-foot landscape buffer to approximately 5 feet adjacent to the residential property to the east of the Project site, and to waive the requirement for two landscape islands within the parking lot.

In order to approve the variance, the City must find that there is some unique condition at the Project site that deprives the subject property of privileges enjoyed by similar properties and that the granting of a variance will not be injurious to property in the vicinity. Because the site is regularly configured, relatively flat, and compatible in size with other properties in similar zones and in the Project vicinity, such findings are difficult to make. Further, as discussed above in the General Plan amendment analysis and below in the Design Review analysis, the proposed variances from parking lot design (e.g. reduced landscape buffers and elimination of landscape islands) will exacerbate the potential for land use conflicts and compatibility issues that may lessen the use and enjoyment of surrounding properties.

Issue #7: Design Review

The Project has been designed primarily to satisfy the functional requirements of the business. As a consequence, the focus of the design is on improving operational and construction efficiency rather than on providing building articulation or architectural or site planning elements that provide adequate buffers to adjoining properties or that acknowledge the importance of this site as a corner lot. Given the small size of the site, not only is the project unable to develop without variance approval to reduce parking and landscaping requirements, the project is unable to provide adequate buffering between project improvements and neighboring properties or to incorporate adequate landscaping to screen improvements from off-site locations. The City's consulting architect has reviewed the Project (Attachment "F" from the January 15, 2104 Staff Report) for consistency with Chapter 3.0, Commercial Design Guidelines of the City of Antioch Citywide Design Guidelines, and found the Project to be inconsistent with the City's design standards as described below.

- 3.1.3B Land Use Buffering: The trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building. To comply with paragraph 4 of this section, the Project would need to incorporate a larger setback and landscape buffer along the northern property line. Given the site geometry, there doesn't appear to be adequate space to accommodate this needed design amenity.
- 3.1.3D Site Amenities: To comply with this section, decorative paving and more urban landscape treatments should be used to create a more attractive project.
- 3.1.3F Trash and Storage Areas: Additional architectural and site plan information would need to be provided demonstrating compliance with this

section by integrating the roof structure with the proposed architecture similar to the illustration on page 3-7 of the City of Antioch Citywide Design Guidelines.

- 3.1.8 Lighting: The proposed exterior lighting is not consistent with the current architectural style of the building.

Issue #8: Comment Letters

The original Planning Commission Staff Report contains comment letters (Attachment "G" from the January 15, 2104 Staff Report) received on the Initial Study/Mitigated Negative Declaration including a response from the City as well as comment letters received on the overall Project.

On February 5, 2014, staff received a letter from LCA Architects opposing the project (Attachment "D").

Issue #9: CEQA

The City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). Staff has evaluated the project revisions, particularly with respect to the findings contained in CEQA Guideline Section §15162, and has concluded that the proposed project revisions do not modify the findings, conclusions or recommendations contained in the IS/MND.

Pursuant to CEQA Guidelines Section 15270, staff continues to recommend that the Planning Commission take no action on the IS/MND.

OPTIONS

Should the Planning Commission find that the merits of the Project support project approval and that modifying City policy documents and standards is appropriate, staff has attached resolutions containing findings for approval and identifying conditions that should be imposed on any approval (Attachment "E").

ATTACHMENTS

- A: Resolutions for Denial
- B: Aerial Photograph
- C. Planning Commission Staff Report from the January 15, 2014 Hearing
- D: Letter to the Planning Commission from LCA Architects, February 5, 2014
- E: Resolutions for Approval

ATTACHMENT "A"

RESOLUTION NO. 2014-**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING TO THE CITY COUNCIL DENIAL OF A GENERAL PLAN AMENDMENT FOR THE AUTOZONE PROJECT

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the amendment to the General Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

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

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

WHEREAS, the proposal to eliminate the existing high-density residential designation could interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the Housing Element; and

WHEREAS, the Project site is not large enough to accommodate site improvements to comply with City codes and standards or to include amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform with General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; and

WHEREAS, the proposed Project has the potential to detract from the orderly development in the City of Antioch; and

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

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WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOVED, that the Planning Commission does hereby make the following findings for recommendation of denial of the General Plan amendment:

1. The proposed General Plan Amendment is not in the public's interest, and would inhibit the City's ability to satisfy other General Plan objectives. The proposed General Plan Amendment would eliminate a site with the potential for high-density residential development that could thwart City efforts to fulfill the goals and objectives of the General Plan Housing Element.
2. The proposed General Plan Amendment would not be consistent with General Plan Land Use Policy 4.4.3.2 or Community Image and Design Policy 5.4.12. The Project does not provide an adequate setback between the residential and non-residential uses to ensure the continued use and enjoyment of the adjoining residential property, and site constraints do not allow for design solutions to these conflicts.
3. The proposed General Plan amendment would be detrimental to the public's health, safety, and welfare. The Project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation and creates the potential for conflict between residential and non-residential uses due to hours of commercial operation and activity that could detract from the quiet enjoyment of neighboring residential properties.
4. The General Plan amendment would conflict with the East Lone Tree Specific Plan. The Project would result in a small isolated commercial property that is not contiguous to other commercial sites and in conflict with the East Lone Tree Specific Plan Focus Area policies and goals that support a scale and character of development that complements and enhances single family residential neighbors.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission cannot make findings that the proposed General Plan Amendment is in the public interest of the people and hereby recommends to the City Council denial of the amendment to City of Antioch's General Plan.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 19th day of February, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

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RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING TO THE CITY COUNCIL DENIAL OF AN AMENDMENT TO THE
EAST LONE TREE SPECIFIC PLAN FOR THE AUTOZONE PROJECT**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the amendment to the Specific Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

WHEREAS, Section 65359 of the California Government Code provides for the amendment of all or part of an adopted East Lone Tree Specific Plan as affected by a General Plan amendment; and

WHEREAS, the primary purpose of the Specific Plan amendment is to ensure consistency between the City of Antioch East Lone Tree Specific Plan, the Project, and the General Plan; and

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

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested General Plan amendment; and

NOW, THEREFORE BE IT RESOVED, that the Planning Commission does hereby make the following findings for recommendation of denial of the Specific Plan amendment;

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1. The proposed Specific Plan amendment is not consistent with the General Plan. The proposed amendment would eliminate the existing Medium High Density Residential (R_H) designation and replace it with a commercial designation, which could interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the General Plan's Housing Element.
2. The proposed Specific Plan amendment would be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed amendment would create the potential for conflict by allowing commercial operations that, due to hours of operation, traffic, and noise generation, have the potential to detract from the quiet enjoyment of neighboring residential properties. The Project site is not large enough to accommodate site improvements to comply with City codes and standards or to include setbacks and amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.
3. The subject property is not physically suitable for the requested Specific Plan designation and the proposed land use development. The proposed Project has the potential to detract from orderly development by allowing uses at a site that is not physically suitable for the intensity of use contemplated by the Project. The Project site does not accommodate adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation, and cannot provide adequate setbacks to avoid potential land use conflicts with neighboring homes.
4. The Project is inconsistent with provisions of the East Lone Tree Specific Plan that are designed to ensure orderly development which is harmonious with existing and proposed development in the surrounding neighborhood. The East Lone Tree Specific Plan's policies and goals support development that has a scale and character that complements and enhances the surrounding residential neighborhoods and the proposed amendment would allow for use of the property that results in inadequate setback, site improvements, and traffic circulation that would disrupt surrounding residential uses.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the Planning Commission cannot make findings that the proposed Specific Plan amendment is in the public interest of the people and hereby recommends to the City Council denial of the amendments to the East Lone Tree Specific Plan.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 19th day of February, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

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RESOLUTION NO. 2014-**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH NOT INITIATING AMENDMENTS TO TITLE 9 OF THE ANTIOCH MUNICIPAL CODE "PLANNING AND ZONING" AND RECOMMENDING THAT THE CITY COUNCIL DENY THE ADOPTION OF AN ORDINANCE REZONING THE AUTOZONE PROJECT FROM SPECIFIC PLAN (SP) TO PLANNED DEVELOPMENT (PD)

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the request for a zone change is from Specific Plan (SP) to Planned Development (PD) with Neighborhood/Community Commercial (C-2) land use regulations as outlined in Section 9-5.3803 – Table of Land Use within the Antioch Municipal Code and the following development standards:

Development Standards for the Project:

Standard	Required
Minimum Building Site	20,000 sq. ft
Minimum Lot Width	100' (Interior) 100' (Corner)
Maximum Height	32', with exceptions to architectural features encompassing less than 20% of the total roof area and less than 8 feet in height and parapets less than 30 inches in height.
Maximum Lot Coverage	35% (Building Area)/75% Hard Surfaces
Minimum Front and Side Yard	Reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows: Arterial street: Minimum 8-foot setback with landscaping on all frontages. Local street: Minimum 11-foot setback
Minimum Interior Yard	5-foot minimum setback
Minimum Rear Year Yard	10-foot minimum setback
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
Parking Lot Design	As approved by the Planning Commission (PC), parking lot landscape buffers may be as little as 5 feet and no landscape islands are required within the parking lot.

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WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the rezone, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

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

WHEREAS, on February 19, 2014, the Planning Commission held a duly noticed public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested General Plan amendment; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested Specific Plan amendment.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the Planning Commission determines to deny the request to initiate the amendment to Title 9 "Planning and Zoning" and is recommending denial to the City Council of a rezone of the Project because it cannot make the findings for approval.

1. The proposed zone reclassification will allow uses that are not suitable for the area. The Project will not promote a harmonious visual and functional relationship between commercial and non-commercial uses. The proposed rezoning would create a 0.56-acre site with unique development standards that do not exist elsewhere in the City. While the proposed land uses would be comparable to those allowed in other C-2 districts in the City, no such zoning exists on the north side of Lone Tree Way in the vicinity of the Project site as the site is surrounded by residential zoning designations. The request would result in the application of zoning to a specific parcel of land within a larger zoned area that is at odds with a City's General Plan and current zoning restrictions ("spot zoning"). The rezoning would be for the benefit of a particular developer (AutoZone), and would create unique administrative processes, development standards, and land uses that are inconsistent and incompatible with those established for surrounding properties and have the potential to result in development and uses that are inconsistent with what neighboring property owners could reasonably expect at the time they purchased their property.
2. The uses permitted by the proposed rezoning will be detrimental to adjacent and surrounding properties. The Project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply

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with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation and creates the potential for conflict between residential and non-residential uses due to the hours of commercial operation and activity that could detract from the quiet enjoyment of neighboring residential properties.

3. No evidence has been presented to demonstrate that changes in the Project area have altered the overall vision presented in the General or Specific Plans or that the use of other properties in the Project Area has changed in a way that warrants reconsideration of the land use or zoning for the Project site. Similarly, there have been no changes in the surrounding community that have rendered the existing land use or zoning obsolete or incompatible with adjoining uses or that warrant a change of zoning on this property.
4. The requested zone change is in conflict with the General Plan and the East Lone Tree Specific Plan. The proposed zoning is inconsistent with the General Plan and the Specific Plan because it would eliminate a residential designation which will interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the Housing Element. The Project site is also not large enough to accommodate site improvements to comply with City codes and standards or to include setbacks and amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby recommends to the City Council denial of the change to the City of Antioch's zoning code found in Title 9 of the Antioch Municipal Code.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 19th day of February, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

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RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING DENIAL TO THE CITY COUNCIL OF A FINAL
DEVELOPMENT PLAN, VARIANCE, USE PERMIT AND DESIGN REVIEW FOR THE
AUTOZONE PROJECT**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

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

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended that the City Council deny the proposed amendments to the General Plan and East Lone Tree Specific Plan; and

WHEREAS, the Planning Commission has not initiated an amendment to Title 9 of the Antioch Municipal Code "Planning and Zoning" and made a recommendation to the City Council to deny a proposal to rezone the subject parcel from Specific Plan (SP) to Planned Development District (PD).

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does hereby make the following findings for a recommendation of denial of a final development plan to the City Council, as set for in Section 9-5.2308 of the Antioch Municipal Code:

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SECTION 9-5.2308(A): Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.

PLANNING COMMISSION'S DETERMINATION: The proposed project would eliminate an existing high-density residential designation which could interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill the City's objectives as expressed in the Housing Element. The project site is not large enough to accommodate site improvements to comply with City codes and standards or to include setbacks and amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

SECTION 9-5.2308(B): The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

PLANNING COMMISSION'S DETERMINATION: The streets and thoroughfares are not adequate to serve the Project. Existing roadways that serve the Project site would result in traffic patterns that are not intuitive or convenient and are likely to result in unsafe turning movements at both exits from the Project site; in particular for vehicles wanting to travel east on Lone Tree Way. The Planning Commission does not want to amend the City's planning documents and relaxing City standards which could create conditions that result in unsafe traffic movements.

SECTION 9-5.2308(C): The commercial components of the Project are justified economically at the location proposed.

PLANNING COMMISSION'S DETERMINATION: The City's General Plan and zoning designations identify a number of properties that are better suited to support commercial activity such as that proposed for the Project site without resulting in the potential for conflict with non-commercial uses. There is no evidence of public benefit, including economic benefit that justifies activities that have the potential to conflict with the use and enjoyment of neighboring residential uses.

SECTION 9-5.2308(D): Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

PLANNING COMMISSION'S DETERMINATION: There are no residential components to the project.

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SECTION 9-5.2308(E): That any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

PLANNING COMMISSION'S DETERMINATION: There are no industrial components to the Project.

SECTION 9-5.2308(F): Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

PLANNING COMMISSION'S DETERMINATION: The Project does not conform to the development policies in the General Plan or the East Lone Tree Specific Plan. The Project is not offering unusual redeeming features or amenities to warrant deviations from the standard zoning requirements. The Project consists of more commercial improvements that do not promote harmonious development between the commercial and residential uses.

SECTION 9-5.2308(G): That the area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

PLANNING COMMISSION'S DETERMINATION: The area surrounding the Project is already developed with homes and the proposed commercial use is not complementary with the existing development.

SECTION 9-5.2308(H): The PD district conforms to the General Plan of the City.

PLANNING COMMISSION'S DETERMINATION: The Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12. The Planning Commission did not recommend approval of the required General Plan amendment to the City Council; therefore the use would not be in conformance with the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission is not able to recommend that the City Council approve the variance application based on the following findings:

SECTION 9-5.2703(B)(2)(a): That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

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PLANNING COMMISSION'S DETERMINATION: Approval of the variance would constitute a grant of special privileges inconsistent with the limitations of other properties in the vicinity and zoning district in which it is located. Approving a 40% reduction of the parking requirements as set out in the zoning ordinance would constitute a grant of special privileges.

SECTION 9-5.2703(B)(2)(b): That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

PLANNING COMMISSION'S DETERMINATION: The Project would be inconsistent with the limitations of other properties in the vicinity and the residential zoning district in which it is located, would not comply with Chapter 3.0, Commercial Design Guidelines of the City of Antioch Citywide Design Guidelines, and would interfere with the use and enjoyment of other properties in the surrounding community, which would be injurious to the surrounding residential properties.

SECTION 9-5.2703(B)(2)(c): That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.

PLANNING COMMISSION'S DETERMINATION: There are no special circumstances related to size, shape, topography, location, or surroundings of this parcel such that the strict application of zoning ordinance development standards would deprive the property of privileges enjoyed by other properties in similar circumstances in the same zoning district. The shape of the property is rectangular and typical of the majority of the parcels in the neighborhood. There is little to no topography on the site, which is also typical of other properties in the area.

SECTION 9-5.2703(B)(2)(d): That the granting of such variance will not adversely affect the comprehensive General Plan.

PLANNING COMMISSION'S DETERMINATION: The Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; therefore would adversely affect the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission is not able to recommend approval of a Use Permit to the City Council based on the following findings:

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SECTION 9-5.2703(B)(1)(a): That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

PLANNING COMMISSION'S DETERMINATION: The Project is not compatible with the City of Antioch's long-term vision established in the General Plan that the properties in this area be established as residential. The Project will be detrimental to the public health and welfare by creating a conflict with the adjacent residential properties due to the hours of operation, traffic, and noise generation. Further, the Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12. Further, access to the project site from Lone Tree Way has the potential to interfere with through traffic inconsistent with City standards. Because there is inadequate right-of-way to construct a deceleration lane to avoid this traffic conflict, the project would be injurious to improvements in the project vicinity.

SECTION 9-5.2703(B)(1)(b): That the use applied for at the location indicated is properly one for which a use permit is authorized.

PLANNING COMMISSION'S DETERMINATION: The Project would not meet the Land Use and Community design policies as set out in the General Plan. Specifically, the project would interfere with the City's ability to accomplish Housing Element Goal number 2, and the proposed Project overburdens the site resulting in unavoidable land use conflicts inconsistent with General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12. Further, the project does not comply with municipal code requirements related to parking, landscape buffers, or circulation standards and is inconsistent with commercial design guidelines 3.1.3B, 3.1.3D, 3.1.3F, and 3.1.8. The inability to comply with General Plan policies, code requirements, and design standards indicates that the proposed use is inappropriate for the site and could result in conflicts between commercial and non-commercial uses and could interfere with traffic circulation in the project vicinity.

SECTION 9-5.2703(B)(1)(c): That the site for the proposed use is adequate in size and shape to accommodate such use, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood.

PLANNING COMMISSION'S DETERMINATION: The project site is not physically suitable for the proposed development and has inadequate land area to accommodate project components necessary to meet the access and parking needs of the project. The small, constrained nature of the site is such that the project is unable to incorporate necessary design amenities or adequate buffers to prevent noise and hour of operation conflicts between commercial and non-commercial uses that could detract from the use enjoyment of neighboring residential properties.

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SECTION 9-5.2703(B)(1)(d): That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

PLANNING COMMISSION'S DETERMINATION: The project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation, and is unable to construct a deceleration lane on Lone Tree Way to avoid circulation conflicts at the primary access point to the site.

SECTION 9-5.2703(B)(1)(e): That the granting of such use permit will not adversely affect the comprehensive General Plan.

PLANNING COMMISSION'S DETERMINATION: The project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; therefore will adversely affect the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission is not able to recommend that the City Council approve the design review application based on the following findings:

1. When commercial buildings abut residential projects or open space, the rear setback area shall be landscaped to be functionally and/or visually combined with the residential open space where possible. The Project does not conform to design standard 3.3.1B in that the trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building, and the Project would need to incorporate a larger landscape buffer along the northern property line than the property appears able to accommodate.
2. Trash enclosures shall be located away from sensitive uses, such as residences or schools, to minimize nuisance for adjacent property owners. The Project does not conform to design standard 3.3.1B in that the trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building.
3. All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped while encouraging pedestrian enhancements. To comply with section 3.1.3D, the Project would need to incorporate decorative paving and more urban landscape treatments. To comply with section 3.1.7, the project would need to be revised to include a pedestrian connection between the public sidewalk and the building that is independent of the driveway.

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BE IT FURTHER RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend to the City Council DENIAL of the final development plan, variance, use permit, and design review applications proposed by the Project.

* * * * *

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 19th day of February, 2014.

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

TINA WEHRMEISTER,
SECRETARY TO THE
PLANNING COMMISSION

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ATTACHMENT "B"

Aerial Photo



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ATTACHMENT "C"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF JANUARY 15, 2014

Prepared by: Scott Davidson, Contract Planner
Reviewed by: Mindy Gentry, Senior Planner ~~AK~~
Date: December 18, 2013
Subject: AutoZone (GP-13-01, SP-13-01, Z-13-01, PD-13-02, V-13-01, UP-13-04, AR-13-04)

RECOMMENDATION

Staff recommends that the Planning Commission deny the application to construct an AutoZone retail store at the corner of Lone Tree Way and Fairside Way. Staff is recommending denial because the Project would result in spot zoning; create the potential for land use conflicts; is incompatible with the surrounding community; and overburdens property that has inadequate land area to accommodate Project components and to incorporate necessary design amenities on-site. These conditions are such that staff is unable to make positive findings to approve the Project.

The City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). Pursuant to CEQA Guidelines Section 15270, staff recommends that the Planning Commission take no action on the IS/MND.

REQUEST

Stantec, on behalf of, AutoZone, Inc. submitted a proposal to develop a 7,928 sq. foot retail store (AutoZone Store – Store #4166) on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (Attachment "A"). The proposed Project consists of an AutoZone store, master use list for the site, monument sign, parking lot, loading area, site improvements and landscaping on a vacant 0.56 acre lot. The Project includes applications for approval of amendments to the General Plan and to the East Lone Tree Specific Plan, a rezoning to Planned Development, a final development plan, a variance, a conditional use permit, and design review (Attachment "B").

PROJECT DESCRIPTION

The proposed Project consists of a commercial building that is 23' in height and would be accompanied by an 8' monument sign that is designed using stone veneer that matches the building. The Project would include 23 on-site parking spaces and a

loading area on approximately 8,274 square feet, formal landscaping on 5,222 square feet, and sidewalks on 1,443 square feet.

To accommodate operations, the Project proposes to provide two driveways, one on Fairside Way and one on Lone Tree Way, to provide access to the parking lot. These improvements would also accommodate internal circulation, vehicle queuing at Project driveways, delivery truck access and circulation (loading and unloading), and pedestrian and bicycle access and circulation.

The application does not propose limitations on the hours of operation. The applicant indicates that peak hours of operation occur Monday-Friday between 6:00 PM and 8:00 PM, Saturday from 10:00 AM to 1:00 PM and Sunday from 1:00 PM to 3:00 PM. During these peak periods, the maximum number of customers and employees that would be on-site is estimated to be 18. According to AutoZones' websites, the two existing AutoZone Stores in Antioch are open between 7:30 AM and 9:00 PM Monday through Saturday and between 8:00 AM and 8:00 PM on Sunday.

The General Plan designation for the site is High Density Residential within the East Lone Tree Focus Area and the zoning designation is Specific Plan District (SP). The East Lone Tree Specific Plan designates the site as Medium High Residential (R_H). The surrounding land uses and zoning designations are:

North: Multi-family and Single Family Residential (Planned Development - PD)
 South: Commercial (City of Brentwood)
 West: Single Family Residential (Planned Development – PD)
 East: Multi-family Residential (Planned Development – PD)

Land Use Changes and Proposed Actions

In February, 2013, applications were filed for a General Plan amendment, Specific Plan amendment, rezone, final development plan, variance, use permit, and design review. These independent applications/entitlements are summarized in Table 1 and discussed in greater detail below.

Table 1 – Application Components

Application	Current	Proposed
General Plan Amendment	High Density Residential	Neighborhood Commercial
East Lone Tree Specific Plan Area Amendment	Medium High Density Residential (R _H)	Regional Retail
Rezoning	SP (Specific Plan District)	PD (Planned Development)
Final Development Plan	None	7,928 s.f. building and associated Project components
Variance	39 parking spaces required	23 (2 ADA)
Conditional Use Permit	None	Allow for AutoZone and a master use list
Design Review	Required	Required

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More specifically, these applications are required for the reasons described below.

- General Plan Amendment: The Project proposes to change the General Plan land use designation from High Density Residential in the East Lone Tree Focus Area to Neighborhood/Community Commercial. The changes to both the General Plan and the East Lone Tree Specific Plan land use designations are necessary to allow commercial use of the site.
- Specific Plan Amendment - The Project site is located in the 796 acre East Lone Tree Specific Plan area (adopted in May, 1996). The Project proposes a change to the East Lone Tree Specific Plan land use designation from Medium High Density Residential (R_H) to Community Retail (C_N). The designation of the subject site was Public Facility, but because the Fire District decided not to pursue a fire station at this location the designation was changed to Medium High Density Residential (R_H) as discussed in the Specific Plan.
- Rezoning: The Project proposes changing the zoning from SP (Specific Plan) to PD (Planned Development) to allow for a mix of retail uses to provide goods to the immediate residential neighborhood area as well as flexible development standards to attempt to appropriately integrate the Project into the surrounding setting.
- Final Development Plan: Approval of the final development plan goes hand in hand with the rezoning described above. The final development plan and the PD district effectively become the zoning code for the Project area. In this case, the final development plan will be for a 7,928 s.f. building, parking lot, landscaping, infrastructure, master use list, and other Project components.
- Use Permit: The project is subject to a use permit pursuant to Section 9-5.2307(C)(1) of the Municipal Code to clarify the details of the development phase and to ensure that each component complies with the established provisions of the district.
- Variance: The applicant requests a variance from the number of required parking spaces as well as the design requirements for the parking lot. The parking variance is to allow for a reduction to 23 (21 standard and 2 handicapped accessible) parking spaces from the 39 spaces required by Section 9-5.1703.1 of the Zoning Ordinance (1 space per 200 square feet of gross floor area). The design standard variance is required to waive the requirement for a 10-foot landscape buffer adjacent to residential development north of the Project site, to reduce the 10-foot landscape buffer to approximately 5 feet adjacent to residential property to east of the Project site, and to waive the requirement for two landscape islands within the parking lot.

- Design Review: The Project is subject to Design Review pursuant to Article 26 of Municipal Code for the purpose of promoting orderly and harmonious development within the City, the stability of land values and investments, and the general welfare, and to encourage the highest quality of design and site planning.

ENVIRONMENTAL

An Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) have been prepared for the Project in conformance with the California Environmental Quality Act (CEQA). The MND and MMRP are available for review at the City's Community Development Department.

The MND finds that impacts in the following areas would be significant without the implementation of mitigation measures:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Noise
- Transportation Traffic

The IS/MND was circulated for a 20 day public review period commencing on December 12, 2013 and ending January 2, 2014. The IS/MND was provided to the Planning Commission electronically and is available on the second floor of City Hall in the Community Development Department, and can also be found on the City's website (<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>). Staff received one comment letter during the public review period (Attachment "C").

ANALYSIS

Issue #1: General Plan – Land Use

The General Plan expresses the community's vision for Antioch and is the result of extensive community input. The general plan serves as a blueprint that "guides the physical development of the city and any land outside its boundaries which bears relation to its planning" (Gov't Code Section 65302). As a "constitution for future development", the City's General Plan expresses Antioch's development goals and creates a framework for public policy relative to the distribution of future land uses, both public and private. As a plan that reflects the long-term goals of the community, the City does not modify the plan to respond to the interests of specific development proposals unless there are compelling reasons and substantial benefit to the public. In fact, State Law prohibits the City from amending the General Plan more than 4 times in a calendar year.

The current General Plan designation for the subject property is High Density Residential within the East Lone Tree Focus Area. The applicant has requested a change in the land use designation to Neighborhood/Community Commercial. Areas that are given the Neighborhood/Community Commercial designation typically represent an integrated shopping center or an aggregate of parcels around an intersection, which create an identifiable commercial center or area (§4.4.1.2 – Attachment “D”).

The Project is not consistent with other elements of the General Plan and the proposed amendment would create internal conflicts within the General Plan as discussed in greater detail below:

- a) The General Plan Housing Element indicates that the City has a shortage of sites available to satisfy the Regional Housing Needs Allocation (RHNA) (Attachment “E”). To facilitate a broad array of housing types (Goal 2), the Housing Element calls for rezoning property to higher density residential. The General Plan and Specific Plan designations for the subject property partially address the City’s need to provide residential property with density standards that permit at least 16 units per acre. The proposal to amend the General Plan to Neighborhood/Community Commercial would eliminate this site from the City’s inventory of eligible housing sites contrary to Housing Element Goal 2 which is inconsistent with the City’s housing objectives as expressed in the General Plan.
- b) The Land Use Element of the General Plan establishes Commercial Land Use Policies (§4.4.3.2- Attachment “D”) that require commercial development to be designed in a manner that complements and does not conflict with residential uses. The proposed Project includes commercial activities that will generate truck traffic and noise on-site and on local streets that have the potential to detract from the use and enjoyment of neighboring residential uses. The commercial activity would occur during hours when residential uses typically enjoy quiet (e.g. during dinner). The Project does not provide adequate screening or buffering, as established in the General Plan and Zoning Code, between the proposed use and neighboring homes to ensure the continued use and enjoyment of the adjoining residential property.
- c) The Community Image and Design Element of the General Plan establishes Community Design Policies (§5.4.12 – Attachment “D”) that have the goal of ensuring adequate buffering in the design of new development proposed along a boundary between residential and non-residential uses.

The burden for providing such buffers and transitions belongs to the second use to be developed. The Project fails to accomplish this objective because it:

- Does not include a heavily landscaped screen along common property lines separating residential and non-residential uses and

- Locates noise-generating activities (e.g. parking areas, loading docks, outdoor storage, and trash collection areas) in close proximity to neighboring residential uses.

Given the constraints of the site, the above discussed General Plan inconsistencies do not appear to be resolvable through redesign or re-siting of the proposed facilities. This creates the potential for unavoidable land use conflicts that are inconsistent with General Plan goals. Staff is recommending denial of the proposed General Plan amendment because it would interfere with the City's ability to accomplish Housing Element Goal number 2, and the proposed Project overburdens the site resulting in inconsistencies with General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

Issue # 2: Specific Plan Amendment

The East Lone Tree Specific Plan (ELTA) implements the provisions of the General Plan. The current Specific Plan designation is Medium High Density Residential (R_H). The application for the amendment proposes to change this designation to Community Retail (C_R) to accommodate the Project. Similar to the General Plan inconsistencies discussed above, the proposed Specific Plan amendment would result in conflicts with the Housing Element, neighboring residential uses, and the City's design standards. Specifically, staff is recommending denial of the proposed Specific Plan amendment because it would not be consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image, and Design Policy 5.4.12.

Issue # 3: Rezoning and Final Development Plan

The Project site is currently zoned Specific Plan (SP) and the applicant is proposing a rezone to Planned Development (PD) to allow for Neighborhood/Community Commercial (C-2) uses and project specific development standards for the subject property. The PD districts are intended to accommodate a wide range of land uses which are mutually supportive and compatible with existing and proposed development. PD districts also allows for more flexible development standards designed to appropriately integrate a project into its natural and/or man-made setting. The PD districts are also used to implement Specific Plans and once established, in effect, become the zoning code for the area.

The applicant proposes to allow the principally permitted and conditionally permitted uses as established for the C-2 zoning district in compliance with the Table of Land Use Regulations for the C-2 Zone.

Proposed Development Standards for the Project

Standard	Required
Minimum Building Site	20,000 sq. ft
Minimum Lot Width	100' (Interior) 100' (Corner)
Maximum Height	26', with exceptions to architectural features encompassing less than 20% of the total roof area and less than 8 feet in height and parapets less than 30 inches in height.
Maximum Lot Coverage	35%
Minimum Front and Side Yard	Reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows: Arterial street: Minimum 8-foot setback with landscaping on all frontages. Local street: Minimum 11-foot setback
Minimum Interior Yard	3-foot minimum setback
Minimum Rear Yard	3-foot minimum setback
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
Parking Lot Design	As approved by the Planning Commission (PC), parking lot landscape buffers may be as little as 3 feet and no landscape islands are required within the parking lot.

The proposed rezoning would create a 0.56-acre site with unique development standards that are specific to the Project and do not exist elsewhere in the City. While the proposed land uses would be comparable to those allowed in other C-2 districts in the City, no such zoning exists on the north side of Lone Tree Way in the vicinity of the Project site. This condition results in the application of zoning to a specific parcel of land within a larger zoned area that is at odds with a City's General Plan and current zoning restrictions ("spot zoning"). The rezoning would be for the benefit of a particular developer (AutoZone) and would create unique administrative processes, development standards, and land uses that are inconsistent and incompatible with those established for surrounding properties and have the potential to result in development and uses that are inconsistent with what neighboring property owners could reasonably expect at the time they purchased their property. The findings described above in the General Plan amendment analysis and below in the Design Review analysis, would likely apply to many other development scenarios that could occur under the proposed zoning. In particular, the potential traffic generation and limited buffering (setback) between development at the Project site and adjoining residential uses have the potential to detract from the use and enjoyment of the neighborhood.

Further, while PD districts allow for more flexible development standards, the applicant has tried to place a building and use on a parcel that has been slated for residential development and is essentially too small for the Project. The landscape setback on

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Lone Tree Way is proposed at 8', which is a much smaller setback than the 30' setback that is required for other zoning districts within the City of Antioch. Further, the building has been set so close to the intersection that the building had to be angled in order to meet the sight vision triangle requirements to prevent any visual obstacles for vehicular traffic. PD districts also require the land uses to be mutually supportive and compatible with existing and proposed development on surrounding properties. The applicant has not been able to design the Project in a way that provides a buffer or is compatible with the surrounding residential properties.

Staff is recommending denial of the proposed zone change because it would result in spot zoning on an infill Project that would conflict with the surrounding single family residential (directly west) and multi-residential uses (directly north and east). This proposal would create its own specific design standards (as noted above) on this small isolated property without any substantial public purpose or benefit.

Issue #4: Use Permit

A use permit for the Project application is required in Antioch's Zoning Ordinance. The use permit is required prior to the construction of any phase of an approved PD District to clarify the details of the development phase. Staff is unable to conclude that the General Plan, Specific Plan, rezoning, or variance findings can be made to approve the Project; therefore, no findings or conditions have been identified in conjunction with the recommendation of denial for the use permit.

Issue #5: Circulation

The two proposed Project driveways, one each on Lone Tree Way and Fairside Way, are unsignalized and right-in/right-out only.

The Traffic Impact Study prepared by Kimley Horn and Associates (Attachment "E") identified conditions that result in access and circulation issues related to the Project.

- The median on Fairside Way would divert traffic exiting the Project site through the neighboring residential neighborhood. This condition would affect traffic associated with construction and operations that has the potential to impact neighboring homes.
- Vehicles exiting the Project site onto Lone Tree Way can only make a right turn and would be required to make a u-turn at the Vista Grande/Lone Tree Way intersection in order to travel east toward State Route 4. The Vista Grande/Lone Tree Way intersection is inadequate to accommodate large vehicles making a u-turn. All vehicles exiting the Project site onto Lone Tree Way will be inclined to attempt crossing travel lanes to make a u-turn at Fairside Way rather than traveling further west to make a u-turn in order to travel east on Lone Tree Way.

In addition to potential traffic impacts, the City Engineer has further concluded that right-turning movements from Lone Tree Way into the Project site have the potential to interfere with vehicles traveling at permitted speeds on Lone Tree Way unless a deceleration lane were constructed. Because there is inadequate land within the right-of-way to construct a deceleration lane, the City Engineer does not support a right turn from Lone Tree Way into the Project site.

While the potential impacts associated with the above-described constraints may be reduced to a less than significant level through mitigation, the traffic patterns that would result from the mitigations would not be intuitive or convenient and are likely to result in unsafe turning movements on both exits for vehicles that want to travel east on Lone Tree Way. Staff is recommending against amending the City's planning documents and relaxing City standards in order to create conditions that could result in unsafe traffic movements from Project traffic.

Issue #6: Variance - Parking

Variance approval is required in order to reduce on-site parking from 39 spaces required by the Zoning Code to 23 (21 standard and 2 accessible) and to deviate from Parking Lot Landscaping Design standards established by Municipal Code Section 9-5.1716. The design standard variance is required to waive the requirement for a 10-foot landscape buffer adjacent to residential development north of the Project site, to reduce the 10-foot landscape buffer to approximately 5 feet adjacent to residential property to the East of the Project site, and to waive the requirement for two landscape islands within the parking lot.

In order to approve the variance, the City must find that there is some unique condition at the Project site that deprives the subject property of privileges enjoyed by similar properties and that the granting of a variance will not be injurious to property in the vicinity. Because the site is regularly configured, relatively flat, and compatible in size with other properties in similar zones and in the Project vicinity, such findings are difficult to make. Further, as discussed above in the above General Plan amendment analysis and below in the Design Review analysis, the proposed variances from parking lot design (e.g. reduced landscape buffers and elimination of landscape islands) will exacerbate the potential for land use conflicts and compatibility issues that may lessen the use and enjoyment of surrounding properties.

Issue #7: Design Review

The Project has been designed primarily to satisfy the functional requirements of the business. As a consequence, the focus of the design is on improving operational and construction efficiency rather than on providing building articulation or architectural or site planning elements that provide adequate buffers to adjoining properties or that acknowledge the importance of this site as a corner lot. The City's consulting architect has reviewed the Project (Attachment "F") for consistency with Chapter 3.0, Commercial

Design Guidelines of the City of Antioch Citywide Design Guidelines, and found the Project to be inconsistent with the City's design standards as described below.

- 3.1.2 Design Objectives: The building lacks any real articulation and tries to satisfy this basic requirement through the use of plan-on types of building plan changes. The Project fails to comply with the general goals of this section.
- 3.1.3B Land Use Buffering: The trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building. To comply with paragraph 4 of this section, the Project would need to incorporate a larger landscape buffer along the northern property line. Given the site geometry, there doesn't appear to be adequate space to accommodate this needed design amenity.
- 3.1.3C Building Siting: The Project fails to comply with paragraph 2 of this section. While the building corner has been angled to provide vehicle site distance at the intersection, this section of the design guidelines is intended to "celebrate" or address the corner condition by orienting active areas to the street.
- 3.1.3D Site Amenities: To comply with this section, decorative paving and more urban landscape treatments (e.g. tree grates within the paved area of the south eastern corner of the building) should be used to create a more attractive project.
- 3.1.3E Site Utilities and Mechanical Equipment: It is not clear if there are site utilities, utility connections for the building or mechanical equipment that need to be screened from public view in compliance with this section. The applicant would need to provide additional architectural and site plan information to address this issue.
- 3.1.3F Trash and Storage Areas: Additional architectural and site plan information would need to be provided demonstrating compliance with this section.
- 3.1.4A Architectural Imagery: This Project does not embrace any particular style of architecture and does not comply with this section.
- 3.1.4B Building Form and Mass: The Project does not comply with this section. Barely 50% of the building facing Lone Tree Way (South Elevation) and none of the building facing Fairside Way (West Elevation) have glazing. The decorative metal accents provided are an attempt to break up the substantially flat façade of this building and the applied stone does not do anything to comply with this section. There are no dimensions provided to the 'applied' pilasters to the building but it would appear that there is less than a six (6) inch differential between surfaces which is inadequate to meet the requirement that "new structures shall be designed to avoid blank facades, particularly on major streets".

- 3.1.4C Wall Articulation: The proposed design does not comply with this section of the guidelines. Paragraph 1b requires that in order to break the long, flat, monolithic wall façade, columns shall be 8 inches deep. There are columns on the western side of the building that seem to meet the minimum standard, but not on the western face of the building which faces the street.
- 3.1.4D Roofs: The submitted design does not include gabled, hipped or shed roofs that are "encouraged" by this section. The parapet roof that is proposed is compliant with the requirement that the parapet not be unbroken for more than 75 feet.
- 3.1.4E Materials/Colors: The proposed stucco finish is not indicated on the plans so compliance with paragraph 1a cannot be determined.
- 3.1.4F Building Equipment and Utility Screening: Key Note 15 indicates that a new transformer would be installed on a concrete pad, but the placement and need for screening could not be determined without additional architectural and site planning details.
- 3.1.7 Landscaping: There is no connection between the public sidewalk and the building to provide pedestrian access to the site except via the driveway. There should be at least one entrance for pedestrians onto the site via a walk.
- 3.1.8 Lighting: There are two 20' high yard parking lot lights proposed on the plan but more detailed information about the lights would need to be provided before compliance can be determined.

While the Project is inconsistent with the individual Design Guidelines described above, staff is also recommending denial of the Design Review application because the Design Guidelines are intended to discourage the use of corporate architecture and the proposed Project does not comply with or address this goal.

Just prior to this staff report being released, the applicant provided revised plans; however, staff has not had the time to analyze these plans for consistency with the City's Design Guidelines and other design policies as discussed in the General Plan and the City's Zoning Code. The applicant desired to keep the hearing date on January 15th which did not provide adequate time for staff to provide an analysis to the Commission. The plans, date stamped January 6, 2014, have been provided to the Planning Commission for reference.

Issue #8: Comment Letters

Attachment "D" contains the comment letter received on the Initial Study/Mitigated Negative Declaration including a response from the City. Attachment "G" contains comment letters received on the overall Project.

OPTIONS

Should the Planning Commission find that the merits of the Project provide a compelling reason to support project approval and that substantial benefits result from the Project such that modifying City policy documents and standards is appropriate, staff recommends that the Planning Commission continue the item and direct staff to draft approval resolutions along with conditions of approval for the Project.

ATTACHMENTS

- A: Aerial Photo
- B: Applicant's Summary Documentation
- C: IS/MND Comment Letter and City Response
- D: General Plan Excerpts
- E: Traffic Impact Study
- F: Architect's Peer Review
- G: Comment Letters

RESOLUTION NO. 2014-**
RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING TO THE CITY COUNCIL DENIAL OF GENERAL PLAN
AMENDMENT FOR THE AUTOZONE PROJECT

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,928 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the amendment to the General Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

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

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

WHEREAS, the proposal to eliminate the existing high-density residential designation could interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the Housing Element; and

WHEREAS, the Project site is not large enough to accommodate site improvements to comply with City codes and standards or to include amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform with General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; and

WHEREAS, the proposed Project has the potential to detract from the orderly development in the City of Antioch; and

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

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WHEREAS, on January 15, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOVED, that the Planning Commission does hereby make the following findings for recommendation of denial of the General Plan amendment:

1. The proposed General Plan Amendment is not in the public's interest, and would inhibit the City's ability to satisfy other General Plan objectives. The proposed General Plan Amendment would eliminate a site with the potential for high-density residential development that could thwart City efforts to fulfill the goals and objectives of the General Plan Housing Element.
2. The proposed General Plan Amendment would not be consistent with General Plan Land Use Policy 4.4.3.2 or Community Image and Design Policy 5.4.12. The Project does not provide adequate screening or buffering between the residential and non-residential uses to ensure the continued use and enjoyment of the adjoining residential property, and site constraints do not allow for design solutions to these conflicts.
3. The proposed General Plan amendment would be detrimental to the public's health, safety, and welfare. The Project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation and creates the potential for conflict between residential and non-residential uses due to hours of commercial operation and activity that could detract from the quiet enjoyment of neighboring residential properties.
4. The General Plan amendment would conflict with the East Lone Tree Specific Plan. The Project would result in a small isolated commercial property that is not contiguous to other commercial sites and in conflict with the East Lone Tree Specific Plan Focus Area policies and goals that support a scale and character of development that complements and enhances single family residential neighbors.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission cannot make findings that the proposed General Plan Amendment is in the public interest of the people and hereby recommends to the City Council denial of the amendment to City of Antioch's General Plan.

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I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 15th day of January, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

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RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING TO THE CITY COUNCIL DENIAL OF AN AMENDMENT TO THE
EAST LONE TREE SPECIFIC PLAN FOR THE AUTOZONE PROJECT**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,928 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the amendment to the Specific Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

WHEREAS, Section 65359 of the California Government Code provides for the amendment of all or part of an adopted East Lone Tree Specific Plan as affected by a General Plan amendment; and

WHEREAS, the primary purpose of the Specific Plan amendment is to ensure consistency between the City of Antioch East Lone Tree Specific Plan, the Project, and the General Plan; and

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

WHEREAS, on January 15, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested General Plan amendment; and

NOW, THEREFORE BE IT RESOVED, that the Planning Commission does hereby make the following findings for recommendation of denial of the Specific Plan amendment;

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1. The proposed Specific Plan amendment is not consistent with the General Plan. The proposed amendment would eliminate the existing Medium High Density Residential (R_H) designation and replace it with a commercial designation, which could interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the General Plan's Housing Element.
2. The proposed Specific Plan amendment would be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed amendment would be detrimental to the public interest and create the potential for conflict by allowing commercial operations that, due to hours of operation, traffic, and noise generation, have the potential to detract from the quiet enjoyment of neighboring residential properties. The Project site is not large enough to accommodate site improvements to comply with City codes and standards or to include amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.
3. The subject property is not physically suitable for the requested Specific Plan designation and the proposed land use development. The proposed Project has the potential to detract from orderly development by allowing uses at a site that is not physically suitable for the intensity of use contemplated by the Project. The Project site does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation, and cannot provide adequate buffering which has the potential to generate use conflicts with neighboring homes.
4. The Project is inconsistent with provisions of the East Lone Tree Specific Plan that are designed to ensure orderly development which is harmonious with existing and proposed development in the surrounding neighborhood. The East Lone Tree Specific Plan's policies and goals support development that has a scale and character that complements and enhances the surrounding residential neighborhoods and the proposed amendment would allow for use of the property that results in inadequate buffering, site improvements, and traffic circulation that would disrupt surrounding residential uses.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the Planning Commission cannot make findings that the proposed Specific Plan amendment is in the public interest of the people and hereby recommends to the City Council denial of the amendments to the East Lone Tree Specific Plan.

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I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 15th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

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RESOLUTION NO. 2014-**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH NOT INITIATING AMENDMENTS TO TITLE 9 OF THE ANTIOCH MUNICIPAL CODE "PLANNING AND ZONING" AND RECOMMENDING THAT THE CITY COUNCIL DENY THE ADOPTION OF AN ORDINANCE REZONING THE AUTOZONE PROJECT FROM SPECIFIC PLAN (SP) TO PLANNED DEVELOPMENT (PD)

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,928 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the request for a zone change is from Specific Plan (SP) to Planned Development (PD) with Neighborhood/Community Commercial (C-2) land use regulations as outlined in Section 9-5.3803 – Table of Land Use within the Antioch Municipal Code and the following development standards:

Development Standards for the Project:

Standard	Required
Minimum Building Site	20,000 sq. ft
Minimum Lot Width	100' (Interior) 100' (Corner)
Maximum Height	26', with exceptions to architectural features encompassing less than 20% of the total roof area and less than 8 feet in height and parapets less than 30 inches in height.
Maximum Lot Coverage	35%
Minimum Front and Side Yard	Reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows: Arterial street: Minimum 8-foot setback with landscaping on all frontages. Local street: Minimum 11-foot setback
Minimum Interior Yard	3-foot minimum setback
Minimum Rear Year Yard	3-foot minimum setback
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
Parking Lot Design	As approved by the Planning Commission (PC), parking lot landscape buffers may be as little as 3 feet and no landscape islands are required within the parking lot.

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WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the rezone, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

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

WHEREAS, on January 15, 2014, the Planning Commission held a duly noticed public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested General Plan amendment; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested Specific Plan amendment.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the Planning Commission determines to deny the request to initiate the amendment to Title 9 "Planning and Zoning" and is recommending denial to the City Council of a rezone of the Project because it cannot make the findings for approval.

1. The proposed zone reclassification will allow uses that are not suitable for the area. The Project will not promote a harmonious visual and functional relationship between commercial and non-commercial uses. The proposed rezoning would create a 0.56-acre site with unique development standards that do not exist elsewhere in the City. While the proposed land uses would be comparable to those allowed in other C-2 districts in the City, no such zoning exists on the north side of Lone Tree Way in the vicinity of the Project site. This condition results in the application of zoning to a specific parcel of land within a larger zoned area that is at odds with a City's General Plan and current zoning restrictions ("spot zoning"). The rezoning would be for the benefit of a particular developer (AutoZone), and would create unique administrative processes, development standards, and land uses that are inconsistent and incompatible with those established for surrounding properties and have the potential to result in development and uses that are inconsistent with what neighboring property owners could reasonably expect at the time they purchased their property.
2. The uses permitted by the proposed rezoning will be detrimental to adjacent or surrounding properties. The Project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing

road network in order to accommodate safe vehicular circulation and creates the potential for conflict between residential and non-residential uses due to the hours of commercial operation and activity that could detract from the quiet enjoyment of neighboring residential properties.

3. No evidence has been presented to demonstrate that changes in the Project area have altered the overall vision presented in the General or Specific Plans or that the use of other properties in the Project Area has changed in a way that warrants reconsideration of the land use or zoning for the Project site. Similarly, there have been no changes in the surrounding community that have rendered the existing land use or zoning obsolete or incompatible with adjoining uses or that warrant a change of zoning on this property.
4. The requested zone change is in conflict with the General Plan and the East Lone Tree Specific Plan. The proposed zoning is inconsistent with the General Plan and the Specific Plan because it would eliminate a residential designation which will interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the Housing Element. The Project site is also not large enough to accommodate site improvements to comply with City codes and standards or to include amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby recommends to the City Council denial of the change to the City of Antioch's zoning code found in Title 9 of the Antioch Municipal Code.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 15th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

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RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING DENIAL TO THE CITY COUNCIL OF A FINAL
DEVELOPMENT PLAN, VARIANCE, USE PERMIT AND DESIGN REVIEW FOR THE
AUTOZONE PROJECT**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,928 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

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

WHEREAS, on January 15, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended that the City Council deny the proposed amendments to the General Plan and East Lone Tree Specific Plan; and

WHEREAS, the Planning Commission has not initiated an amendment to Title 9 of the Antioch Municipal Code "Planning and Zoning" and made a recommendation to the City Council to deny a proposal to rezone the subject parcel from Specific Plan (SP) to Planned Development District (PD).

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does hereby make the following findings for a recommendation of denial of a final development plan to the City Council, as set for in Section 9-5.2308 of the Antioch Municipal Code:

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SECTION 9-5.2308(A): Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.

PLANNING COMMISSION'S DETERMINATION: The proposed project would eliminate an existing high-density residential designation which could interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill the City's objectives as expressed in the Housing Element. The project site is not large enough to accommodate site improvements to comply with City codes and standards or to include amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

SECTION 9-5.2308(B): The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

PLANNING COMMISSION'S DETERMINATION: The streets and thoroughfares are not adequate to serve the Project. Existing roadways that serve the Project site would result in traffic patterns that are not intuitive or convenient and are likely to result in unsafe turning movements at both exits from the Project site; in particular for vehicles wanting to travel east on Lone Tree Way. The Planning Commission does not want to amend the City's planning documents and relaxing City standards which could create conditions that result in unsafe traffic movements.

SECTION 9-5.2308(C): The commercial components of the Project are justified economically at the location proposed.

PLANNING COMMISSION'S DETERMINATION: The City's General Plan and zoning designations identify a number of properties that are better suited to support commercial activity such as that proposed for the Project site without resulting in the potential for conflict with non-commercial uses. There is no evidence of public benefit, including economic benefit that justifies activities that have the potential to conflict with the use and enjoyment of neighboring residential uses.

SECTION 9-5.2308(D): Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

PLANNING COMMISSION'S DETERMINATION: There are no residential components to the project.

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SECTION 9-5.2308(E): That any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

PLANNING COMMISSION'S DETERMINATION: There are no industrial components to the Project.

SECTION 9-5.2308(F): Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

PLANNING COMMISSION'S DETERMINATION: The Project does not conform to the development policies in the General Plan or the East Lone Tree Specific Plan. The project is not offering unusual redeeming features or amenities to warrant deviations from the standard zoning requirements. The project consists of more commercial improvements that do not promote harmonious development between the commercial and residential uses.

SECTION 9-5.2308(G): That the area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

PLANNING COMMISSION'S DETERMINATION: The area surrounding the Project is already developed with homes and the proposed commercial use is not complementary with the existing development.

SECTION 9-5.2308(H): The P-D district conforms to the General Plan of the City.

PLANNING COMMISSION'S DETERMINATION: The Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12. The Planning Commission did not recommend approval of the required General Plan amendment to the City Council; therefore the use would not be in conformance with the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission is not able to recommend that the City Council approve the variance application based on the following findings:

SECTION 9-5.2703(B)(2)(a): That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

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PLANNING COMMISSION'S DETERMINATION: Approval of the variance would constitute a grant of special privileges inconsistent with the limitations of other properties in the vicinity and zoning district in which it is located. Approving a 40% reduction of the parking requirements as set out in the zoning ordinance would constitute a grant of special privileges.

SECTION 9-5.2703(B)(2)(b): That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

PLANNING COMMISSION'S DETERMINATION: The project would be inconsistent with the limitations of other properties in the vicinity and the residential zoning district in which it is located, would not comply with Chapter 3.0, Commercial Design Guidelines of the City of Antioch Citywide Design Guidelines, and would interfere with the use and enjoyment of other properties in the surrounding community.

SECTION 9-5.2703(B)(2)(c): That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.

PLANNING COMMISSION'S DETERMINATION: There are no special circumstances related to size, shape, topography, location, or surroundings of this parcel such that the strict application of zoning ordinance development standards would deprive the property of privileges enjoyed by other properties in similar circumstances in the same zoning district. The shape is rectangular and typical of the majority of the parcels in the neighborhood. The topography of the site is typical of other properties in the area.

SECTION 9-5.2703(B)(2)(d): That the granting of such variance will not adversely affect the comprehensive General Plan.

PLANNING COMMISSION'S DETERMINATION: The Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; therefore would adversely affect the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission is not able to recommend approval of a Use Permit to the City Council based on the following findings:

SECTION 9-5.2703(B)(1)(a): That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

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PLANNING COMMISSION'S DETERMINATION: The Project is not compatible with the City of Antioch's long-term vision established in the General Plan that the properties in this area be established as residential. The Project will be detrimental to the public health and welfare by creating a conflict with the adjacent residential properties due to the hours of operation, traffic, and noise generation. Further, the Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

SECTION 9-5.2703(B)(1)(b): That the use applied for at the location indicated is properly one for which a use permit is authorized.

PLANNING COMMISSION'S DETERMINATION: The Project would not meet the Land Use and Community design policies as set out in the General Plan, Municipal Code, and design guidelines resulting in the potential for conflicts between commercial and non-commercial uses.

SECTION 9-5.2703(B)(1)(c): That the site for the proposed use is adequate in size and shape to accommodate such use, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood.

PLANNING COMMISSION'S DETERMINATION: The project site is not physically suitable for the proposed development and has inadequate land area to accommodate project components and to incorporate necessary design amenities on-site to address the potential for conflict between residential and non-residential uses due to hours of commercial operation and activity that could detract from the quiet enjoyment of neighboring residential properties.

SECTION 9-5.2703(B)(1)(d): That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

PLANNING COMMISSION'S DETERMINATION: The project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation.

SECTION 9-5.2703(B)(1)(e): That the granting of such use permit will not adversely affect the comprehensive General Plan.

PLANNING COMMISSION'S DETERMINATION: The project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; therefore will adversely affect the General Plan.

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BE IT FURTHER RESOLVED that the Planning Commission is not able to recommend that the City Council approve the design review application based on the following findings:

1. The Project does not articulate building forms and elevations to create varied rooflines, building shapes, and patterns of shade and shadow and provide site access, parking, and circulation that are arranged in a logical and safe manner for pedestrians and vehicles. The architectural form is inconsistent with the Design Guidelines 3.1.2 and 3.1.4C because the building lacks any real articulation and tries to satisfy this basic requirement through the use of plan-on types of building plan changes.
2. That corner buildings shall include angled or sculpted building corners or an open plaza located near the corner. The corner treatment does not conform to design standard 3.3.1C. The building corner has been angled to provide vehicle site distance at the intersection, this section of the design guidelines is intended orient structures to corner conditions by orienting active areas to the street. No such building orientation is provided in the building design.
3. When commercial buildings abut residential projects or open space, the rear setback area shall be landscaped to be functionally and/or visually combined with the residential open space where possible. The Project does not conform to design standard 3.3.1B in that the trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building, and the Project would need to incorporate a larger landscape buffer along the northern property line than the property appears able to accommodate.
4. Trash enclosures shall be located away from sensitive uses, such as residences or schools, to minimize nuisance for adjacent property owners as well as utility and mechanical equipment (e.g. electric and gas meters, electrical panels, and junction boxes) shall be screened from the view of public streets and neighboring properties. The Project does not conform to design standard 3.3.1B in that the trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building.
5. All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped while encouraging pedestrian enhancements. To comply with section 3.1.3D, the Project would need to incorporate decorative paving and more urban landscape treatments (e.g. tree grates within the paved area of the south eastern corner of the building). To comply with section 3.1.7, the project would need to be revised to include a pedestrian connection between the public sidewalk and the building that is independent of the driveway.

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6. Corporate architecture and generic redesigns are not recommended. The design of each project shall create a pedestrian-scale atmosphere and provide a clear appearance and theme. The Project proposes corporate architecture and fails to comply with or address the City's Design Review Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend to the City Council DENIAL of the final development plan, variance, use permit, and design review applications proposed by the Project.

* * * * *

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:

ABSTAIN:

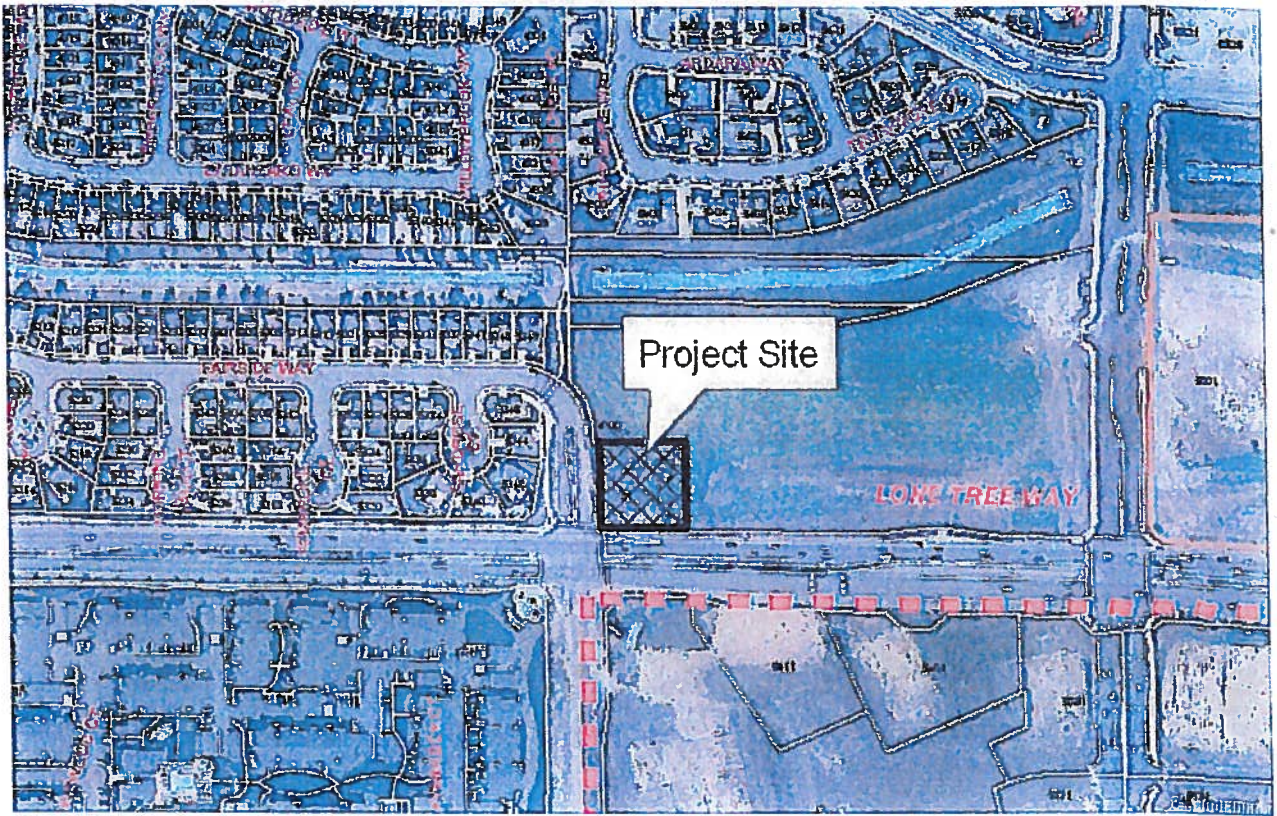
ABSENT:

TINA WEHRMEISTER,
SECRETARY TO THE
PLANNING COMMISSION

E28
E53

ATTACHMENT "A"

Aerial Photo



C29
A1E54

ATTACHMENT "B"



123 South Front Street, Memphis, TN 38103 Phone (901)

AutoZone Inc. has performed over its history numerous of studies to identify the number of customers and employees for an average \$1.6 million in annual sales AutoZone Store at any given time. The studies looked at timed cash register receipts for the (3) three busiest months of the year for numerous of AutoZone Stores.

The maximum number of customers and employees summary is shown in the table below:

Maximum Number of Customers and Employees for an average \$1.6 million in annual sales AutoZone Auto Parts Store

<i>Day</i>	<i>Peak Time</i>	<i>Maximum Number of Customers and Employees</i>
Monday	6 p.m. – 8 p.m.	11 – 12
Tuesday	6 p.m. – 8 p.m.	9 – 10
Wednesday	6 p.m. – 8 p.m.	9 – 10
Thursday	6 p.m. – 8 p.m.	9 – 10
Friday	5 p.m. – 8 p.m.	12 – 13
Saturday	10 a.m. – 1 p.m.	16 – 18
Sunday	1 p.m. – 3 p.m.	13 – 14

Average Time Customer spends in store = 10 – 15 minutes

As shown in the table above, the maximum number of customers and employees in the store at any given time for an average \$1.6 million in annual sales AutoZone Store is 18 people on Saturday from 10 a.m. to 1:00 p.m.

The proposed AutoZone Store in Antioch, CA has a sales projection of 1.583 million. And will have a total of 7,928 square feet, which requires 39 parking spaces per strict reading of the City's Zoning Ordinance ("1 spaces per 200 square feet of gross floor area"). The actual gross "Retail Floor Area" of this facility is only 3636 sf and at 1 space per 200 would only require 18 parking spaces. If you take into account the fact that a percentage of those customers will be more than one customer per car. (i.e. carpooling) and a small percentage walk up or pedestrian oriented traffic along with the historical data and research provided, AutoZone can feel comfortable that the 23 parking spaces shown is more than adequately sufficient to serve our customers at this location and maintain the profitability requirements as noted.

Please call me if you have any questions or if there are any problems.

Sincerely,

Mitch

Mitch Bramlitt
Assistant Design Manager
901-495-8714 fax 901-495-8991
Mitch.Bramlitt@AutoZone.com

C30

B1E55

Attachment to Environmental Assessment Form – Lone Tree AutoZone

GENERAL INFORMATION

No. 1 – Project approvals include: General Plan Amendment; Rezone; CUP & Design Review; Variance (parking) and; subsequent building permits.

No. 15 – A variance is required due to the limited number of parking spaces proposed. Rezoning is required from Residential to PD in order to allow the commercial use and facilitate reduced setbacks.

No. 24 – The AutoZone store will store/sell materials that would qualify as hazardous and/or flammable. A complete list of such materials (an HMMP) can be provided upon request.

No. 28 – The site as it exists before the project is currently vacant, save for some small ornamental trees and vegetation. The topography is relatively flat, soils are stable (geotech report attached) and there are no known animals inhabiting the site. Likewise, there are no known cultural, historical or scenic aspects particular to this site. Photos are attached.

No. 29 – The site is bordered by multi-story to the north, east and southwest. To the west there is single-family residential and to the south is commercial/retail development. Street setbacks for the residential developments appear to vary between 15' and 30'. The commercial setbacks to the south appear to be 15' to 20'. Photos are attached.

Description of the proposal and discussion of merit (General Plan Amendment/Rezone)

The proposal is to amend the General Plan and rezone the property in order to facilitate development of a 7,928 square foot AutoZone store. The project would result in development of a corner parcel that is otherwise undersized for other types of the development. The project would include 22 on-site parking spaces and formal landscaping of nearly 23% of the site, including both currently unimproved frontages. The \$1.5 million project would result in 20 to 30 new construction jobs and 15 new permanent jobs. At an estimated \$1.6 million in annual sales, the project will bring in approximately \$16,000.00 in annual sales tax revenue to the City of Antioch. Additionally, the sale of the property for commercial development will generate needed funds for the Liberty Union High School District.

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Summary explaining the need for the variance and statements regarding the four necessary findings

- (a) Exceptional or extraordinary circumstances or conditions: At 24,590 square feet, the site is considerably smaller that would be required to achieve high-density residential development consistent with that of the properties to the north and east. The corner location at a signalized intersection on a major arterial roadway is ideally suited for a small commercial use.
- (b) A commercial use at the scale of which is proposed will in no way be detrimental to the public health or welfare. The hours of the use – primarily daytime – are complimentary with the residential nature of the surrounding parcels and the physical improvements proposed – particularly the new perimeter landscaping – will provide a “finished” look to what is otherwise a vacant, unimproved entry to the neighboring residential developments.
- (c) Due to its limited size, strict application of the parking ordinance would effectively prohibit all but smallest of developments. Other developments in the immediate area have had the benefit of much larger parcels on which to design. Additionally, the reduction in parking is congruent with the nature of the single-use project proposed since much of the gross floor area provided is used for storage and parts stock – not direct retail merchandising.
- (d) Granting of the variance will not adversely affect the comprehensive General Plan in that it will result in small scale non-residential development where such development had previously been considered (as evidenced by the owner by the school district and consideration of a municipal – fire house – use).

C32
B3E57



GagenMcCoy

The Law Offices of
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December 31, 2013

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Please Reply To
Danville

Via E-mail

Mindy Gentry
Senior Planner
City of Antioch
200 H Street
Antioch, CA 94509

Re: Notice of Intent to Adopt a Mitigated Negative Declaration/Lone Tree Way
AutoZone #4166

Dear Mindy:

Our offices represent Mark Marcotte, owner of the Bella Rose Apartments, located adjacent to the northeast corner of Lone Tree Way and Fairside Way.

We understand that AutoZone has submitted a project application for a new AutoZone store, located on the corner of Lone Tree Way/Fairside Way. We further understand that the project application includes: (i) a General Plan Amendment, from High Density Residential, to Neighborhood Commercial; (ii) a Specific Plan Amendment from High Density Residential to Community Retail; (iii) a rezone of the property to Planned Development; (iv) a variance for parking; (iv) a use permit; and (v) design review (together "Project").

We understand that comments on the proposed Mitigated Negative Declaration (MND) are due on January 2, 2014, and a public hearing on the Project by the Planning Commission will be held on January 15, 2014.

Please consider this letter Mr. Marcotte's written comments on the MND, in response to the City's Notice of Intent to Adopt a Mitigated Negative Declaration.

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I. General Comments

As stated in the MND, the Project site is in a location virtually surrounded by residential uses: the northeast corner of Lone Tree Way/Fairside Way is high density residential (including the Bella Rose Apartments); to the west is single family homes; and to the southwest is additional multi-family residential development.

All of these surrounding landowners have for years relied on the General Plan and Specific Plan designations for the area. The General Plan is the "constitution" for the City, and has been recognized as the single most important planning document. (See Curtin's California Land Use and Planning Law, 29th Ed.). The General Plan is required by state law to include a "long-term plan" for the development of the City -- a plan which can be relied on by its citizens.

We understand that in some cases an amendment to a General Plan is required to address changes in the City's priorities, or to address changes that have already occurred. However, that is not the case here. Instead, in this case AutoZone is proposing an entirely different land use (commercial/retail) in an area virtually surrounded by residential uses.

We believe that under all of these circumstances the proposed amendments to the General Plan, Specific Plan, and zoning ordinance are not warranted here, and create conflicts between the existing residential uses and the new, commercial Project.

II. Specific Comments

The MND, after performing an environmental review, indicates that (with proposed mitigation measures) there are no significant impacts on the environment from the proposed Project. We believe there will be significant impacts, as follows:

*We believe the Project, even if the GPA and related amendments are approved, will conflict with the adjacent residential land uses of the site. The adjacent residential users will be impacted by the traffic, parking (see below), noise and related impacts of a commercial/retail use in the middle of a residential neighborhood. We note in this regard that the Project will require Design Review approvals -- those approvals will require consideration of the stability of adjacent land values and investments. Clearly, the introduction of commercial uses into residential neighborhoods will have an adverse impact on land values and investments.

*The introduction of a commercial/retail Project into the residential neighborhood will create a "precedent," allowing other commercial uses to apply for similar General Plan Amendments in the area.

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*The Project requests a significant parking space variance -- a reduction to only 22 spaces for a Project that requires 39 spaces. This again shows that the Project is really forcing a "square peg into a round hole." There is simply not enough space on the site to allow for adequate parking. Clients of the new Project may attempt to park in the surrounding residential neighborhoods.

*We note that the MND states that the proposed project "would result in new development consistent with the character of the surrounding area." We believe this is simply not true -- the new development would be utterly inconsistent with the residential character of the surrounding area.

*The Land Use and Planning section of the MND states that there are no significant impacts related to Land/Use Planning. Respectfully, we disagree. The proposal will in effect "divide" the existing community of residential neighborhoods -- by introducing the commercial/retail use in an area that for decades has been residential. The General Plan requires the maintenance of a pattern of land uses that "minimizes conflicts between various land uses." Clearly, the introduction of commercial/retail uses into residential neighborhoods is not consistent with the General Plan. Existing residential neighborhoods are not protected by this proposal - they are in fact threatened by the Project.

*The MND states that there will be no noise impacts from the Project. Introduction of a commercial/retail use Project will create noise impacts above and beyond those associated with a neighborhood. Customers, cars, forklifts, parking lot activities, delivery truck and supply loading; etc. are all potential noise sources that will conflict with neighborhood uses. We note in this regard that the MND does not appear to focus or address the impacts of the commercial uses on the neighborhoods.

*We believe the traffic that comes in to a commercial/retail store is entirely different, and is inconsistent with, associated neighborhood traffic. The Project will attract regional traffic to an established, localized neighborhood area.

III. Conclusion

We believe that introducing the proposed commercial/retail use into existing residential neighborhoods will create a significant impact. We believe that, under all of these circumstances, a MND is not the appropriate environmental document, and instead a full Environmental Impact Report should be prepared prior to consideration of a Project that includes changing the General Plan, Specific Plan, and zoning designations.

We greatly appreciate your review and consideration of these comments.

CJS
C3
E60

Mindy Gentry
December 31, 2013
Page 4

Very truly yours,



Allan C. Moore

cc: Marc Marcotte

~~C36~~
C4
E61

City of Antioch Response to Comments on the Initial Study/Mitigated Negative Declaration for the AutoZone Project

Pursuant to CEQA Guidelines Section 15073, the City circulated an Initial Study/Mitigated Negative Declaration (IS/MND) for the Project on December 12, 2013 for a 20-day public review period. During that review period, the City received one comment letter, from the law offices of Gagen MacCoy representing Mark Marcotte. The environmental issues addressed in that letter are summarized below, with a response following. The information in the comments or responses does not change any conclusions in the IS/MND. The proposed Project would not result in any significant impacts and preparation of an Environmental Impact Report, as suggested in the comment, is not required.

Gagen MacCoy Comment Letter

Comment: The Project will require a design review, which "will require consideration of the stability of adjacent land values and investments" and the Project "will have an adverse impact on land values and investments."

Response: The purpose of the California Environmental Quality Act (CEQA) is to disclose if a project would have an adverse effect on the physical environment. Effects on property values are, therefore, not addressed in a CEQA document.

Comment: The Project will create precedent for General Plan Amendments for other commercial uses adjacent to residential.

Response: The City does not currently prohibit commercial uses adjacent to residential. A General Plan amendment is a discretionary project pursuant to Public Resources Code (PRC) Section 21080, thus, would be subject to CEQA review. Therefore, any future proposal for a General Plan amendment would be subject to project-specific environmental review, including public review.

Comment: There is not enough space on the site for adequate parking.

Response: The Antioch Municipal Code does not have a specific category that applies to parking for automobile parts sales. Section 9-5.1703.1 (Off-Street Parking Requirements by Use) indicates that retail sales not listed under another use classification requires five parking spaces for every 1,000 square feet, or 39 spaces for the proposed Project, where 23 spaces are proposed. Because non-compliance with a code standard does not necessarily result in environmental impacts, the Antioch Municipal Code Section 9-5.1704 (Specific Design Standards) also indicates that "where the use is not specified in the table, the Zoning Administrator shall determine the probable equivalent use and the number of parking and loading spaces required. The use of ITE studies may be incorporated into the analysis." The parking study for the Project (see Initial Study Appendix E) indicates that, based on ITE data for Automobile Part Sales (Land Use 843), the Project on average would be expected to generate a peak parking demand of 17 parking spaces. Given the Project proposes 23 parking spaces, the Project would provide adequate parking to accommodate demand without resulting in parking conditions that would result in spill-over that could impact safe circulation or use of the public right-of-way.

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Comment: The Project would be inconsistent with the residential character of the area.

Response: The Project site is located on Lone Tree Way, a six-lane, divided arterial roadway. While the Project site would be adjacent to multi-family residential use, there is a large commercial shopping center located south of the Project site across Lone Tree Way. Given the arterial classification of Lone Tree Way and the presence of the shopping center south of the Project as well as other non-residential uses along Lone Tree Way, the Project would not be inconsistent with nearby land uses.

Comment: The Project would divide the existing community of residential neighborhoods.

Response: The land use threshold used in the Initial Study is taken from CEQA Guidelines Appendix G, which questions whether the Project would “physically divide an established community.” The Project site is located on a corner and is separated from the adjacent multi-family development by a six-foot concrete wall. The Project does not include any components that would separate or reduce connectivity between existing residential areas.

Comment: Noise from customers, cars, parking lot activities, and deliveries and loading activities will conflict with neighborhood uses.

Response: Pages 56 through 64 of the Initial Study address project-generated noise and specifically address building mechanical equipment, parking lot activities (including car alarms, doors closing, tire squeal, and human voices), and delivery activities (including idling of trucks, the sounding of backup alarms, and material handling). With implementation of Mitigation Measure NOI-1 identified in the Initial Study, which prohibits forklifts and idling of trucks and limits hours of loading operations, noise levels would not exceed City standards.

Comment: Retail traffic is different from residential traffic and the Project will attract regional traffic.

Response: The traffic study prepared for the proposed Project takes the land use into consideration when determining traffic generated by the Project. Trip generation for the Project was calculated based on rates contained in the Institute of Transportation Engineer’s publication, *Trip Generation 9th Edition*. The classification used for the Project is Automobile Parts Sales (ITE Land Use 843). Therefore, while the traffic generated by the Project would differ from that of a residential development, the Initial Study accurately depicts the traffic by the Project’s land use. Regarding the comment that the Project would attract regional traffic, the Project is not sized for a regional store and there are several other auto parts stores in the City of Antioch as well as stores located in the surrounding cities. Therefore, the Project would not be a regional draw.

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E63

- *Maximum Allowable Density:* Ten dwelling units per gross developable acre (10 du/ac)
- *Anticipated Population per Acre:* Twenty (20) to Twenty-five (25) persons per acre

High Density Residential. High Density Residential densities may range up to twenty (20) dwelling units per gross developable acre, with density bonuses available for age-restricted, senior housing projects. Two-story apartments and condominiums with surface parking typify this density, although structures of greater height with compensating amounts of open space would be possible. This designation is intended primarily for multi-family dwellings. As part of mixed-use developments within the Rivertown area and designated transit nodes, residential development may occur on the upper floors of buildings whose ground floor is devoted to commercial use. Typically, residential densities will not exceed sixteen (16) to eighteen (18) dwelling units per acre for standard apartment projects, although projects with extraordinary amenities may achieve the maximum allowable density. However, permitted densities and number of housing units will vary, depending on topography, environmental aspects of the area, geologic constraints, existing or nearby land uses, proximity to major streets and public transit, and distance to shopping districts and public parks. Higher densities will be allowed where measurable community benefit is to be derived (i.e., provision of needed senior housing or low and moderate income housing units). In all cases, infrastructure, services, and facilities must be available to serve the proposed density, and the proposed project must be compatible with surrounding land uses.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum Allowable Density:* Twenty dwelling units per gross developable acre (20 du/ac) and up to a Floor Area Ratio¹ of

¹ Floor Area Ratio (FAR) represents the ratio between allowable floor area on a site and the size of the site. For example, an FAR of 1.0 permits one square foot of building floor area (excluding garages and parking) for each square foot of land within the development site, while an

1.25 within areas designed for mixed use or transit-oriented development.

- *Anticipated Population per Acre:* Forty (40) persons per acre. Within transit-oriented development, up to forty-five to sixty (45-60) persons per acre

Residential TOD. This mixed-use classification is intended to create a primarily residential neighborhood within walking distance to the eBART station, with complementary retail, service, and office uses. Residential densities are permitted between a minimum of 20 and a maximum of 40 units per gross acre. A range of housing types may be included in a development project, some of which may be as low as 10 units per acre, provided the total project meets the minimum density standard. Up to 100 square feet of commercial space such as retail, restaurant, office, and personal services are permitted per residential unit.

Residential units should be at least 300 feet away from rail and freeway rights-of-way, or should incorporate construction measures that mitigate noise and air emission impacts. Retail, restaurants, commercial services, and offices are allowed on the ground floor and second floor, particularly on pedestrian retail streets and adjacent to Office TOD designations. Low intensity stand-alone retail or restaurant uses with surface parking are not permitted. Fee parking in surface parking lots is not permitted as a primary use.

- *Minimum housing density:* 20 acres per gross acre
- *Maximum housing density:* 40 units per gross acre

4.4.1.2 Commercial Land Use

Designations. The General Plan land use map identifies two commercial land use designations, which, along with commercial development within Focus Areas, will provide a broad range of retail and commercial services for existing and future residents and businesses. Permitted maximum land use

FAR of 0.5 permits ½ square foot of building area for each square foot of land within the development site.

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intensities are described for each designation. Maximum development intensities are stated as the maximum floor area ratio (FAR) within the project site. "Floor area ratio" is determined by dividing the total proposed building area of a development project by the square footage of the development site *prior* to any new dedication requirements.

Convenience Commercial. This designation is used to include small-scale retail and service uses on small commercial lots, generally ranging up to one to four acres in size. Total gross leasable area within Convenience Commercial areas typically ranges from about 10,000 to 40,000 square feet. Typical uses may include convenience markets, limited personal services, service stations, and commercial services. This designation is often located on arterial or collector roadway intersections in otherwise residential neighborhoods and, thus, requires that adequate surface parking be included to ensure against any potential circulation difficulties affecting adjacent residences. Design features need to be included in these centers to ensure that convenience commercial developments are visually compatible with and complementary to adjacent and nearby residential and other less intensive uses. The type and function of uses in convenience commercial areas are generally neighborhood serving, and need to be carefully examined to ensure compatibility with nearby uses. This land use designation may also be applied to small freestanding commercial uses in the older portions of Antioch.

While some areas may be designated on the Land Use Plan for Convenience Commercial use, this does not preclude small freestanding commercial uses from being zoned for such a use provided the above parameters are adhered to through adopted performance standards. Such a rezoning would be considered to be consistent with the General Plan, and not require a General Plan amendment.

- *Appropriate Land Use Types:* See Table 4.A

- *Maximum Allowable Development Intensity:* Floor Area Ratio (FAR) of 0.4 for new development within centers, and 0.6 FAR for small, freestanding uses.

Neighborhood/Community Commercial. The intent of the General Plan is to service residential areas in an efficient manner by avoiding the creation of new strip commercial areas. Toward this end, the General Plan designates major commercial nodes of activity based on the need to serve defined neighborhood and community areas. Each area designated Neighborhood/Community Commercial would typically represent an integrated shopping center or an aggregate of parcels around an intersection, which create an identifiable commercial center or area.

The common denominator within this designation is that each neighborhood commercial node will have sufficient acreage to meet the commercial needs of one or more neighborhoods. A neighborhood center typically ranges from 30,000 - 100,000 square feet of floor area on about 3 to 12 acres, anchored by a major supermarket and/or-drug store. A community center may range from 100,000 to 250,000 square feet on 10 to 20 acres or more, and be anchored by a major retailer. Because of its size, a neighborhood center would typically locate at the intersection of a collector and an arterial. A community center is more likely to be found at major arterial intersections.

Typical spacing between community centers should be approximately 1.5 to 3.0 miles, with approximately one mile between neighborhood centers. Exact spacing depends on the nature and density of nearby development, and on the location of major roadways.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum allowable development intensity:* FAR of 0.4.

Regional Commercial. The primary purpose of areas designated "Regional Commercial" on the General Plan land use map is to provide areas for large-scale retail commercial

- d. Design new residential development with identifiable neighborhood units, with neighborhood shopping facilities, parks and recreational facilities, and schools provided as an integral component of neighborhood design.
- *Streets.* Street design should route through traffic around, rather than through new neighborhoods. Neighborhood streets should be quiet, safe, and amenable to bicycle and pedestrian use. Within new subdivisions, single-family residences should be fronted on short local streets, which should, in turn, feed onto local collectors, and then onto master planned roadways.
 - *Schools, Parks, and Recreation Areas.* Elementary schools, as well as parks and recreational areas should be contained as near the center of the neighborhood they are as is feasible.
 - *Neighborhood Commercial Areas.* Neighborhood commercial centers should be located at the periphery of residential neighborhoods, and be designed such that residents can gain vehicular, bicycle, and pedestrian access to the centers directly from the neighborhood.
 - *Connections.* Individual neighborhoods should be provided with pathways and open spaces connecting residences to school and recreational facilities, thereby facilitating pedestrian and bicycle access.
 - *Neighborhood Character.* Residential neighborhoods should be designed to maintain a distinct character through the use of neighborhood signage, streetscapes, architectural styles and variations, natural topographic variations, and landscape buffers.
- e. Provide recognizable variations in front and side yard setbacks within single-family residential neighborhoods.
- f. To reduce architectural massing, orient the shortest and lowest side of a corner residential dwelling unit toward the side street.
- g. Within multi-family and small lot single-family developments, cluster residential buildings around open space and/or recreational features.
- h. In higher density project with tuck-under parking and/or opposing garages, avoid the monotony of long parking corridors by turning individual units and/or staggering and landscaping parking areas.
- i. Provide each unit of a multi-family development project with some unique elements to create a sense of place and identity.
- Individual units within a project should be distinguishable from each other, and should have separate entrances and entry paths, where feasible.
 - The common space of each cluster of dwelling units should be designed to provide differences in size, dimensions, grading, and site furniture.
 - Every dwelling unit shall be provided with a usable private garden area, yard, patio, or balcony.

4.4.3 Commercial Land Uses

4.4.3.1 Commercial Land Use Objective.

Provide conveniently located, efficient, and attractive commercial areas to serve regional, community, and neighborhood functions and meet the retail and commercial needs of Antioch residents and businesses.

4.4.3.2 Commercial Land Use Policies.

The following policies apply to land designated for commercial uses on the General Plan land use map and by Focus Area policies.

- a. Design commercial and office developments in such a manner as to complement and not conflict with adjacent residential uses, and provide these developments with safe and easy vehicular, pedestrian, and bicycle access.

- b. Orient commercial development toward pedestrian use.
 - Commercial buildings should provide a central place of main focus.
 - Buildings should be designed and sited so as to present a human-scale environment, including identifiable pedestrian spaces, seating areas and courtyards.
 - Uses within pedestrian spaces should contribute to a varied and lively streetscape.
 - Buildings facing pedestrian ways and plazas should incorporate design features that provide visual interest at the street level.
- c. Building setbacks along major streets should be varied to create plaza-like areas, which attract pedestrians whenever possible.
- d. Provide for reciprocal access, where feasible, between commercial and office parcels along commercial corridors to minimize the number of drive entries, reduce traffic along commercial boulevards, and provide an orderly streetscape.
- e. Design internal roadways so that direct access is available to all structures visible from a particular parking area entrance in order to eliminate unnecessary vehicle travel, and to improve emergency response.

4.4.4 Employment - Generating Land Uses

4.4.4.1 Employment-Generating Land Use Objective. Provide a mix of employment-generating uses supporting a sound and diversified economic base and ample employment opportunities for the citizens of Antioch through a well-defined pattern of manufacturing, warehousing and distribution, professional services, and office-based uses.

4.4.4.2 Employment-Generating Land Use Policies. The following policies apply to land designated for commercial uses on the

General Plan land use map and by Focus Area policies.

- a. Focus the use of employment-generating lands on high value and high employment-generating uses (e.g., office environments, manufacturing and assembly).
- b. Provide for an appropriate mix of uses within employment-generating lands, including commercial and commercial service uses.
- c. Take advantage of existing rail facilities within the community by permitting the development of rail-served industrial uses.
- d. Ensure appropriate separation and buffering of manufacturing and industrial uses from residential land uses.
- e. All manufacturing and industrial uses shall be adequately screened to reduce glare, noise, dust, and vibrations.
- f. Office uses shall comply with the design policies set forth for commercial uses landscape (see Community Image and Design Element).
- g. Business park and office environments should blend well-designed and functional buildings with landscape (see Community Design Image and Element).

4.4.5 Community and Public Land Uses

4.4.5.1 Community and Public Land Use Objective. Maintain an adequate inventory of lands for the conduct of public, quasi-public, and institutional activities, including protection of areas needed for future public, quasi-public, and institutional facilities.

4.4.5.2 Community and Public Land Use Policies. The following policies apply to land designated for commercial uses on the General Plan land use map and by Focus Area policies.

The development and design of public office developments should comply with the General Plan provisions for commercial and office development.

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coordinated to create an overall sign theme for the project.

- h. Adequate lighting shall be required to provide adequate lighting for the security and safety of on-site parking, loading, shipping and receiving, and pedestrian and working areas.

5.4.11 Infill Development

- a. Unless the specific purpose is to change the visual appearance of an area due to its outdated or deteriorated character:
- The scale of proposed infill development should not overpower neighboring developments.
 - The perceived intensity and character of infill buildings should be similar to that of the existing neighborhood.
 - Infill development should appear to be an integral part of the intended character of the neighborhood.
- b. Where single family residences dominate the existing street scene, infill development should feature single family elements along the street, with additional density behind.
- c. Setbacks for infill development should respect existing street setbacks.
- d. By using variations in building height, roof lines, façade articulation, grade definition, the overall perceived mass of proposed infill projects can be effectively reduced to be compatible with existing development. Other techniques to provide appropriate scale relationships include:
- Vary building setbacks and massing of large structures along major streets to provide visual interest.
 - Detail multi-story buildings so as to reduce their vertical appearance.
 - Provide a greater level of architectural detailing at the ground level than at upper levels.

5.4.12 Development Transitions and Buffering Policies¹

- a. Minimize the number and extent of locations where non-residential land use designations abut residential land use designations. Where such land use relationships cannot be avoided, strive to use roadways to separate the residential and non-residential uses².
- b. Ensure that the design of new development proposed along a boundary between residential and non-residential uses provides sufficient protection and buffering for the residential use, while maintaining the development feasibility of the non-residential use. The burden to provide buffers and transitions to achieve compatibility should generally be on the second use to be developed. Where there is bare ground to start from, both uses should participate in providing buffers along the boundary between them.
- c. Provide appropriate buffering to separate residential and non-residential uses, using one or more of the following techniques as appropriate.
- Increase setbacks along roadways and common property lines between residential/non-residential uses.
 - Provide a heavily landscaped screen along the roadway or common property line separating residential and non-residential use.
 - Locate noise-generating activities such as parking areas; loading docks; and service, outdoor storage, and trash collection areas as far from residential uses as possible.

¹ These policies are focused on protecting existing and planned residential uses from the effects of adjacent land uses. Policies to provide similar buffers between existing and proposed developments and existing open space and agricultural areas are set forth in Section 10.5 of the Resource Management Element.

² It is recognized that residential and non-residential properties will sometimes abut along a common property line (such as between neighborhood shopping centers and adjacent neighborhoods).

- Where a multifamily residential use is located adjacent along a common property line with a non-residential use, locate the noise-generating activities of both uses (e.g., parking areas; loading docks; and service, outdoor storage, and trash collection areas) along the common property line.
- Design the residential area with cul-de-sacs running perpendicular to and ending at the non-residential use, facilitating greater separation of residential and non-residential structures than would be possible if residential streets ran parallel to the boundary of the non-residential use.
- d. Where a difference in residential density is indicated on the General Plan land use map, the size of parcels and character of development facing each other across a street or along a common property line should be similar, creating a transition between the densities in each area.
- e. Where multi-family development is located adjacent to a single-family neighborhood, appropriate buffering is to be provided.
 - Increase setbacks for multi-family development along common property lines with single family development.
 - Provide a heavy landscaped screen along the property line of the multi-family use.
 - Locate noise-generating activities such as parking and trash collection areas as far from the single family neighborhood area as possible.
- f. The transition from lower to higher residential density should occur within the higher density area.
- g. Uninterrupted fences and walls are to be avoided, unless they are needed for a specific screening, safety, or sound attenuation purpose.
- h. Where they are needed, fences or walls should relate to both the site being developed and surrounding

developments, open spaces, streets, and pedestrian ways.

- i. Fencing and walls should respect existing view corridors to the greatest extent possible.
- j. Fencing and walls should incorporate landscape elements or changes in materials, color, or texture in order to prevent graffiti, undue glare, heat, or reflecting, or aesthetic inconsistencies.

5.4.13 Signs

- a. Prohibit offsite signs¹, except for offsite signs identifying subdivisions and signs along freeways for the purpose of providing motorists with advanced notice of services available at an upcoming freeway interchange.
- b. Encourage theme-based signage integrated with building designs within multi-tenant commercial and office developments.
- c. Limit the size of signs to that necessary to adequately provide identification and direction.
- d. Users of freeway advanced identification signs are limited to those types of business providing services to the motoring public (i.e. hotels/motels, restaurants, vehicle service). Information provided on the sign should be limited to company names and/or logos only.
- e. Although the City may establish detailed guidelines for the design of freeway advanced identification signs, each sign should be individually designed to be compatible with its own unique setting.
- f. Onsite signs (those which identify uses and businesses that are located on the same site) are to be permitted for the sole purpose of identifying businesses located on the same site as the sign. Such signs are to be designed to communicate

¹ Off-site signs are those identifying uses and businesses at a location different from that of the sign, and signs advertising products or services on a commercial basis that are not available at the same location.

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5. HOUSING POLICY PROGRAM

Responsible Agency: City of Antioch CDBG & Housing Programs

Implementation Schedule: Ongoing as funding allows, pursuant to NSP requirements

Non-Quantified Objective: Implementation of the Neighborhood Stabilization Program

Funding Source: NSP, CDBG, ADA

1.1.10 Foreclosure Counseling and Prevention: Continue and expand partnerships between various governmental, public service and private agencies and advocacy organizations to provide ongoing foreclosure counseling services, workshops and written materials to aid in the prevention of foreclosures. The City will continue to provide information about foreclosure resources on the City website and at City Hall. The City will also continue to refer persons at-risk of foreclosure to public and private agencies that provide foreclosure counseling and prevention services. In addition, the City will provide homebuyer pre-purchase counseling through the First Time Homebuyer program in conjunction with the NSP activities in Program 1.1.9 to educate homebuyers and prevent foreclosures in the future.

Responsible Agency: City of Antioch CDBG & Housing Programs

Implementation Schedule: Ongoing

Non-Quantified Objective: Foreclosure counseling and foreclosure prevention

Funding Source: CDBG, ADA

Goal 2

Facilitate the development of a broad array of housing types to accommodate a diversity of new Antioch citizens in terms of age and socioeconomic background.

Policy 2.1

Provide adequate residential sites for the production of new for-sale and rental residential units for existing and future residents.

Implementing Programs

2.1.1 Inventories: Using the City's GIS database, maintain an ongoing identification of sites planned and zoned for residential development for which development projects have yet to be approved. This database shall also have the ability to

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5. HOUSING POLICY PROGRAM

identify sites that have the potential for development into emergency shelters, farm worker housing, or mixed use areas.

Responsible Agency: Community Development Department (GIS staff)

Implementation Schedule: Ongoing following adoption of the Housing Element

Non-Quantified Objective: Maintenance of an inventory of available sites for use in discussions with potential developers and evaluating the City's ability to meet projected future housing needs.

Funding Source: General Fund, ADA

- 2.1.2 **Adequate Sites for Housing:** The City has a remaining lower-income growth need of 1,784 dwelling units (including a shortfall of 1,380 units from the 1996-2005 Housing Element planning period) based on the analysis conducted in Appendix B of this Housing Element. To accommodate the remaining lower-income growth need, the City shall rezone a minimum of 59.47 acres to permit by-right single and multi-family, rental and ownership residential development at a minimum net density of 30 du/ac. Of the rezoned land, a minimum of 18.07 acres will permit exclusively by-right residential use to ensure a minimum of 50 percent of the City's lower-income need is accommodated on sites designated for exclusive residential use. The rezoned land shall accommodate the remaining lower-income housing need on sites with densities and development standards that permit at a minimum 16 units per site. The City will ensure that zoning and development standards for the candidate sites within the proposed new multi-family zones encourage and facilitate the development of housing, particularly affordable to lower-income households. Candidate sites identified for rezoning are listed in Table B-4 of this Housing Element.

The City understands that large sites have additional considerations when providing housing affordable to lower-income households, including the availability of State and federal resources for larger developments. For larger sites identified to accommodate the City's remaining lower-income need, the City will encourage and facilitate development of housing for lower-income households through specific plan development, further lot subdivision and/or other methods.

Responsible Agency: Community Development Department (Planning Division)

Implementation Schedule: June 2011

Non-quantified Objective: Rezone a minimum of 59.47 acres to permit a minimum density of 30 du/ac.

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5. HOUSING POLICY PROGRAM

Funding Source: General Fund

- 2.1.3 **Meet with Potential Developers:** Meet with prospective developers as requested, both for profit and non-profit, on the City of Antioch's residential development allocation (growth management), development review, and design review processes, focusing on City requirements and expectations. Discussion will provide ways in which the City's review processes could be streamlined without compromising protecting the public health and welfare, and funding assistance available in the event the project will meet affordable housing goals.

Responsible Agency: Community Development Department, City Manager

Implementation Schedule: Ongoing meetings as requested

Non-Quantified Objective: To facilitate the development review process by ensuring a clear understanding on the part of developers as to City expectations for their projects and timeline. Discussion is also anticipated to function as a feedback loop, and assist the City in minimizing the costs of the development review process to new residential development.

Funding Source: General Fund

- 2.1.4 **Executive Housing:** Facilitate the development of housing appropriate for executives of businesses seeking to expand within or relocate to Antioch to meet the need for providing above-moderate income housing. Where appropriate, provide requirements in outlying focus areas for the development of executive and upper end housing with appropriate amenities.

Responsible Agency: Community Development Department, City Manager.

Implementation Schedule: Ongoing, project-based

Non-Quantified Objective: To facilitate the development of needed above moderate-income housing.

Funding Source: General Fund.

Policy 2.2

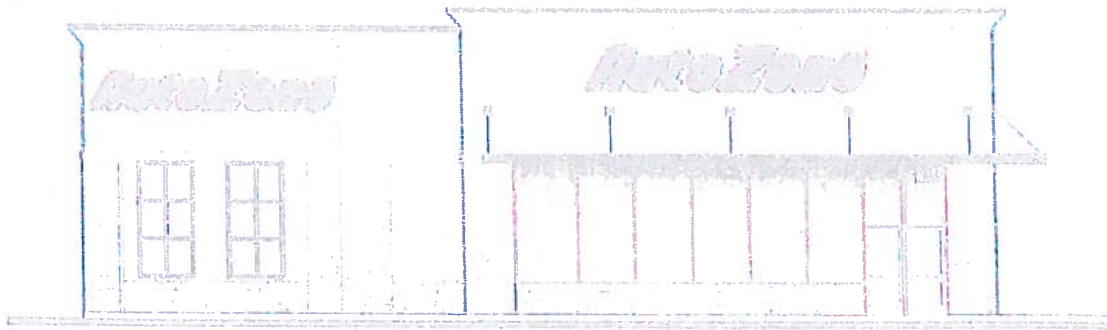
Facilitate the development of new housing for all economic segments of the community, including lower income, moderate-, and above moderate-income households.

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ATTACHMENT "E"

TRAFFIC IMPACT STUDY - FINAL REPORT

AUTOZONE ANTIOCH, CA



3 October 2013

Prepared for:

PMC and
City of Antioch, CA

Prepared by:



Kimley-Horn
and Associates, Inc.

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INTRODUCTION

Kimley-Horn and Associates, Inc. was retained by PMC to prepare a traffic study for the proposed AutoZone in Antioch, CA. The proposed 7,928 square foot AutoZone is to be constructed in the vacant lot located on the northeast corner of the intersection of Lone Tree Way and Fairside Way. **Figure 1** illustrates the location of the project site in relation to the City of Antioch.

This traffic study was prepared based on discussions with, and criteria set forth by, the City of Antioch and Contra Costa Transportation Authority (CCTA). This study addresses the traffic and transportation effects of the proposed auto parts store in order to assist the project applicant and the City in project planning and determining conditions of approval for the project.

Study Methodology

Development Conditions

The AutoZone traffic study was based on the following development conditions:

- Existing (2013) conditions – Based on current traffic counts in 2013 and existing roadway geometry and traffic control.
- Existing (2013) Plus Project conditions – Based on current traffic counts and existing roadway geometry and traffic control, plus the traffic generated by the AutoZone project.

Operating Conditions and Criteria

Analysis of project effects at intersections is based on the concept of Level of Service (LOS). The LOS of an intersection is a qualitative measure used to describe operational conditions. LOS ranges from A (best), which represents minimal delay, to F (worst), which represents heavy delay and a facility that is operating at or near its functional capacity. Levels of Service for this study were determined using methods defined in the *Highway Capacity Manual, 2000* (HCM) and appropriate traffic analysis software.

The HCM included procedures for analyzing side-street stop-controlled (SSSC), all-way stop-controlled (AWSC), and signalized intersections. The SSSC procedure defines LOS as a function of average control delay for each minor street approach movement. Conversely, the AWSC and signalized intersection procedures define LOS as a function of average control delay for the intersection as a whole. **Table 1** relates the operational characteristics associated with each LOS category for signalized and unsignalized intersections.

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Table 1 – Intersection Level of Service Definitions

Level of Service	Description	Signalized (Avg. control delay per vehicle sec/veh.)	Unsignalized (Avg. control delay per vehicle sec/veh.)
A	Free flow with no delays. Users are virtually unaffected by others in the traffic stream	≤ 10	≤ 10
B	Stable traffic. Traffic flows smoothly with few delays.	> 10 – 20	> 10 – 15
C	Stable flow but the operation of individual users becomes affected by other vehicles. Modest delays.	> 20 – 35	> 15 – 25
D	Approaching unstable flow. Operation of individual users becomes significantly affected by other vehicles. Delays may be more than one cycle during peak hours.	> 35 – 55	> 25 – 35
E	Unstable flow with operating conditions at or near the capacity level. Long delays and vehicle queuing.	> 55 – 80	> 35 – 50
F	Forced or breakdown flow that causes reduced capacity. Stop and go traffic conditions. Excessive long delays and vehicle queuing.	> 80	> 50

Sources: Transportation Research Board, *Highway Capacity Manual 2000*, National Research Council, 2000 and Transportation Research Board, *Highway Capacity Manual 2010*, National Research Council, 2010

According to the CCTA requirements, Lone Tree Way is classified as a route of regional significance. Routes of regional significance are governed by the CCTA Technical Procedures, which has a level of service requirement of LOS D or better. These requirements would apply to the two study intersections on Lone Tree Way.

For study intersections in the City of Antioch and not associated with routes of regional significance, the City has a level of service requirement of LOS "High D" or better.

Project impacts are determined by comparing conditions with the proposed project to those without the proposed project. Significant impacts for intersections are created when traffic from the proposed project causes the LOS to fall below a specific threshold. Mitigation may be required when traffic from the project causes the intersection to operate below acceptable levels of traffic operation.

The effects of vehicle queuing were also analyzed and the 95th percentile queue is reported for all study intersections. The 95th percentile queue length represents a condition where 95 percent of the time during the peak period, traffic volumes and related queuing will be at, or less, than the queue length determined by the analysis. This is referred to as the "95th percentile queue." Average queuing is generally less.

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Queuing is considered a potentially significant impact since queues that exceed the turn pocket length can create potentially hazardous conditions by blocking or disrupting through traffic in adjacent travel lanes. However, these potentially hazardous queues are generally associated with left-turn movements. Locations where the right turn pocket storage is exceeded are not considered potentially hazardous because the right turn movement may go at the same time as the through movement and the additional vehicles that spill out over the turn pocket will not be hindering or disrupting the adjacent through traffic as would be the case in most left turn pockets. Thus, for purposes of this analysis, a queuing impact was considered to occur under conditions where project traffic causes the queue in a left turn pocket to extend beyond the turn pocket by 25 feet or more (i.e., the length of one vehicle) into adjacent traffic lanes that operate (i.e., move) separately from the left turn lane. Where the vehicle queue already exceeds that turn pocket length under pre-project conditions, a project impact would occur if project traffic lengthens the queue by 25 feet or more.

Study Intersections Included in Analysis

The proposed project will generate new vehicular trips that will increase traffic volumes on the nearby street network. To assess changes in traffic conditions associated with the project, the following intersections, illustrated in **Figure 1**, were selected for evaluation in this traffic study:

1. Lone Tree Way/Fairside Way
2. Fairside Way/North Project Driveway
3. Lone Tree Way /East Project Driveway

EXISTING (2013) CONDITIONS

Existing Site Uses

The AutoZone is proposed to be built on the vacant lot on the northeast corner of the intersection of Lone Tree Way and Fairside Way.

Existing Uses in Vicinity of Site

The project site is surrounded by residential homes to the west, on the opposite side of Fairside Way, as well as to the north and east. To the south, on the opposite side of Lone Tree Way is Lone Tree Plaza, which includes a gas station, retail, and restaurant uses. Deer Valley High School is about one mile to the west of the project site.

Existing Roadway Network

Below is a description of the principal roadways included in this study.

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Fairside Way

Fairside Way is currently a two-lane undivided local street, with sidewalks and parking for a majority of the roadway. As Fairside Way nears Lone Tree Way, there is an existing raised median separating the northbound and southbound travel lanes. Fairside Way provides access to residential homes from Vista Grande Drive in the west to Lone Tree Way in the east, near the proposed project site. The speed limit on Fairside Way is not posted.

Heidorn Ranch Road

Heidorn Ranch Road is currently a four-lane divided roadway with a landscaped median, left turn lanes, and restricted parking from Lone Tree Way to the EBMUD aqueduct. North of Lone Tree Way Heidorn Ranch Road is currently a two-lane roadway. The speed limit on Heidorn Ranch Road is 45 mph south of Lone Tree Way.

Lone Tree Way

Lone Tree Way is an arterial roadway that joins Antioch with the City of Brentwood. Through the project study area, Lone Tree Way is a six-lane divided roadway with a landscaped median, left turn bays, and restricted parking. The speed limit on Lone Tree Way is posted at 45 mph in the study area.

Existing Site Access

There are currently no driveways for access to the existing vacant lot as shown in Figure 2.

Existing (2013) Lane Configurations and Traffic Control

Existing intersection lane configurations and traffic controls are illustrated in Figure 3. Traffic signals in the study area are located only at the intersection of Lone Tree Way and Fairside Way. The two proposed project driveways will be controlled by stop signs on the driveway approaches. It should be noted that the two proposed project driveways do not exist as current intersections and were therefore not analyzed in the without project condition.

Existing (2013) Peak Hour Turning Movement Volumes

Weekday intersection turning movement volumes were collected at project study area intersections in July 2013. Volumes were collected during the AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak periods of the weekday. However, since the volumes were collected in July, when school is off for summer vacation, the volumes were compared to seasonal information. After comparing volumes on State Route 4 throughout the year, it was determined that a typical July volume is significantly lower than the annual average. Therefore, volumes collected in March 2013 were used. These volumes were collected during the weekday when school was in session and not near any major holidays.

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AM and PM peak one-hour volumes are shown in **Figure 4**. Traffic volume data sheets are shown in the **Appendix**.

Existing Transit Facilities

Tri-Delta Transit provides bus service in Antioch. Routes 380, 383, and 385 pass directly adjacent to the project site, connect to the Hillcrest park-and-ride and the Bay Point BART station in Pittsburg, and provide convenient connections to many locations in the City and connections to other local and regional transit routes.

Route 380 operates between the Pittsburg/Bay Point BART Station to the Tri Delta Transit station. Near the project site, route 380 runs along Lone Tree Way. This route operates on weekdays from 3:15 AM to 11:30 PM on a frequency of 10-minute to 120-minute headways. There exists a transit stop along westbound Lone Tree Way, just east of the project site. This transit stop has a bus shelter. There also exists a bus turnout, so when a bus arrives, it does not block any of the travel lanes. There exists another transit stop along eastbound Lone Tree Way, just east of the project site. This transit stop has a bus shelter. There is no bus turnout, so when a bus arrives, it temporarily blocks the right turn lane into Lone Tree Plaza.

Route 383 operates between the Antioch Park and Ride along Hillcrest to the Delta Vista Middle School. Near the project site, route 383 runs along Lone Tree Way. This route operates on weekdays from 6 AM to 5:20 PM on a frequency of 45-minute to 145-minute headways.

Route 385 operates between the Antioch Park and Ride along Hillcrest to the Brentwood Park and Ride. Near the project site, route 385 runs along Lone Tree Way. This route operates on weekdays from 6:15 AM to 8:15 PM on a frequency of 24-minute to 135-minute headways.

Route 383 and Route 385 use the same transit stops along westbound Lone Tree Way and eastbound Lone Tree Way as Route 380.

Existing Bicycle and Pedestrian Facilities

Sidewalks provide walking facilities between the AutoZone store, nearby transit stops, and the adjacent residential and commercial land uses. Throughout the study area there are paved sidewalks present along Lone Tree Way, Fairside Way, and Heidorn Ranch Road. Adjacent to the proposed site, there are existing sidewalk facilities along Lone Tree Way and Fairside Way.

A Class I paved bike trail is present north of Lone Tree Way and runs parallel to Fairside Way. There are no Class II bike lanes directly adjacent to the project site.

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There are Class II bike located nearby on Heidorn Ranch Road, Canada Valley Road, Hillcrest Avenue, Vista Grande Drive, and Country Hills Drive.

Existing (2013) Levels of Service at Study Intersections

Traffic operations were evaluated at the study intersections under existing traffic conditions.

Results of the analysis are presented in Table 2, along with the minimum jurisdictional standard for acceptable levels of service (as previously described in Operating Conditions and Criteria). Additional detail of the analysis is provided in the Appendix.

All the study intersections satisfy operational standards of LOS D or better.

Table 2 – Existing (2013) Level of Service Summary

#	Intersection	LOS Criteria	Intersection Control ¹	Existing (2013)			
				AM Peak		PM Peak	
				LOS	Delay	LOS	Delay
1	Lone Tree Way / Fairside Way	D	Signal	A	9.2	A	9.5
2	Future Project Intersection <i>Worst Approach</i>	D	SSSC				
3	Future Project Intersection <i>Worst Approach</i>	D	SSSC				

¹ Each study intersection is controlled by either a traffic signal or side-street stop-controlled (SSSC).

Note: Intersections that are operating below acceptable levels are shown in BOLD.

AUTOZONE PROJECT

Proposed Site Uses

As noted previously, the proposed AutoZone store will be constructed in the vacant lot on the northeast corner of the intersection of Lone Tree Way and Fairside Way. The proposed store will be a 7,928 square foot automobile parts sales store.

Project Trip Generation

Trip generation for development projects is typically calculated based on rates contained in the Institute of Transportation Engineer’s publication, *Trip Generation 9th Edition*¹. *Trip Generation* is a standard reference used by jurisdictions throughout the country for the estimation of trip generation potential of proposed developments.

¹ *Trip Generation, 9th Edition*, Institute of Transportation Engineers, 2012.

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A trip is defined in *Trip Generation* as a single or one-directional vehicle movement with either the origin or destination at the project site. In other words, a trip can be either “to” or “from” the site. In addition, a single customer visit to a site is counted as two trips (i.e., one to and one from the site).

For purposes of determining the worst-case impacts of traffic on the surrounding street network, the trips generated by a proposed development are typically estimated between the hours of 7:00-9:00 AM and 4:00-6:00 PM. While the project itself may generate more traffic during some other time of the day such as around noon, the peak of “adjacent street traffic” represents the time period when the uses generally contribute to the greatest amount of congestion, with the PM peak commonly being the greatest congestion period. For this reason, this evaluation focused on the weekday AM and PM peaks. This methodology is in harmony with the City’s standard for the preparation of traffic impact studies.

The proposed AutoZone store is most appropriately classified as an Automobile Parts Sales (ITE Land Use 843).

Internal Capture

Internal capture reductions were considered, but since the project site will only be used for the AutoZone store and no other land uses, no internal capture reductions were taken.

Project Trip Pass-By

The AutoZone store will create a specific number of vehicle trips; nevertheless, many of the trips will already be on the road and will likely stop as they pass by the site. Some vehicles are likely to stop as they pass by the store as a matter of convenience on their path to another destination. These are not new vehicle trips but are considered to be pass-by trips. Pass-by trips were calculated based on data published in ITE’s *Trip Generation Handbook, 2nd Edition*² which includes weekday AM and PM information. To be consistent with the trip generation assumptions noted earlier, weekday PM pass-by reductions were based on Automobile Parts Sales (Land Use 843) for the proposed AutoZone store. The following pass-by rates were used in the analysis:

- AM Pass-by Rate – 0% (Automobile Parts Sales)³
- PM Pass-by Rate – 43% (Automobile Parts Sales)

Trip generation was calculated based on the previous discussions and is reported in **Table 3**. Additional trip generation calculations are contained in the **Appendix**.

² *Trip Generation Handbook, 2nd Edition*, Institute of Transportation Engineers, June 2004.

³ ITE data not available for AM peak; therefore, pass-by was conservatively assumed to be 0%.

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Table 3 – AutoZone Trip Generation

TIME PERIOD	LAND USE	Trip Rate			Trips		
		In	Out	Total	In	Out	Total
AM Peak	Automobile Parts Sales (7.928 KSF)	1.13	1.08	2.21	9	9	18
	Automobile Parts Sales Pass-by (0%)				0	0	0
	Net New Vehicle Trips				9	9	18
PM Peak	Automobile Parts Sales (7.928 KSF)	2.93	3.05	5.98	23	24	47
	Automobile Parts Sales Pass-by (43%)				(10)	(10)	(20)
	Net New Vehicle Trips				13	14	27

As noted in Table 3, the project will generate approximately 18 new peak AM trips and approximately 27 new peak PM trips. (Additional driveway trips also occur as a result of pass-by trips.)

Project Trip Distribution and Assignment

Because of the nature of the development, most customers to the AutoZone store are expected to travel from nearby locations in Antioch and Brentwood, with additional trips originating in Pittsburg, Oakley and unincorporated Contra Costa County.

A project distribution was developed based on distributions prepared in previous traffic reports, existing traffic count information, and the general orientation of population sources to the site. Figure 5 shows the traffic distribution assumed in this traffic report.

Based on the assumed trip distribution, new vehicle trips generated by the AutoZone store were assigned to the street network as shown in Figure 6. Figure 7 shows the pass-by trips expected at the project driveways and Figure 8 shows the total project vehicle trips.

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EXISTING (2013) PLUS PROJECT LOS TRAFFIC CONDITIONS

Project traffic was added to the existing volumes at the study intersections and the volumes are shown in **Figure 9**. Traffic operations were evaluated under the Existing (2013) Plus Project Traffic Conditions. Results of the analysis are presented in **Table 4**. Additional detail is provided in the **Appendix**.

As shown in **Table 4**, all intersections function within acceptable standards due to the AutoZone project. All intersections operate at LOS B or better, which is below the LOS D threshold.

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Table 4 – Existing (2013) Plus Project Level of Service Summary

#	Intersection	LOS Criteria	Intersection Control ¹	Existing (2013)				Existing (2013) + Project						
				AM Peak		PM Peak		AM Peak		PM Peak				
				LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay			
1	Lone Tree Way / Fairside Way	D	Signal	A	9.2	A	9.5	A	9.4	0.2	B	11.1	1.6	
2	Fairside Way / North Project Driveway	D	SSSC					A	1.1	A	1.1	A	1.4	1.4
	<i>Worst Approach</i>							A	8.4	A	8.4	A	8.6	8.6
3	Lone Tree Way / East Project Driveway	D	SSSC					A	0.0	A	0.0	A	0.0	0.0
	<i>Worst Approach</i>							A	8.8	A	8.8	A	8.9	8.9

¹ Each study intersection is controlled by either a traffic signal or side-street stop-controlled (SSSC).
 Note: Intersections that are operating below acceptable levels are shown in **BOLD**.

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VEHICLE QUEUING FOR ALL SCENARIOS

As congestion increases it is common for traffic at signals and stop signs to form lines of stopped (or queued) vehicles. Queue lengths were determined for each lane and measure the distance that vehicles will backup in each direction approaching an intersection. Synchro software calculates the queues based on HCM 2000 methodology. The 95th percentile queue is calculated by using 95th percentile traffic to account for fluctuations in traffic and represents a condition where 95 percent of the time during the peak period, traffic volumes and related queuing will be at, or less, than determined by the analysis and is used as the benchmark for impacts as a standard transportation engineering practice. Average queuing is generally less. Ninety-fifth percentile queuing was estimated under the various development conditions and in consideration of the planned intersection and signal timing improvements.⁴ A typical vehicle length of 25 feet is used in the queuing analysis. As stated in the Operating Conditions and Criteria, a significant impact was assumed to occur if the queue increases by one or more vehicles and the vehicle queue exceeds the turn pocket length. A summary of the queuing results is included in the **Appendix**. The results indicated instances where queuing in the dedicated turn lanes may exceed the storage limits of the turn pockets.

Since there are no locations where the queuing exceeds the existing turn pockets with and without the project, there are no significant queuing impacts.

POTENTIAL EFFECTS ON TRANSIT, BICYCLE, AND PEDESTRIAN MOBILITY

The project was evaluated to determine if it would likely conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks) or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by transit, bicycle, or pedestrian facilities and plans.

Patrons to AutoZone have the option of driving, taking transit, walking or bicycling. For those taking transit, they can reach the site via Routes 380, 383, and 385 of the Tri-Delta Transit system.

For all transit routes, the nearest transit stop is along Lone Tree Way in the westbound direction, just east of the project. This stop can be accessed by the paved sidewalk along the north side of Lone Tree Way. Another transit stop exists on eastbound Lone Tree Way, just east of the project. This stop can be accessed by the crosswalk at the intersection of Lone Tree Way and Fairside Way and the paved sidewalk along the south side of Lone Tree Way.

⁴ Existing queuing was calibrated in the Synchro model based on existing signal timing parameters and field observations.

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According to the 2010 U.S. Census⁵, 5.5% of Antioch residents use transit to travel to work. This typically represents the highest level of transit ridership during the day, with other periods being lower, such as when shoppers commonly travel to the store. If it is conservatively assumed that 5.5% of the customers associated with the AutoZone store will use transit during the peak hours of the day, it represents approximately one passenger in the weekday AM and two passengers in the weekday PM peak periods.

Data was not readily available for peak hour ridership levels on the Tri-Delta Transit system but during the weekday periods, the routes operate as often as every 20 minutes and observations indicate that sufficient capacity exists on the buses to accommodate the potential additional transit demand. Furthermore, dispersion of the project-generated riders to the bus routes would result in a minimal effect on transit capacity. Thus the project impact on transit service is determined to be less than significant.

There are adequate pedestrian walkways from the project site to the existing sidewalks on Lone Tree Way, Fairside Way, and Heidorn Ranch Road within the study area. Furthermore, pedestrians will be able to use the continuous sidewalk facilities within the neighborhoods and on streets adjacent to the AutoZone site. This will allow AutoZone patrons and employees to conveniently walk from nearby destinations or access transit services. Pedestrian crosswalks are present on approaches at signalized intersections near the project site.

Cyclists will be able to use the Class I paved bike trail north of Lone Tree Way to travel from residential neighborhoods to the east and west of the project site. Class II bicycle facilities (i.e., striped bike lanes) are also available on Hillcrest Avenue, Vista Grande Drive, Heidorn Ranch Road, and Canada Valley Road as well as several other streets outside the study area. This extensive bicycle network allows patrons and employees living within biking distance to travel to and from the project.

The City's Municipal Code requires one bicycle parking space for every 25 off-street vehicle parking spaces required. The bicycle rack should be fastened to the ground to help prevent theft of bicycles and to make it more secure. Bicyclists shall be able to secure both wheels and the frame of a bicycle with a six-foot cable and lock. Bicycle parking spaces should be located near the entrances to the store, but out of the travelled pathway.

There are adequate transit facilities adjacent to the project site with continuous sidewalks and ramps to the transit stop locations. Therefore the AutoZone's impact on transit, pedestrian, or bicycle facilities is determined to be less than significant.

⁵ American Factfinder, U.S. Census Bureau, 2010.

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SITE ACCESS AND CIRCULATION

On-site circulation was evaluated at the project's two driveways and within the project site. Figure 2 shows the project site plan.

Each of the proposed project driveways are unsignalized and right-in/right-out only driveways. Along Lone Tree Way, there is a raised, landscaped median adjacent to the project driveway, restricting left turns in and left turns out. Along Fairside Way, there is also a raised, landscaped median adjacent to the project driveway, restricting left turns in and left turns out. Each driveway provides single ingress and egress access.

The proposed configuration of the site assumes that drivers exiting the AutoZone would have to make U-Turns to travel to destinations east of the store. For example, drivers exiting onto Lone Tree Way, that wish to get back to SR-4, would need to cut across multiple lanes of traffic to get into the westbound left turn lane at the Lone Tree Way/Fairside Way intersection. Given the short distance between the driveway and intersection, this could be a potentially hazardous maneuver especially if heavy traffic is present on Lone Tree Way. From the turn lane, drivers can make a U-Turn back towards SR-4.

Drivers that exit from the Fairside Way driveway would make a right turn out of the driveway, and then make a U-Turn around the adjacent center median to travel southbound to the Lone Tree Way/Fairside Way intersection. From there they can turn left back towards SR-4 or other easterly destinations. The street width in this area is sufficiently wide to allow full size passenger cars, SUVs, and light pick-up trucks to make the U-Turn but larger vehicles could not make the movement and may attempt to drive along Fairside Way which is undesirable.⁶ The U-Turn location is near a curve in Fairside Way but sufficient sight distance is available for the movement.⁷

Semi-trucks making deliveries to the store are proposed to enter the site from the Fairside driveway and exit onto Lone Tree Way. However, their wheelbases are too long to make U-Turns from Lone Tree Way back towards SR-4 without encroaching into other travel lanes or driving on the curb.⁸ As a result they may attempt to use Fairside Way to Vista Grande Drive as a more convenient route to return to the freeway. Trucks or non-neighborhood trips should be prevented from using this route to maintain the quality of life for residents living along Fairside Way.

To address the above access issues, it is recommended that the median on Fairside Way be modified to allow passenger vehicles and large trucks to make left turns directly

⁶ See Figure 10 for U-Turn movement by passenger cars, SUV, and light pick-up trucks.

⁷ Stopping sight distance is 125 feet per Caltrans Highway Design Manual Table 201.1 assuming speed along the curve is 20 mph or less. Actual sight distance is 135 feet.

⁸ See Figure 11 for U-Turn movement by large semi-truck. Similar turn constraints are present at other locations along Lone Tree Way.

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from the driveway without having to make U-turns around the end of the median.⁹ The median opening should be configured to prevent southbound left turns from Fairside Way into the AutoZone driveway along with a NO LEFT TURN sign prohibiting the movement.¹⁰ Traffic volumes on this leg of Fairside Way are very low so relaxing the access control at this location is not expected to have any adverse effect on traffic safety or intersection operation.

A sign should also be posted at the Fairside driveway exit indicating trucks and non-local traffic are not permitted on Fairside Way north of the site. As an alternative, the exit should be signed to prohibit right turns from the site.

AutoZone should provide a map to truck drivers illustrating acceptable routes along major streets and that also indicates that truck traffic is not allowed on Fairside Way (north of the site). Truck deliveries should be limited to non-peak daytime hours to minimize disruption to other street traffic and nearby uses.

The proposed project throat depths at the site driveways are as follows:

- Lone Tree Way/South driveway entrance – 15 feet
- Fairside Way/West driveway entrance – 100 feet

Blocked parking aisles can generate on-site congestion and inhibit efficient parking lot circulation. An analysis of on-site queuing with the AutoZone indicates that vehicles are not expected to queue up beyond the depth of the driveway throats.

The AutoZone store is proposing 21 standard parking spaces and two accessible parking spaces. The City's Municipal Code does not have a specific category that applies to automobile parts sales. However, Section 9-5.1004 says that "where the use is not specified in the table the Zoning Administrator shall determine the probable equivalent use and the number of parking and loading spaces required. The use of ITE studies may be incorporated into the analysis."

Since a specific category for this use is not specified in the Code, data from the Institute of Transportation Engineers was consulted to determine the appropriate number of parking spaces the site should provide. According to ITE data for Automobile Part Sales (Land Use 843), the project on average would be expected to generate a peak parking demand of 17 parking spaces.¹¹ Therefore, the site is expected to have sufficient on-site parking. Parking calculations are included in the **Appendix**.

⁹ Modification of the median will also require elimination of some median landscaping to provide adequate operation and safety.

¹⁰ See **Figure 12** for a conceptual layout of the recommended median modification.

¹¹ *Parking Generation 4th Edition*, Institute of Transportation Engineers, 2010.

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SUMMARY OF IMPACTS AND RECOMMENDED MITIGATION

Based on the results of the traffic analysis and evaluation of the proposed site plan, the project is not expected to have any significant impacts.

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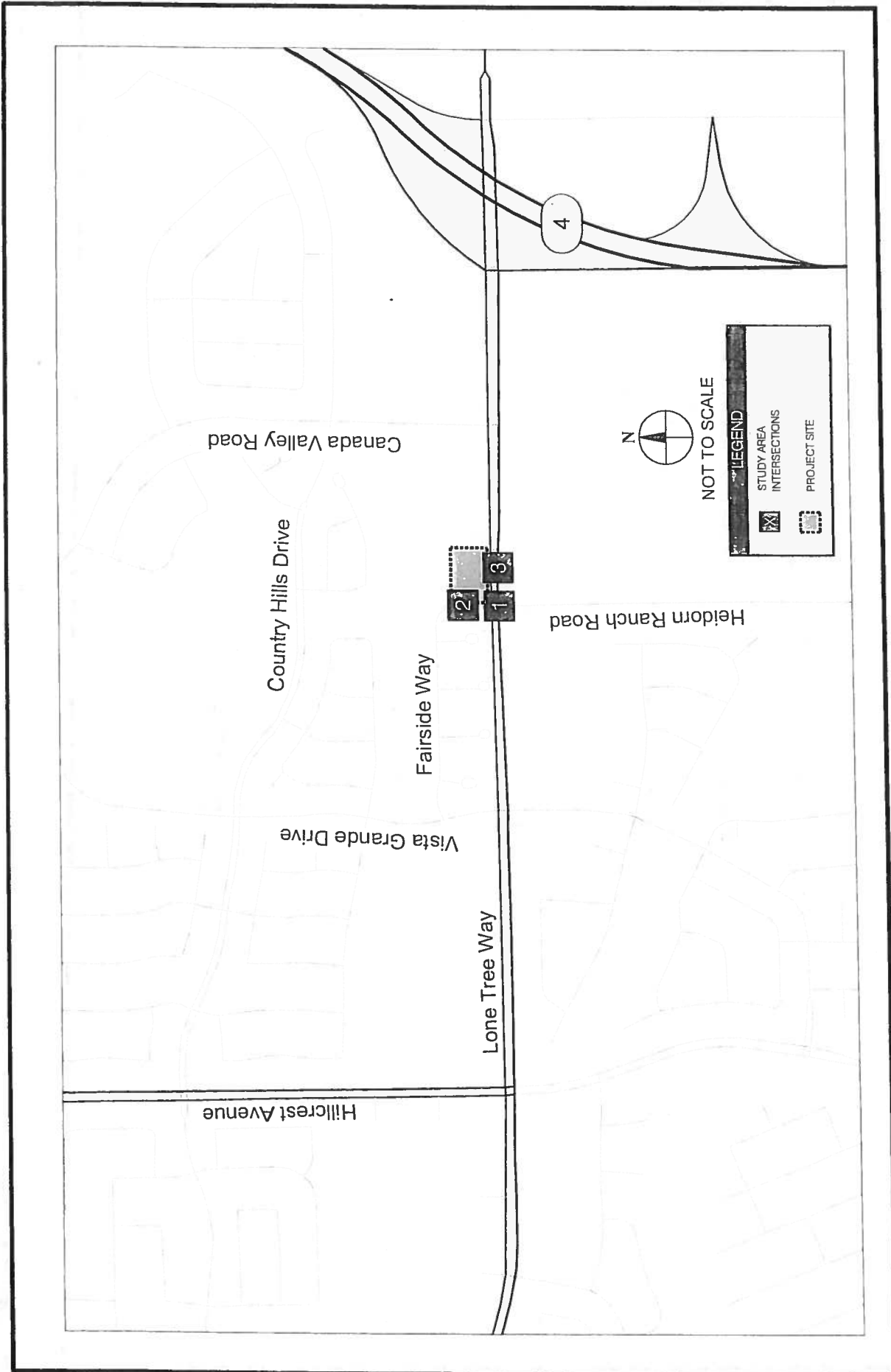


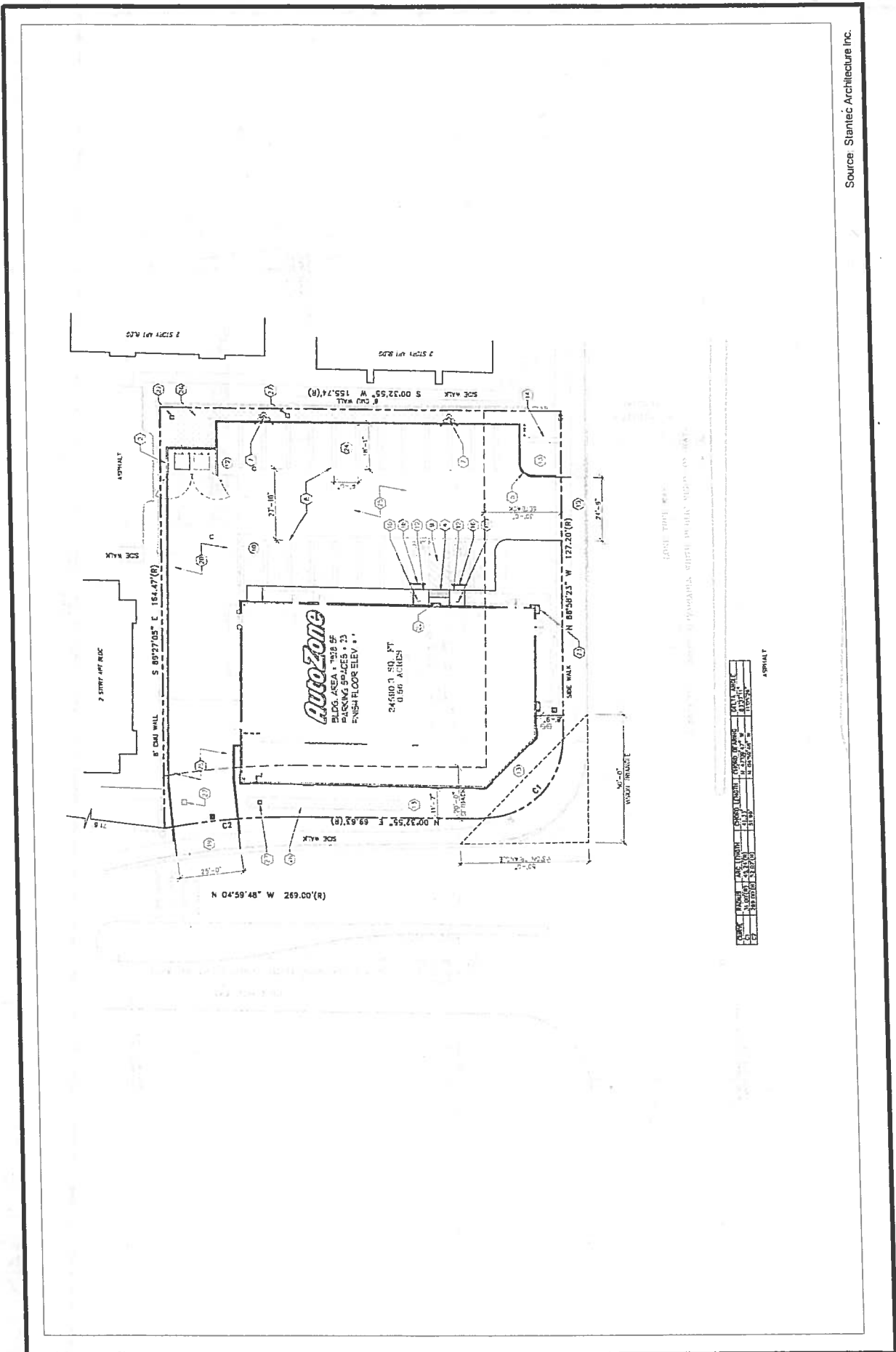
FIGURE 1
PROJECT LOCATION AND STUDY INTERSECTIONS
ANTIOCH AUTOZONE TRAFFIC IMPACT STUDY



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Source: Stantec Architecture Inc.

FIGURE 2
SITE PLAN

ANTIOCH AUTOZONE TRAFFIC IMPACT STUDY



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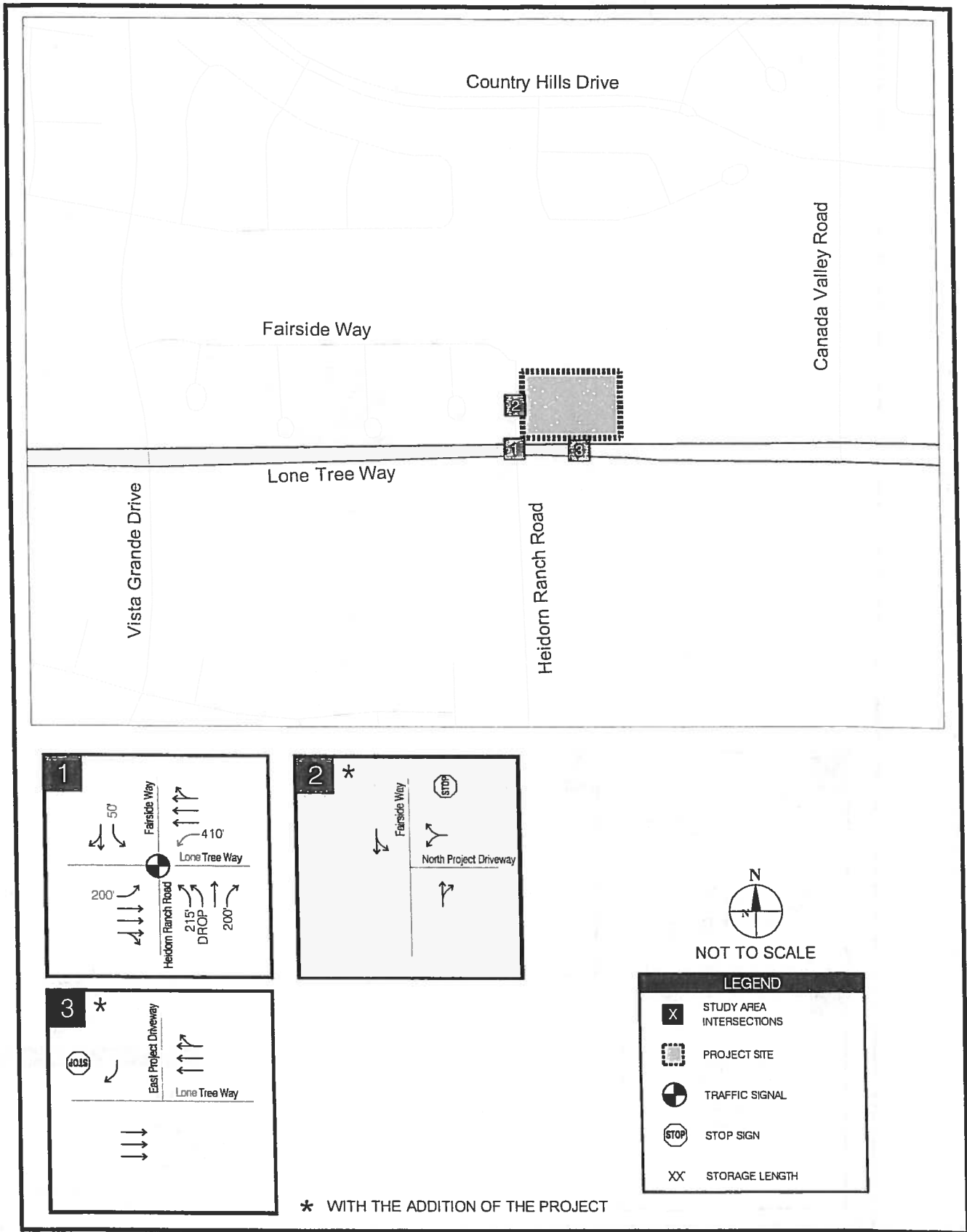


FIGURE 3
EXISTING (2013) CONDITION
LANE GEOMETRY AND TRAFFIC CONTROL

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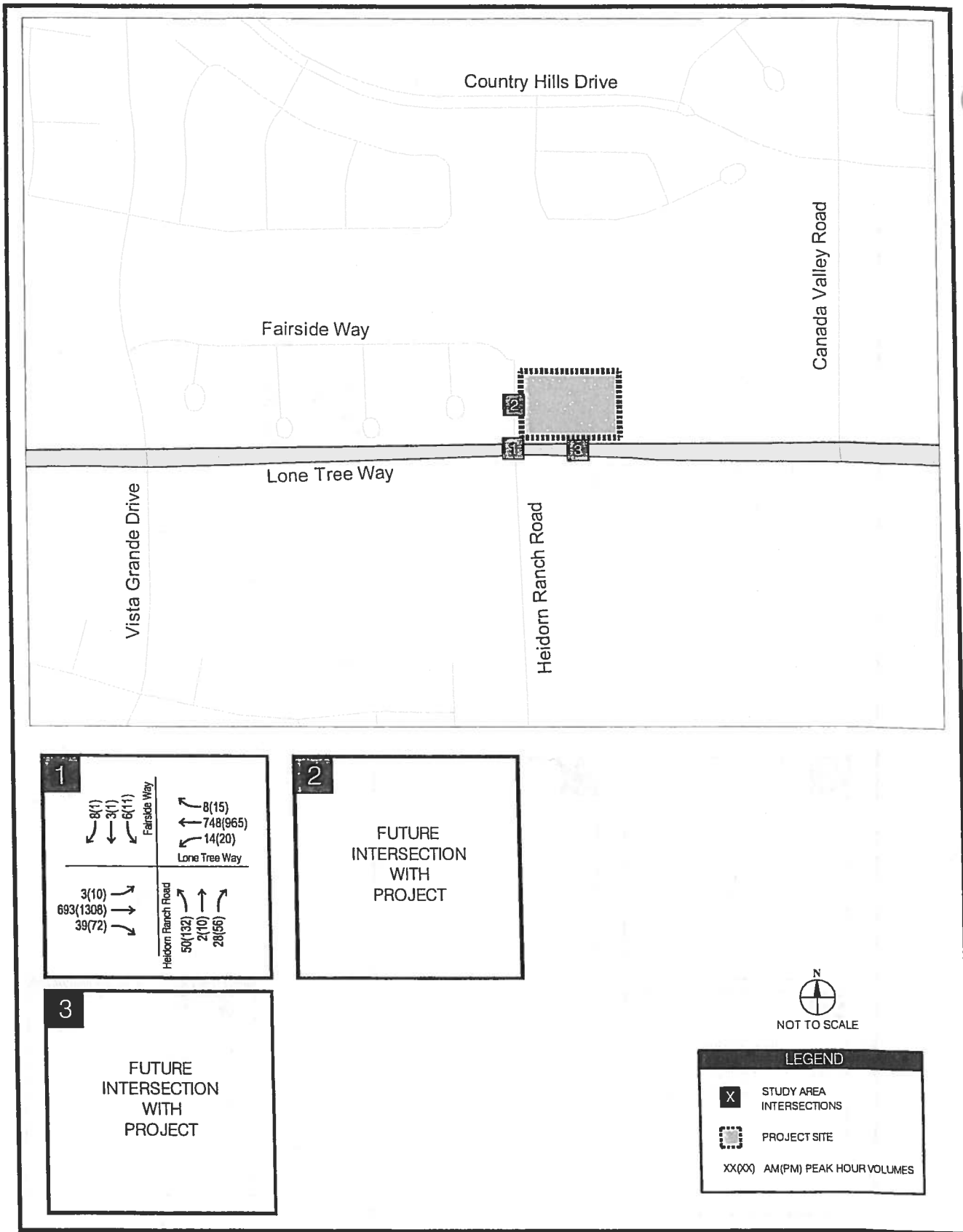


FIGURE 4
EXISTING (2013) CONDITION
PEAK HOUR TURNING MOVEMENT VOLUMES

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E23
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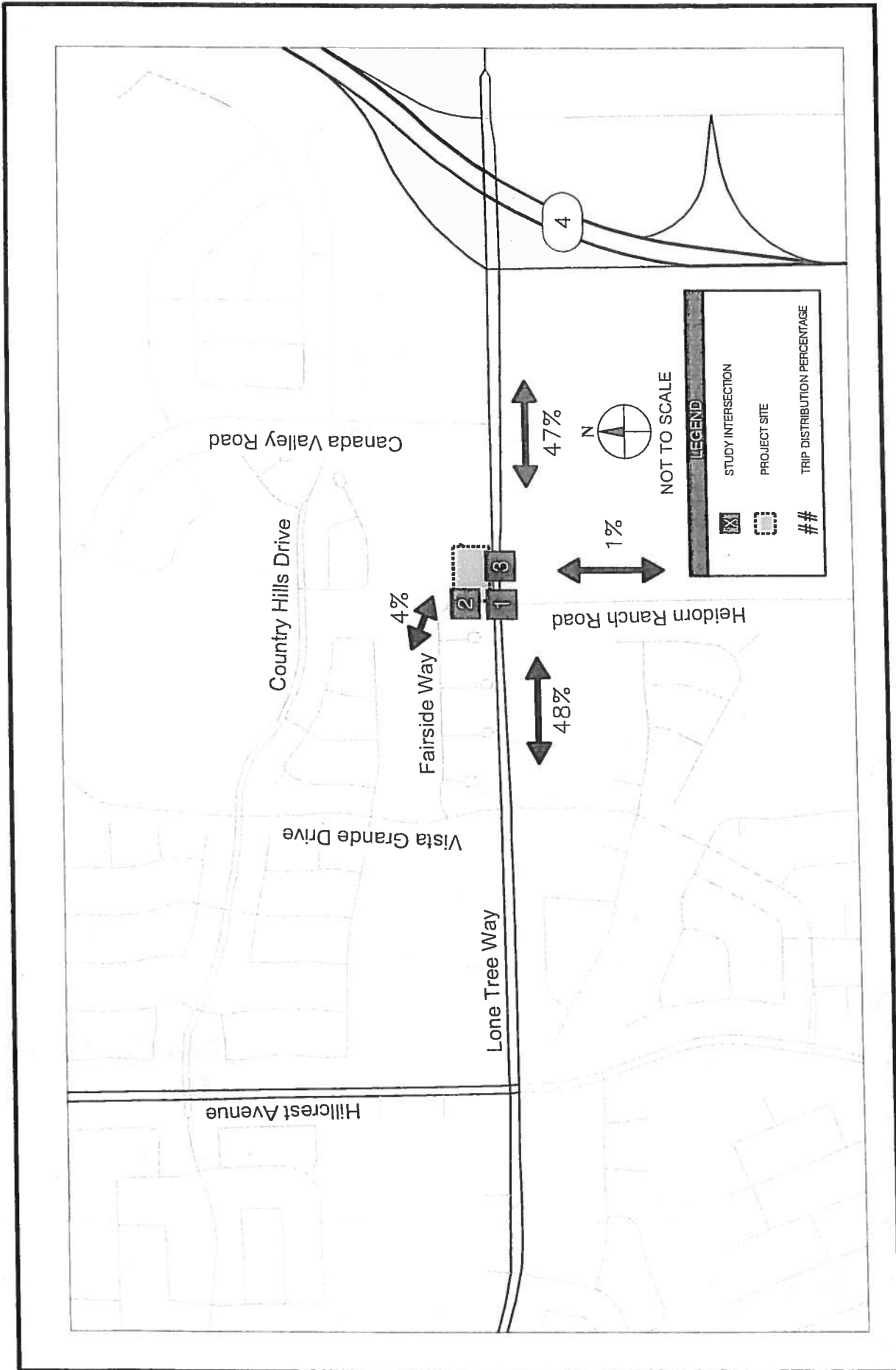
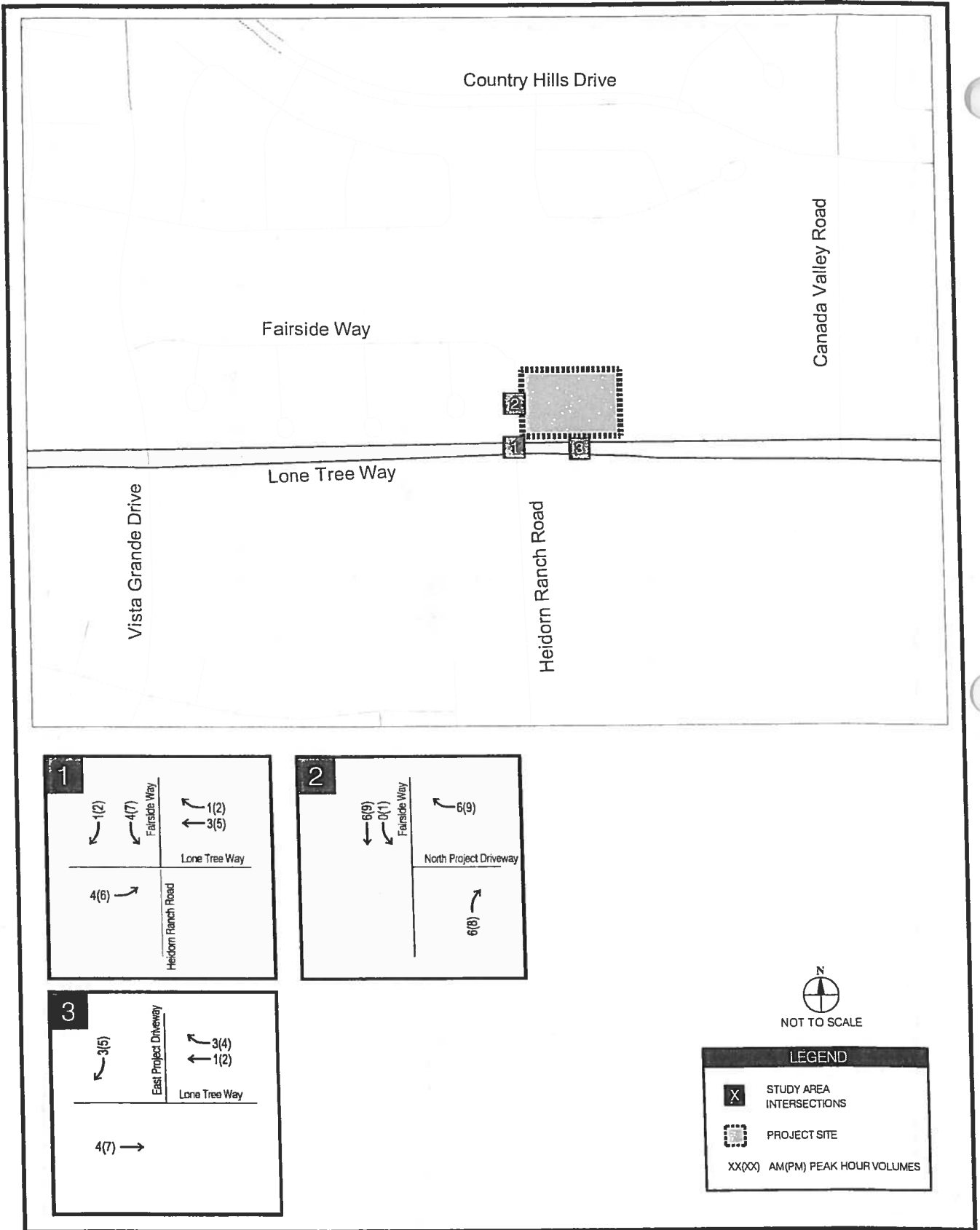


FIGURE 5
PROJECT TRIP DISTRIBUTION
 ANTIOCH AUTOZONE TRAFFIC IMPACT STUDY

E71 E24E96



E-2 E-25 E-97

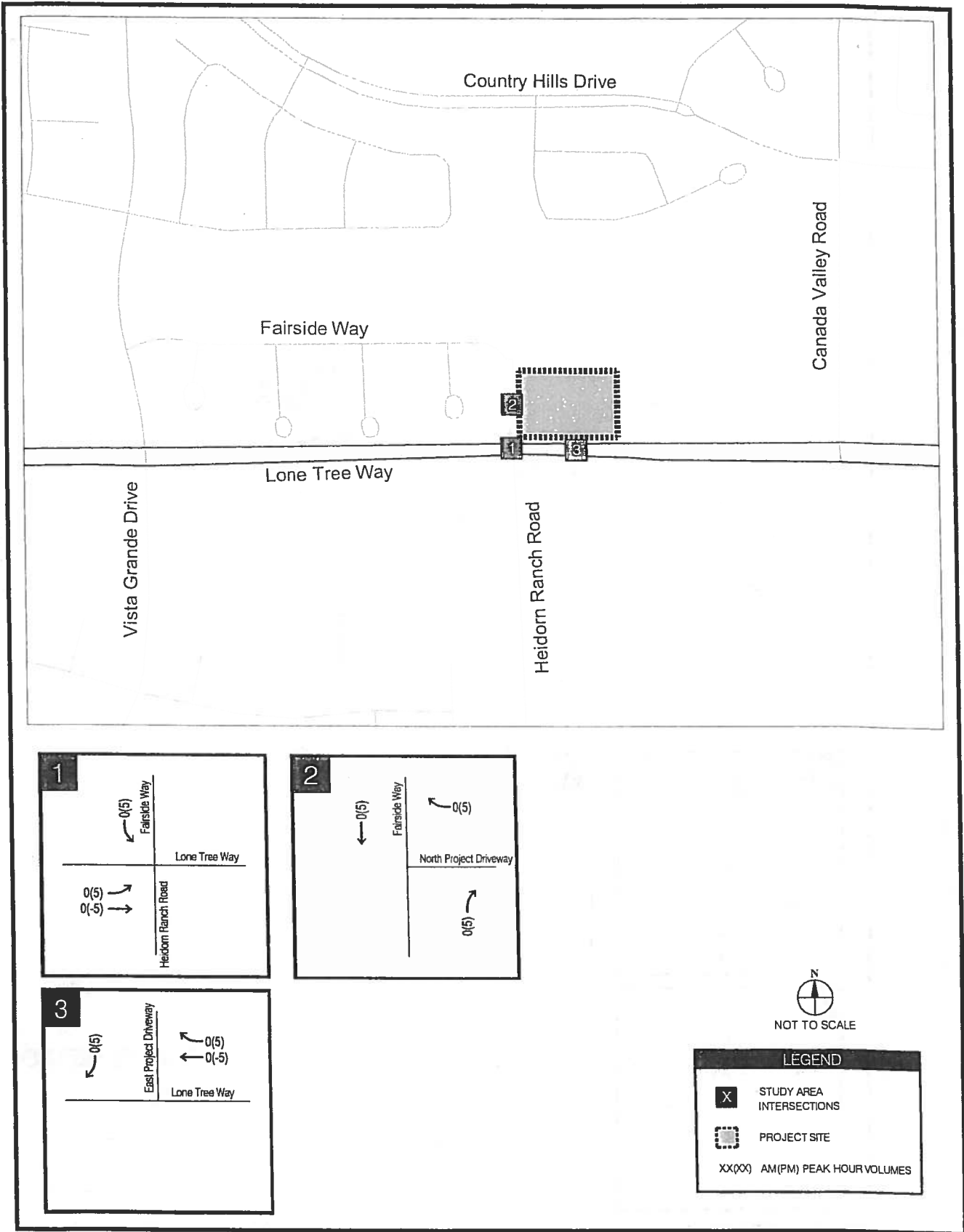
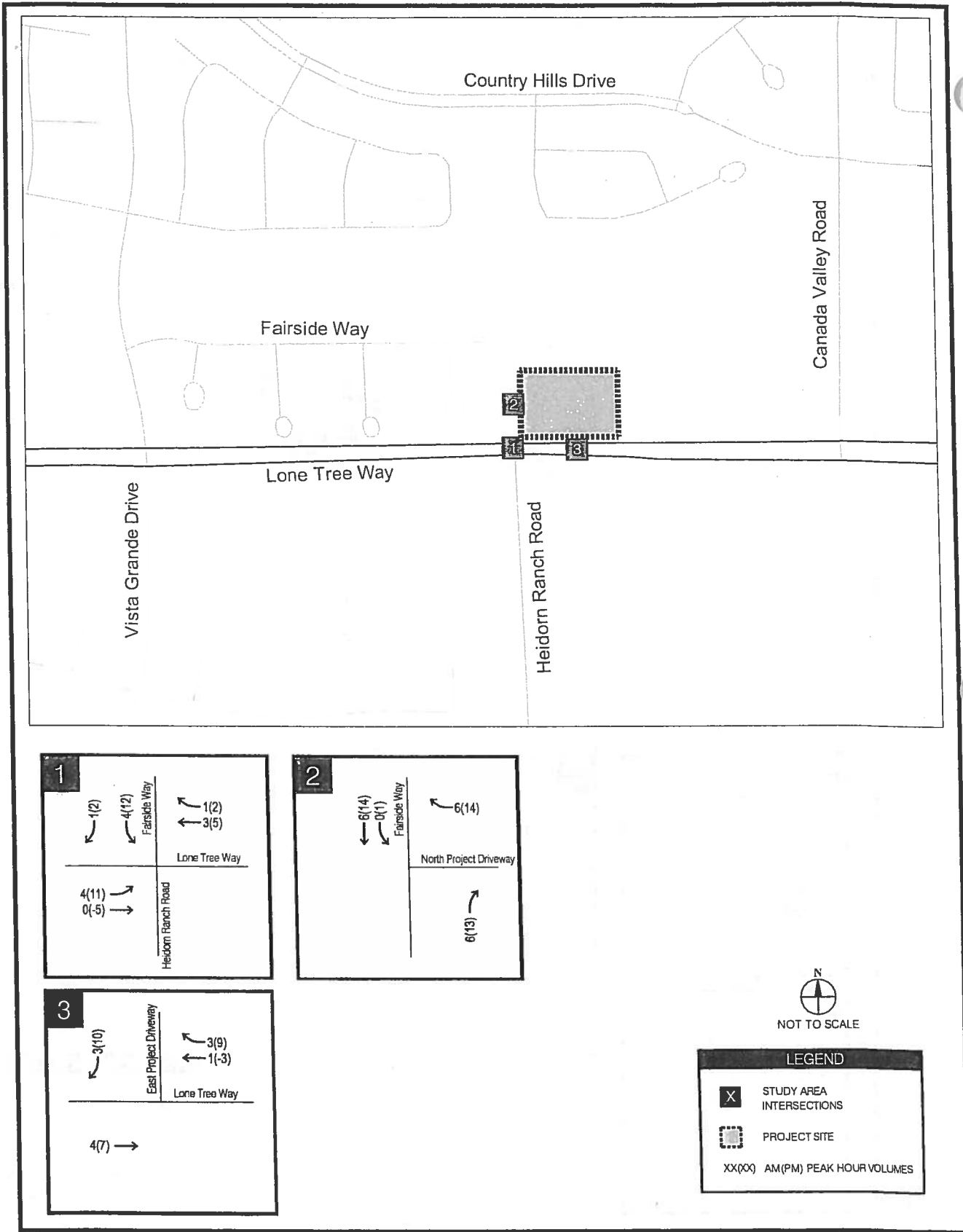


FIGURE 7
PROJECT PASS-BY PEAK HOUR VOLUMES

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E98



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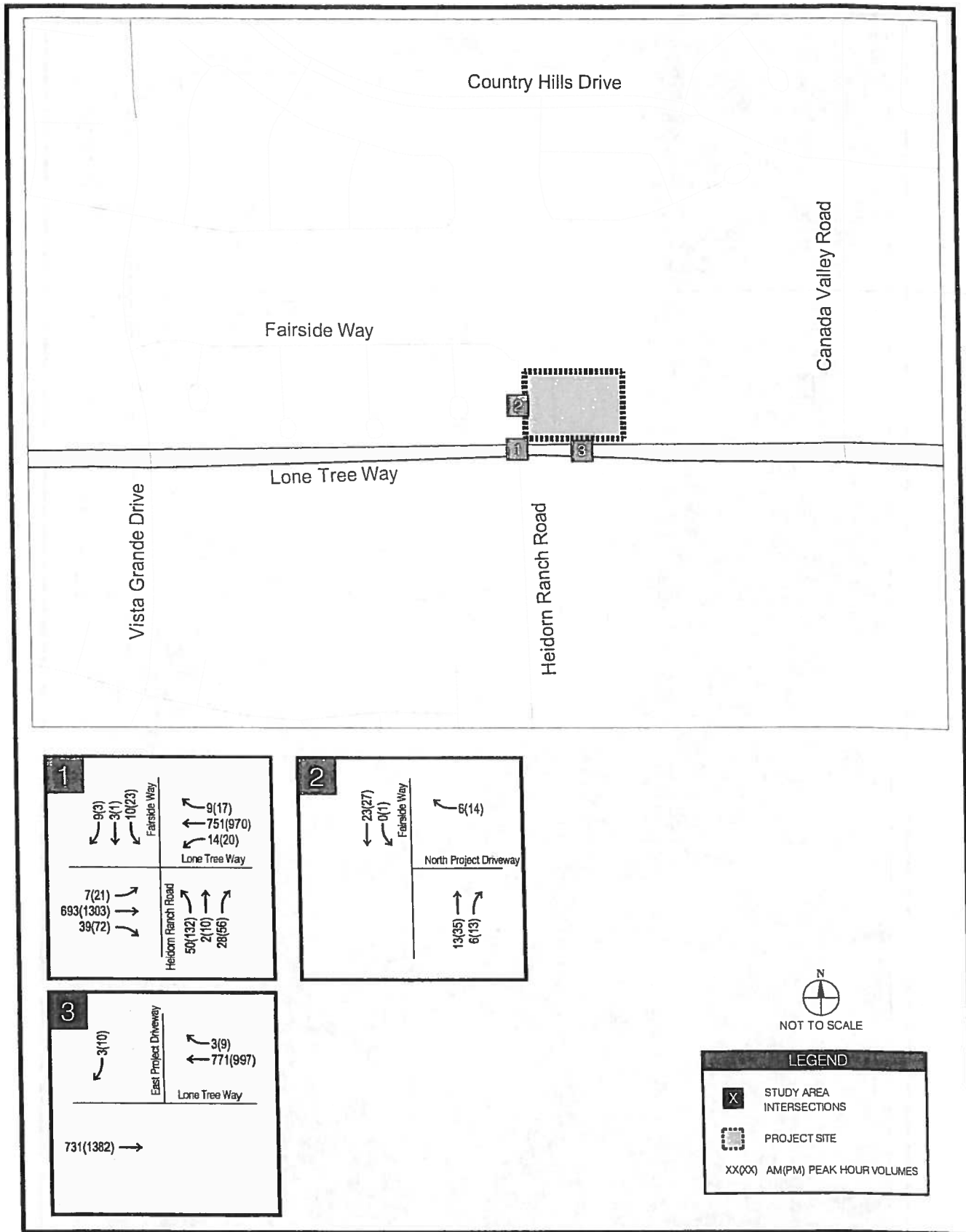
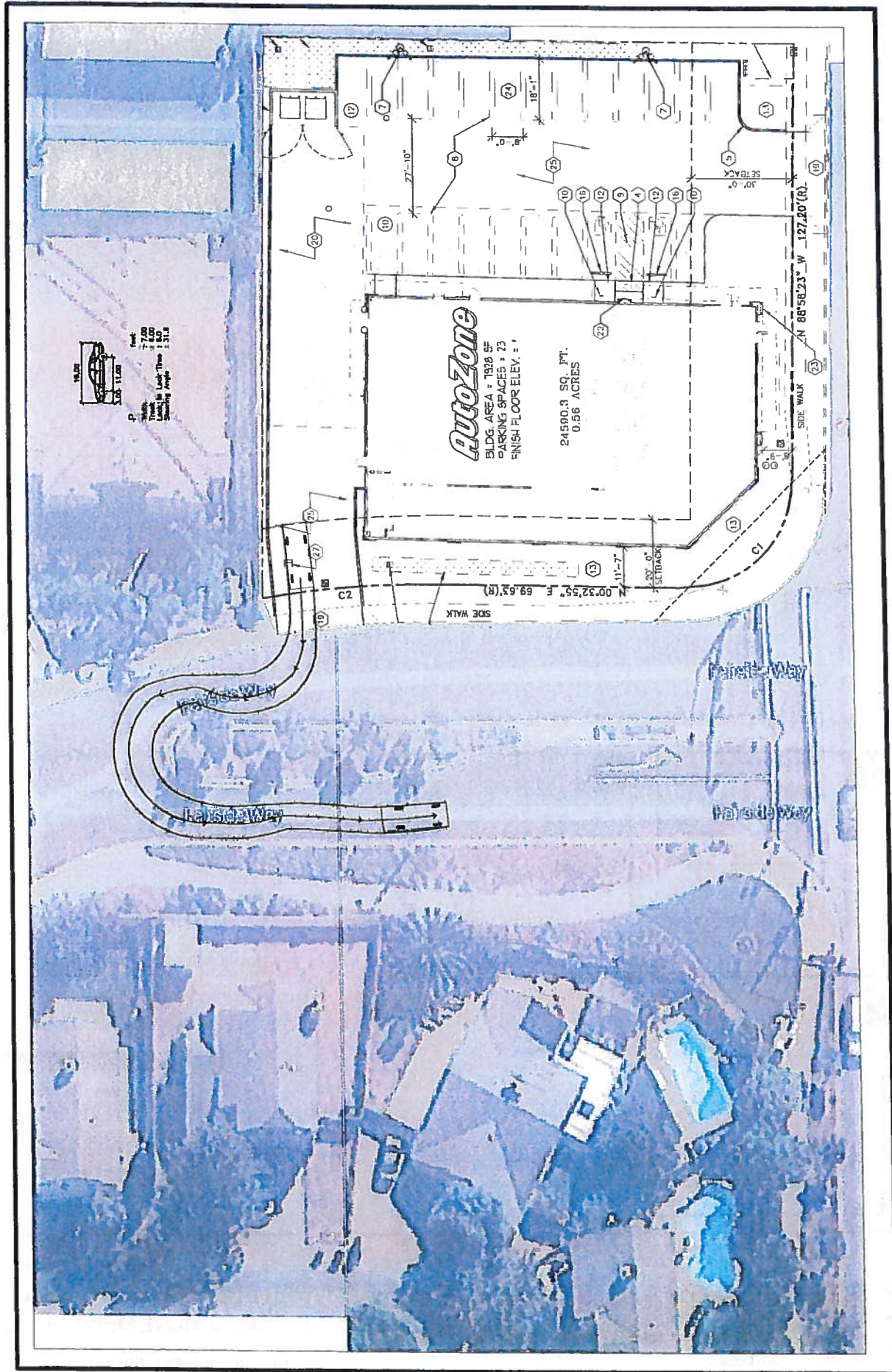


FIGURE 9

EXISTING (2013) PLUS PROJECT CONDITION
PEAK HOUR TURNING MOVEMENT VOLUMES

ETS
E100 E28



NO.	DATE	BY	REVISION
1	7.20.13		Initial
2	8.02.13		Revised
3	8.21.13		Final

FIGURE 10
U-TURN AT MEDIAN ALONG FAIRSIDE WAY
ANTIOCH AUTOZONE TRAFFIC IMPACT STUDY



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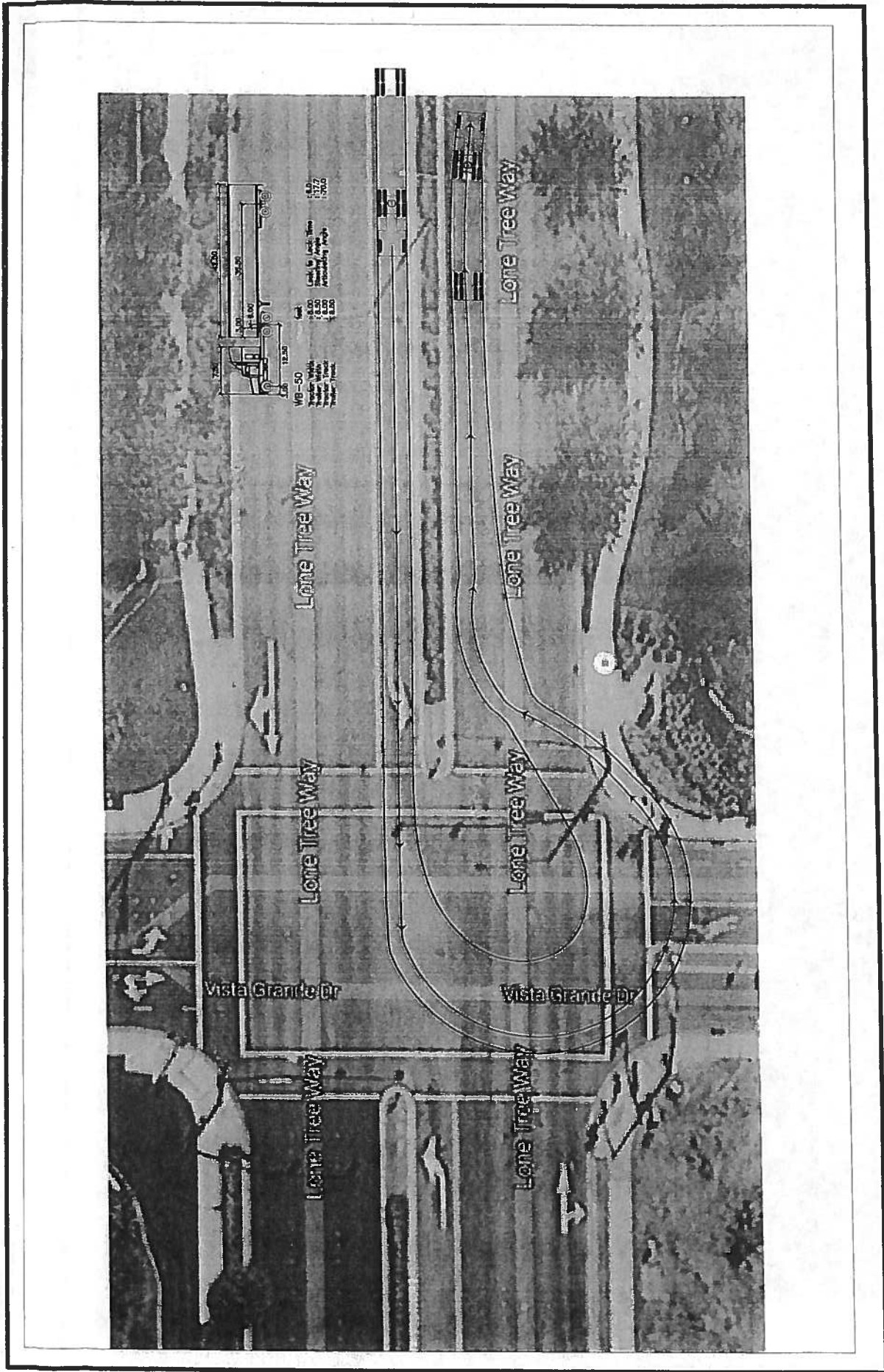


FIGURE 11
U-TURN AT VISTA GRANDE INTERSECTION
 ANTIOCH AUTOZONE TRAFFIC IMPACT STUDY



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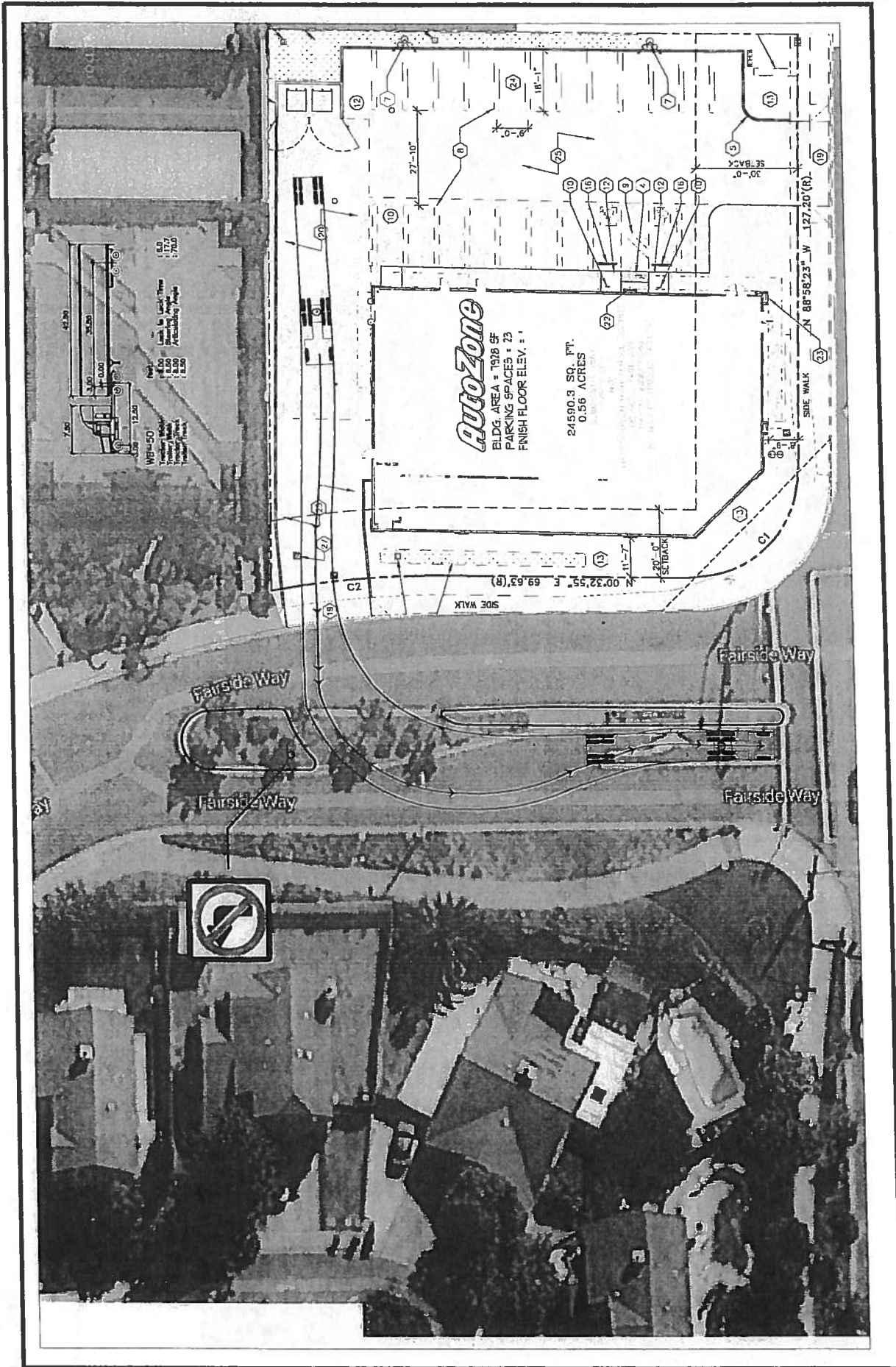


FIGURE 12
 PROPOSED MEDIAN ON FAIRSIDE WAY
 ANTIOCH AUTOZONE TRAFFIC IMPACT STUDY



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ATTACHMENT "F"



November 7, 2013

Mindy Gentry, Senior Planner
City of Antioch
200 H Street
Antioch, California 94509

RE: Plan Review for Lone Tree Way and Fair Side Way – Auto Zone
Dahlin Job: 1047.006

Dear Mindy,

The following is my review of the plans submitted for a new Auto Zone on Lone Tree Way at Fair Side Way in Antioch. The plans received are dated 08/01/2011. The design is reviewed for consistency with Chapter 3.0 Commercial Design Guidelines of the City of Antioch Citywide Design Guidelines Manual.

3.1.2 Design Objectives:

In general the project fails to comply with the general goals of this section. The building lacks any real articulation and tries to satisfy this basic requirement through the use of plan-on types of building plane changes.

3.1.3 Site Planning:

3.1.3A Site Character / Compatibility:

The project substantially complies with this section.

3.1.3B Land Use Buffering:

The project substantially complies with this section with the exception of paragraph 4. The trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to existing residential apartment buildings. It does not appear that much can be done about either, however, due to the geometry of the site. It would seem that a larger landscape buffer along the northern property line would be appropriate given the adjacency to the existing residences.

3.1.3C Building Siting:

The project fails to comply with the spirit of paragraph 2. While the corner has been angled, the purpose of this section of the design guidelines is for the building to address the corner in an effective manner. Simply angling a blank wall of the building does not celebrate or address the corner condition. The applicant should consider possibly flipping the entire site plan so that the building is on the eastern edge of the property with the open parking lot and landscaping at the corner. While this may not be a perfect solution, it would put the active side of the building towards the streets instead of the inactive side.

3.1.3D Site Amenities:

Since this is a single building the proposed project substantially complies with this section. However given the amount of paving that is proposed for the project, it would seem that some decorative paving and possibly some more urban landscape treatments like tree grates within the paved area at the south eastern corner of the building could be used to create a more attractive project without significant cost to the project.

3.1.3E Site Utilities and Mechanical Equipment:

It appears that all roof mounted mechanical equipment is adequately screened by the proposed building elements. It is not clear if there are site utilities, utility connections for the building or mechanical equipment that need to be screened from public view per this section.

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3.1.3F Trash and Storage Areas:

Compliance with this section cannot be determined by the documents submitted. There is no indication of the trash enclosure structure, except for the location.

3.1.4 Architecture:

3.1.4A Architectural Imagery:

The project as submitted does not comply with this section. While the building is not totally unattractive, it does not embrace any particular style of architecture either.

3.1.4B Building Form and Mass:

This project is not in compliance with this section at all. As submitted barely 50% of the building facing Lone Tree Way (South Elevation) and none of the building facing Fair Side Way (West Elevation) has glazing. The decorative metal accents provided as an attempt to break up the substantially flat facade of this building and the applied stone, while nice, do not do anything to comply with this section. There are no dimensions provided to the "applied" pilasters to the building but it would appear that there is less than a six (6) inch differential between surfaces which is wholly inadequate to meet the standard of "new structures shall be designed to avoid blank facades, particularly on major streets".

3.1.4C Wall Articulation:

The proposed design does not comply with this section of the guidelines. Paragraph 1b requires that in order to break the long, flat, monolithic wall facade columns shall be 8 inches deep, it is not clear from the provided drawings that the proposed design meets this standard. There are columns on the western side of the building that seem to meet the minimum standard, but not on the western face of the building which faces the street.

3.1.4D Roofs:

Clearly the submitted design does not have the full gabled, hipped and shed roofs that are "encouraged" by this section. The parapet roof that is proposed is compliant with the requirement that the parapet not be unbroken for more than 75 feet, and the proposed parapet roof design is successful in creating an acceptable design.

3.1.4E Materials / Colors:

The proposed design is generally compliant with this section. The proposed finish of the stucco is not indicated on the plans provided so compliance with paragraph 1a cannot be determined. The colors proposed for the building are acceptable.

3.1.4F Building Equipment and Utility Screening:

The proposed building complies with this section with regard to the roof mounted equipment for this project. As noted in the previous section, there is no indication of any site utility or mechanical equipment that may need screening. There is a Key Note 15 referencing a new transformer on a concrete pad, but I could not find a location of where this is to be placed.

3.1.4G Security:

The project is substantially compliant with this section. However, compliance with paragraph 1 cannot be determined from the documents provided.

3.1.5 Storefront:

The project is in general conformance with this section.

3.1.6 Parking and Circulation:

The project is in substantial conformance with this section.

3.1.7 Landscaping:

The project substantially complies with this section. However, it would appear that there is a conflict between the landscaping drawings submitted and the site plan submitted. On Sheet 3 of the submittal package the plans indicate that at the South Eastern corner of the building there is a substantial concrete area that adjoins the public sidewalk creating a mini plaza. In complete conflict with this, sheet L1 indicates this entire area is planted and that there is no connection between the public sidewalk and the building affording no approach for a pedestrian onto the site except via the driveway. The solution proposed by sheet L1 is not acceptable, there should be at least one entrance for a pedestrian onto the site via a walk and I believe that the more urban solution of a mini plaza could be more interesting in this case with the use of tree grates or other urban landscape solutions. Whichever direction the applicant chooses, this conflict needs resolution.

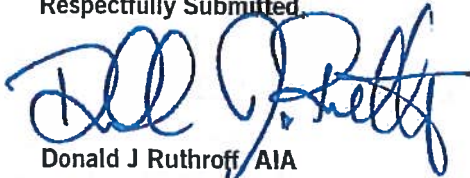
3.1.8 Lighting:

There are two parking lot 20' high yard lights proposed on the plan but there is not cut sheet provided for these lights so compliance with this section cannot be determined at this time.

General Comments:

The project is fairly well designed for corporate architect. However the purpose of the city of Antioch Design Guidelines is to **DISCOURAGE** the use of corporate architecture and this project does not even begin to address that goal. The applicant should consider redesigning the project from the site planning through the architecture in order to better address the goals of the commercial guidelines.

Respectfully Submitted



Donald J Ruthroff / AIA
Associate / Senior Architect
C24946, exp. 10/31/2015

C89

E106 F3

ATTACHMENT "G"

Gentry, Mindy

From: Mark Marcotte [mkmarcotte@aol.com]
Sent: Monday, December 16, 2013 12:34 PM
To: Gentry, Mindy
Subject: MITIGATED NEGATIVE DECLARATION

Mindy: My name is Mark Marcotte. My brother and I own the Bella Rose Apartments adjacent to northeast corner of Lone Tree Way and Fairside Way.

In 2004, I worked with Karen Laws of the CCC Real Property Division to have this parcel sold off as surplus land. She agreed and we paid the fees necessary to expedite the process.

Unfortunately for us, the Liberty School District got first right to it and did purchase the parcel. I met with Dan Smith explaining my reason for wanting the parcel but he was unmoved. So here we are.

I want to formally object to the proposal to put an AutoZone store on this corner. It is just doesn't seem to fit the neighborhood. If Autozone is denied, we have already told the School District that we will purchase the lot for the same price. We would conform to the existing zoning. We would add one 8 unit building and landscaping on the parcel. The building would match our existing buildings. Seems to me this would be a better use. No new driveways would be needed and a lot less traffic than an auto parts store would be generated.

Sincerely,

Mark Marcotte

400 May Road
Union City, CA 94526
510-870-6212

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E10761

RECEIVED

DEC 31 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

12/30/13

To City of Antioch,

We would like to write to voice our concern over the proposed building of an AutoZone store on the corner of Fairside Way and Lone Tree Way in Antioch. We have been homeowners here since 2001 and believe this would be a terrible location for an AutoZone or any type of commercial business.

Here are some reasons this is bad idea:

1. This neighborhood has many children who often are playing in the street or sidewalks that I feel would be in danger with additional traffic. The AutoZone store would likely increase traffic not just on that corner but from people taking a "shortcut" down Fairside Way to get in and out of the store parking lot. We already have seen a significant increase in traffic in the past year or so on Fairside Way from motorists backed up westbound Lone Tree Way getting impatient with the red light and making a right hand turn onto Fairside then speeding down our residential street to cut over to Vista Grande.
2. I think there would be increased noise from not only cars but all the other things like garbage and delivery trucks to the business. We hear loud delivery trucks even from the Lone Tree Plaza so this would be much louder being so close to homes and apartments to echo off of. Also we live near a corner and sometimes it's tricky even backing out of our driveway with traffic coming around the corner.
3. I have also had experience in the past from living near an auto parts store where people did noisy repairs in the parking lots at all hours then used the side streets to "test drive" their vehicles (racing, revving motors etc). The neighborhood also became a junkyard for abandoned cars that couldn't be repaired or were waiting for parts etc.

In short, a business doesn't belong in the middle of a residential area and an auto parts store especially would be very detrimental to all the surrounding area. As homeowners and taxpayers here in Antioch I support wanting to build commercial businesses just NOT in the middle of a heavily populated residential area.

thank you,

Debra and Darryl Janis
5334 Fairside Way
Antioch, CA 94531
(925) 628-9743

CJT
E108 G2



245 YGNACIO VALLEY ROAD WALNUT CREEK, CA 94596 TEL: 925.944.1626 FAX: 925.944.1666
1970 BROADWAY, SUITE 800 OAKLAND, CA 94612 TEL: 510.272.1060 FAX: 510.272.1066

February 5, 2014

City of Antioch Planning Commission
200 H Street
Antioch, CA 94509

**Re: AutoZone
General Plan Amendment (GP-13-01)
Specific Plan Amendment (SP-13-01)
Re-Zoning (Z-13-01)
Final Development Plan (PD-13-02)
Variance (V-13-01)
Conditional Use Permit (UP-13-04)
Design Review (AR-13-04)**

Dear Chair Sanderson and Members of the Commission:

LCA Architects is a professional architectural and planning firm that has been in business in Contra Costa County for almost 40 years. During that period we have worked on many projects in Antioch including the Bella Rose Apartments immediately adjacent to the proposed AutoZone.

The purpose of this letter is to request that you deny the proposed AutoZone project, inclusive of all 7 required actions that constitute the application. Our request is based upon the fact that permitting the project would result in "Spot Zoning"; create an obvious land use conflict; be incompatible with the surrounding neighborhood; and overburden a small piece of property that is inadequate in land area to accommodate many City required design elements. Please consider the following:

- 1) A Mitigated Negative Declaration (MND) is not the appropriate CEQA document for this project. Because of the several significant impacts (including Land Use Compatibility) an EIR must be prepared. I am not aware of any recent projects in Contra Costa County (which included a General Plan Amendment) that did not prepare an EIR.

DT
E109

- 2) Changing the General Plan designation to Commercial would result in inconsistencies with other General Plan Elements and internal conflicts with other portions of the General Plan. These conflicts (with the Housing Element, Land Use Element and Community Design Element) are all the more reason for an EIR. Furthermore, the project provides no substantial public benefit, which is a common requirement for a project-driven General Plan Amendment.
- 3) The proposed rezoning is a misuse of the Planned Development (PD) design flexibility. The purpose of a PD is to apply creativity in order to achieve superior design and/or other public benefits. In this case, the PD is being used simply to violate the zoning requirements.
- 4) The proposed variance for parking and landscape area reduction cannot be supported by the necessary findings. The site is flat, regular, and unencumbered by easements or other unusual constraints. Even if there were no land use conflicts, the property is clearly too small for the proposed project.
- 5) The proposed project will result in a traffic nightmare. Traffic will be diverted through residential neighborhoods and/or make dangerous multi-lane crossing maneuvers to make a U-Turn on Lone Tree Way. The omission of the recommended deceleration lane on Lone Tree Way will likely result in rear end collisions or forced high speed lane changes to avoid accidents. Any mitigation that is provided will result in traffic maneuvers which are counterintuitive and likely to increase City legal liability.

In conclusion, this project is clearly too much of the wrong Land Use for this property. We request the Planning Commission deny the 7 proposed applications and retain this property for multi-family housing, consistent with the General Plan and Housing Element.

Best regards,



Norm Dyer
LCA Architects Inc.

ND:nd

~~D2~~
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ATTACHMENT "E"

RESOLUTION NO. 2014-**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING ADOPTION TO THE CITY COUNCIL OF A FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE AUTOZONE PROJECT

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a Variance, a Use Permit, and Design Review;

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, a draft Initial Study and Mitigated Negative Declaration ("IS/MND") was circulated for a 20-day review period, with the public review period commencing on December 12, 2013 and ending on January 2, 2014;

WHEREAS, the Planning Commission has reviewed the IS/MND for this Project and the comments received during the comment period;

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

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and recommended adoption to the City Council of the Final IS/MND and MMRP; and

WHEREAS, the custodian of the Final IS/MND is the Community Development Department and the Final IS/MND is available for public review on the second floor of City Hall in the Community Development Department, Monday - Thursday 8:00 am - 11:30 am and the MMRP is attached as Exhibit A to this Resolution.

NOW THEREFORE BE IT RESOLVED

1. The Planning Commission of the City of Antioch hereby FINDS, on the basis of the whole record before it (including the Initial Study and all comments received) that:

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- a. The City of Antioch exercised overall control and direction over the CEQA review for the Project, including the preparation of the Final Initial Study and Mitigated Negative Declaration, and independently reviewed the Final Initial Study and Mitigated Negative Declaration; and
 - b. There is no substantial evidence that the Project will have a significant effect on the environment once mitigation measures have been followed and assuming approval of the General Plan, Specific Plan, and Zoning Ordinance amendments; and
 - c. The Final Initial Study and Mitigated Negative Declaration reflect the City's independent judgment and analysis.
2. The Planning Commission hereby RECOMMENDS that City Council of the City of Antioch APPROVE AND ADOPT the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 19th day of February, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

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LONE TREE AUTOZONE #4166 PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring and Reporting Program (MMRP) is designed to aid the City of Antioch in its implementation and monitoring of measures adopted from the Lone Tree AutoZone #4166 Project Mitigated Negative Declaration (MND).

MITIGATION MEASURES

The mitigation measures are taken from the Lone Tree AutoZone #4166 Project MND and are assigned the same number they had in the MND. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for monitoring the actions.

MMRP COMPONENTS

The components of each monitoring form are addressed briefly, below.

Mitigation Measure: All mitigation measures that were identified in the Lone Tree AutoZone #4166 Project MND are presented and numbered accordingly.

Timing/Implementation: Each action must take place prior to the time at which a threshold could be exceeded. Implementation of the action must occur prior to or during some part of approval, project design or construction or on an ongoing basis. The timing for each measure is identified. The project applicant would be responsible for implementation of the mitigation measures.

Enforcement/Monitoring Party: The City of Antioch is responsible for ensuring that mitigation measures are successfully implemented.

LONE TREE AUTOZONE #4166 PROJECT

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>AQ-1 The project applicant shall require that the project contractor fully implement all of the BAAQMD dust abatement measures provided below.</p> <ul style="list-style-type: none"> a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered. c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d) All vehicle speeds on unpaved roads shall be limited to 15 mph. e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points. g) All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. h) A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 	<p>Ongoing during construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>AQ-2 The project applicant shall specify in project plans the implementation of the following measures to be implemented in order to reduce the emissions of toxic pollutants generated by heavy-duty diesel-powered equipment during construction.</p> <ul style="list-style-type: none"> a) Keep all construction equipment in proper tune in accordance with 	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	

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**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>manufacturers' specifications.</p> <p>b) Use late-model heavy-duty diesel-powered equipment during construction to the extent that it is readily available in the San Francisco Bay Area.</p> <p>c) Use diesel-powered equipment that has been retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is readily available in the San Francisco Bay Area.</p> <p>d) Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at construction sites to the extent that it is readily available and cost effective in the San Francisco Bay Area. (This requirement does not apply to diesel-powered trucks traveling to and from the site.)</p> <p>e) Utilize alternative-fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the San Francisco Bay Area.</p> <p>f) Limit truck and equipment idling time to 5 minutes or less.</p> <p>g) Rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible.</p>			
<p>BIO-1 Burrowing Owl. If clearing and construction activities will occur during the nesting period for burrowing owls (February 1–August 31), a qualified biologist shall conduct focused surveys for burrowing owls on and adjacent to the project site. Surveys shall be conducted in accordance with the CDFG's Staff Report on Burrowing Owl Mitigation, published March 7, 2012. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season.</p> <p>If no burrowing owls are detected, no further mitigation is required. If active burrowing owls are detected, the project proponent will implement the avoidance, minimization, and mitigation methodologies outlined in the CDFG's Staff Report on Burrowing Owl Mitigation prior to initiating project-related activities that may impact burrowing owls.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	

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**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>BIO-2 Migratory Birds. If clearing and/or construction activities will occur during the migratory bird nesting season (April 15–August 15), preconstruction surveys for nesting migratory birds shall be conducted by a qualified biologist, up to 14 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 250-foot buffer surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season.</p> <p>If active nest(s) are identified during the preconstruction survey, a qualified biologist shall monitor the nest to determine when the young have fledged. Monthly monitoring reports, documenting nest status, will be submitted to the City of Antioch Planning Division until the nest(s) is deemed inactive. The biological monitor shall have the authority to cease construction if there is any sign of distress to a raptor or migratory bird. Reference to this requirement and the Migratory Bird Treaty Act shall be included in the construction specifications.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>BIO-3 Active Raptor Nests. If construction activities will occur during nesting season for raptors (January 15–August 15), all suitable raptor nesting habitat within 0.5 mile of the impacted area shall be surveyed for active raptor nests within 14 days of construction commencement. If an active raptor nest is located within 0.5 mile of the construction site, a no-activity buffer will be erected around the nest while it is active to protect the nesting raptors. This buffer distance may be amended to account for nests that are not within the line-of-sight of the construction activity. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during nesting season.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>CUL-1 If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. A Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial</p>	<p>Ongoing during construction activities</p>	<p>City of Antioch Planning Division</p>	

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**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>Sites established by the Native American Heritage Commission, may also be required.</p> <p>Work cannot continue within the no-work radius until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either (1) not cultural in origin; or (2) not potentially significant or eligible for listing on the NRHP or CRHR. If a potentially eligible resource is encountered, the archaeologist, lead agency, and project proponent shall arrange for either (1) total avoidance of the resource, if possible; or (2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA for managing unanticipated discoveries have been met.</p>			
<p>GEO-1 The project applicant shall incorporate all of the recommendations from the geotechnical report (GeoRox Engineering 2012) into project design, grading plans, and site preparation and construction activities. Recommendations include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Overexcavation of the building area and parking area. • Special sloping and shoring procedures for excavations. • Use of clean fills and soils with appropriate moisture contents to reduce impacts associated with expansive soil. • Use of drilled concrete piers in the foundation design. <p>The geotechnical report also recommends that a geotechnical consultant examine imported fill soils to ensure their suitability for use as backfill. The geotechnical consultant shall also be present during excavation activities to review depth of overexcavation, provide expertise in the event that subsurface obstructions or unsuitable materials are encountered, observe exposed excavation, and verify acceptability of temporary slopes.</p>	<p>Prior to project design review and during excavation activities</p>	<p>City of Antioch Building Division</p>	
<p>NOI-1 The following measures shall be included as conditions of the project:</p> <ol style="list-style-type: none"> a) Use of forklifts for the loading and unloading of trucks shall be prohibited. b) The loading and unloading of trucks shall be limited to the daytime hours of between 7:00 a.m. and 7:00 p.m. c) Delivery trucks shall be prohibited from accessing and parking on-site 	<p>Prior to project occupancy</p>	<p>City of Antioch Planning Division</p>	

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**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>between the hours of 7:00 p.m. and 7:00 a.m. Signs identifying this requirement shall be prominently posted at the site entrance.</p> <p>d) The on-site idling of haul trucks associated with loading/unloading activities shall be prohibited. Signs identifying this requirement shall be prominently posted at the loading/unloading area</p>			
<p>NOI-2 Prior to the issuance of any grading permits, the applicant shall submit a construction-related noise mitigation plan for City review and approval, to include the following:</p> <p>a) The plan shall depict the location of construction equipment storage and maintenance areas, and document methods to be employed to minimize noise impacts on adjacent noise-sensitive land uses.</p> <p>b) The required construction-related noise mitigation plan shall specify that haul truck deliveries are subject to the same hours specified for construction equipment.</p> <p>c) The plan shall denote any construction traffic haul routes where heavy trucks would exceed 100 daily trips (counting those both to and from the construction site). To the extent feasible, the plan shall denote haul routes that do not pass sensitive land uses or residential dwellings.</p> <p>d) The plan shall incorporate any other restrictions imposed by the City.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>NOI-3 Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.</p>	<p>During construction activities</p>	<p>City of Antioch Planning Division</p>	
<p>TRAF-1 The median on Fairside Way shall be modified to allow passenger vehicles and large semi-trucks to make left turns directly from the west driveway in a manner similar to that depicted in Figure 8 (of the MND). The median should be configured to prevent southbound left turns from Fairside Way into the project west driveway, and a "NO LEFT TURN" sign prohibiting the movement shall be placed in the median along Fairside Way. This would preclude the need to U-turn around the existing median or drive through the residential neighborhood along Fairside Way to Vista Grande Drive.</p>	<p>Prior to construction activities</p>	<p>City of Antioch Planning Division; City of Antioch Engineering and Development Services Division</p>	

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**LONE TREE AUTOZONE #4166 PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>The project applicant shall hire a professional engineer to design and a professional contractor to construct the median modification. The median modification shall be constructed prior to or concurrent with construction of the proposed project. The modified median shall be completed prior to operation of the proposed project.</p>			
<p>TRAF-2 A sign prohibiting right turns for non-local traffic, including delivery truck traffic, shall be placed by the project applicant at the Fairside Way driveway exit.</p>	<p>Prior to project occupancy</p>	<p>City of Antioch Planning Division; City of Antioch Engineering and Development Services Division</p>	
<p>TRAF-3 The project applicant shall develop delivery access routes and provide that information to vendors that make deliveries to the proposed project. A map illustrating acceptable routes along major streets and indicating that truck traffic along Fairside Way is prohibited shall also be developed and available at the AutoZone store, so staff working during deliveries can provide the map to delivery drivers. Truck deliveries shall also be limited to non-peak daytime hours to minimize disruption to other street traffic and nearby uses.</p>	<p>Prior to project occupancy</p>	<p>City of Antioch Planning Division; City of Antioch Engineering and Development Services Division</p>	

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RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A GENERAL PLAN
AMENDMENT FOR THE AUTOZONE PROJECT**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a Variance, a Use Permit, and Design Review;

WHEREAS, the proposed General Plan Amendment (GPA) would modify the land use designation shown on the map in Figure 4.3 from High Density Residential to Neighborhood Commercial and is not considered to be a "substantial" amendment;

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included analysis of proposed amendments to the General Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, the CEQA document found that potentially significant impacts associated with the Project could be mitigated to a less than significant level;

WHEREAS, the Planning Commission has recommended that the City Council approve and adopt the Final IS/MND;

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

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

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing on the matter as required by law, and received and considered evidence, both oral and written; and

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record and the findings established in this resolution, the recommended adoption of the Final IS/MND and MMRP to the City Council, the Planning Commission hereby recommends to the City Council adoption of the amendments shown to the General Plan in Exhibit A because it is in the public's interest pursuant to the following findings:

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- a. The Final IS/MND and MMRP determined the Project's environmental impacts could be mitigated to a less-than significant level through modifications to the site and architectural plans and facility operations.
- b. The project is considered infill development on a site that is presently served by the necessary infrastructure improvements and is substantially surrounded by developed properties.
- c. The site is appropriate for commercial use because:
 - 1) There are commercial uses across Lone Tree Way and within close proximity to the Project.
 - 2) The Project is located on an arterial street, which is consistent with other retail uses within the City of Antioch.
 - 3) The Project will provide retail services that will benefit surrounding residential uses.
- d. The Project will help to fulfill the commercial and tax revenue-generating goals of the East Lone Tree Focus Area by providing jobs that generate disposable income while increasing retail sales tax to defray the cost of City services.
- e. The Project will provide jobs within Antioch and will further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch.

BE IT FURTHER RESOLVED, that based on the entire record and the findings established in this resolution, the recommended adoption of the Final IS/MND and MMRP to the City Council, the Planning Commission hereby recommends that the City Council approve and adopt the proposed amendment to change the General Plan Figure 4.9 from High Density Residential to Neighborhood Commercial for the Project site.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 19th day of February, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

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2/21

EXHIBIT A

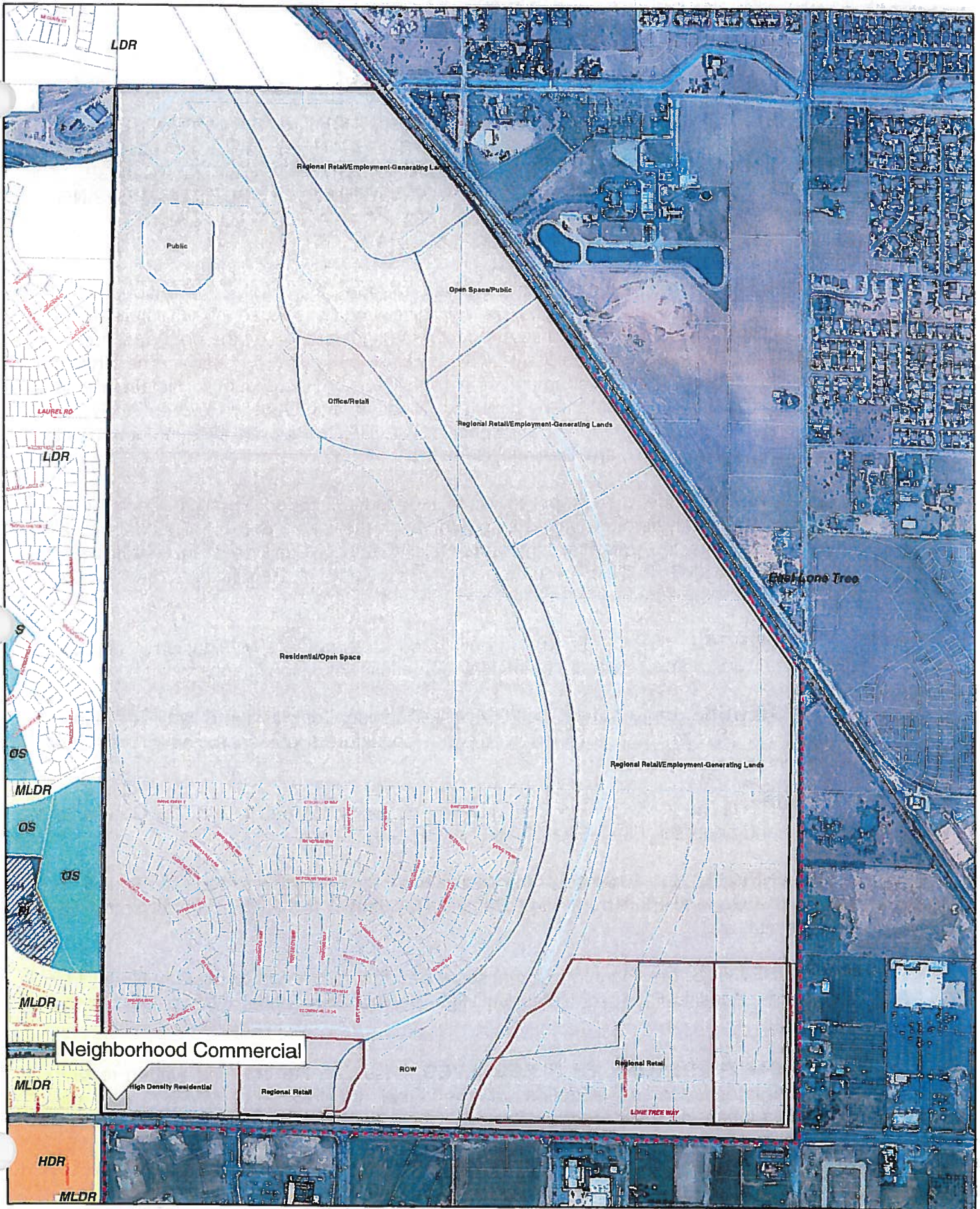


Figure 4.9 



RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
INITIATING AMENDMENTS TO TITLE 9 OF THE ANTIOCH MUNICIPAL CODE
"PLANNING AND ZONING" AND RECOMMENDING THAT THE CITY COUNCIL
ADOPT AN ORDINANCE REZONING APPROXIMATELY 0.56 ACRES COMPRISING
THE AUTOZONE PROJECT FROM SPECIFIC PLAN (SP) TO PLANNED
DEVELOPMENT (PD)**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a Variance, a Use Permit, and Design Review;

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included analysis of proposed amendments to the Title 9 of the Antioch Municipal Code, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, the CEQA document found that potentially significant impacts associated with the project could be mitigated to a less than significant level;

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

WHEREAS, the Planning Commission has recommended to the City Council to approve and adopt the Final IS/MND and MMRP; and

WHEREAS, the Planning Commission has recommended to the City Council to amend the General Plan from High Density Residential to Neighborhood/Community Commercial; and

WHEREAS, the Planning Commission had recommended to the City Council to amend the Specific Plan from Medium High Density Residential (R_H) to Community Retail (C_N).

NOW THEREFORE BE IT RESOLVED, based on the oral and written record; the recommendation of adoption of the Final IS/MND and MMRP; and the recommendation of the General Plan and Specific Plan amendments to the City Council, the Planning Commission makes the following findings:

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- a. The Final IS/MND and MMRP determined the Project's environmental impacts could be mitigated to a less-than significant level through modifications to the site and architectural plans and facility operations.
- b. The project is considered infill development on a site that is presently served by necessary infrastructure improvements and that is substantially surrounded by developed properties.
- c. The project will help to fulfill the employment and tax revenue generating goals of the East Lone Tree Focus Area by providing jobs that generate disposable income.
- d. The site is appropriate for commercial use because:
 - 4) There are commercial uses across Lone Tree Way and within close proximity to the Project.
 - 5) The Project is located on an arterial street, which is consistent with other retail uses within the City of Antioch.
 - 6) The project will provide retail services that will benefit surrounding residential uses.
- e. The project will help to fulfill the commercial and tax revenue-generating goals of the East Lone Tree Focus Area by providing jobs that generate disposable income while increasing retail sales tax to defray the cost of City services.
- f. The project will provide job types that are not been readily developed within Antioch and will further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch.
- g. The rezone is in conformance with the City of Antioch General Plan.

BE IT FURTHER RESOLVED, the Planning Commission hereby recommends to the City Council initiation of an amendment to Title 9 of the Antioch Municipal Code "Planning and Zoning" and recommending adoption of the ordinance to rezone approximately 21 acres, known as the AutoZone Project, from Specific Plan (SP) to Planned Development (PD), generally located west at the Northeast corner of Lone Tree Way and Fairside Way (APN 056-120-086).

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 19th day of February, 2014 by the following vote:

E124
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AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

E125
-F15

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING
A REZONING OF APPROXIMATELY 0.56 ACRES REFERRED TO AS THE
AUTOZONE PROJECT FROM SPECIFIC PLAN (SP) TO PLANNED DEVELOPMENT
(PD) DISTRICT**

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

SECTION 1. Findings. The Antioch City Council hereby finds, determines and declares as follows:

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

B. The Planning Commission conducted a duly noticed public hearing on February 19, 2014 at which it adopted a resolution to initiate and recommend approval to the City Council of this ordinance regarding rezoning approximately 0.56 acres from Specific Plan (SP) to Planned Development (PD) District. The City Council held a duly noticed public hearing on _____ at which all interested persons were allowed to address the Council regarding adoption of this ordinance.

C. The City prepared an IS/MND and MMRP to evaluate the potential environmental impacts of the AutoZone Project, including this Ordinance, in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). The City Council deemed the Final IS/MND to be adequate on _____.

D. The Final IS/MND and MMRP determined the project's environmental impacts could be mitigated to a less-than-significant level.

E. The City Council approved a General Plan map amendment changing the Project site's designation from High Density Residential to Neighborhood/Community Commercial. The rezone is in conformance to the General Plan.

F. The City Council to amend the Specific Plan from Medium High Density Residential (R_H) to Community Retail (C_N). The rezone is in conformance with the Specific Plan.

G. The Project is considered infill development on a site that is presently served by necessary infrastructure improvements and that is substantially surrounded by developed properties.

H. The site is appropriate for commercial use because:

- 1) There are commercial uses across Lone Tree Way and within close proximity to the Project.
- 2) The Project is located on an arterial street, which is consistent with other retail uses within the City of Antioch.
- 3) The Project will provide retail services that will benefit surrounding residential uses.

I. The Project will help to fulfill the commercial and tax revenue-generating goals of the East Lone Tree Focus Area by providing jobs that generate disposable income while increasing retail sales tax to defray the cost of City services.

J. The Project will provide job types that are not been readily developed within Antioch and will further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch.

SECTION 2. The real property described in Exhibit A, attached hereto, is hereby rezoned from Specific Plan (SP) to Planned Development (PD) District and the zoning map is hereby amended accordingly. The Final Development Plan, with attachments consisting of various maps, written documents, and renderings of the proposed development along with all conditions imposed by the City of Antioch are hereby incorporated by reference and made a part of this zoning change. These documents are on file at the City of Antioch Community Development Department.

SECTION 3. The permitted uses shall be the same as the Neighborhood/Community Commercial (C-2) designation as outlined in Section 9-5.3803 – Table of Land Use Regulations.

SECTION 4. Development Standards for the AutoZone Planned Development District are presented in **Table 1 – AutoZone Planned Development Standards:**

Table 1 – AutoZone Planned Development Standards

Standard	Required
Minimum Building Site	20,000 sq. ft
Minimum Lot Width	100' (Interior) 100' (Corner)
Maximum Height	32', with exceptions to architectural features encompassing less than 20% of the total roof area and less than 8 feet in height and parapets less than 30 inches in height.
Maximum Lot Coverage	35% (Building Area)/75% Hard Surfaces
Minimum Front and Side Yard	Reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows:

	Arterial street: Minimum 8-foot setback with landscaping on all frontages. Local street: Minimum 11-foot setback
Minimum Interior Yard	5-foot minimum setback
Minimum Rear Yard	10-foot minimum setback
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
Parking Lot Design	As approved by the Planning Commission (PC), parking lot landscape buffers may be as little as 5 feet and no landscape islands are required within the parking lot.

SECTION 5. Publication; Effective Date.

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

* * * * *

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

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

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

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Exhibit A

LEGAL DESCRIPTION

RESOLUTION NO. 2014 - **

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A FINAL PLANNED
DEVELOPMENT, VARIANCE, USE PERMIT, AND DESIGN REVIEW FOR THE
AUTOZONE PROJECT**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,766 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a Variance, a Use Permit, and Design Review;

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included analysis of the proposed Planned Development, Variance, Use Permit, and design review to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, the CEQA document found that potentially significant impacts associated with the Project could be mitigated to a less than significant level;

WHEREAS, on February 19, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

WHEREAS, the Planning Commission has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, the Planning Commission has recommended to the City Council to amend the General Plan from High Density Residential to Neighborhood/Community Commercial; and

WHEREAS, the Planning Commission had recommended to the City Council to amend the Specific Plan from Medium High Density Residential (R_H) to Community Retail (C_N); and

WHEREAS, the Planning Commission has initiated amendments to Title 9 of the Antioch Municipal Code "Planning and Zoning" and has recommended the City Council adopt an ordinance rezoning the AutoZone Project site from Specific Plan (SP) to Planned Development (PD) District.

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NOW THEREFORE BE IT RESOLVED, that the Planning Commission is able to make the following required findings for approval of a Final Planned Development to the City Council, as set for in Section 9-5.2308 of the Antioch Municipal Code:

SECTION 9-5.2308(A): The development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district.

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The Project is located within an area designated for residential and commercial development in the General Plan. After approval of the General Plan and Specific Plan amendments and the rezone, the Project is consistent with the policies of both the General Plan and zoning code and can exist independently without the need to expand infrastructure services or develop surrounding property to support the Project. The Project site is surrounded by existing, developed residential and commercial lands therefore the Project will not be detrimental to the planning area, rather it will further the commercial and tax revenue generating goals of the East Lone Tree Focus Area and further the goals of the General Plan by offering jobs to improve the jobs and housing balance.

SECTION 9-5.2308(B): The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The City commissioned Kimley-Horn and Associates to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Project. A copy of the report is included in the Appendices to the Final Auto Zone IS/MND. The report evaluated the most recent traffic data and projections for the project area and the region, and found that the project satisfies the standards of the City's Growth Management Program. Utility service capacity for water, wastewater, storm drainage and solid waste were analyzed for the Project in the Final IS/MND and it was found that the Project would have a less than significant impact and there will be adequate capacity.

SECTION 9-5.2308(C): The commercial components of the Project are justified economically at the location proposed.

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The project will result in 20-30 construction jobs and 15 new permanent jobs as well as additional annual sales tax revenue in the City of Antioch consistent with the employment and tax revenue generating goals of the East Lone Tree Focus Area.

SECTION 9-5.2308(D): Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

PLANNING COMMISSION'S DETERMINATION: There are no residential components to the Project.

SECTION 9-5.2308(E): Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

PLANNING COMMISSION'S DETERMINATION: There are no industrial components to the Project.

SECTION 9-5.2308(F): Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The rezoning of the property from Specific Plan SP to Planned Development PD District allows for flexibility of the Project's design. The Project is located in an area with the potential to offer a wide variety of commercial uses to serve the neighboring residential uses while improving the jobs and housing balance. In combination with other uses located on the south side of Lone Tree Way, the Project would contribute to commercial synergy by increasing the diversity of available services in the area.

SECTION 9-5.2308(G): The area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The area surrounding the Project is already developed with residential uses and compatible commercial uses in close proximity to the site and the Project is consistent with the job and tax creation objectives of the East Lone Tree Focus Area.

SECTION 9-5.2308(H): The project conforms to the General Plan of the City.

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The approval of the General Plan amendment resulted in a project that conforms to the General Plan.

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

SECTION 9-5.2703(B)(2)(a): That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: Corner properties require large land reservations to ensure adequate buffers and separation between improvements and the public right-of-way. At this site, this condition results in site constraints that are unique to, and inhibit the use and enjoyment of the property. The granting of a variance is necessary to allow the owner to develop and use of the property in a way that is comparable with the rights enjoyed by other properties in the Project vicinity.

SECTION 9-5.2703(B)(2)(b): That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The approval of the variance for a commercial use of this scale would not be detrimental to the public health and welfare or injurious to the property or its environs as there are other similar uses in close proximity. As modified by conditions of approval, the Project would incorporate buffers, landscaping, screening and architectural improvements that are compatible with surrounding uses as established by City Design Guidelines.

SECTION 9-5.2703(B)(2)(c): That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications; and

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The project site is small when compared to other commercial property in the Project vicinity that is similarly sited at the corner of an intersection. Due to the setback and site distance requirements of corner properties, this condition results in site constraints that are unique to the subject property and that inhibits the owner's use and enjoyment of the property. The granting of a variance is necessary to allow the owner to develop and use of the property in a way that is comparable with the rights enjoyed by other properties in the Project vicinity.

SECTION 9-5.2703(B)(2)(d): That the granting of such variance will not adversely affect the comprehensive General Plan.

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: Granting a variance approval will not adversely affect the comprehensive

General Plan in that it will result in small scale non-residential development consistent with the job creation and jobs-housing balance objectives of the City.

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for approval of a Use Permit:

SECTION 9-5.2703(B)(1)(a): That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The approval of a Use Permit for a commercial use of this scale would not be detrimental to the public health and welfare or injurious to the property or its environs as there are similar uses in close proximity. As modified by the conditions of approval, the Project would incorporate buffers, landscaping, screening and architectural improvements that are compatible with surrounding uses as established by City Design Guidelines.

SECTION 9-5.2703(B)(1)(b): That the use applied for at the location indicated is properly one for which a use permit is authorized;

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The proposed master use list is similar to other commercial districts within the City that are zoned Neighborhood/Community commercial (C-2). More specifically, the proposed commercial use is consistent and compatible with neighborhood commercial activity and provides valuable services to surrounding residential properties.

SECTION 9-5.2703(B)(1)(c): That the site for the proposed use is adequate in size and shape to accommodate such use, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood;

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The project site contains adequate land area to support commercial use and is configured to allow for development that is compatible with Project needs and adjoining uses. As modified by the conditions of approval, the Project will incorporate site improvements (e.g. parking, mechanical equipment and screening, etc.) and necessary amenities to support use and enjoyment of the property in a manner that is compatible with the property and its environs.

SECTION 9-5.2703(B)(1)(d): That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use; and

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: The Project site is located at the intersection of Lone Tree and Fairside

Ways. These roadways have adequate width and improvements to accommodate the traffic that would be generated by the proposed AutoZone store. This conclusion is supported by the Kimley-Horn and Associates Traffic Impact Study dated November, 2013 indicating the traffic generated by the proposed use is adequately handled by the adjacent streets and highways.

SECTION 9-5.2703(B)(1)(e): That the granting of such use permit will not adversely affect the comprehensive General Plan.

PLANNING COMMISSION'S DETERMINATION IN SUPPORT OF THIS FINDING: Granting a Use Permit approval will not adversely affect the comprehensive General Plan in that it will result in small scale non-residential development consistent with the job creation and jobs-housing balance objectives of the City.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the City Council approve the Design Review application because the Project is consistent with the purpose of design review because the development complies with the objectives of the General Plan, the East Lone Tree Focus Area, and the Citywide Design Guidelines as follows:

1. As modified by conditions of approval, the Project includes adequate articulation of the building form and elevations to create varied rooflines, building shapes, and patterns of shade and shadow and create architectural interest and compatibility with surrounding development. The site plan and architectural form are consistent with the Design Guidelines 3.1.2, 3.1.3B, 3.1.3.C, 3.1.3D, 3.1.3E, 3.1.3F, 3.1.4A; 3.1.4B; 3.1.4C; 3.1.4D; 4.1.4E, and 4.1.4F, 3.1.7, and 3.1.8.
2. As modified by the conditions of approval, the building includes sculpted building corners and incorporates an architectural element that increases the building height and mass to "anchor" the property corner at the intersection of Lone Tree and Fairside Ways. While the building corner has been angled to provide vehicle site distance at the intersection, project conditions are intended to further orient the structure to the corner conditions by creating architectural interest and orienting active areas to the street.
3. As modified by conditions of approval, trash enclosures will be located away from neighboring residences and visually screened from public view to minimize nuisance for adjacent property owners. Similarly, conditions of approval requiring screening of utility and mechanical equipment (e.g. electric and gas meters, electrical panels, and junction boxes) from the view of public streets and neighboring properties.
4. All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped while encouraging pedestrian

enhancements. To comply with section 3.1.3D of the Design Guidelines, conditions of project approval require the applicant to incorporate decorative paving and more urban landscape treatments (e.g. tree grates within the paved area of the south eastern corner of the building). To comply with section 3.1.7 of the Design Guidelines, conditions of approval further require the Project to include a pedestrian connection between the public sidewalk and the building that is independent of the driveway.

BE IT FURTHER RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend to the City Council APPROVAL of the Final Development, Variance, Use Permit, and Design Review (PD-13-02, V-13-01, UP-13-04 and AR-13-04) to construct the AutoZone Project subject to the following conditions and the findings for the conditions, which are attached to this resolution as Exhibit A:

A. GENERAL CONDITIONS

1. The Project shall be constructed and operated in compliance with City of Antioch Municipal Code requirements and standards.
2. Conditions required by the Planning Commission (and the City Council if applicable), which call for a modification or any change to the site plan shall be submitted, and shall be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Planning Commission (and City Council if applicable) and the standards of the City.
3. City staff shall inspect the site for compliance with conditions of approval prior to final inspection approval.
4. That this approval expires two years from the date of approval (Expires February 19, 2016), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
5. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement or environmental review. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.

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

B. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall be restricted to weekdays between the hours 8:00 A.M. and 5:00 P.M., or as approved in writing by the City Manager.
2. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and Demolition Debris Recycling.
3. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The applicant shall post dust control signage with a contact number of the applicant, City staff, and the air quality control board.

C. SITE AND PROJECT DESIGN

1. Prior to issuance of a building permit, the applicant shall submit site and architectural plans demonstrating that the Project will conform to the following access requirements:
 - a. The required 50 foot sight distance triangles shall be maintained at all intersections and no object greater than 3 feet in height shall be placed in that triangle. All fencing, landscaping, signage, and slopes shall also not restrict sight distance.
 - b. Asphalt paving shall have a minimum slope of 2%, concrete paving shall have a minimum slope of 0.75%, and asphalt paving for identified accessible parking stalls and access routes may have a minimum slope of 1.5% and a maximum 2% slope, or as approved by the City Engineer.

- c. All access driveways shall be constructed to City standards, subject to review and approval by the City Engineer.
 - d. All parking lot dimensions and striping shall meet minimum City standards.
 - e. All parking and access shall meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.
 - f. Bike racks shall be provided in compliance with the Antioch Municipal code and shall be durable and visually subdued. Based on their performance, "loop racks" and "ribbon bars" are encouraged, and shall be sized according to parking requirements. The applicant shall submit details of the bike racks for staff review and approval.
 - g. Any cracked or broken sidewalks shall be replaced as required by the City Engineer.
2. The City Engineer shall determine if it is necessary to engage in soils and structural engineers as well as any other professionals deemed necessary to review and verify the adequacy of the building plans submitted for this project. If deemed necessary by the City, this may be extended to include field inspections by such professional to verify implementation of the plans. Cost of these services shall be borne by the developer.
3. Prior to issuance of a building and/or grading permits, the applicant shall revise the site plans for review and approval by staff that incorporate the following:
 - a. Trash enclosures shall be provided to screen dumpsters from public view. Trash enclosures shall have a pitched metal roof and accommodate recycling containers. The interior floor shall be sloped to a centralized floor drain and plumbed to the sanitary sewer system. The location and design of trash enclosures shall be subject to City staff approval and the trash enclosures shall not be located within any easement areas.
 - b. Incorporate decorative paving in the parking area and on the project site.
 - c. Incorporate adequate an appropriate design elements to screen all utilities, utility connections, mechanical equipment, and trash enclosures from public view.
 - d. A lighting plan that ensures adequate lighting for safety and security without resulting in excessive spillover or glare on surrounding properties.

Light standards shall be designed to be attractive and to avoid heights in excess of 25 feet. All exterior light fixtures shall be approved by staff prior to the issuance of a building/grading permit.

4. Prior to issuance of a building and/or grading permits, the applicant shall submit revised architectural plans for review and approval by staff that incorporate the following:
 - a. Detailed building specifications and samples to demonstrate that exterior finishes are compatible with City design objectives and the surrounding environment; and
 - b. Architectural improvements to screen building mounted equipment and utilities so that they are screened from public view.
 - c. Signage.
 - d. Any revisions to the building exterior materials, paint colors, and/or overall color scheme shall require a new application and shall be subject to Design Review approval.

5. Prior to issuance of a building and/or grading permits, the applicant shall submit revised site plans and delivery plan for review and approval staff that ensures that site access and circulation accomplish the following:
 - a. Delivery trucks shall enter the site from Lone Tree Way and exit onto Fairside Way. Delivery trucks shall only deliver to the store between the hours of 8:00 AM and 6:00 PM.
 - b. The median on Fairside Way shall be modified to allow large trucks and passenger vehicles to make left turns directly onto Fairside Way. The median opening shall be configured to prevent southbound left turn from Fairside Way into the AutoZone driveway with a NO LEFT TURN sign posted, as directed by the City Engineer.
 - c. A shall sign be posted at the Fairside Way driveway exit indicting that truck and non-local traffic are not permitted on Fairside Way.
 - d. The median landscaping on Fairside Way shall be restored and re-landscaped as approved by the City Engineer.
 - e. The driveway from Lone Tree Way shall be designed as a commercial driveway with curb returns as approved by the City Engineer.

D. UTILITIES

1. All existing and proposed utilities shall be undergrounded (e.g. transformers and PMH boxes) and subsurface in accordance with the Antioch Municipal Code, except existing P.G.& E. towers, if any or as approved by the City Engineer.
2. Underground utilities shall be designed to flow approximately parallel to the centerline of the street, or as approved by the City Engineer.
3. All on-site curbs, gutters and sidewalks shall be constructed of Portland Cement concrete.
4. The sewer collection system shall be constructed to function as a gravity system.
5. The applicant shall submit hydrology and hydraulic analysis with a storm water control plan to the City for review and approval prior to the recordation of the final and to Contra Costa County Flood Control for review at no cost to the City as directed by the City Engineer.
6. A public utilities easement that encompasses public utilities shall be provided as directed by the City Engineer.
7. All ground mounted utility appurtenances such as transformers, AC condensers, backflow devices, etc., shall be located out of public view and adequately screened in such a manner as to minimize the visual and acoustical impact. Screening may include a combination of landscaping and/or masonry to the satisfaction of the Community Development Department. All gas and electrical meters shall be concealed and/or painted to match the building
8. The applicant shall prepare a final site plan and elevations of all on-site mechanical equipment (including HVAC condensers, transformers, switch boxes, backflow devices, PG&E transformers, etc.) and specifics of how such equipment shall be screened from public view. This plan, with an approval stamp from the City of Antioch shall be submitted to the utility provider for review. Any necessary changes or deviations from the approved utility location and/or screening shall be reviewed by the Community Development Department prior to installation and may be subject to discretionary Design Review processing and fees.
9. Improvements and fees that are required by the Contra Costa County Flood Control District shall be implemented, as approved by the City Engineer.
10. The developer shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.

11. A reduced backflow prevention device shall be installed on all City water meter services.
12. Street lighting shall be provided in accordance with the Antioch Municipal Code.

E. LANDSCAPING

1. Landscaping and signage shall not create a sight distance problem.
2. That detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.
3. All trees shall be a minimum 15-gallon size and that all shrubs be a minimum 5-gallon size, with the exception that trees along the frontage of the project site may be larger than 15 gallons, if determined necessary by staff.
4. Landscape shall show immediate results and be permanently maintained at an "A" level.
5. There shall be a minimum of five feet (5') clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten feet (10') to any concrete or asphalt paving shall use approved root guards.

F. FIRE REQUIREMENTS

1. The applicant shall comply with the following conditions provided by the Contra Costa County Fire Protection District:
 - a. The applicant shall provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard. (503) CFC
 - b. Access roadways of less than 28-feet unobstructed width shall have signs posted or curbs painted red with the words NO PARKING-FIRE LANE clearly marked. (22500.1)CVC, (503.3)CFC. Access roadways of 28 feet or greater, but less than 36-feet unobstructed width shall have NO

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E3T

PARKING - FIRE LANE signs posted, allowing for parking on one side only or curbs painted red with the words NO PARKING-FIRE LANE clearly marked. Parking is permitted only on the side of the road that does not have hydrants. (22500.1)CVC, (503.3)CFC

- c. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 1250 GPM. Required flow must be delivered from not more than two hydrants flowing simultaneously for duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (507.1), (B105) CFC. This includes the reduction for fire sprinklers.
- d. The developer shall provide one hydrant of the East Bay type. Hydrant shall be located on the southeast corner of the property. (C103.1) CFC
- e. The developer shall submit three (3) copies of site improvement plans indicating all existing or proposed fire apparatus access for review and approval prior to building permit. Final replacement of hydrants shall be determined by the Contra Costa County Fire Protection District and located as part of this review. (501.3) CFC
- f. The building as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2010 edition of NFPA 13. Submit three (3) sets of plans to the Contra Costa County Fire Protection District for review and approval prior to installation. Contra Costa County Ordinance 2010-15
- g. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with the development. (21351) CVC
- h. The developer shall submit three (3) complete sets of plans and specifications of the subject project, including plans for any of the following required submittals, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. (105.4.1)CFC, (901.2) CFC, (107)CBC
 - Building construction plans
 - Private underground fire service water mains
 - Fire sprinklers
 - Sprinkler Alarm and Supervisory system
 - Aboveground flammable or combustible liquid storage tanks
- i. Plan review and inspection fees shall be submitted at the time of plan review submittal. Checks may be made payable to Contra Costa County

Fire Protection District (CCCFPD). Submit plans to: Contra Costa County Fire Protection District, 2010 Geary Road, Pleasant Hill, CA 94523.

G. FEES

1. The applicant shall pay all fees as required by the City Council.
2. The applicant shall pay the Regional Traffic Impact Fee as well as all other applicable fees, including any future increase in the Regional Traffic Impact Fee.
3. The applicant shall pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance.
4. The applicant shall pay any required Drainage Area fees prior to the issuance of any building permits for this project.
5. The developer shall pay all applicable Delta Diablo Sanitation District fees prior to the issuance of any building permits for this project.

H. GRADING

1. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
2. The lot shall be graded to drain positively from the rear to the street or as approved by the City Engineer.
3. The grading plan for this development shall be approved by the City Engineer.
4. The final grading plan for this development shall be signed by a California licensed civil engineer and approved by the City Engineer.
5. All elevations shown on the improvement plans shall be on the USGS 1929 sea level datum.
6. The minimum concrete gutter flow slope shall be 0.75%.

I. PROPERTY MAINTENANCE

1. A parking lot sweeping program shall be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.

2. Any undeveloped areas on-site shall be maintained in an attractive manner which ensures fire safety.
3. The Project shall comply with Property Maintenance Ordinance Section 5-1.204. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in Section 5-1.204 (G).
4. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
5. No signs shall be installed on this site without prior City approval.

J. CONSERVATION/NPDES

1. Prior to issuance of a building permit, the applicant shall revise project plans and construction documents to incorporate water conservation measures, including low volume toilets and the use of drought tolerant landscaping.
2. The project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the project include storm water treatment and source control measures, as well run-off flow controls, so that post-project runoff does not exceed estimated pre-project runoff. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved. The SWCP shall be submitted simultaneously with the project plans. An Operation and Maintenance Plan (O&M) for the treatment and flow-controls in the approved SWCP shall be submitted and approved before the Building Department will issue Certificate of Occupancy permits and shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
3. No automobile maintenance shall be performed in the parking lot and signage on site shall be posted notifying customers of this requirement. All areas used for washing, steam cleaning, maintenance, repair or processing shall be discharged into the sanitary sewer as approved by the City Engineer.
4. The following requirements of the federally mandated NPDES program (National Pollutant DISCHARGE Elimination System) shall be complied with as appropriate, or as required by the City Engineer:

- a. Prior to issuance of permits for building, site improvements, or landscaping, the applicant shall submit a permit application consistent with the applicant's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.
- b. The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).
- c. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for review and approval by the City, a final Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&M plan shall incorporate City comments on the draft O&M plan and any revisions resulting from changes made during construction. The O&M plan shall be incorporated into the CC&Rs for the Project.
- d. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute and record any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
- e. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
- f. Collect and convey all storm water entering, and/or originating from, the site to an adequate downstream drainage facility. Submit hydrologic and hydraulic calculations with the Improvement Plans to Engineering Services for review and approval.
- g. Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge Identification Number (WDID#) issued from the Regional Water Quality Control Board.

- h. Submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for review to the Engineering Department prior to issuance of a building and/or grading permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.
- i. Install appropriate clean water devices at all private storm drain locations immediately prior to entering the public storm drain system. Implement Best Management Practices (BMP's) at all times.
- j. Install on all catch basins "No Dumping, Drains to River" decal buttons.
- k. If sidewalks are pressure washed, debris shall be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the sanitary sewer District.
- l. Include erosion control/storm water quality measures in the final grading plan that specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydro seeding, gravel bags and siltation fences and are subject to review and approval of the City Engineer. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to review and approval of the City Engineer. The applicant shall be responsible for ensuring that all contractors and subcontractors are aware of and implement such measures.
- m. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually.
- n. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered.
- o. Clean all on-site storm drain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by City Inspectors and/or City Engineer.

K. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

1. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 19th day of February, 2014 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

Exhibit A

AUTO ZONE (GP-13-01, SP-13-01, Z-13-01, PD-13-02, V-13-01, UP-13-04, DR-13-04)

FINDINGS IN SUPPORT OF CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. The City of Antioch has established a Municipal Code to protect the public health, safety, and welfare of the citizens within the City. This condition of approval is necessary for the developer to mitigate any project impacts that may threaten the health, safety, or welfare of its citizens.
- 2-3. In order for the Project to be constructed to the City's approved standards, the plans need to adequately reflect the changes made by the Planning Commission (and City Council if applicable) and City staff needs to inspect the site for compliance with the conditions of approval prior to final inspection approval. These conditions protect the public safety, health, and general welfare of the residents of the Project and surrounding residential and other uses by providing an adequate reflection of the approved project prior to the issuance of building permits. A site inspection is also conducted to ensure the Project was built as conditioned.
4. The regulatory environment of land development and base line conditions change frequently as well as thresholds established by the California Environmental Quality Act; therefore this condition is necessary to ensure any project going forward is subject to the most current regulations in order to promote the public health, safety, and welfare in the City of Antioch.
5. The Project is being pursued by a developer and the City's responsibility is to promote orderly development within the City. This condition is necessary to protect the City from the financial and time expenses for defending challenges to land use entitlements or environmental reviews that are financially benefitting the applicant, particularly given the City's own financial challenges.
- 6-7. The Project takes City time and staff to process development applications through the land use entitlement process. The development of property is at the benefit of the applicant; therefore the conditions are necessary to ensure the applicant pays the expenses to process the application rather than having that burden placed on the taxpayers for another's benefit and satisfies all necessary requirements to make use of public lands that serve the Project site.

8. It is necessary to ensure administrative consistency and avoid confusion between plan versions by identifying the most recent entitlements that govern site development and use.
9. The development of this Project could require construction within the public right-of-way and/or private and public easements. These conditions are necessary to protect private and public property interests, as well as the traveling public, by requiring the applicant to obtain permission prior to entering, accessing, or making modifications to property not owned by the applicant.

B. CONSTRUCTION CONDITIONS

- 1-3. The construction of the Project will span approximately one year and will include site preparation, earthmoving, and general construction, which includes the development of buildings, structures, and facilities. Construction activities will produce impacts related to noise, dust, vibrations, and traffic that must be addressed and mitigated. In addition, the City is under a State-wide mandate to divert its waste by 50% and thus the City has adopted an ordinance to reduce construction and demolition debris from going to the landfill. These conditions of approval are necessary to address these impacts from the Project to ensure the public health, safety, and welfare of the Antioch community are protected and that development in the City occurs in an orderly fashion consistent with the City's General Plan and Municipal Code and to not create temporary or permanent nuisances.

C. SITE AND PROJECT DESIGN CONDITIONS

1. Access to and circulation around the Project site has the potential to detract from harmonious development. This condition is necessary to ensure the public health, safety, and welfare of the Antioch community are protected by having safe access and circulation in the Project vicinity.
2. This condition is necessary to ensure that site and Project design respond to soils conditions as they become known through project refinements and additional technical study. It may be necessary for the City to engage professionals to verify the adequacy of the plans in order to preserve the health, safety, and welfare of the residents of this Project, the surrounding neighborhood, and the construction workers, and therefore this condition is necessary.
3. This condition is necessary to ensure harmonious development and avoid land use conflicts as established by Design Guidelines 3.1.3B, 3.1.3D, 3.1.3F, and 3.1.8.

4. This condition is necessary to ensure harmonious development and appropriate building design as established by Design Guidelines 3.1.3B, 3.1.3D, 3.1.3F, and 3.1.8.
5. The Project will be constructing streets and driveways to serve the Project and in order to maintain the health, safety, and welfare of the residents and those that will visit this Project; the streets and driveways need to be adequately designed for safe travel and maneuverability. The delivery hours are to ensure the quiet enjoyment of the surrounding residential neighborhood. Therefore these conditions are necessary for the Project.

D. UTILITIES

- 1-12. The Project will require electrical, water, sewer, and storm drain facilities. The Antioch Municipal Code requires all utility facilities (including, but not limited to, electric, communication, and cable television lines) which are located on-site or adjacent to the subdivision shall be placed underground. In order to minimize visual clutter utilities should be placed underground or subsurface. This condition is necessary to promote the desirability of the City through the minimization of visual clutter and to maintain the aesthetics of the City as well as adherence to the Antioch Municipal Code.

E. LANDSCAPING CONDITIONS

- 1-6. The Project has one commercial building to serve the Project with a parking lot and will require landscaping. The City has also adopted Citywide Design Guidelines, which sets standards for streetscape design in regards to landscaping. These conditions are necessary to promote the health, safety and general welfare of the citizens of the City of Antioch and adhering to the Design Guidelines by preserving and enhancing the City's natural environment to facilitate the creation of a convenient, attractive, and harmonious community; to minimize erosion and disturbed lands through revegetation; to conserve energy by the provision of shade trees over streets, sidewalks, and other paved areas; to reduce the risk of fire by the management of flammable vegetation; to improve the appearance of the built environment; and to encourage the appropriate use of and orderly development of land.

F. FIRE REQUIREMENTS

1. The Contra Costa Fire Protection District provides fire services for the City of Antioch and follows the California Fire Code. The conditions of approval are necessary on the Project to protect the public health and provide for the safety and welfare of life and property from fire and explosion hazards or dangerous conditions in new buildings and existing buildings; structures and premises; and

to provide safety and assistance to fire fighters and emergency responders during emergency operations.

G. FEES

- 1-5. The City of Antioch, the Contra Costa Flood Protection District, and the Antioch Unified School District provide existing infrastructure such as streets, utilities, traffic signals, schools, public right-of-way, parks, flood mitigation improvements, parks, and police services. The fees required by the conditions of approval serve two functions: 1) the funds will provide mitigation for the project's fair share impact and the Project's responsibility of costs for the existing infrastructure due to the increase in population and 2) to mitigate the costs of additional infrastructure and maintenance necessary due to the impact of the Project. The conditions of approval are necessary to mitigate impacts to public infrastructure from deterioration as well as provide additional infrastructure to serve the additional population.

H. GRADING

- 1-6. The project requires grading of the Project site, which could have impacts on the final elevations for the overall development and the adjacent properties. These conditions are necessary to ensure public health, safety, and welfare because the grading has to be designed and approved by a licensed civil engineer. The licensed civil engineer is responsible for the development of a plan detailing the site conditions, design, and construction recommendations based on specific information on subsurface soil, rock, and water conditions. The impacts of the grading will be mitigated by the conditions of approval to ensure appropriately functioning utilities, and the development will be in accordance with the surrounding properties.

I. PROPERTY MAINTENANCE

- 1-5. These conditions are necessary to ensure that the Project site is kept in good working order to ensure adequate trash collection, to avoid localized flooding, reduce fire risks, and ensure the continued health, safety and welfare of the project environs.

J. CONSERVATION/NPDES

- 1-3. The Project is proposing one commercial building, a parking lot and landscaping. These conditions of approval pertaining to water conservation measures, and water quality are necessary to reduce water demand and to protect aquatic resources. The condition of approval protects the general welfare of the State to use water resources efficiently and to not waste water.

4. The Project is proposing to create impervious surface as well as engage in land disturbing construction activities which will lead to increase storm water runoff. The City is under Federal and State mandate to control water pollution by regulating point sources that discharge into local water bodies. Point sources are discrete conveyances such as pipes or man-made ditches. The Project is proposing two storm water control basins and a variety of conveyances to handle the storm water from the development. These conditions of approval are necessary to address these impacts from the Project to ensure the public health, safety, and welfare of the Antioch community is protected by control point source pollutants.

K. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

1. As required by the State of California, through the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Project. The impacts of the Project were identified to produce significant environmental impacts without mitigations. With the implementation of the mitigation measures, it reduces the project's impact to a less-than-significant level. The condition of approval is necessary to ensure the project complies with all mitigation measures so the Project does not create a significant environmental impact. The mitigation measures will ensure provision of a high quality environment with acknowledgement of the relationship to the general welfare of the people of the State. The capacity of the environment is limited and CEQA maintains thresholds for the health and safety of the people and take necessary action to prevent such thresholds from being reached. Lastly, the environmental document is to regulate activities which affect the quality of the environment so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment.

ATTACHMENT "F"

CITY OF ANTIOCH PLANNING COMMISSION MINUTES

Regular Meeting
6:30 p.m.

February 19, 2014
City Council Chambers

CALL TO ORDER

Chair Hinojosa called the meeting to order at 6:30 p.m. on Wednesday, February 19, 2014, in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, February 27, 2014.

ROLL CALL

Present: Commissioners Pinto, Miller, Baatrup and Westerman
Chair Hinojosa and Vice Chair Motts
Absent: None
Staff: Senior Planner, Mindy Gentry
Contract Planner, Scott Davidson
Public Works Director, Ron Bernal
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:** None

END OF CONSENT CALENDAR

CONTINUED ITEM

2. **AutoZone** proposes to amend the General Plan from High Density Residential to Neighborhood/Community Commercial and the East Lone Tree Specific Plan from Medium High Density Residential (R_H) to Community Retail (C_N), to rezone the property to Planned Development (PD), and to secure approval of a Final Development Plan, variance, use permit, and design review to develop a 7,766 square-foot AutoZone store. The project is located on the northeast corner Lone Tree Way and Fairside Way (**APN: 056-120-086**).

CP Scott Davidson provided a summary of the staff report dated February 13, 2014.

Chair Hinojosa discussed with PWD Bernal the safety concerns, deceleration lane, and the median. PWD Bernal said that the road in front of the project is 4 lanes which will ultimately be 6 lanes, and that he recommends against having right turns into the driveway.

Commissioner Pinto discussed with PWD Bernal that the typical width of lanes are 12 feet, that the City has allowed less than 12 feet but that he does not think a deceleration lane is possible.

OPENED PUBLIC HEARING

Bob Abbott spoke on behalf of Auto Zone and said that he was present to respond to questions or concerns.

Jeff Halbert also spoke for Auto Zone and said that looking at the project as a whole; they submitted the application a year ago, and that in the prior packet there weren't conditions for approval so the matter was continued to tonight. He said that this is a very small property, that residential development on the site would end up with 6 to 8 units, and that in the response to the comment letter received regarding the Mitigated Negative Declaration, staff's response was that the project would not be inconsistent with nearby land uses. He said that concerning the lack of adequate buffering they have increased the setback and there is a 6' high concrete sound wall between the properties. Historically this site was designated as commercial use but is currently designated residential with a public overlay. He said that if the project fails, the school district may use the site per their letter. He said traffic generation is not conflicting with the residential use given the primary hours show most customers coming Saturday afternoons and 6:00 to 8:00 pm. He said that PD zoning allows flexibility to fit a project.

In response to Commissioner Motts concern with people working on cars on site, Mr. Halbert said that there are corporate rules, that businesses don't allow that and they don't feel this will be a problem.

Commissioner Pinto expressed concern with vans or cars pulling up to the wall and people jumping over the fence into the residential area and the possibility of the parking facing Lone Tree Way, Mr. Halbert said that the parking spaces are 10 ½ feet from the wall and that the driveways would have to be shifted to the corners to create circulation if the parking area moved to the corner of Lone Tree Way and Fairside Way.

Commissioner Westerman confirmed with Mr. Halbert that deliveries to the store are once a week and the hours are flexible. The trash pickup is a single truck just the same as residential pickup.

Joel Keller also spoke for Auto Zone and said that this site currently brings in minimal property taxes, that this project will provide construction jobs and 15 to 20 permanent jobs, and will increase property and sales taxes. He said that the site has been undeveloped for a long time, that the deceleration lane is going to be a problem with whatever goes there and that other Auto Zones have recently been approved with similar square footage and lot size.

Jon Stansbury representing Auto Zone as a broker said that the Auto Zone on Somersville is a smaller site and that he would recommend staff take a look at Auto Zone's Monument Boulevard store which is a very similar site.

Sean Wright spoke for the Antioch Chamber of Commerce in support of the project which would generate revenue and taxes and asked the Planning Commission to consider the opportunity.

Norm Dyer spoke on behalf of the owners of the Bella Rose Apartments and said that he wanted to stress the professional and thorough job that staff has done. He addressed comments with the school district letter, the deceleration lane and reduction in parking. He said that he would ask the applicant or the Commission to study what the expenses will be to the City and if it will benefit the City or be a liability to the City. He said that the Concord Auto Zone is not in a residential zone and is not on a corner lot.

CLOSED PUBLIC HEARING

Commissioner Motts clarified with staff that there would be a public process before the school can use the property.

PWD Bernal said ideally there would be no access off of Lone Tree Way but that he doesn't believe that with deliveries and the way the building is structured that you can do without the two points of access.

Chair Hinojosa asked staff to provide an explanation regarding the City's response to comments that the project would not be inconsistent with land uses to which CP Davidson said that it means that it doesn't rise to the threshold of a significant impact.

In response to Commissioner Motts, SP Gentry stated that there were no last minute letters other than the letter from the school district.

Commissioner Pinto said that the plot is a square; Fairside Way is narrow; and asked what can be done with this property to eliminate driveways on Lone Tree Way and possibly put two driveways on Fairside. He proposed a condition of approval to decrease the size of the building where Fairside can be widened and the median moved to create enough space for circulation out of Auto Zone. Scott Davidson responded that while he doesn't know the distance requirements from the intersection, he believes it would be difficult to have two driveways on Fairside and that the design solution might be to create a turn around but that would take land that doesn't exist.

REOPEN PUBLIC HEARING

Jeff Halbert said that the traffic study did not point out that as an issue, that this is a perceived issue of staff and that applicant would consider a right out only as an exit only and eliminating the need for deceleration.

Commissioner Pinto expressed concern with patrons safely trying to get onto Lone Tree Way and asked what consideration can be made by the developer to reduce the size of the building or something else to help the process.

Mr. Halbert responded that there is a signal there and traffic will stop periodically and create an opportunity for exiting. If the driveway was close off and all traffic goes to Fairside, they will need some type of dead end or turnaround. He said that if the City decides to eliminate the driveway on Lone Tree Way that this is taking this site off the shelf for retail use.

Commissioner Pinto said that if the driveway is necessary for business to function on Lone Tree Way, he would like to see the deceleration lane created and would like to see an eight foot tall wall between the properties.

RECLOSE PUBLIC HEARING

Commissioner Pinto discussed with PWD Bernal the suggestion of pushing the building back and making room for a deceleration lane. They also discussed a similar business on A Street.

Chair Hinojosa asked staff if they had worked with the applicant to work out layouts of the site to which SP Gentry said that potential variables and other ideas were discussed. She said that the building on A Street is probably legal nonconforming.

Commissioner Motts stated that he is struggling with the applicant's comment that any usage is going to have the same problems and that he would like to see the City have revenue.

Chair Hinojosa mentioned that it is not only circulation issues but also General Plan, zoning, rezoning and variance issues which should not be taken lightly.

Commissioner Westerman said that in general he doesn't like the idea of spot zoning, that the most proper way would be to find a location wherein the project conforms to the General Plan and the Specific Plan, and that what we are doing here is coming up with a project and then changing the requirements to fit. He said he is a little concerned about setting precedence and that this opens the door for others to expect the same. He is concerned about the turn from Lone Tree Way and that there is not enough room for a right turn lane.

Commissioner Miller questioned staff about deliveries and the median on Fairside to which PWD Bernal said that his understanding from the drawings is that deliveries would come in off Lone Tree Way, turn right in the parking lot and exit onto Fairside with modifications to the median.

Chair Hinojosa said that she is deeply troubled by this project; this is a good business for the City; that we need growth; the Chamber supports the project; but that the Planning Commission's role is to look at land use. She said that applicant has attempted to integrate, but feels this project falls short on so many levels. She said that

she feels like proceeding with this project is setting a precedent and that she can't really support approval of the project with these resolutions. The variance being proposed is asking for major deviations and she concurs about the circulation issues and she doesn't know how she can support it at this time.

Commissioner Baatrup said that he is struggling to find a way to stand behind this project and he doesn't disagree that this corner is a very awkward corner but thinks this project requires too many concessions and compromises. He said that there are multiple areas that would support this project in the City and he doesn't think this corner is one of those and that he can't support it.

Commissioner Baatrup made a motion to adopt the resolutions of denial contained in Attachment A of the staff report. Commissioner Westerman seconded the motion.

Commissioner Pinto suggested making an amendment and asked if this was doable.

CA Nerland said that the maker of the motion can consider an amendment or the Commission can vote on the motion. Commissioner Baatrup said that he was willing to hear the proposal.

Commissioner Pinto stated that the amendment would be to have the developer come back with solutions that meet most of the critical issues that have been raised today, that opportunity should be given to the developer and further suggested that staff also try to work with the developer to see how to mitigate these issues and come back to the Commission at a later date.

Chair Hinojosa clarified with Commissioner Pinto that he is proposing to continue the item.

Commissioner Baatrup said that while he appreciated Commissioner Pinto's desire to work this out and the applicant had the opportunity look at the concerns and to continue the project at the last meeting and he stated he would like to take his motion to vote.

RESOLUTION NO. 2014-**

On motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission cannot make findings that the proposed General Plan Amendment is in the public interest of the people and hereby recommends to the City Council denial of the amendment to City of Antioch's General Plan.

AYES: *Hinojosa, Motts, Miller, Baatrup, and Westerman*
NOES: *Pinto*
ABSTAIN: *None*
ABSENT: *None*

RESOLUTION NO. 2014-**

On motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission cannot make findings that the proposed Specific Plan Amendment is in the public interest of the people and hereby recommends to the City Council denial of the amendment to the East Lone Tree Specific Plan.

AYES: Hinojosa, Motts, Miller, Baatrup, and Westerman
NOES: Pinto
ABSTAIN: None
ABSENT: None

RESOLUTION NO. 2014-**

On motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission hereby recommends to the City Council denial of the change to the City of Antioch’s zoning code found in Title 9 of the Antioch Municipal Code.

AYES: Hinojosa, Motts, Miller, Baatrup, and Westerman
NOES: Pinto
ABSTAIN: None
ABSENT: None

RESOLUTION NO. 2014-**

On motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission hereby recommends to the City Council denial of the final development plan, variance, use permit, and design review applications proposed by the Project.

AYES: Hinojosa, Motts, Miller, Baatrup, and Westerman
NOES: Pinto
ABSTAIN: None
ABSENT: None

NEW PUBLIC HEARING

- 3. PDP-13-01 – HEIDORN VILLAGE PRELIMINARY DEVELOPMENT PLAN –** Douglas Krah requests the review of a preliminary development plan, which is not an entitlement, for the development of 117 single family homes on approximately 20.3 acres. The project site is located on the west side of Heidorn Ranch Road, at the eastern terminus of Prewett Ranch Drive (**APNs 056-130-013, -015, -017, -018**).

SP Gentry provided a summary of the staff report dated February 13, 2014.

In response to Commissioner Pinto’s concern that two story homes are not practical for senior citizens, SP Gentry stated that the applicant has proposed 18 single story

FL

ATTACHMENT "G"

- *Maximum Allowable Density:* Ten dwelling units per gross developable acre (10 du/ac)
- *Anticipated Population per Acre:* Twenty (20) to Twenty-five (25) persons per acre

High Density Residential. High Density Residential densities may range up to twenty (20) dwelling units per gross developable acre, with density bonuses available for age-restricted, senior housing projects. Two-story apartments and condominiums with surface parking typify this density, although structures of greater height with compensating amounts of open space would be possible. This designation is intended primarily for multi-family dwellings. As part of mixed-use developments within the Rivertown area and designated transit nodes, residential development may occur on the upper floors of buildings whose ground floor is devoted to commercial use. Typically, residential densities will not exceed sixteen (16) to eighteen (18) dwelling units per acre for standard apartment projects, although projects with extraordinary amenities may achieve the maximum allowable density. However, permitted densities and number of housing units will vary, depending on topography, environmental aspects of the area, geologic constraints, existing or nearby land uses, proximity to major streets and public transit, and distance to shopping districts and public parks. Higher densities will be allowed where measurable community benefit is to be derived (i.e., provision of needed senior housing or low and moderate income housing units). In all cases, infrastructure, services, and facilities must be available to serve the proposed density, and the proposed project must be compatible with surrounding land uses.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum Allowable Density:* Twenty dwelling units per gross developable acre (20 du/ac) and up to a Floor Area Ratio¹ of

¹ Floor Area Ratio (FAR) represents the ratio between allowable floor area on a site and the size of the site. For example, an FAR of 1.0 permits one square foot of building floor area (excluding garages and parking) for each square foot of land within the development site, while an

1.25 within areas designed for mixed use or transit-oriented development.

- *Anticipated Population per Acre:* Forty (40) persons per acre. Within transit-oriented development, up to forty-five to sixty (45-60) persons per acre

Residential TOD. This mixed-use classification is intended to create a primarily residential neighborhood within walking distance to the eBART station, with complementary retail, service, and office uses. Residential densities are permitted between a minimum of 20 and a maximum of 40 units per gross acre. A range of housing types may be included in a development project, some of which may be as low as 10 units per acre, provided the total project meets the minimum density standard. Up to 100 square feet of commercial space such as retail, restaurant, office, and personal services are permitted per residential unit.

Residential units should be at least 300 feet away from rail and freeway rights-of-way, or should incorporate construction measures that mitigate noise and air emission impacts. Retail, restaurants, commercial services, and offices are allowed on the ground floor and second floor, particularly on pedestrian retail streets and adjacent to Office TOD designations. Low intensity stand-alone retail or restaurant uses with surface parking are not permitted. Fee parking in surface parking lots is not permitted as a primary use.

- *Minimum housing density:* 20 acres per gross acre
- *Maximum housing density:* 40 units per gross acre

4.4.1.2 Commercial Land Use

Designations. The General Plan land use map identifies two commercial land use designations, which, along with commercial development within Focus Areas, will provide a broad range of retail and commercial services for existing and future residents and businesses. Permitted maximum land use

FAR of 0.5 permits ½ square foot of building area for each square foot of land within the development site.

intensities are described for each designation. Maximum development intensities are stated as the maximum floor area ratio (FAR) within the project site. "Floor area ratio" is determined by dividing the total proposed building area of a development project by the square footage of the development site *prior* to any new dedication requirements.

Convenience Commercial. This designation is used to include small-scale retail and service uses on small commercial lots, generally ranging up to one to four acres in size. Total gross leasable area within Convenience Commercial areas typically ranges from about 10,000 to 40,000 square feet. Typical uses may include convenience markets, limited personal services, service stations, and commercial services. This designation is often located on arterial or collector roadway intersections in otherwise residential neighborhoods and, thus, requires that adequate surface parking be included to ensure against any potential circulation difficulties affecting adjacent residences. Design features need to be included in these centers to ensure that convenience commercial developments are visually compatible with and complementary to adjacent and nearby residential and other less intensive uses. The type and function of uses in convenience commercial areas are generally neighborhood serving, and need to be carefully examined to ensure compatibility with nearby uses. This land use designation may also be applied to small freestanding commercial uses in the older portions of Antioch.

While some areas may be designated on the Land Use Plan for Convenience Commercial use, this does not preclude small freestanding commercial uses from being zoned for such a use provided the above parameters are adhered to through adopted performance standards. Such a rezoning would be considered to be consistent with the General Plan, and not require a General Plan amendment.

- *Appropriate Land Use Types:* See Table 4.A

- *Maximum Allowable Development Intensity:* Floor Area Ratio (FAR) of 0.4 for new development within centers, and 0.6 FAR for small, freestanding uses.

Neighborhood/Community Commercial.

The intent of the General Plan is to service residential areas in an efficient manner by avoiding the creation of new strip commercial areas. Toward this end, the General Plan designates major commercial nodes of activity based on the need to serve defined neighborhood and community areas. Each area designated Neighborhood/Community Commercial would typically represent an integrated shopping center or an aggregate of parcels around an intersection, which create an identifiable commercial center or area.

The common denominator within this designation is that each neighborhood commercial node will have sufficient acreage to meet the commercial needs of one or more neighborhoods. A neighborhood center typically ranges from 30,000 - 100,000 square feet of floor area on about 3 to 12 acres, anchored by a major supermarket and/or-drug store. A community center may range from 100,000 to 250,000 square feet on 10 to 20 acres or more, and be anchored by a major retailer. Because of its size, a neighborhood center would typically locate at the intersection of a collector and an arterial. A community center is more likely to be found at major arterial intersections.

Typical spacing between community centers should be approximately 1.5 to 3.0 miles, with approximately one mile between neighborhood centers. Exact spacing depends on the nature and density of nearby development, and on the location of major roadways.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum allowable development intensity:* FAR of 0.4.

Regional Commercial. The primary purpose of areas designated "Regional Commercial" on the General Plan land use map is to provide areas for large-scale retail commercial

- d. Design new residential development with identifiable neighborhood units, with neighborhood shopping facilities, parks and recreational facilities, and schools provided as an integral component of neighborhood design.
- *Streets.* Street design should route through traffic around, rather than through new neighborhoods. Neighborhood streets should be quiet, safe, and amenable to bicycle and pedestrian use. Within new subdivisions, single-family residences should be fronted on short local streets, which should, in turn, feed onto local collectors, and then onto master planned roadways.
 - *Schools, Parks, and Recreation Areas.* Elementary schools, as well as parks and recreational areas should be contained as near the center of the neighborhood they are as is feasible.
 - *Neighborhood Commercial Areas.* Neighborhood commercial centers should be located at the periphery of residential neighborhoods, and be designed such that residents can gain vehicular, bicycle, and pedestrian access to the centers directly from the neighborhood.
 - *Connections.* Individual neighborhoods should be provided with pathways and open spaces connecting residences to school and recreational facilities, thereby facilitating pedestrian and bicycle access.
 - *Neighborhood Character.* Residential neighborhoods should be designed to maintain a distinct character through the use of neighborhood signage, streetscapes, architectural styles and variations, natural topographic variations, and landscape buffers.
- e. Provide recognizable variations in front and side yard setbacks within single-family residential neighborhoods.
- f. To reduce architectural massing, orient the shortest and lowest side of a corner residential dwelling unit toward the side street.
- g. Within multi-family and small lot single-family developments, cluster residential buildings around open space and/or recreational features.
- h. In higher density project with tuck-under parking and/or opposing garages, avoid the monotony of long parking corridors by turning individual units and/or staggering and landscaping parking areas.
- i. Provide each unit of a multi-family development project with some unique elements to create a sense of place and identity.
- Individual units within a project should be distinguishable from each other, and should have separate entrances and entry paths, where feasible.
 - The common space of each cluster of dwelling units should be designed to provide differences in size, dimensions, grading, and site furniture.
 - Every dwelling unit shall be provided with a usable private garden area, yard, patio, or balcony.

4.4.3 Commercial Land Uses

4.4.3.1 Commercial Land Use Objective.

Provide conveniently located, efficient, and attractive commercial areas to serve regional, community, and neighborhood functions and meet the retail and commercial needs of Antioch residents and businesses.

4.4.3.2 Commercial Land Use Policies.

The following policies apply to land designated for commercial uses on the General Plan land use map and by Focus Area policies.

- a. Design commercial and office developments in such a manner as to complement and not conflict with adjacent residential uses, and provide these developments with safe and easy vehicular, pedestrian, and bicycle access.

- b. Orient commercial development toward pedestrian use.
 - Commercial buildings should provide a central place of main focus.
 - Buildings should be designed and sited so as to present a human-scale environment, including identifiable pedestrian spaces, seating areas and courtyards.
 - Uses within pedestrian spaces should contribute to a varied and lively streetscape.
 - Buildings facing pedestrian ways and plazas should incorporate design features that provide visual interest at the street level.
- c. Building setbacks along major streets should be varied to create plaza-like areas, which attract pedestrians whenever possible.
- d. Provide for reciprocal access, where feasible, between commercial and office parcels along commercial corridors to minimize the number of drive entries, reduce traffic along commercial boulevards, and provide an orderly streetscape.
- e. Design internal roadways so that direct access is available to all structures visible from a particular parking area entrance in order to eliminate unnecessary vehicle travel, and to improve emergency response.

4.4.4 Employment - Generating Land Uses

4.4.4.1 Employment-Generating Land Use Objective. Provide a mix of employment-generating uses supporting a sound and diversified economic base and ample employment opportunities for the citizens of Antioch through a well-defined pattern of manufacturing, warehousing and distribution, professional services, and office-based uses.

4.4.4.2 Employment-Generating Land Use Policies. The following policies apply to land designated for commercial uses on the

General Plan land use map and by Focus Area policies.

- a. Focus the use of employment-generating lands on high value and high employment-generating uses (e.g., office environments, manufacturing and assembly).
- b. Provide for an appropriate mix of uses within employment-generating lands, including commercial and commercial service uses.
- c. Take advantage of existing rail facilities within the community by permitting the development of rail-served industrial uses.
- d. Ensure appropriate separation and buffering of manufacturing and industrial uses from residential land uses.
- e. All manufacturing and industrial uses shall be adequately screened to reduce glare, noise, dust, and vibrations.
- f. Office uses shall comply with the design policies set forth for commercial uses landscape (see Community Image and Design Element).
- g. Business park and office environments should blend well-designed and functional buildings with landscape (see Community Design Image and Element).

4.4.5 Community and Public Land Uses

4.4.5.1 Community and Public Land Use Objective. Maintain an adequate inventory of lands for the conduct of public, quasi-public, and institutional activities, including protection of areas needed for future public, quasi-public, and institutional facilities.

4.4.5.2 Community and Public Land Use Policies. The following policies apply to land designated for commercial uses on the General Plan land use map and by Focus Area policies.

The development and design of public office developments should comply with the General Plan provisions for commercial and office development.

coordinated to create an overall sign theme for the project.

- h. Adequate lighting shall be required to provide adequate lighting for the security and safety of on-site parking, loading, shipping and receiving, and pedestrian and working areas.

5.4.11 Infill Development

- a. Unless the specific purpose is to change the visual appearance of an area due to its outdated or deteriorated character:
 - The scale of proposed infill development should not overpower neighboring developments.
 - The perceived intensity and character of infill buildings should be similar to that of the existing neighborhood.
 - Infill development should appear to be an integral part of the intended character of the neighborhood.
- b. Where single family residences dominate the existing street scene, infill development should feature single family elements along the street, with additional density behind.
- c. Setbacks for infill development should respect existing street setbacks.
- d. By using variations in building height, roof lines, façade articulation, grade definition, the overall perceived mass of proposed infill projects can be effectively reduced to be compatible with existing development. Other techniques to provide appropriate scale relationships include:
 - Vary building setbacks and massing of large structures along major streets to provide visual interest.
 - Detail multi-story buildings so as to reduce their vertical appearance.
 - Provide a greater level of architectural detailing at the ground level than at upper levels.

5.4.12 Development Transitions and Buffering Policies¹

- a. Minimize the number and extent of locations where non-residential land use designations abut residential land use designations. Where such land use relationships cannot be avoided, strive to use roadways to separate the residential and non-residential uses².
- b. Ensure that the design of new development proposed along a boundary between residential and non-residential uses provides sufficient protection and buffering for the residential use, while maintaining the development feasibility of the non-residential use. The burden to provide buffers and transitions to achieve compatibility should generally be on the second use to be developed. Where there is bare ground to start from, both uses should participate in providing buffers along the boundary between them.
- c. Provide appropriate buffering to separate residential and non-residential uses, using one or more of the following techniques as appropriate.
 - Increase setbacks along roadways and common property lines between residential/non-residential uses.
 - Provide a heavily landscaped screen along the roadway or common property line separating residential and non-residential use.
 - Locate noise-generating activities such as parking areas; loading docks; and service, outdoor storage, and trash collection areas as far from residential uses as possible.

¹ These policies are focused on protecting existing and planned residential uses from the effects of adjacent land uses. Policies to provide similar buffers between existing and proposed developments and existing open space and agricultural areas are set forth in Section 10.5 of the Resource Management Element.

² It is recognized that residential and non-residential properties will sometimes abut along a common property line (such as between neighborhood shopping centers and adjacent neighborhoods).

- Where a multifamily residential use is located adjacent along a common property line with a non-residential use, locate the noise-generating activities of both uses (e.g., parking areas; loading docks; and service, outdoor storage, and trash collection areas) along the common property line.
 - Design the residential area with cul-de-sacs running perpendicular to and ending at the non-residential use, facilitating greater separation of residential and non-residential structures than would be possible if residential streets ran parallel to the boundary of the non-residential use.
- d. Where a difference in residential density is indicated on the General Plan land use map, the size of parcels and character of development facing each other across a street or along a common property line should be similar, creating a transition between the densities in each area.
- e. Where multi-family development is located adjacent to a single-family neighborhood, appropriate buffering is to be provided.
- Increase setbacks for multi-family development along common property lines with single family development.
 - Provide a heavy landscaped screen along the property line of the multi-family use.
 - Locate noise-generating activities such as parking and trash collection areas as far from the single family neighborhood area as possible.
- f. The transition from lower to higher residential density should occur within the higher density area.
- g. Uninterrupted fences and walls are to be avoided, unless they are needed for a specific screening, safety, or sound attenuation purpose.
- h. Where they are needed, fences or walls should relate to both the site being developed and surrounding developments, open spaces, streets, and pedestrian ways.
- i. Fencing and walls should respect existing view corridors to the greatest extent possible.
- j. Fencing and walls should incorporate landscape elements or changes in materials, color, or texture in order to prevent graffiti, undue glare, heat, or reflecting, or aesthetic inconsistencies.

5.4.13 Signs

- a. Prohibit offsite signs¹, except for offsite signs identifying subdivisions and signs along freeways for the purpose of providing motorists with advanced notice of services available at an upcoming freeway interchange.
- b. Encourage theme-based signage integrated with building designs within multi-tenant commercial and office developments.
- c. Limit the size of signs to that necessary to adequately provide identification and direction.
- d. Users of freeway advanced identification signs are limited to those types of business providing services to the motoring public (i.e. hotels/motels, restaurants, vehicle service). Information provided on the sign should be limited to company names and/or logos only.
- e. Although the City may establish detailed guidelines for the design of freeway advanced identification signs, each sign should be individually designed to be compatible with its own unique setting.
- f. Onsite signs (those which identify uses and businesses that are located on the same site) are to be permitted for the sole purpose of identifying businesses located on the same site as the sign. Such signs are to be designed to communicate

¹ Off-site signs are those identifying uses and businesses at a location different from that of the sign, and signs advertising products or services on a commercial basis that are not available at the same location.



5. HOUSING POLICY PROGRAM

Responsible Agency: City of Antioch CDBG & Housing Programs

Implementation Schedule: Ongoing as funding allows, pursuant to NSP requirements

Non-Quantified Objective: Implementation of the Neighborhood Stabilization Program

Funding Source: NSP, CDBG, ADA

1.1.10 Foreclosure Counseling and Prevention: Continue and expand partnerships between various governmental, public service and private agencies and advocacy organizations to provide ongoing foreclosure counseling services, workshops and written materials to aid in the prevention of foreclosures. The City will continue to provide information about foreclosure resources on the City website and at City Hall. The City will also continue to refer persons at-risk of foreclosure to public and private agencies that provide foreclosure counseling and prevention services. In addition, the City will provide homebuyer pre-purchase counseling through the First Time Homebuyer program in conjunction with the NSP activities in Program 1.1.9 to educate homebuyers and prevent foreclosures in the future.

Responsible Agency: City of Antioch CDBG & Housing Programs

Implementation Schedule: Ongoing

Non-Quantified Objective: Foreclosure counseling and foreclosure prevention

Funding Source: CDBG, ADA

Goal 2

Facilitate the development of a broad array of housing types to accommodate a diversity of new Antioch citizens in terms of age and socioeconomic background.

Policy 2.1

Provide adequate residential sites for the production of new for-sale and rental residential units for existing and future residents.

Implementing Programs

2.1.1 Inventories: Using the City's GIS database, maintain an ongoing identification of sites planned and zoned for residential development for which development projects have yet to be approved. This database shall also have the ability to



5. HOUSING POLICY PROGRAM

identify sites that have the potential for development into emergency shelters, farm worker housing, or mixed use areas.

Responsible Agency: Community Development Department (GIS staff)

Implementation Schedule: Ongoing following adoption of the Housing Element

Non-Quantified Objective: Maintenance of an inventory of available sites for use in discussions with potential developers and evaluating the City's ability to meet projected future housing needs.

Funding Source: General Fund, ADA

- 2.1.2 **Adequate Sites for Housing:** The City has a remaining lower-income growth need of 1,784 dwelling units (including a shortfall of 1,380 units from the 1996-2005 Housing Element planning period) based on the analysis conducted in Appendix B of this Housing Element. To accommodate the remaining lower-income growth need, the City shall rezone a minimum of 59.47 acres to permit by-right single and multi-family, rental and ownership residential development at a minimum net density of 30 du/ac. Of the rezoned land, a minimum of 18.07 acres will permit exclusively by-right residential use to ensure a minimum of 50 percent of the City's lower-income need is accommodated on sites designated for exclusive residential use. The rezoned land shall accommodate the remaining lower-income housing need on sites with densities and development standards that permit at a minimum 16 units per site. The City will ensure that zoning and development standards for the candidate sites within the proposed new multi-family zones encourage and facilitate the development of housing, particularly affordable to lower-income households. Candidate sites identified for rezoning are listed in Table B-4 of this Housing Element.

The City understands that large sites have additional considerations when providing housing affordable to lower-income households, including the availability of State and federal resources for larger developments. For larger sites identified to accommodate the City's remaining lower-income need, the City will encourage and facilitate development of housing for lower-income households through specific plan development, further lot subdivision and/or other methods.

Responsible Agency: Community Development Department (Planning Division)

Implementation Schedule: June 2011

Non-quantified Objective: Rezone a minimum of 59.47 acres to permit a minimum density of 30 du/ac.



5. HOUSING POLICY PROGRAM

Funding Source: General Fund

- 2.1.3 Meet with Potential Developers:** Meet with prospective developers as requested, both for profit and non-profit, on the City of Antioch's residential development allocation (growth management), development review, and design review processes, focusing on City requirements and expectations. Discussion will provide ways in which the City's review processes could be streamlined without compromising protecting the public health and welfare, and funding assistance available in the event the project will meet affordable housing goals.

Responsible Agency: Community Development Department, City Manager

Implementation Schedule: Ongoing meetings as requested

Non-Quantified Objective: To facilitate the development review process by ensuring a clear understanding on the part of developers as to City expectations for their projects and timeline. Discussion is also anticipated to function as a feedback loop, and assist the City in minimizing the costs of the development review process to new residential development.

Funding Source: General Fund

- 2.1.4 Executive Housing:** Facilitate the development of housing appropriate for executives of businesses seeking to expand within or relocate to Antioch to meet the need for providing above-moderate income housing. Where appropriate, provide requirements in outlying focus areas for the development of executive and upper end housing with appropriate amenities.

Responsible Agency: Community Development Department, City Manager.

Implementation Schedule: Ongoing, project-based

Non-Quantified Objective: To facilitate the development of needed above moderate-income housing.

Funding Source: General Fund.

Policy 2.2

Facilitate the development of new housing for all economic segments of the community, including lower income, moderate-, and above moderate-income households.

ATTACHMENT "H"



January 17, 2014

Mindy Gentry, Senior Planner
City of Antioch
200 H Street
Antioch, California 94509

RE: Second Plan Review for Lone Tree Way and Fair Side Way – Auto Zone
Dahlin Job: 1047.006

Dear Mindy,

The following is my review of the plans submitted for a new Auto Zone on Lone Tree Way at Fair Side Way in Antioch. The plans received are dated 12/18/2013. The design is reviewed for consistency with Chapter 3.0 Commercial Design Guidelines of the City of Antioch Citywide Design Guidelines Manual.

3.1.2 Design Objectives:

In general the project fails to comply with the general goals of this section. The building lacks any real articulation and tries to satisfy this basic requirement through the use of plan-on types of building plane changes.

The current submittal better addresses this section.

3.1.3 Site Planning:

3.1.3A Site Character / Compatibility:

The project substantially complies with this section.

3.1.3B Land Use Buffering:

The project substantially complies with this section with the exception of paragraph 4. The trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to existing residential apartment buildings. It does not appear that much can be done about either, however, due to the geometry of the site. It would seem that a larger landscape buffer along the northern property line would be appropriate given the adjacency to the existing residences.

There does not seem to be any change to the site plan to address this comment.

3.1.3C Building Siting:

The project fails to comply with the spirit of paragraph 2. While the corner has been angled, the purpose of this section of the design guidelines is for the building to address the corner in an effective manner. Simply angling a blank wall of the building does not celebrate or address the corner condition. The applicant should consider possibly flipping the entire site plan so that the building is on the eastern edge of the property with the open parking lot and landscaping at the corner. While this may not be a perfect solution, it would put the active side of the building towards the streets instead of the inactive side.

The current submittal addresses this comment through the introduction of glass at the corner elevation and along the west elevation of the building. This is an improvement over the original design of the structure and the building better addresses the corner though not to the extent that the section is looking for.

3.1.3D Site Amenities:

Since this is a single building the proposed project substantially complies with this section. However given the amount of paving that is proposed for the project, it would seem that some decorative paving and possibly

some more urban landscape treatments like tree grates within the paved area at the south eastern corner of the building could be used to create a more attractive project without significant cost to the project.

There is general improvement in this area, though there is still no indication of any decorative pavement. The tree grates have been introduced as suggested.

3.1.3E Site Utilities and Mechanical Equipment:

It appears that all roof mounted mechanical equipment is adequately screened by the proposed building elements. It is not clear if there are site utilities, utility connections for the building or mechanical equipment that need to be screened from public view per this section.

All reference to ground mounted mechanical equipment has been removed from the project documents.

3.1.3F Trash and Storage Areas:

Compliance with this section cannot be determined by the documents submitted. There is no indication of the trash enclosure structure, except for the location.

Elevations of the proposed trash enclosure have been submitted. An attempt has been made to architecturally integrate the structure with the proposed building through the use of a stone wall. The roof structure proposed does not integrate with the proposed architecture, however. The illustration on page 3-7 of the City of Antioch Citywide Design Guidelines shows how the roof might be improved.

3.1.4 Architecture:

3.1.4A Architectural Imagery:

The project as submitted does not comply with this section. While the building is not totally unattractive, it does not embrace any particular style of architecture either.

The architect has attempted to bring a regional character to the architecture of the building through the introduction of a hipped roof element at the corner of the building with substantial detailing. There have been other architectural decorations added to the building as well giving the building an improved appearance.

3.1.4B Building Form and Mass:

This project is not in compliance with this section at all. As submitted barely 50% of the building facing Lone Tree Way (South Elevation) and none of the building facing Fair Side Way (West Elevation) has glazing. The decorative metal accents provided as an attempt to break up the substantially flat facade of this building and the applied stone, while nice, do not do anything to comply with this section. There are no dimensions provided to the "applied" pilasters to the building but it would appear that there is less than a six (6) inch differential between surfaces which is wholly inadequate to meet the standard of "new structures shall be designed to avoid blank facades, particularly on major streets".

The architect has improved the wall articulation to the barest minimum possible. They have also introduced additional materials along the previously blank elevations which also helps bring a sense of articulation to the facade where there is no real articulation.

3.1.4C Wall Articulation:

The proposed design does not comply with this section of the guidelines. Paragraph 1b requires that in order to break the long, flat, monolithic wall facade columns shall be 8 inches deep, it is not clear from the provided drawings that the proposed design meets this standard. There are columns on the western side of the building that seem to meet the minimum standard, but not on the western face of the building which faces the street.

As noted above progress has been made in this area, the design now complies in the most minimal way with this section and the materials now proposed give the illusion of more substantial compliance.

3.1.4D Roofs:

Clearly the submitted design does not have the full gabled, hipped and shed roofs that are "encouraged" by this section. The parapet roof that is proposed is compliant with the requirement that the parapet not be unbroken for more than 75 feet, and the proposed parapet roof design is successful in creating an acceptable design.

There is improvement here as well. There is now a fully hipped roof element at the corner of the building which helps to celebrate the corner elevation.

3.1.4E Materials / Colors:

The proposed design is generally compliant with this section. The proposed finish of the stucco is not indicated on the plans provided so compliance with paragraph 1a cannot be determined. The colors proposed for the building are acceptable.

The proposed stucco finish is now indicated on the drawings and does comply with this section of the guidelines.

3.1.4F Building Equipment and Utility Screening:

The proposed building complies with this section with regard to the roof mounted equipment for this project. As noted in the previous section, there is no indication of any site utility or mechanical equipment that may need screening. There is a Key Note 15 referencing a new transformer on a concrete pad, but I could not find a location of where this is to be placed.

The project now appears to comply with this section with the removal of the reference to the ground mounted transformer.

3.1.4G Security:

The project is substantially compliant with this section. However, compliance with paragraph 1 cannot be determined from the documents provided.

The building addressing has now been shown on the plans.

3.1.5 Storefront:

The project is in general conformance with this section.

3.1.6 Parking and Circulation:

The project is in substantial conformance with this section.

3.1.7 Landscaping:

The project substantially complies with this section. However, it would appear that there is a conflict between the landscaping drawings submitted and the site plan submitted. On Sheet 3 of the submittal package the plans indicate that at the South Eastern corner of the building there is a substantial concrete area that adjoins the public sidewalk creating a mini plaza. In complete conflict with this, sheet L1 indicates this entire area is planted and that there is no connection between the public sidewalk and the building affording no approach for a pedestrian onto the site except via the driveway. The solution proposed by sheet L1 is not acceptable, there should be at least one entrance for a pedestrian onto the site via a walk and I believe that the more urban solution of a mini plaza could be more interesting in this case with the use of tree grates or other urban landscape solutions. Whichever direction the applicant chooses, this conflict needs resolution.

The previous conflicts seem to have been resolved here in favor of a more urban solution / plaza with tree grates and bicycle parking. This is much improved from the previous submittal.

3.1.8 Lighting:

There are two parking lot 20' high yard lights proposed on the plan but there is not cut sheet provided for these lights so compliance with this section cannot be determined at this time.

The architect has provided more information on the lights selected, however, the guidelines state in 3.1.8 E, "All project exterior lighting, with the exception of lighting for public streets, shall be consistent with the architectural style of the commercial building." Neither fixture proposed is consistent with the current architectural style of the building.

General Comments:

The project is fairly well designed for corporate architect. However the purpose of the city of Antioch Design Guidelines is to DISCOURAGE the use of corporate architecture and this project does not even begin to address that goal. The applicant should consider redesigning the project from the site planning through the architecture in order to better address the goals of the commercial guidelines.

The project is greatly improved. There are some minor areas that would benefit from further revision. The building now is improved to the point that it is acceptable pending the resolution of the last details of the project that need to be resolved.

Respectfully Submitted,

Donald J Ruthroff, AIA
Associate / Senior Architect
C24946, exp. 10/31/2015

ATTACHMENT "I"

Gentry, Mindy

From: Mark Marcotte [mkmarcotte@aol.com]
Sent: Monday, December 16, 2013 12:34 PM
To: Gentry, Mindy
Subject: MITIGATED NEGATIVE DECLARATION

Mindy: My name is Mark Marcotte. My brother and I own the Bella Rose Apartments adjacent to northeast corner of Lone Tree Way and Fairside Way.

In 2004, I worked with Karen Laws of the CCC Real Property Division to have this parcel sold off as surplus land. She agreed and we paid the fees necessary to expedite the process. Unfortunately for us, the Liberty School District got first right to it and did purchase the parcel. I met with Dan Smith explaining my reason for wanting the parcel but he was unmoved. So here we are.

I want to formally object to the proposal to put an AutoZone store on this corner. It is just doesn't seem to fit the neighborhood. If Autozone is denied, we have already told the School District that we will purchase the lot for the same price. We would conform to the existing zoning. We would add one 8 unit building and landscaping on the parcel. The building would match our existing buildings. Seems to me this would be a better use. No new driveways would be needed and a lot less traffic than an auto parts store would be generated.

Sincerely,

Mark Marcotte

400 May Road
Union City, CA 94526
510-870-6212

RECEIVED

DEC 31 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

12/30/13

To City of Antioch,

We would like to write to voice our concern over the proposed building of an AutoZone store on the corner of Fairside Way and Lone Tree Way in Antioch. We have been homeowners here since 2001 and believe this would be a terrible location for an AutoZone or any type of commercial business.

Here are some reasons this is bad idea:

1. This neighborhood has many children who often are playing in the street or sidewalks that I feel would be in danger with additional traffic. The AutoZone store would likely increase traffic not just on that corner but from people taking a "shortcut" down Fairside Way to get in and out of the store parking lot. We already have seen a significant increase in traffic in the past year or so on Fairside Way from motorists backed up westbound Lone Tree Way getting impatient with the red light and making a right hand turn onto Fairside then speeding down our residential street to cut over to Vista Grande.
2. I think there would be increased noise from not only cars but all the other things like garbage and delivery trucks to the business. We hear loud delivery trucks even from the Lone Tree Plaza so this would be much louder being so close to homes and apartments to echo off of. Also we live near a corner and sometimes it's tricky even backing out of our driveway with traffic coming around the corner.
3. I have also had experience in the past from living near an auto parts store where people did noisy repairs in the parking lots at all hours then used the side streets to "test drive" their vehicles (racing, revving motors etc). The neighborhood also became a junkyard for abandoned cars that couldn't be repaired or were waiting for parts etc.

In short, a business doesn't belong in the middle of a residential area and an auto parts store especially would be very detrimental to all the surrounding area. As homeowners and taxpayers here in Antioch I support wanting to build commercial businesses just NOT in the middle of a heavily populated residential area.

thank you,

Debra and Darryl Janis
5334 Fairside Way
Antioch, CA 94531
(925) 628-9743



William E. Gagen, Jr.
 Gregory L. McCoy
 Patrick J. McMahon
 Charles A. Koss
 Michael J. Markowitz
 Richard C. Raines
 Barbara Duval Jewell
 Robert M. Fanucci
 Allan C. Moore
 Stephen T. Buehl
 Amanda Bevins
 Lauren E. Dodge
 Sarah S. Nix
 Brian P. Mulry
 Amanda Beck
 Christine L. Moore

Of Counsel
 Linn K. Coombs

The Law Offices of
**Gagen, McCoy, McMahon, Koss
 Markowitz & Raines**
 A Professional Corporation

Danville Office
 279 Front Street
 P.O. Box 218
 Danville, California 94526-0218
 Telephone: (925) 837-0585
 Fax: (925) 838-5985

Napa Valley Office
 The Offices At Southbridge
 1030 Main Street, Suite 212
 St. Helena, California 94574
 Telephone: (707) 963-0909
 Fax: (707) 963-5527

December 31, 2013

RECEIVED

JAN 06 2014

CITY OF ANTIOCH
 COMMUNITY DEVELOPMENT

Please Reply To:

Danville

Via E-mail

Mindy Gentry
 Senior Planner
 City of Antioch
 200 H Street
 Antioch, CA 94509

Re: Notice of Intent to Adopt a Mitigated Negative Declaration/Lone Tree Way
 AutoZone #4166

Dear Mindy:

Our offices represent Mark Marcotte, owner of the Bella Rose Apartments, located adjacent to the northeast corner of Lone Tree Way and Fairside Way.

We understand that AutoZone has submitted a project application for a new AutoZone store, located on the corner of Lone Tree Way/Fairside Way. We further understand that the project application includes: (i) a General Plan Amendment, from High Density Residential, to Neighborhood Commercial; (ii) a Specific Plan Amendment from High Density Residential to Community Retail; (iii) a rezone of the property to Planned Development; (iv) a variance for parking; (iv) a use permit; and (v) design review (together "Project").

We understand that comments on the proposed Mitigated Negative Declaration (MND) are due on January 2, 2014, and a public hearing on the Project by the Planning Commission will be held on January 15, 2014.

Please consider this letter Mr. Marcotte's written comments on the MND, in response to the City's Notice of Intent to Adopt a Mitigated Negative Declaration.

I. General Comments

As stated in the MND, the Project site is in a location virtually surrounded by residential uses: the northeast corner of Lone Tree Way/Fairside Way is high density residential (including the Bella Rose Apartments); to the west is single family homes; and to the southwest is additional multi-family residential development.

All of these surrounding landowners have for years relied on the General Plan and Specific Plan designations for the area. The General Plan is the "constitution" for the City, and has been recognized as the single most important planning document. (See Curtin's California Land Use and Planning Law, 29th Ed.). The General Plan is required by state law to include a "long-term plan" for the development of the City -- a plan which can be relied on by its citizens.

We understand that in some cases an amendment to a General Plan is required to address changes in the City's priorities, or to address changes that have already occurred. However, that is not the case here. Instead, in this case AutoZone is proposing an entirely different land use (commercial/retail) in an area virtually surrounded by residential uses.

We believe that under all of these circumstances the proposed amendments to the General Plan, Specific Plan, and zoning ordinance are not warranted here, and create conflicts between the existing residential uses and the new, commercial Project.

II. Specific Comments

The MND, after performing an environmental review, indicates that (with proposed mitigation measures) there are no significant impacts on the environment from the proposed Project. We believe there will be significant impacts, as follows:

*We believe the Project, even if the GPA and related amendments are approved, will conflict with the adjacent residential land uses of the site. The adjacent residential users will be impacted by the traffic, parking (see below), noise and related impacts of a commercial/retail use in the middle of a residential neighborhood. We note in this regard that the Project will require Design Review approvals -- those approvals will require consideration of the stability of adjacent land values and investments. Clearly, the introduction of commercial uses into residential neighborhoods will have an adverse impact on land values and investments.

*The introduction of a commercial/retail Project into the residential neighborhood will create a "precedent," allowing other commercial uses to apply for similar General Plan Amendments in the area.

*The Project requests a significant parking space variance -- a reduction to only 22 spaces for a Project that requires 39 spaces. This again shows that the Project is really forcing a "square peg into a round hole." There is simply not enough space on the site to allow for adequate parking. Clients of the new Project may attempt to park in the surrounding residential neighborhoods.

*We note that the MND states that the proposed project "would result in new development consistent with the character of the surrounding area." We believe this is simply not true -- the new development would be utterly inconsistent with the residential character of the surrounding area.

*The Land Use and Planning section of the MND states that there are no significant impacts related to Land/Use Planning. Respectfully, we disagree. The proposal will in effect "divide" the existing community of residential neighborhoods -- by introducing the commercial/retail use in an area that for decades has been residential. The General Plan requires the maintenance of a pattern of land uses that "minimizes conflicts between various land uses." Clearly, the introduction of commercial/retail uses into residential neighborhoods is not consistent with the General Plan. Existing residential neighborhoods are not protected by this proposal - they are in fact threatened by the Project.

*The MND states that there will be no noise impacts from the Project. Introduction of a commercial/retail use Project will create noise impacts above and beyond those associated with a neighborhood. Customers, cars, forklifts, parking lot activities, delivery truck and supply loading; etc. are all potential noise sources that will conflict with neighborhood uses. We note in this regard that the MND does not appear to focus or address the impacts of the commercial uses on the neighborhoods.

*We believe the traffic that comes in to a commercial/retail store is entirely different, and is inconsistent with, associated neighborhood traffic. The Project will attract regional traffic to an established, localized neighborhood area.

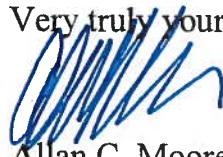
III. Conclusion

We believe that introducing the proposed commercial/retail use into existing residential neighborhoods will create a significant impact. We believe that, under all of these circumstances, a MND is not the appropriate environmental document, and instead a full Environmental Impact Report should be prepared prior to consideration of a Project that includes changing the General Plan, Specific Plan, and zoning designations.

We greatly appreciate your review and consideration of these comments.

Mindy Gentry
December 31, 2013
Page 4

Very truly yours,



Allan C. Moore

cc: Marc Marcotte

City of Antioch Response to Comments on the Initial Study/Mitigated Negative Declaration for the AutoZone Project

Pursuant to CEQA Guidelines Section 15073, the City circulated an Initial Study/Mitigated Negative Declaration (IS/MND) for the Project on December 12, 2013 for a 20-day public review period. During that review period, the City received one comment letter, from the law offices of Gagen MacCoy representing Mark Marcotte. The environmental issues addressed in that letter are summarized below, with a response following. The information in the comments or responses does not change any conclusions in the IS/MND. The proposed Project would not result in any significant impacts and preparation of an Environmental Impact Report, as suggested in the comment, is not required.

Gagen MacCoy Comment Letter

Comment: The Project will require a design review, which “will require consideration of the stability of adjacent land values and investments” and the Project “will have an adverse impact on land values and investments.”

Response: The purpose of the California Environmental Quality Act (CEQA) is to disclose if a project would have an adverse effect on the physical environment. Effects on property values are, therefore, not addressed in a CEQA document.

Comment: The Project will create precedent for General Plan Amendments for other commercial uses adjacent to residential.

Response: The City does not currently prohibit commercial uses adjacent to residential. A General Plan amendment is a discretionary project pursuant to Public Resources Code (PRC) Section 21080, thus, would be subject to CEQA review. Therefore, any future proposal for a General Plan amendment would be subject to project-specific environmental review, including public review.

Comment: There is not enough space on the site for adequate parking.

Response: The Antioch Municipal Code does not have a specific category that applies to parking for automobile parts sales. Section 9-5.1703.1 (Off-Street Parking Requirements by Use) indicates that retail sales not listed under another use classification requires five parking spaces for every 1,000 square feet, or 39 spaces for the proposed Project, where 23 spaces are proposed. Because non-compliance with a code standard does not necessarily result in environmental impacts, the Antioch Municipal Code Section 9-5.1704 (Specific Design Standards) also indicates that “where the use is not specified in the table, the Zoning Administrator shall determine the probable equivalent use and the number of parking and loading spaces required. The use of ITE studies may be incorporated into the analysis.” The parking study for the Project (see Initial Study Appendix E) indicates that, based on ITE data for Automobile Part Sales (Land Use 843), the Project on average would be expected to generate a peak parking demand of 17 parking spaces. Given the Project proposes 23 parking spaces, the Project would provide adequate parking to accommodate demand without resulting in parking conditions that would result in spill-over that could impact safe circulation or use of the public right-of-way.

Comment: The Project would be inconsistent with the residential character of the area.

Response: The Project site is located on Lone Tree Way, a six-lane, divided arterial roadway. While the Project site would be adjacent to multi-family residential use, there is a large commercial shopping center located south of the Project site across Lone Tree Way. Given the arterial classification of Lone Tree Way and the presence of the shopping center south of the Project as well as other non-residential uses along Lone Tree Way, the Project would not be inconsistent with nearby land uses.

Comment: The Project would divide the existing community of residential neighborhoods.

Response: The land use threshold used in the Initial Study is taken from CEQA Guidelines Appendix G, which questions whether the Project would “physically divide an established community.” The Project site is located on a corner and is separated from the adjacent multi-family development by a six-foot concrete wall. The Project does not include any components that would separate or reduce connectivity between existing residential areas.

Comment: Noise from customers, cars, parking lot activities, and deliveries and loading activities will conflict with neighborhood uses.

Response: Pages 56 through 64 of the Initial Study address project-generated noise and specifically address building mechanical equipment, parking lot activities (including car alarms, doors closing, tire squeal, and human voices), and delivery activities (including idling of trucks, the sounding of backup alarms, and material handling). With implementation of Mitigation Measure NOI-1 identified in the Initial Study, which prohibits forklifts and idling of trucks and limits hours of loading operations, noise levels would not exceed City standards.

Comment: Retail traffic is different from residential traffic and the Project will attract regional traffic.

Response: The traffic study prepared for the proposed Project takes the land use into consideration when determining traffic generated by the Project. Trip generation for the Project was calculated based on rates contained in the Institute of Transportation Engineer’s publication, *Trip Generation 9th Edition*. The classification used for the Project is Automobile Parts Sales (ITE Land Use 843). Therefore, while the traffic generated by the Project would differ from that of a residential development, the Initial Study accurately depicts the traffic by the Project’s land use. Regarding the comment that the Project would attract regional traffic, the Project is not sized for a regional store and there are several other auto parts stores in the City of Antioch as well as stores located in the surrounding cities. Therefore, the Project would not be a regional draw.



245 YGNACIO VALLEY ROAD WALNUT CREEK, CA 94596 TEL: 925.944.1626 FAX: 925.944.1666
1970 BROADWAY, SUITE 800 OAKLAND, CA 94612 TEL: 510.272.1060 FAX: 510.272.1066

February 5, 2014

City of Antioch Planning Commission
200 H Street
Antioch, CA 94509

**Re: AutoZone
General Plan Amendment (GP-13-01)
Specific Plan Amendment (SP-13-01)
Re-Zoning (Z-13-01)
Final Development Plan (PD-13-02)
Variance (V-13-01)
Conditional Use Permit (UP-13-04)
Design Review (AR-13-04)**

Dear Chair Sanderson and Members of the Commission:

LCA Architects is a professional architectural and planning firm that has been in business in Contra Costa County for almost 40 years. During that period we have worked on many projects in Antioch including the Bella Rose Apartments immediately adjacent to the proposed AutoZone.

The purpose of this letter is to request that you deny the proposed AutoZone project, inclusive of all 7 required actions that constitute the application. Our request is based upon the fact that permitting the project would result in "Spot Zoning"; create an obvious land use conflict; be incompatible with the surrounding neighborhood; and overburden a small piece of property that is inadequate in land area to accommodate many City required design elements. Please consider the following:

- 1) A Mitigated Negative Declaration (MND) is not the appropriate CEQA document for this project. Because of the several significant impacts (including Land Use Compatibility) an EIR must be prepared. I am not aware of any recent projects in Contra Costa County (which included a General Plan Amendment) that did not prepare an EIR.

- 2) Changing the General Plan designation to Commercial would result in inconsistencies with other General Plan Elements and internal conflicts with other portions of the General Plan. These conflicts (with the Housing Element, Land Use Element and Community Design Element) are all the more reason for an EIR. Furthermore, the project provides no substantial public benefit, which is a common requirement for a project-driven General Plan Amendment.
- 3) The proposed rezoning is a misuse of the Planned Development (PD) design flexibility. The purpose of a PD is to apply creativity in order to achieve superior design and/or other public benefits. In this case, the PD is being used simply to violate the zoning requirements.
- 4) The proposed variance for parking and landscape area reduction cannot be supported by the necessary findings. The site is flat, regular, and unencumbered by easements or other unusual constraints. Even if there were no land use conflicts, the property is clearly too small for the proposed project.
- 5) The proposed project will result in a traffic nightmare. Traffic will be diverted through residential neighborhoods and/or make dangerous multi-lane crossing maneuvers to make a U-Turn on Lone Tree Way. The omission of the recommended deceleration lane on Lone Tree Way will likely result in rear end collisions or forced high speed lane changes to avoid accidents. Any mitigation that is provided will result in traffic maneuvers which are counterintuitive and likely to increase City legal liability.

In conclusion, this project is clearly too much of the wrong Land Use for this property. We request the Planning Commission deny the 7 proposed applications and retain this property for multi-family housing, consistent with the General Plan and Housing Element.

Best regards,



Norm Dyer
LCA Architects Inc.

ND:nd



LIBERTY UNION HIGH SCHOOL DISTRICT

20 Oak Street ♦ Brentwood, California 94513 ♦ 925.634.2166



Office of the Superintendent

Eric L. Volta

February 18, 2014

TO: Antioch City Planning Commission & City Council

RE: AutoZone Application

Dear Members of the Antioch Planning Commission and City Council:

We are submitting this letter to provide some history regarding this parcel and to address some of the points and comments provided by others who are questioning this application.

The District initially purchased this property from the County for the purpose of providing a possible site for a "mini" campus for alternative education, namely a Continuation Education facility by placing up to four portable buildings on the site accommodating up to 100 students in the western area of our District. After the closing of the previous continuation facility on Lone Tree Way, (east of this site), the only facility to provide for alternative education was in the Southeast campus south of Balfour avenue in Brentwood.

However, due to the recent downturn in the economy and the depressed housing sector resulting in a projected student population decline and the financial needs of the District, we decided to place this parcel on the market. We first offered the property to the owners of the adjacent apartment complex, "Bella Rose", but they declined stating the price and terms were not feasible.

Although they have expressed a renewed interest verbally, we do not have any written offers, nor do we want to solicit one.

Although we support the current project and want to honor our contractual commitment, should the project be denied, with the improved student population projections, we would strongly reconsider reverting to our original plan of placing some portable classrooms on the site to be used as an extension of our Continuation School program.

Please feel free to contact me with any questions you may have.

Sincerely,

Eric Volta, Superintendent
Liberty Union High School District



245 YGNACIO VALLEY ROAD WALNUT CREEK, CA 94596 TEL: 925.944.1626 FAX: 925.944.1666
1970 BROADWAY, SUITE 800 OAKLAND, CA 94612 TEL: 510.272.1060 FAX: 510.272.1066

March 17, 2014

Mayor Harper and City Council
City of Antioch
Third and H Streets
Antioch, CA 94509

**Re: AutoZone
General Plan Amendment (GP-13-01)
Specific Plan Amendment (SP-13-01)
Re-Zoning (Z-13-01)
Final Development Plan (PD-13-02)
Variance (V-13-01)
Conditional Use Permit (UP-13-04)
Design Review (AR-13-04)**

Dear Mayor Harper and Members of the Council:

LCA Architects is a professional architectural and planning firm that has been in business in Contra Costa County for almost 40 years. During that period we have worked on many projects in Antioch including the Bella Rose Apartments immediately adjacent to the proposed AutoZone.

The purpose of this letter is to request that you deny the proposed AutoZone project, inclusive of all 7 required actions that constitute the application. Our request is based upon the fact that permitting the project would result in "spot zoning"; create an obvious land use conflict; be incompatible with the surrounding neighborhood; and overburden a small piece of property that is inadequate in land area to accommodate many City required design elements. Please consider the following:

- 1) A Mitigated Negative Declaration (MND) is not the appropriate CEQA document for this project. Because of the several significant impacts (including Land Use Compatibility) an EIR must be prepared. I am not aware of any recent projects in Contra Costa County (which included a General Plan Amendment) that did not prepare an EIR.

- 2) Changing the General Plan designation to Commercial would result in inconsistencies with other General Plan Elements and internal conflicts with other portions of the General Plan. These conflicts (with the Housing Element, Land Use Element and Community Design Element) are all the more reason for an EIR. Furthermore, the project provides no substantial public benefit, which is a common requirement for a project-driven General Plan Amendment.
- 3) The proposed rezoning is a misuse of the Planned Development (PD) design flexibility. The purpose of a PD is to apply creativity in order to achieve superior design and/or other public benefits. In this case, the PD is being used simply to violate the zoning requirements.
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- 5) The proposed project will result in a traffic nightmare. Traffic will be diverted through residential neighborhoods and/or make dangerous multi-lane crossing maneuvers to make a U-Turn on Lone Tree Way. The omission of the recommended deceleration lane on Lone Tree Way will likely result in rear end collisions or forced high speed lane changes to avoid accidents. Any mitigation that is provided will result in traffic maneuvers which are counterintuitive and likely to increase City legal liability.

In conclusion, this project is clearly too much of the wrong use for this property. We request the City Council heed the advice of its professional Planning Staff and Planning Commission and deny the 7 proposed actions of the application. This property should be retained for multi-family housing, which is consistent with the General Plan, Housing Element and sound planning practice.

Best regards,



Norm Dyer
LCA Architects Inc.

ND:nd

Cc Eric Volta, Liberty Union School District

March 14, 2014

Eric Volta, Superintendent of Schools
Liberty Union School District
Brentwood, CA

Mayor Harper and City Council Members
City Hall
Third and "H" Streets
Antioch, CA 94509



Dear Mr. Eric Volta, Mr. Mayor and City Council:

My name is Mark Marcotte and I own Bella Rose Apartments adjacent to the .6-acre lot currently owned by the School District. I want to provide a brief history of this parcel for you to consider when making decisions related to this parcel and the surrounding uses. In 2001, we went into contract with the McBail Co. to purchase the 8 acres that Bella Rose Apartments is now built.

As a condition of approval to build the apartments, the City required us to purchase 1373 sq. ft. of land from the County in order to improve the corner of Fairside Way and Lone Tree. Even though we did not own this corner lot, we were required to install curb, gutter, and sidewalk along the entire corner frontage. We spent over \$25,000 to do this work in addition to the cost of purchasing the land from the County. We were not reimbursed for those costs.

On May 16, 2002, I sent a letter to Karen Laws of the Contra County Real Estate Property Division. I expressed an interest in purchasing the corner lot and asked her if that was feasible. On Dec. 2, 2003 we received a letter from the County Property Division requesting a deposit of \$1,500. to cover the administrative expenses required to sell the surplus lot. On Jan. 18, 2005 I received an Option Agreement from the County to purchase the lot.

Before I could sign the Option, all public agencies got the first chance to purchase the lot. The School District decided to purchase the lot. I met with then Superintendent of Schools, Dan Smith, and explained why it made more sense for us to purchase the corner lot and complete the apartment project along the entire block from Fairside Way to Canada

Valley Road. He was receptive but did not waver from his decision. We completed Bella Rose Apartments June 2006.

When I was first told the District would be selling the parcel, I believe that the purchase price reflected the monies due to McBail Co. The SR4Bypass Authority completed the Lone Tree Way frontage improvements for McBail in exchange for Bypass right-of-way through McBail property. I believe McBail was owned in the neighborhood of \$175,000.

When the District decided to sell the corner lot, it included the monies owed to McBail, and I thought that the asking price was too much. I declined. At some point, McBail discounted what it was owed. I am not sure how much the purchase price decreased, but the District went into contract with Auto Zone fairly quickly.

As you may know, I am adamantly opposed to an Auto Zone or any other type of industrial or commercial use on that corner. That type of use does not fit with the surrounding residential use or from a planning point of view. If the District decides to place some portable classrooms on the site as an extension of their Continuation School program, that would be a more appropriate use that would be compatible with our apartment units.

I believe that the corner parcel will be back on the market in the future and I will be very interested in purchasing it. I would like to add either one 8-unit apartment building or additional garages to our existing project. Whatever project we design, it will not require new driveways off Lone Tree or Fairside Way. I am also hoping to landscape the corner to match the job we did on Lonetree and Canada Valley Road.

In conclusion, I respectfully request that the District and the City consider my continued interest in the corner parcel as well as the incompatibility of certain uses with the surrounding residences I look forward to working with both the District and the City throughout the development process.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a horizontal line extending to the right.

Mark Marcotte

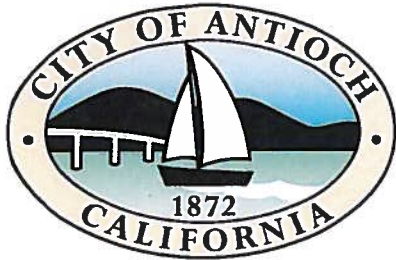
1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This not only helps in tracking expenses but also ensures compliance with tax regulations. The document further states that regular audits are essential to identify any discrepancies or errors in the accounting process.

2. The second part of the document focuses on the role of technology in modern accounting. It highlights how software solutions can streamline data entry, reduce the risk of human error, and provide real-time access to financial information. The text also mentions the importance of data security and the need for robust backup systems to protect sensitive financial data.

3. The third part of the document addresses the challenges of budgeting and financial forecasting. It suggests that businesses should use historical data and market trends to create realistic budgets. Regular monitoring and adjustments are necessary to stay on track. The document also notes that effective communication between departments is crucial for accurate forecasting.

4. The fourth part of the document discusses the importance of transparency and accountability in financial reporting. It stresses that stakeholders, including investors and creditors, rely on accurate and timely financial statements. The text encourages businesses to adopt best practices for reporting and to ensure that all financial activities are properly documented and reviewed.

5. The fifth part of the document concludes by summarizing the key points discussed. It reiterates the importance of accurate record-keeping, the use of technology, effective budgeting, and transparent reporting. The document ends with a call to action, urging businesses to implement these practices to ensure long-term financial stability and success.



**DEPARTMENT OF
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and City Council
From: Mindy Gentry, Senior Planner *MG*
Date: March 19, 2014
Subject: Item #5 – AutoZone

The attached plan was submitted to the City by the owner of the neighboring apartment complex after the staff report was finalized. The plan shows a hypothetical eight unit apartment building on the subject site, which illustrates how the building would be incorporated into the existing apartment complex if the adjacent property owner were to acquire the subject property. Access would be from the existing complex and not from Lone Tree Way or Fairside Way.

FAIRSIDE

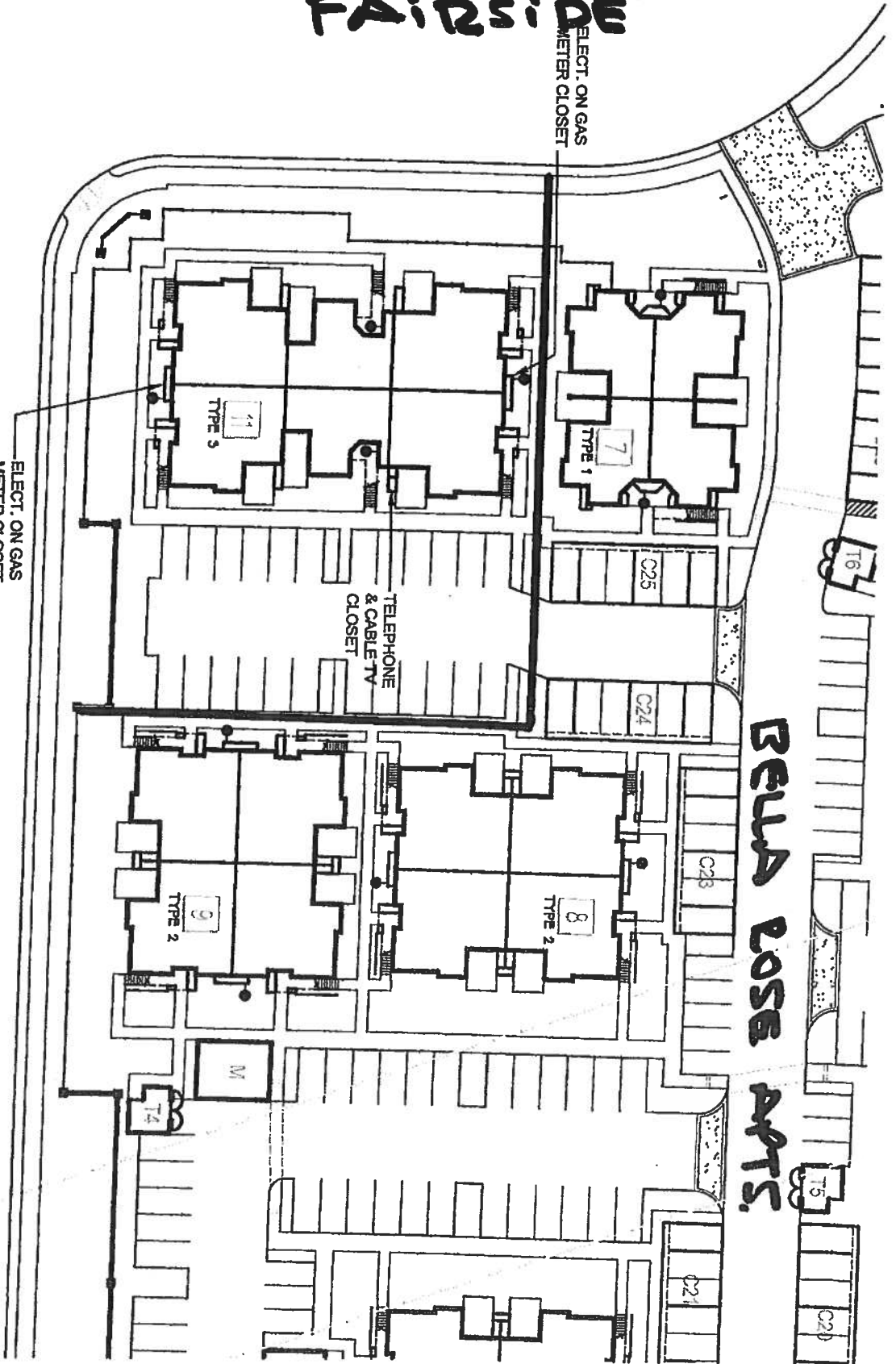
ELECT. ON GAS
METER CLOSET

ELECT. ON GAS
METER CLOSET

TELEPHONE
& CABLE-TV
CLOSET

LONE TREE

BELLA ROSE APTS.





STORE DEVELOPMENT STORE # 4166

DRAWING INDEX

SITE DRAWING	
1	TITLE SHEET
2	ALTY/ACQ. LAND TITLE SURVEY
3	CONCEPTUAL SITE PLAN
C2	GRADING AND SWRAGE PLAN
C3	UTILITY PLAN
C5	STORMWATER TREATMENT PLAN
PS1	FLOOR PLAN/ROOF PLAN
PS2	EXTENSION ELEVATIONS AND NOTES
CE-1	COLOR ELEVATIONS
LT	PRELIMINARY LANDSCAPE PLAN

BUILDING AREA DATA

BUILDING AREA: 7,928 SF.
FAR: 33.6%

SITE DATA

SITE AREA: 24,590 SF. (56 AC)
CURRENT ZONING: PD-PLANNED DEVELOPMENT
PROPOSED ZONING: 7,928 SF.
BUILDING AREA: 5,222 SF. (22.7%)
LANDSCAPE AREA: 8,274 SF. (36.7%)
PARKING / LOADNG: 1,443 SF. (6.3%)
SIDEWALKS

PARKING

PARKING REQUIRED: 7,928 SF./200 = 40 STALLS
RETAIL SALES

PARKING PROPOSED: 21 STANDARD (6.5'x7')
1 ACCESSIBLE (9'x18')
TOTAL: 22 STALLS

MARK	DATE	INITIALS	REVISIONS	DATE
△	02/14/13			
△				
△				

TITLE SHEET

STORE # 4166
LONE TREE WAY + FAR SIDE WAY
ANTIOCH, CA. 94531

Autozone
STORE DEVELOPMENT
DEPT. 8920
123 S. FRONT ST., MEMPHIS, TN. 38103

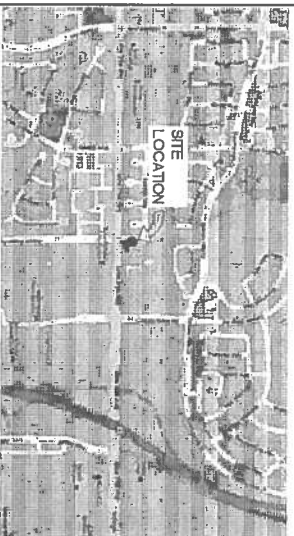
Stantec Stantec Architecture Inc. P.O. Box 1000
1331 N. Woodard Blvd. Antioch, CA 94531
Tel: 707.765.6600 Fax: 707.765.9708
www.stantec.com

PREPARED BY	DATE	BY	DATE
PLANNING		EA	09/07/11
STEL. ED.			
BLOG REVIEW		APR	04/5
GENERAL ENG.			
PERMITS/REV'S			
CONSTRUCTION			
DO NOT USE EXCEPT UNLESS INDICATED			

DESIGNERS OF RECORD

ARCHITECTURAL FIRM: STANTEC ARCHITECTURE INC. (707) 765-1660
SANTIC, CA. 94531
ENGINEER: U.S. SPECTOR (800) 867-4763
AGORA, FERRISSEN, S.
LANDSCAPE: STANTEC ARCHITECTURE INC. (707) 765-1660
VANISHA RISH
GEO: YANG CONSULTING GROUP, INC. (916) 735-2680
KIMBERLY FAXIS
ARCHITECTURAL RENDERING: AUTOZONE STORE DEVELOPMENT (901) 495-7362
PHIL RECORD

VICINITY MAP



PROJECT DESCRIPTION

AUTOZONE STORE DEVELOPMENT & IMPROVING THE FOLLOWING
NEW AUTOZONE RETAIL STORE
(N) ON-SITE PARKING
(V) DRIVEWAY
(N) DRIVEWAY ENCLOSURE
(V) PLANTINGS WITH LANDSCAPING

PROJECT DATA

PROJECT NAME: AUTOZONE AUTO PARTS
PROJECT ADDRESS: LONE TREE WAY & FAR SIDE WAY ANTIOCH, CA
PROJECT OWNER: AUTOZONE INC. 23 S. FRONT STREET MEMPHIS, TN. 38103-3607
PROJECT OWNER: LIBERTY LINDEN HIGH SCHOOL DISTRICT (925) 534-2166
PROJECT OWNER: ABERNETHY FINCOE ALABERT (409) 056-20-066
ZONING: PD - PLANNED DEVELOPMENT

PROJECT DIRECTORY

AGENCY	CONTACT NAME	PHONE NUMBER
ARCHITECTS REPRESENTATIVE	DAVE SELVINO	(707) 765-1660
AUTOZONE REPRESENTATIVES	PHIL RECORD	(800) 495-7362
	CITY OF ANTIOCH PLANNING DEPARTMENT ANTIOCH, CA	(925) 779-7035

LEGEND

	EXISTING CONCRETE CURB TO REMAIN
	NEW CONCRETE CURB
	NEW CONCRETE PAVING - HEAVY DUTY SECTION
	NEW CONCRETE SIDEWALK
	NEW CONCRETE PAVING - LIGHT DUTY SECTION

PROJECT DIRECTORY

AGENCY	CONTACT NAME	PHONE NUMBER
ALTA ENGINEERING INC.	CHRIS SEULING	(707) 765-1660
ARCHITECT/INTERIOR ARCHITECT	CAR'S SEALING	(707) 765-1660
AUTOCAD INTERFERENCES	FILE RECORD	(801) 495-7362

- KEY NOTES**
- PIPE GUARD (TYP.) SEE DETAIL 14 & 15/C1.A
 - COVERED CUV TRASH ENCLOSURE
 - ROLL UP SERVICE DOOR
 - DETECTABLE MARKING SURFACE (TYP.) SEE DETAIL 21/C1.A
 - CONCRETE PAVING - LIGHT DUTY SECTION
 - 20' HIGH VADOLITE™ SEE DET. B/C1.A
 - WIDE PAINTED PARKING STRIPE (TYP.)
 - WIDE PAINTED PARKING STRIPE 3 FT. O.C. SEE DETAIL 5/C1.A
 - HANDCAP PARKING SIGN, WALL MOUNTED, SEE DETAIL 10/C1.A
 - CONCRETE SIDEWALK
 - CONCRETE HANDCAP RAMP - MAXIMUM SLOPE 1:12 (8.33%)
 - LANDSCAPE AREA
 - MONUMENT SIGN LOCATION UNDER SEPARATE PERMIT
 - ELECTRICAL TRANSFORMER ON CONCRETE PAD
 - CONCRETE WHEEL STOP (TYP.) SEE DETAIL 1/C1.A
 - ELECTRICAL SWITCHGEAR LOCATION
 - NATURAL GAS METER LOCATION
 - ACCESSIBLE DRIVEWAY PER CITY OF ANTIOCH STANDARDS
 - PAVING - HEAVY DUTY SECTION
 - STREET LIGHT TO REMAIN
 - WALL MOUNTED TOW-AWAY SIGN AT STALL
 - SA ACCESSIBLE DIRECTIONAL SIGN
 - 9'-0" X 18'-0" PARKING STALL, TYP. OF 22
 - ASPHALT PAVING
 - 80-SWALE, SEE CIV. DRAWINGS
 - DRAIN INLET, SEE CIV. DRAWINGS

BUILDING AREA DATA

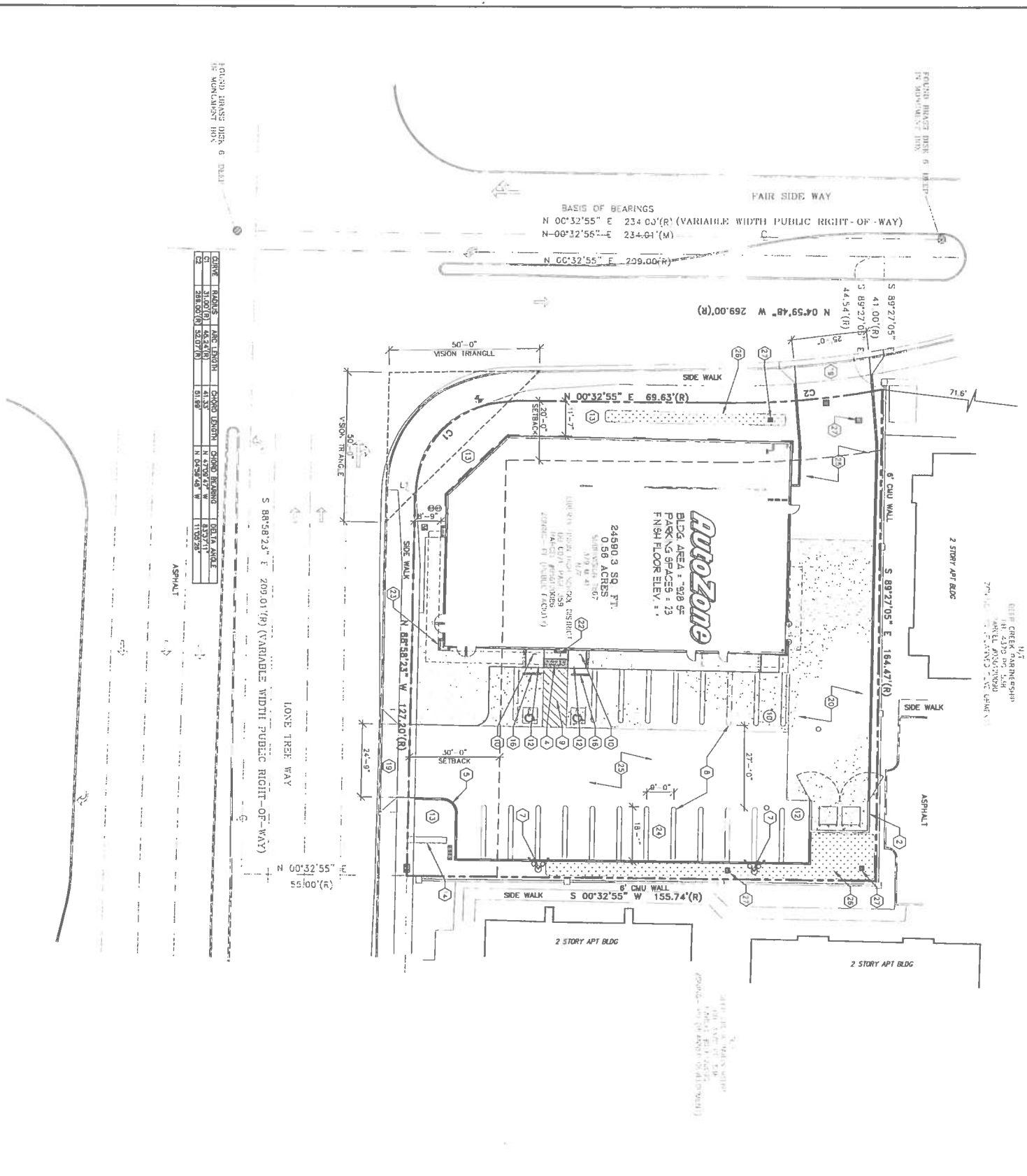
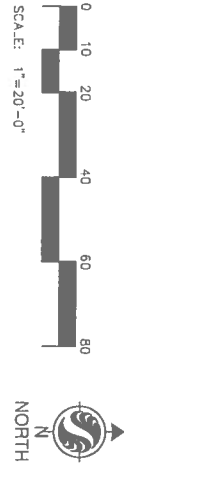
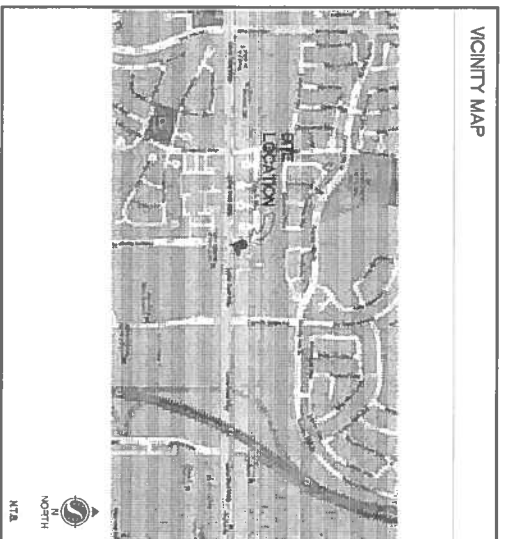
BUILDING AREA	7,928 SF
LOT COVERAGE	33.6%
FAR	336

SITE DATA

SITE AREA	24,590 SF (.56 AC)
CURRENT ZONING	RD-BLANNED DEVELOPMENT
PROPOSED ZONING	7,928 SF
BUILDING AREA	5,222 SF (22.7%)
LANDSCAPE AREA	8,274 SF (36.1%)
PARKING / LOADING SIDEWALKS	1,443 SF (6.3%)

PARKING

PARKING REQUIRED:	7,928 SF / 200 = 40 STALLS
RETAIL SALES:	
PARKING PROPOSED:	21 STANDARD (8.5x17') 1 ACCESSIBLE (9x18') 22 STALLS



LINE	LENGTH	BEARING	AREA
C1	31,007.81	N 00°32'55\"	11,909.25
C2	28,100.00	N 00°32'55\"	11,909.25

GENERAL DEVELOPMENT PLAN - EXHIBIT "C"

CONCEPTUAL SITE PLAN

Stantec

Stantec Architecture Inc. | Tel. 707.765.1660
 1383 N. McDowell Blvd. | Fax. 707.765.9908
 Petaluma, CA U.S.A. 94954 | www.stantec.com
 Stantec# : 2007112002

PREPARED FOR: **AutoZone STORE DEVELOPMENT**
 Store No.: 4166
 LONE TREE WAY & FAIR SIDE WAY
 ANTIOCH CA 94531

CONCEPTUAL SITE PLAN

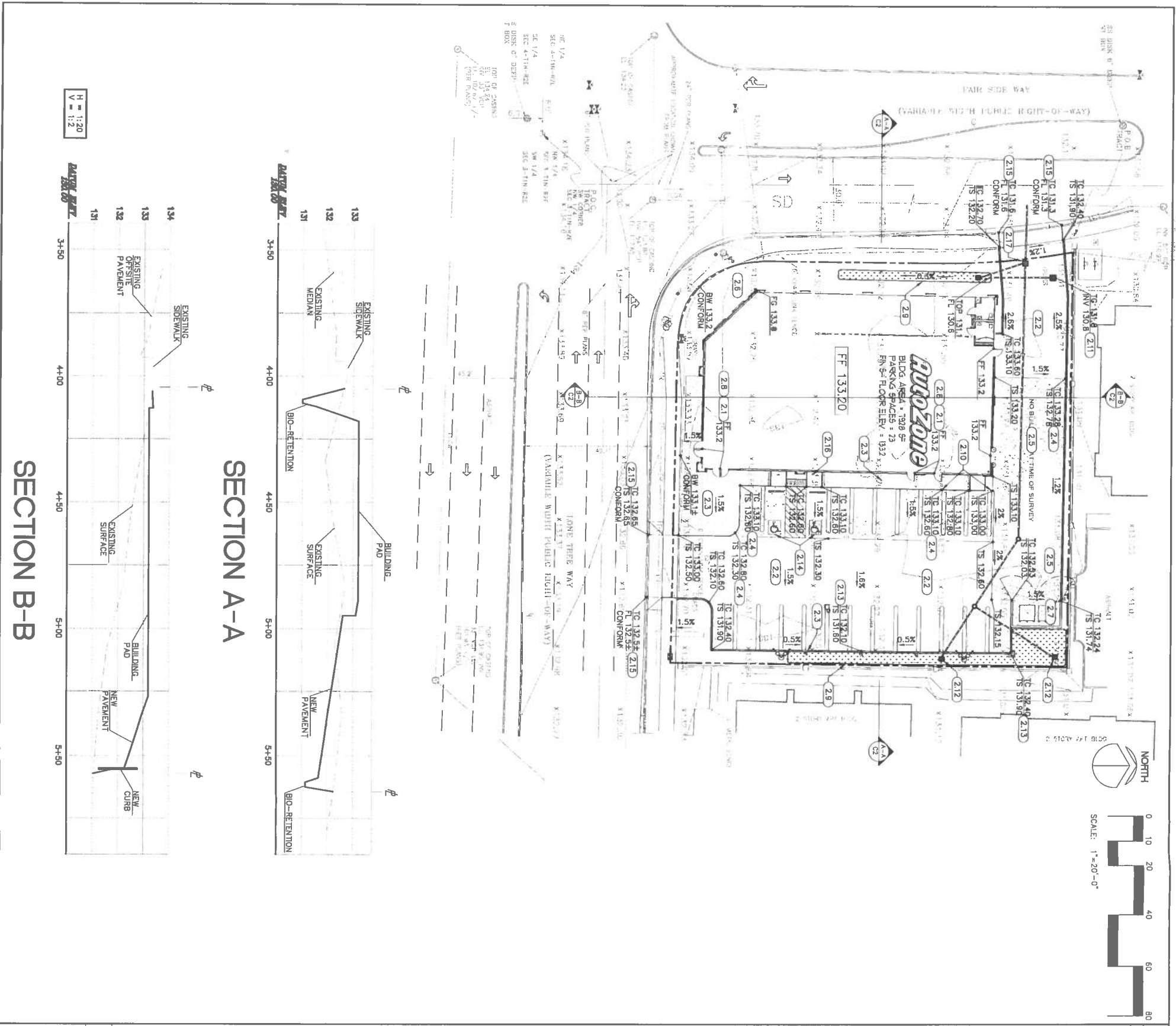
SCALE: 1"=20'-0"

REVISIONS

1	-	-/7/13
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4		
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6		
7		

ARCHITECT: GMS
 DRAFTER/SMAN: PJO
 CHECKED BY:

3

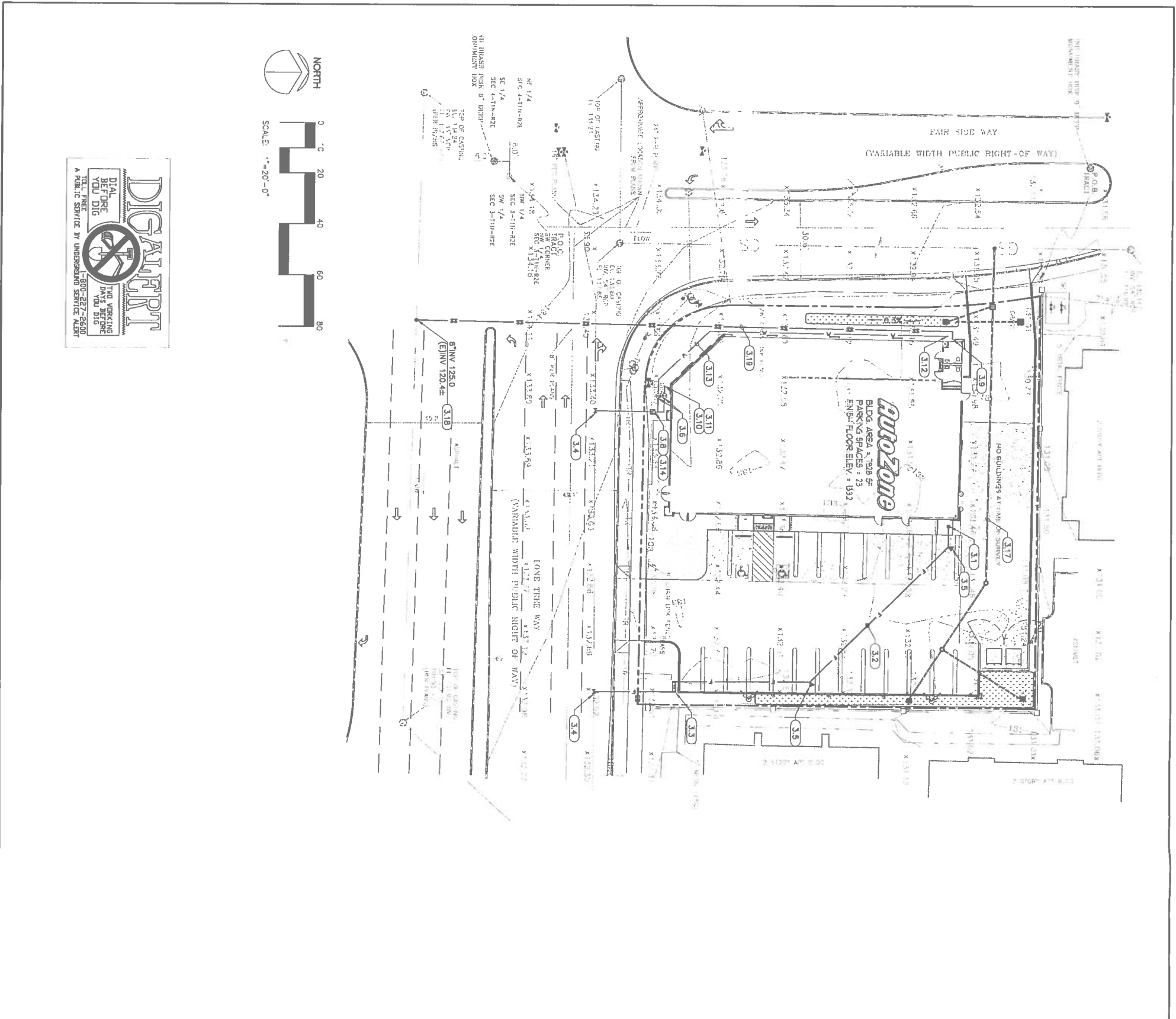


SECTION A-A	SECTION B-B
<p>134 EXISTING SIDEWALK</p> <p>133 EXISTING SIDEWALK</p> <p>132 EXISTING SIDEWALK</p> <p>131 EXISTING SIDEWALK</p> <p>3+90 4+00 4+50 5+00 5+90</p>	<p>134 EXISTING SIDEWALK</p> <p>133 EXISTING SIDEWALK</p> <p>132 EXISTING SIDEWALK</p> <p>131 EXISTING SIDEWALK</p> <p>3+90 4+00 4+50 5+00 5+90</p>

GENERAL NOTES	GRADING LEGEND
<ol style="list-style-type: none"> THIS PLAN HAS BEEN REVIEWED BY THE CITY AND/OR ITS AUTHORIZED REPRESENTATIVE, BUT SUCH CHECKING AND/OR APPROVAL DOES NOT RELIEVE THE CONTRACTOR FROM HIS RESPONSIBILITY TO CORRECT ERRORS, OMISSIONS OR MAKE CHANGES REQUIRED BY CONDITIONS DISCOVERED IN THE FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND/OR LOCAL AGENCIES PRIOR TO EXECUTION OF THE SAID CHANGE. ALL REVISIONS TO THIS PLAN MUST BE REVIEWED BY THE ENGINEER AND/OR ARCHITECT PRIOR TO CONSTRUCTION AND SHALL BE APPROVED BY THE CITY AND/OR LOCAL AGENCIES PRIOR TO THE INSTALLATION OF THE IMPROVEMENTS. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN HEREON IS AN APPROXIMATION OF THEIR ACTUAL LOCATION. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND/OR LOCAL AGENCIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND/OR LOCAL AGENCIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOT PERFORM ANY EXCAVATION OPERATIONS UNTIL ALL UTILITY COMPANIES, COUNTY AND CITY AGENCIES HAVE BEEN NOTIFIED AND GIVEN THE OPPORTUNITY TO MARK THEIR FACILITIES IN THE FIELD. ALL WORK SHALL BE PER OSHA AND APPLICABLE FEDERAL, STATE AND LOCAL CODE REQUIREMENTS. THE CONTRACTOR SHALL SECURE ALL REQUIRED ENCROACHMENT AND/OR OTHER PERMITS FROM ALL GOVERNING AGENCIES BEFORE THE COMMENCEMENT OF WORK. CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS RESPONSIBILITY SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO ANY SPECIFIC PHASE OF THE PROJECT. THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE OWNER, ARCHITECT, AND ENGINEER FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF HIS DESIGN CONTAINED HEREIN. ALL GRADING TO BE IN ACCORDANCE WITH 2010 C.B.C. FOR INVERT ELEVATIONS AND PIPING INFORMATION, SEE UTILITY PLAN. CONTRACTOR IS RESPONSIBLE FOR RESETTling EXISTING MONITORING WELLS, MANHOLES, CLEAN-OUT OR ANY OTHER STRUCTURE TO REMAIN TO FINISH GRADE AS NECESSARY. ALL NEW ASPHALT CONCRETE PAVING AND CONCRETE WORK SHALL MATCH THE EXISTING GRADES AT LIMITS OF WORK. REPLACE EXISTING A.C. PAVING AND/OR CONCRETE AS PER PLAN SPECIFICATIONS. EXISTING A.C. PAVING AND/OR CONCRETE SHALL BE CUT TO A NEAT, STRAIGHT LINE (WHEN APPLICABLE). ALL EXPOSED VERTICAL SURFACES SHALL BE TACKED COATED BELOW FINISH GRADE LINE WITH ASPHALT EMULSION PRIOR TO PAVING. ALL NEW CONCRETE PAVING SHALL BE SEALED, JOINT SEALANT SHALL BE APPLIED TO ALL EXPANSION AND ISOLATION JOINTS; AND CONTROL JOINTS ONLY IN DRIVE SLABS. UNLESS OTHERWISE NOTED, ALL CURBS SHALL HAVE A 6" CURB AGE. THE SITE SHALL BE UNIFORMLY GRADED BETWEEN POINTS WHERE ELEVATIONS ARE GIVEN OR BETWEEN SUCH POINTS AND EXISTING FINISHED GRADES OR CONFORM POINTS. ALL GRADED AREAS SHALL BE PROTECTED FROM TRAFFIC AND EROSION, KEPT FREE FROM TRASH AND WEEDS, PRIOR TO COMPLETION OF THE PROJECT. THE CONTRACTOR SHALL RESTORE ALL GRADED AREAS TO THEIR SPECIFIED TOLERANCES. ASPHALT PRIME COAT SHALL BE APPLIED TO THE COMPACTED AGGREGATE BASE PRIOR TO PLACING ASPHALTIC CONCRETE. THE RATE OF APPLICATION SHALL BE BETWEEN 0.2 AND 0.5 GALLONS PER SQUARE YARD. ASPHALTIC CONCRETE PAVEMENT SHALL BE PLACED IN TWO OR MORE LIFTS AS NOTED ON THE PLAN OR AS STATED IN THE GEOTECHNICAL REPORT. ASPHALT TACK COAT SHALL BE APPLIED BELOW FINISHED GRADE TO ALL VERTICAL SURFACES IN CONTACT WITH THE ASPHALTIC CONCRETE. THE TACK COAT SHALL BE APPLIED AT A RATE BETWEEN 0.05 AND 0.15 GALLONS PER SQUARE YARD. PRIOR TO PAVING AGGREGATE BASE OR PAVEMENT, THE EXISTING SURFACE SHALL BE TREATED WITH A SOLS STERILIZATION TYPE WEED KILLER. SAW-CUTTING TO CREATE CONTROL JOINTS SHALL BE DONE WITHIN 4 TO 12 HOURS AFTER THE SET OF THE CONCRETE. SEAL COAT SHALL BE APPLIED TO ALL NEW ASPHALTIC PAVEMENT PER THE SPECIFICATIONS. USE SDR-26 FOR ALL DRAIN, WASTE & VENT PIPING. ABS & PVC PIPING IS PROHIBITED. 	<p>EXISTING SPOT ELEVATION</p> <p>PROPOSED ELEVATION</p> <p>DIRECTION OF DRAINAGE FLOW</p> <p>PROPERTY LINE</p> <p>RIDGE</p> <p>DROP INLET</p> <p>SIDEWALK CONCRETE PAVEMENT</p> <p>NEW STORM DRAIN</p> <p>HEAVY DUTY CONCRETE PAVEMENT</p> <p>LIGHT DUTY CONCRETE PAVEMENT</p> <p>BIOWALK</p> <p>GRASS BREAK</p> <p>TOP OF CURB</p> <p>TOP OF GRADE</p> <p>TOP OF PAVEMENT</p> <p>FINISHED FLOOR</p> <p>FIELD GRADE</p> <p>TOP OF SLAB</p> <p>TOP OF BANK</p>

KEY NOTES	FLOOD ZONE NOTE
<ol style="list-style-type: none"> 5'x5' MIN. LEVEL LANDING AT EACH DOOR, MAX 2% SLOPE IN ANY DIRECTION NEW LIGHT DUTY CONCRETE PAVEMENT PER DETAIL 12, SHEET C4 NEW RASSED CONCRETE SIDEWALK PER DETAIL 13, SHEET C4 NEW 6" CONCRETE CURB PER DETAIL 9, SHEET C4 NEW HEAVY DUTY CONCRETE SECTION PER DETAIL B, SHEET C4 LANDSCAPE AREA, REFER TO "L" SHEETS TRASH ENCLOSURE REFER TO ARCHITECTURAL DRAWINGS FOR DETAILS ISOLATION JOINT BETWEEN BUILDING AND NEW CONCRETE SIDEWALK, REFER TO DETAIL 4, SHEET C4 BIOWALK, REFER TO DETAIL 1, SHEET C5 10' 0" TO 6" TRANSITION CURB 2.11 24" X 24" DROP INLET PER DETAIL 14, SHEET C4 2.12 18" DROP INLET A" BIOWALK PER DETAIL 19, SHEET C4 2.13 12" CURB OPENING WITH COBBLE STONE AS ENERGY DISSIPATER 2.14 ACCESSIBLE PARKING SPACE, 2% MAX. SLOPE IN ALL DIRECTIONS, SEE SHEET C1A FOR MORE DETAILS 2.15 LIMIT OF APPROXIMATE CONFORM TO EXISTING GRADES 2.16 HANDICAP RAMPS PER ARCHITECTURAL DRAWING FOR DETAILS 2.17 24" X 24" JUNCTION BOX 2.18 NEW COMMERCIAL DRIVEWAY PER CITY OF ANTIOCH STANDARD APPROACH CD-23A 	<p>1. THIS PROJECT IS IN FLOOD ZONE X FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) ON IN COUNTY - PANEL NO. 08013C 0335F DATED JUNE 18, 2009.</p>

<p>SCALE: 1"=20'-0"</p> <p>REVISIONS: -/1/13</p> <p>ARCHITECT: GMS</p> <p>DRAWSMAN: PJO</p> <p>CHECKED BY:</p>	<p>PREPARED FOR: AutoZone STORE DEVELOPMENT</p> <p>Store No.: 4166</p> <p>LONE TREE WAY & FAR SIDE WAY</p> <p>ANTIOCH CA 94531</p> <p>GRADING AND DRAINAGE PLAN</p>	<p>Stantec</p> <p>Stantec Architecture Inc.</p> <p>1383 N. McDowell Blvd. Tel. 707.765.1660</p> <p>Petaluma, CA U.S.A. 94954 Fax. 707.765.9908</p> <p>www.stantec.com Stantec: 2007112002</p>
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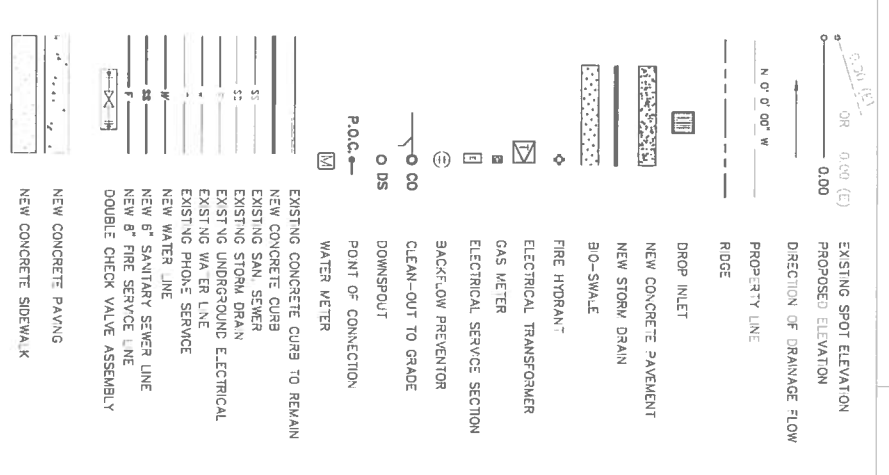
KEY NOTES

- 3.1 P.O.C. 8" FIRE WATER SERVICE AT BUILDING. INSTALL GATE VALVE (SHUTOFF) AT BUILDING. SIZE TO MATCH (N) WATER LINE SIZE.
- 3.2 CONTRACTOR TO INSTALL 8" CL-52 DIP OR APPROVED EQUAL FIRE WATER LINE TO BUILDING FIRE RISER.
- 3.3 CONTRACTOR TO INSTALL BACKFLOW DOUBLE CHECK DETECTOR ASSEMBLY APPROVED BY CITY OF ANTIOCH FIRE DEPARTMENT. WALKINS MODEL 350ADA RECOMMENDED.
- 3.4 P.O.C. AT EXISTING WATER MAIN. CONTRACTOR TO VERIFY EXACT LOCATION PRIOR TO CONSTRUCTION.
- 3.5 8" X 90' OR 8" X 45' WJ X FLANGE E.L. MEGA LUG RESTRAINTS. TYPICAL. TRUST BLOCK.
- 3.6 INSTALL REDUCED PRESSURE BACKFLOW DEVICES PER CITY OF ANTIOCH STANDARD DRAWING CD-55. 55.55 MATCH WATER LINE SIZES.
- 3.7 NOT USED.
- 3.8 NEW 1-1/2" DOMESTIC WATER METER AND SERVICE.
- 3.9 SANITARY SEWER P.O.C. AT BUILDING. REFER TO PLUMBING DRAWING FOR DETAILS.
- 3.10 POINT OF CONNECTION FOR LANDSCAPE IRRIGATION.
- 3.11 NEW 1" IRRIGATION WATER LINE.
- 3.12 P.O.C. WATER SERVICE AT BUILDING. INSTALL GATE VALVE (SHUTOFF) AT BUILDING. SIZE TO MATCH (N) WATER LINE SIZE.
- 3.13 2" TYPE "C" COPPER DOMESTIC WATER SUPPLY LINE.
- 3.14 AFTER INSTALLATION OF THE WATER SERVICE, THE CONTRACTOR SHALL MEASURE WATER MAIN WATER PRESSURE AFTER THE BACKFLOW DEVICE. IF THE PRESSURE EXCEEDS 80 PSI, THE CONTRACTOR SHALL INSTALL A CITY APPROVED PRESSURE REGULATOR TO LIMIT THE WATER PRESSURE TO 80 PSI.
- 3.15 TRANSFORMER AND ELECTRICAL BOX LOCATION TO BE DETERMINED. REFER TO ELECTRICAL PLAN FOR INSTALLATION DETAILS.
- 3.16 GAS METER. REFER TO MECHANICAL PLAN FOR DETAILS. LOCATION TO BE DETERMINED.
- 3.17 STORM DRAIN PIPE REFER TO SHEET C2 GRADING AND DRAINAGE PLAN FOR DETAILS.
- 3.18 P.O.C. NEW SEWER LATERAL AT EXISTING SEWER MAIN. CONTRACTOR TO VERIFY EXISTING DIAMETER, LOCATION, AND INVERT ELEVATION PRIOR TO ANY CONSTRUCTION. IF EXISTING INVERT IS HIGHER THAN THE DESIGN INVERT, CONTACT THE OWNER IMMEDIATELY FOR STUDY. IMMEDIATELY NOTIFY THE SEWER CONSTRUCTION SHALL STOP UNTIL SEWER ISSUE IS RESOLVED.
- 3.19 NEW 6" PVC SANITARY SEWER LATERAL.

FIRE PROTECTION UNDERGROUND NOTES

1. ALL UNDERGROUND TO BE INSTALLED PER N.F.P.A. 24, 2010 EDITION.
2. ALL MATERIAL SHALL BE UL/FM APPROVED FOR FIRE PROTECTION SERVICE PER N.F.P.A. 24, 2010 EDITION.
3. CONCRETE THRUST BLOCKS SHALL BE SIZED PER N.F.P.A. 24 A.10.8.2.
4. ALL PIPE SHALL HAVE A MINIMUM BURY OF 36" FROM TOP OF PIPE TO FINISHED GRADE OR SURFACE.
5. PIPING WITHIN 5' OF THE BUILDING SHALL BE CLASS 2 DUCTILE IRON.
6. UNDERGROUND PIPE TO BE CLASS _____
7. UNDERGROUND FITTINGS TO BE _____
8. ALL UNDERGROUND PIPING TO BE TESTED @ 200 PSI FOR 2 HOURS PRIOR TO COVERING. ALL JOINT FITTINGS AND THRUST BLOCKS AND WITNESSED BY THE AHI.
9. ALL UNDERGROUND PIPING TO BE FLUSHED PRIOR TO CONNECTION TO SPRINKLER RISER AND WITNESSED BY THE AHI.
10. ALL VALVES TO BE MONITORED AND SUPERVISED BY A CENTRAL STATION ALARM (BY OTHERS).

GRADING LEGEND



UTILITY NOTES

1. SEE ELECTRICAL DRAWINGS FOR ELECTRICAL RUNS.
2. INSTALL IRRIGATION SLEEVES MIN. 2" FROM BACK OF CURB AND MINIMUM 18" DEEP. CAP ENDS.
3. PUMPING DESIGN BASED ON MINIMUM PSI OF 65 PS. AT BACK OF EACH METER. IF PRESSURE TESTED THE BACK OF METER IS LESS THAN THE MINIMUM DESIGN VALUE NOTED, CONTRACTOR SHALL IMMEDIATELY NOTIFY CLIENT REPRESENTATIVE AND CONSULTANT.
4. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON RECORD DRAWINGS AND FIELD LOCATION AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE CONTRACTOR OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY OCCUR DUE TO THE CONTRACTOR'S FAILURE TO PHYSICALLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
5. THE CONTRACTOR SHALL SECURE ALL ENCROACHMENT PERMITS FROM ALL APPLICABLE AGENCIES BEFORE THE COMMENCEMENT OF WORK.
6. USE SDR-26 FOR ALL DRAIN, WASTE & VENT PIPING. ABS & PVC PIPING IS PROHIBITED.

UTILITY VERIFICATION

PRIOR TO START OF ANY WORK, THE CONTRACTOR SHALL VERIFY THE LOCATION, ELEVATION AND MATERIAL TYPE FOR ALL EXISTING UNDERGROUND UTILITIES THROUGHOUT THE SITE AND AT THE PROPOSED UNDERGROUND UTILITY LOCATIONS. THE CONTRACTOR SHALL NOTIFY THE UTILITY SERVICE WILL MEET THE INDICATED PIPE SIZES AND IMMEDIATELY NOTIFY THE CLIENT REPRESENTATIVE AND STAFF OF ANY CONDITIONS THAT WILL PREVENT CONSTRUCTION OF NEW UTILITY SERVICES AS INDICATED ON THE PLANS. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ALL ADDITIONAL COSTS INCLUDING BUT NOT LIMITED TO REDESIGN, RECONSTRUCTION, INSPECTION, AND LIQUIDATED DAMAGES RESULTING FROM THE CONTRACTOR'S FAILURE TO PERFORM UTILITY VERIFICATION.

Stantec
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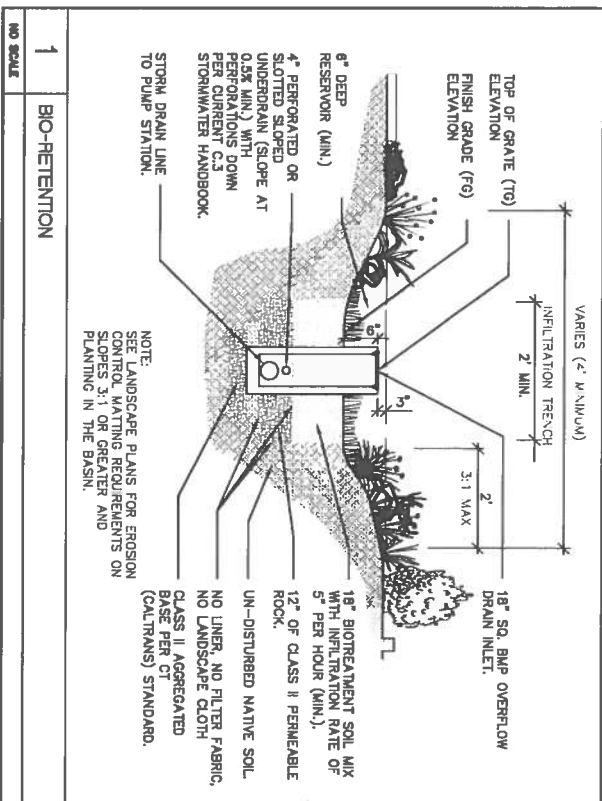
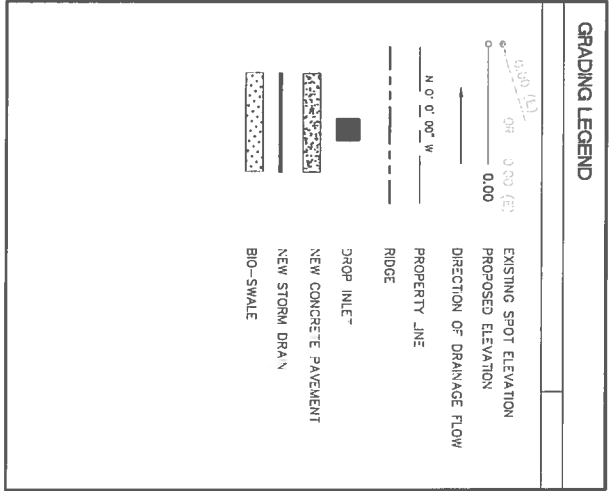
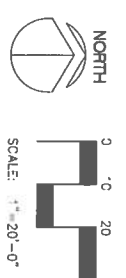
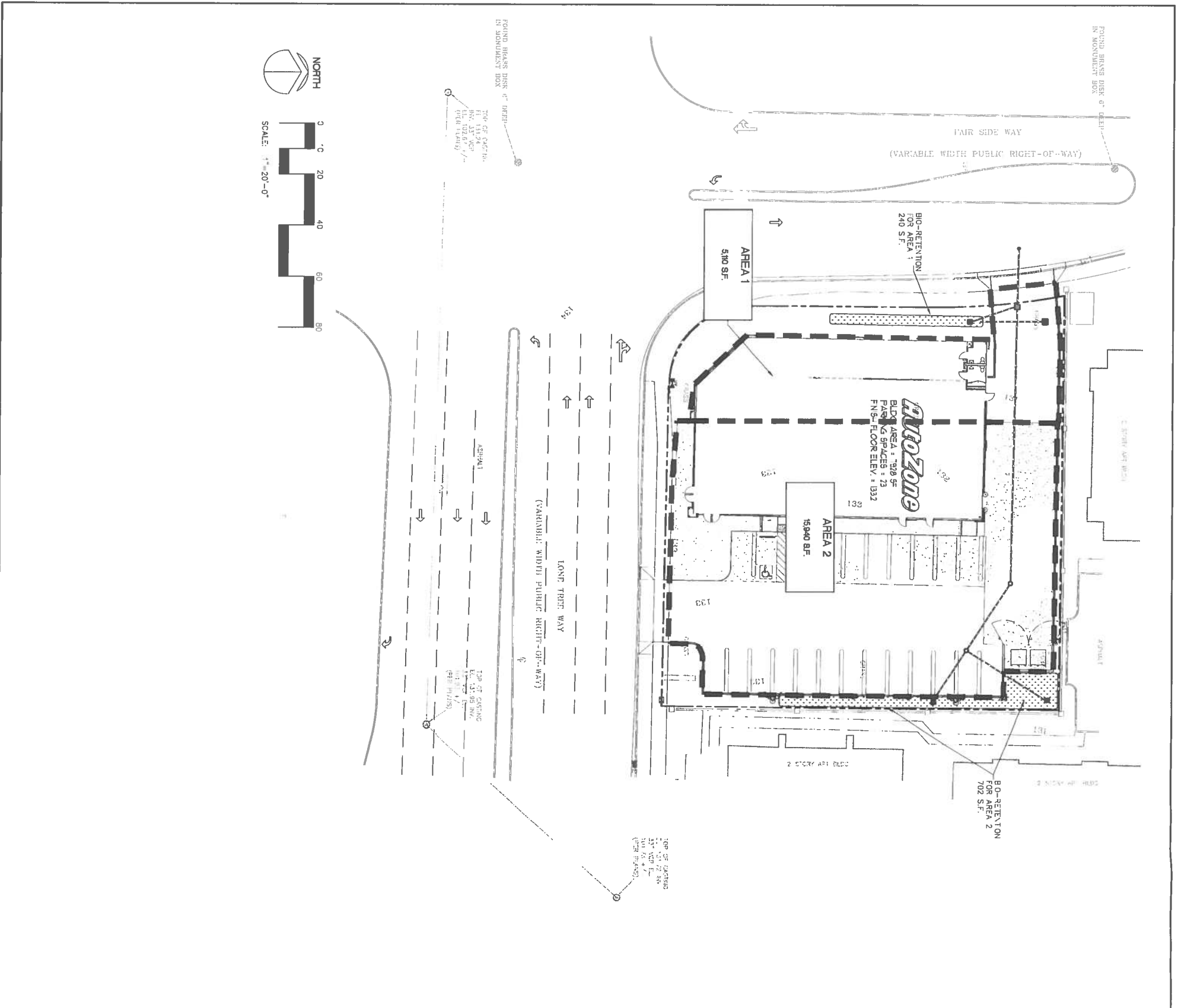
PREPARED FOR: **AutoZone STORE DEVELOPMENT**
 Store No.: 4166
 LONE TREE WAY & FAR SIDE WAY
 ANTIOCH CA 94531

UTILITY PLAN

REGISTERED PROFESSIONAL ENGINEER
 No. 70866
 Exp. 9/30/14
 CIVIL
 STATE OF CALIFORNIA

SCALE: 1"=20'-0"
 REVISIONS: -1- / 13
 ARCHITECT: GMS
 DRAFTSMAN: PJO
 CHECKED BY: _____

33



BMP NUMERIC SIZING CALCULATION						
AREA ID	SURFACE	TOTAL AREA (S.F.)	BMP TO BE USED	DESIGN FACTOR	TREATMENT AREA REQUIRED (S.F.)	TREATMENT AREA PROVIDED (S.F.)
AREA 1	ROOF DRIVE ISLE CONC. PAVING	5,110	BIO-RETENTION	0.04	205	240
AREA 2	ROOF CONC. PAVING FROM CONC. WALK	15,940	BIO-RETENTION	0.04	638	702
TOTAL		21,050			643	942

PREPARED FOR: **AutoZone STORE DEVELOPMENT**
Store No.: 4166
LONE TREE WAY & FAR SIDE WAY
ANTIOCH CA 94531

STORMWATER TREATMENT PLAN

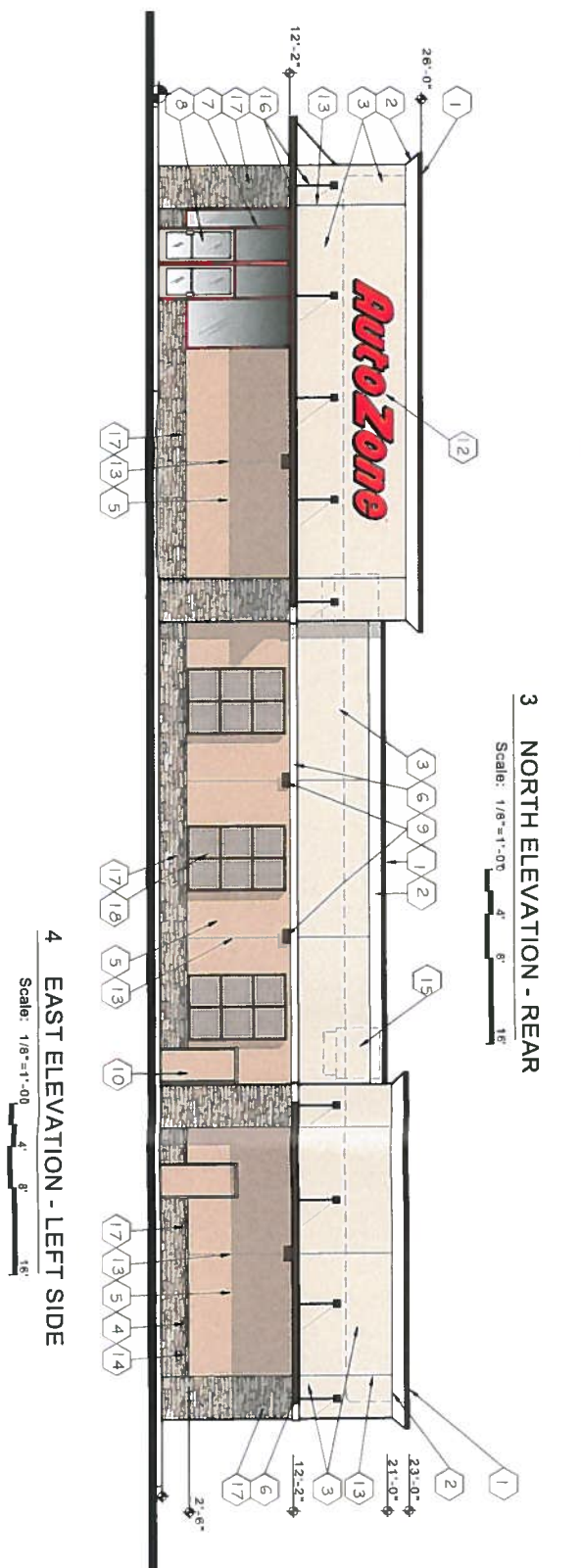
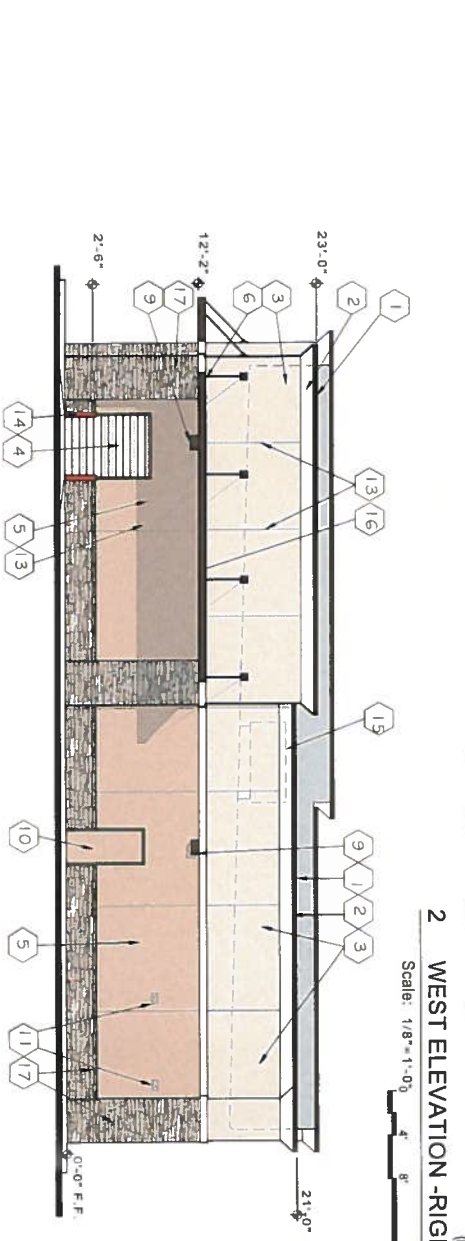
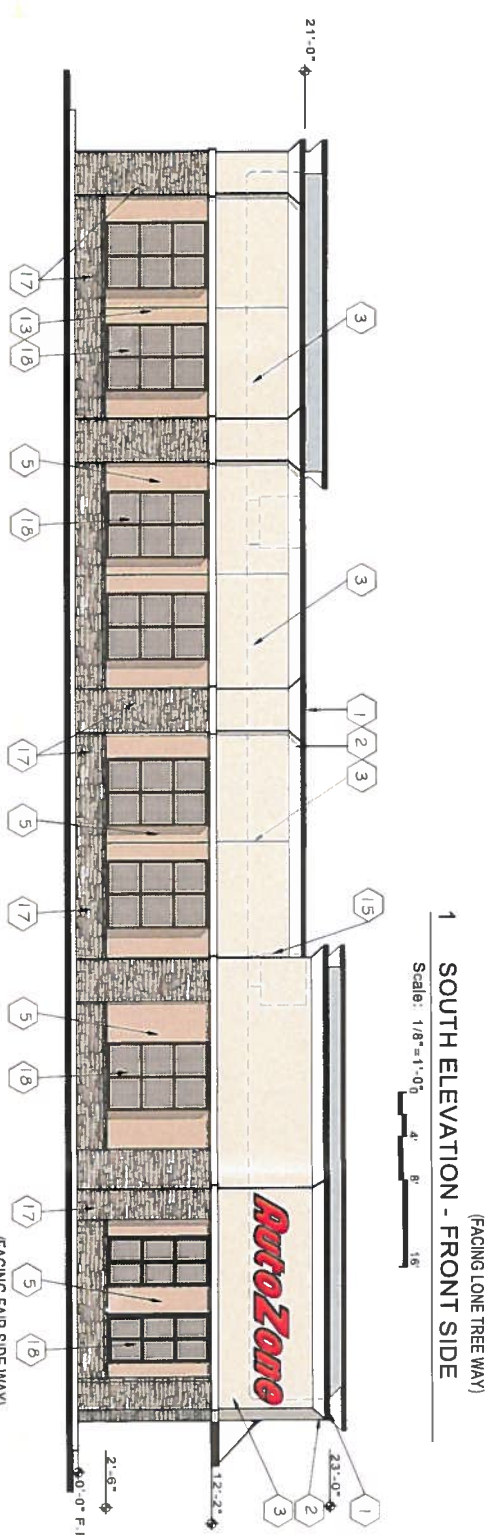
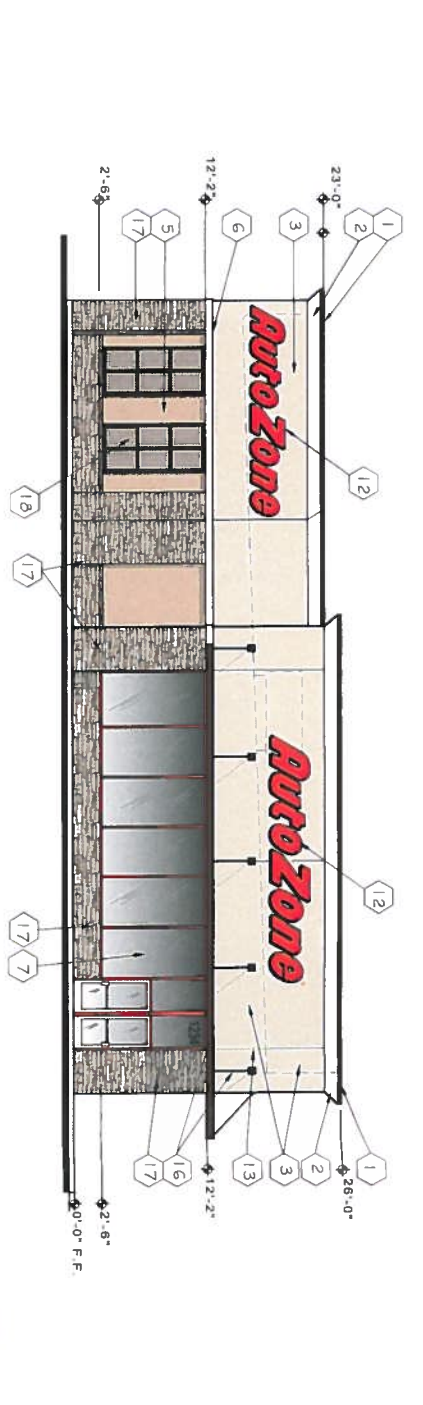
Stantec Architecture Inc. Tel. 707.765.1660
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Petaluma, CA U.S.A. 94954 www.stantec.com
Stantec#: 2007112002

SCALE: 1"=20'-0"

REVISIONS

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5.		
6.		
7.		

ARCHITECT: GMS
DRAFTSMAN: PJO
CHECKED BY:



1	ALUMINUM CORING COLOR: UNA-CLAD DARK BRONZE
2	CORNICE WITH STUCCO FINISH - COLOR: 1
3	STUCCO FINISH - COLOR: 2
4	DO NOT PAINT OVERHEAD DOOR PAINT ANGLES SW 6088
5	STUCCO FINISH - COLOR: 3
6	PROJECTED ACCENT WITH STUCCO FINISH - COLOR: 1
7	ALUMINUM STOREFRONT - RED KYNAR FINISH
8	GLASS AND ALUMINUM DOORS - CLEAR ANODIZED FINISH
9	WALL MOUNTED LIGHT FIXTURE
10	PAINT HOLLOW METAL DOOR(S) & FRAMES COLOR: 3
11	TOILET WALL VENTS PAINT TO MATCH WALL
12	WALL SIGN - 42" RED CHANNEL LETTERS
13	1" V-GROOVE SCORE JOINT
14	PIPE GUARD - WITH RED PLASTIC SLEEVE
15	MECHANICAL UNITS SCREENED BY PARAPETS
16	METAL AWNING, FASCIA, SUPPORT RODS, & ESCUTCHEONS COLOR: 4
17	STONE VENEER, CS1, FILTERED STONE COUNTRY LEDGESTONE CHARBONNAY CSV20006
18	DECORATIVE METAL ACCENT. COLOR: 4

AMN071762

1 ELEVATION KEY NOTES

NOTE: PAINT COLORS BY ICI PAINTS

- 1 - SHERWIN WILLIAMS #6091 RELIABLE WHITE
- 2 - SHERWIN WILLIAMS #6086 SAND DUNE
- 3 - SHERWIN WILLIAMS #6088 NUTCRACK
- 4 - SHERWIN WILLIAMS #6083 SABLE

2 COLOR SCHEDULE

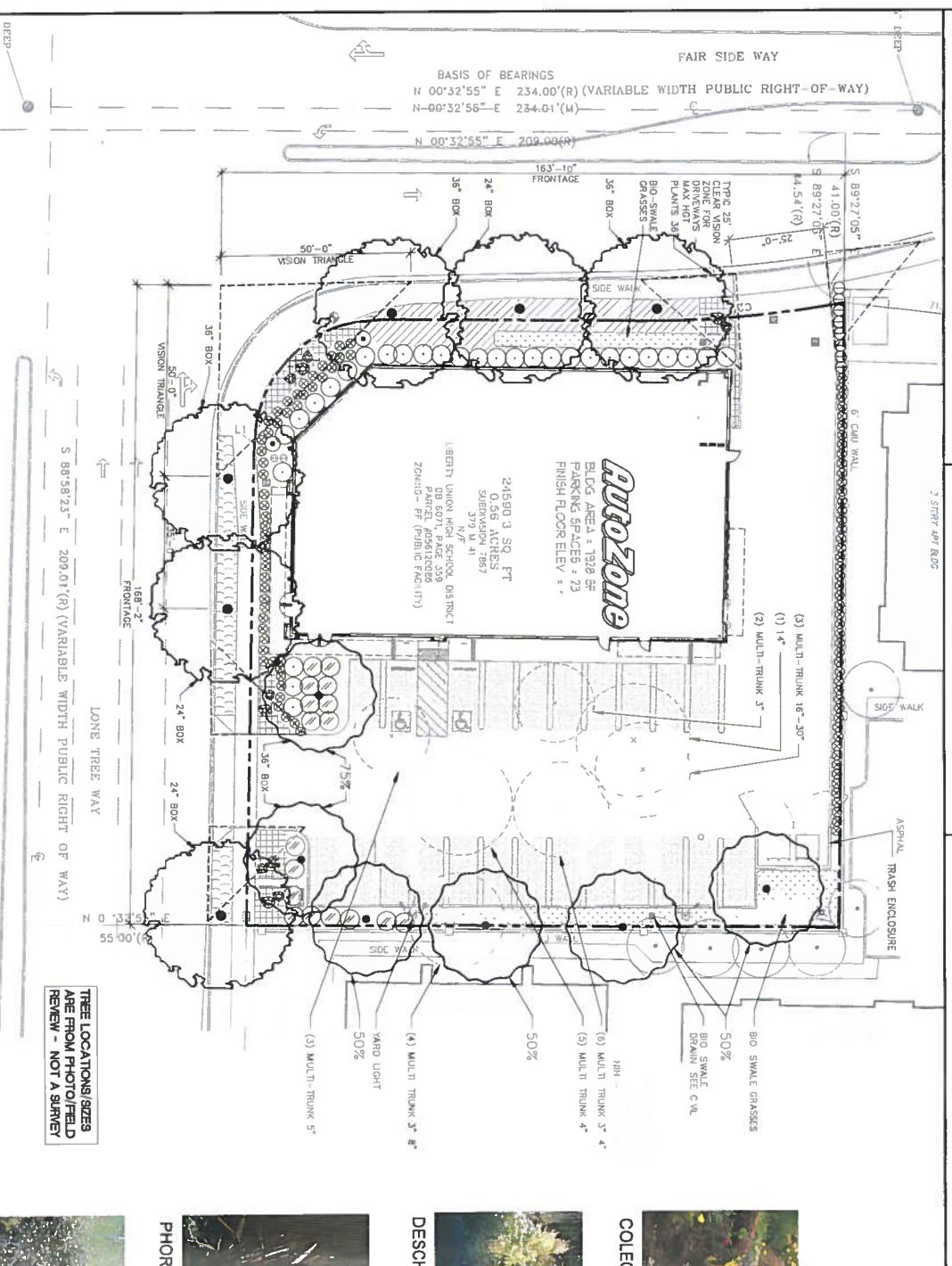
REVISIONS	
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AutoZone Store No. 4166
 LONE TREE WAY
 ANTIOCH CA
COLOR ELEVATIONS

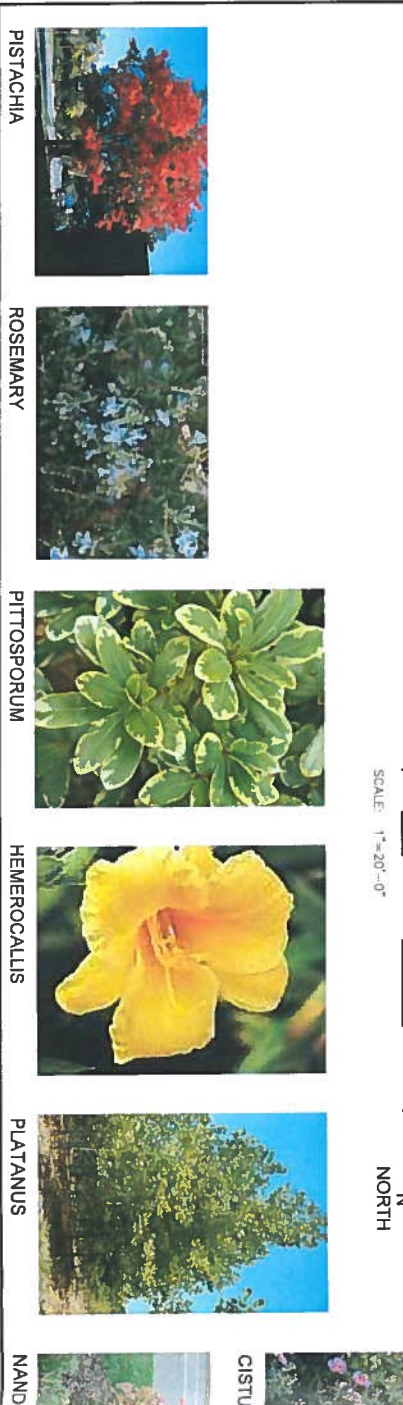
Architect:
 123 South Front Street
 Memphis, Tennessee 38103
 TEL: FAX: (901) 495-8969

01-31-13
 TN2L
CE-1

GENERAL NOTES	CITY SPECIFIC REQUIREMENTS	PARKING LOT SHADING CALCULATION																																				
<ol style="list-style-type: none"> ALL PLANTING AREAS SHALL BE TOP DRESSED WITH A 3" (MINIMUM) DEEP LAYER OF 1/2"-2" WESTERN PINE BARK OR EQUAL. REFER TO ARCHITECTURAL AND CIVIL PLANS FOR DESCRIPTIONS OF ELEMENTS NOT IDENTIFIED ON THIS PLAN. OBSEERVE THE FOLLOWING MINIMUM SETBACK DISTANCES FOR TREE PLANTING: <ul style="list-style-type: none"> BETWEEN STREET TREES = 30 FT. DRIVEWAY CUTS AND FIRE HYDRANTS = 7 FT. UTILITY BOXES, MANHOLE AND OTHER UTILITY VALVES, TELEPHONE AND OTHER UTILITY POLES, GAS AND WATER METERS, AND MANS = 5 FT. ALL SURFACE AND SUB-SURFACE SWALES, DRAINAGE STRUCTURES AND PATTERNS SHALL BE MAINTAINED. A LICENSED LANDSCAPE MAINTENANCE CONTRACTOR WILL BE RETAINED TO PERFORM ROUTINE MAINTENANCE DUTIES. LOCATIONS AND QUANTITIES OF EXISTING LANDSCAPE MATERIALS ARE APPROXIMATE. PLANTER SOIL SHALL BE ANALYZED AS DESCRIBED BY A LABORATORY SOIL ANALYSIS. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> PARKING IS SCREENED FROM THE STREET. <input checked="" type="checkbox"/> PARKING LOT LANDSCAPING REFINES ENTRIES <input checked="" type="checkbox"/> (1) TREE PER EA 35 LF REQUIRED <input checked="" type="checkbox"/> 3 PROVIDED LIMITED PER SIGHT TRIANGLES <input checked="" type="checkbox"/> 3 PROVIDED LIMITED PER SIGHT TRIANGLE <input checked="" type="checkbox"/> SOIL SHADE REQUIRED, 67% PROVIDED - SEE CALCULATION <input checked="" type="checkbox"/> RESURFACING OF AS-18R FOR THE NEW USES, WATER EFFICIENT <input checked="" type="checkbox"/> REDESIGN ORNAMENTAL WALK BEHIND SEE CALCULATION <input checked="" type="checkbox"/> TREES SELECTED FROM CHAPTER 3 APPROX PALETTE <input checked="" type="checkbox"/> 38" BOX TREES USED AT ENTRIES/SPECIAL POINTS <input checked="" type="checkbox"/> METROPOLITAN PLANTS USED <input checked="" type="checkbox"/> TREE REPLACEMENT REQUIREMENT MET <input checked="" type="checkbox"/> 12" 24" BOX REPLACEMENT <input checked="" type="checkbox"/> 2 REPLACEMENT TREES REQUIRED, 2 PROVIDED 	<table border="1"> <thead> <tr> <th>TREE TYPE</th> <th>SYMBOL</th> <th>TOTAL (100%)</th> <th>THREE-OR MORE (25%)</th> <th>FOUR-OR MORE (25%)</th> <th>ONE-OR MORE (25%)</th> </tr> </thead> <tbody> <tr> <td>PISTACHIA</td> <td></td> <td>1 @ 721=721 SF</td> <td>4 @ 481=1924 SF</td> <td>0 SF</td> <td>0 SF</td> </tr> <tr> <td>SUBTOTAL SHADING AREA:</td> <td></td> <td>0 SF</td> <td>721 SF</td> <td>1924 SF</td> <td>0 SF</td> </tr> <tr> <td>TOTAL SHADING AREA</td> <td></td> <td></td> <td></td> <td></td> <td>2845 SF</td> </tr> <tr> <td>TOTAL PARKING AREA TO BE SHADED</td> <td></td> <td></td> <td></td> <td></td> <td>3943 SF</td> </tr> <tr> <td>PERCENT SHADED (50% REQ'D)</td> <td></td> <td></td> <td></td> <td></td> <td>67 %</td> </tr> </tbody> </table>	TREE TYPE	SYMBOL	TOTAL (100%)	THREE-OR MORE (25%)	FOUR-OR MORE (25%)	ONE-OR MORE (25%)	PISTACHIA		1 @ 721=721 SF	4 @ 481=1924 SF	0 SF	0 SF	SUBTOTAL SHADING AREA:		0 SF	721 SF	1924 SF	0 SF	TOTAL SHADING AREA					2845 SF	TOTAL PARKING AREA TO BE SHADED					3943 SF	PERCENT SHADED (50% REQ'D)					67 %
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WATER CONSERVATION CONCEPT																																						
DWP IRRIGATION AND BIOMASS SHALL BE INSTALLED IN ALL PLANTERS. IRRIGATION SYSTEMS SHALL BE EQUIPPED WITH A CONTROLLER CAPABLE OF DUAL PROGRAMMING. ALL PLANTS ARE FROM THE LOW WATER USE HYDROZONE AND IRRIGATED SEPARATELY FROM THE TREES.																																						



PRELIMINARY LANDSCAPE PLAN



PLANTING LEGEND						
R. (IDENTIFY LAND USES)	SYMBOL	SIZE	QTY.	PLANTER HEIGHT	BOTANICAL NAME	WATER REQ'D
		15 GAL	4	36"	PISTACHIA CHINENSIS	L
		38" BOX	2	48"	ROSEMARY	L
		24" BOX	3	48"	PISTACHIA ACERIFOLIA	L
		38" BOX	3	48"	EXISTING OFFSITE TREE TO REMAIN	-
		5 GAL	2	48"	PHORMIUM 'THORPURIANA'	L
		5 GAL	100	24"	NANDINA 'TIREPOWER'	L
		5 GAL	29	3"	COLEONEMA 'SUNSET GOLD'	L

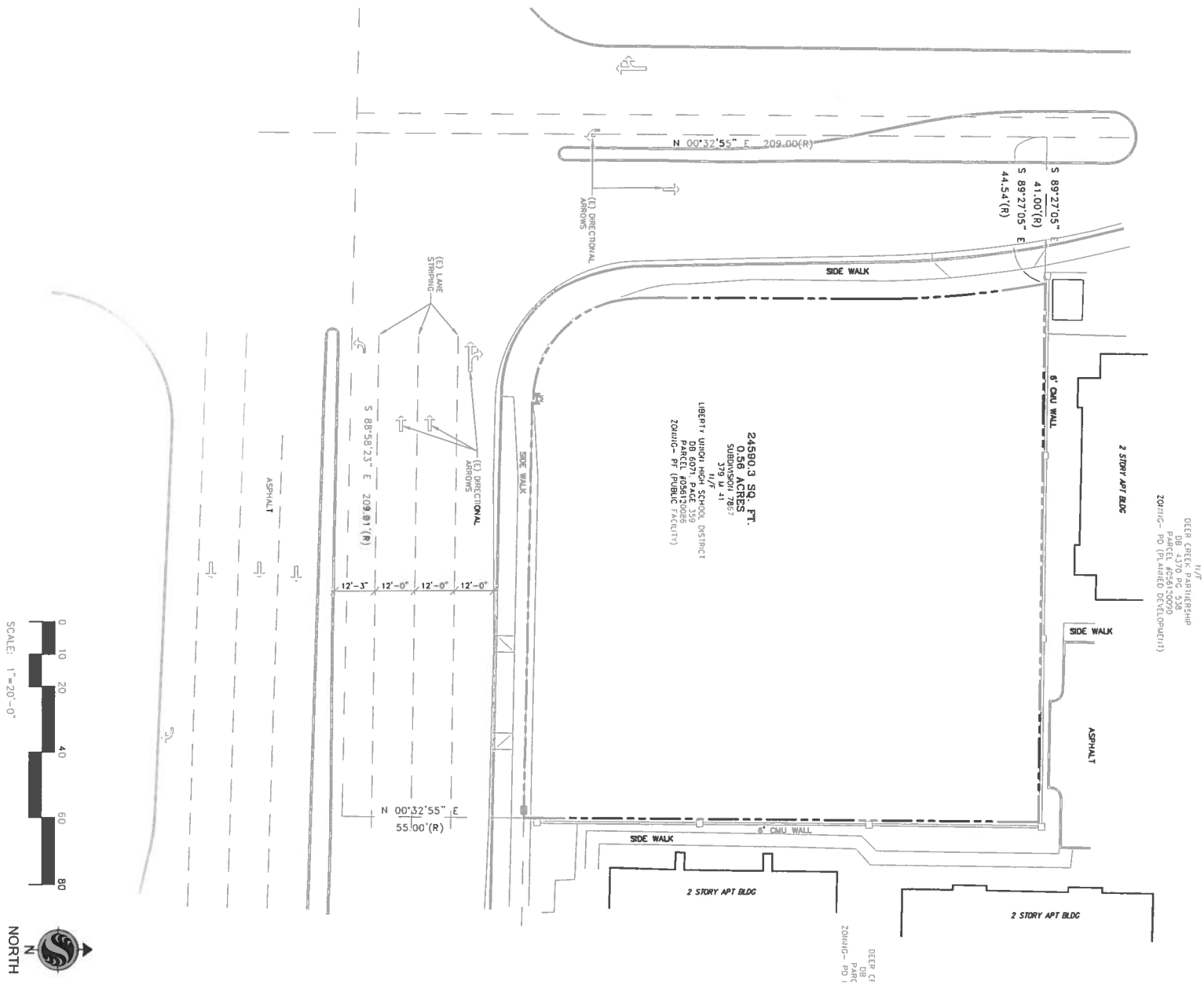
AB 1881 LANDSCAPE DOCUMENTATION ITEM: LAWN IN ROW NOT INCLUDED				
<input checked="" type="checkbox"/>	PROJECT INFORMATION	PROJECT LOCATION: ANTIOCH, CA	PROJECT NUMBER: 09-100-0000	DATE: 02/19/13
<input checked="" type="checkbox"/>	WATER EFFICIENT LANDSCAPE WORKSHEET	HYDROZONE TABLE	WATER USE ALLOWANCE	PERCENT SHADAGE
		AREA (SQ FT)	ALLOWANCE (GAL)	PERCENT
		414.8	0	0.0%
		114.8	0	0.0%
		TOTAL	0	0.0%

WATER BUDGET CALCULATIONS	
WATER BUDGET CALCULATIONS	CONVERSION FACTOR: 4.4
WATER BUDGET CALCULATIONS	ET (ADJUSTED): 0.7
WATER BUDGET CALCULATIONS	HYDROZONE AREA SF: 62
WATER BUDGET CALCULATIONS	REGULATORY ALLOWANCE SF: 984
WATER BUDGET CALCULATIONS	SPECIAL LANDSCAPE ALLOWANCE SF: 0.71
WATER BUDGET CALCULATIONS	ETWAL: 0.981 d/gal
WATER BUDGET CALCULATIONS	MODERATE WATER USE HYDROZONES: 4.4
WATER BUDGET CALCULATIONS	CONVERSION FACTOR: 0.2
WATER BUDGET CALCULATIONS	REGULATORY ALLOWANCE SF: 95
WATER BUDGET CALCULATIONS	SPECIAL LANDSCAPE ALLOWANCE SF: 0.71
WATER BUDGET CALCULATIONS	ETWAL: 0.981 d/gal
WATER BUDGET CALCULATIONS	LOW WATER USE HYDROZONES: 4.4
WATER BUDGET CALCULATIONS	CONVERSION FACTOR: 0.2
WATER BUDGET CALCULATIONS	REGULATORY ALLOWANCE SF: 95
WATER BUDGET CALCULATIONS	SPECIAL LANDSCAPE ALLOWANCE SF: 0.71
WATER BUDGET CALCULATIONS	ETWAL: 0.981 d/gal

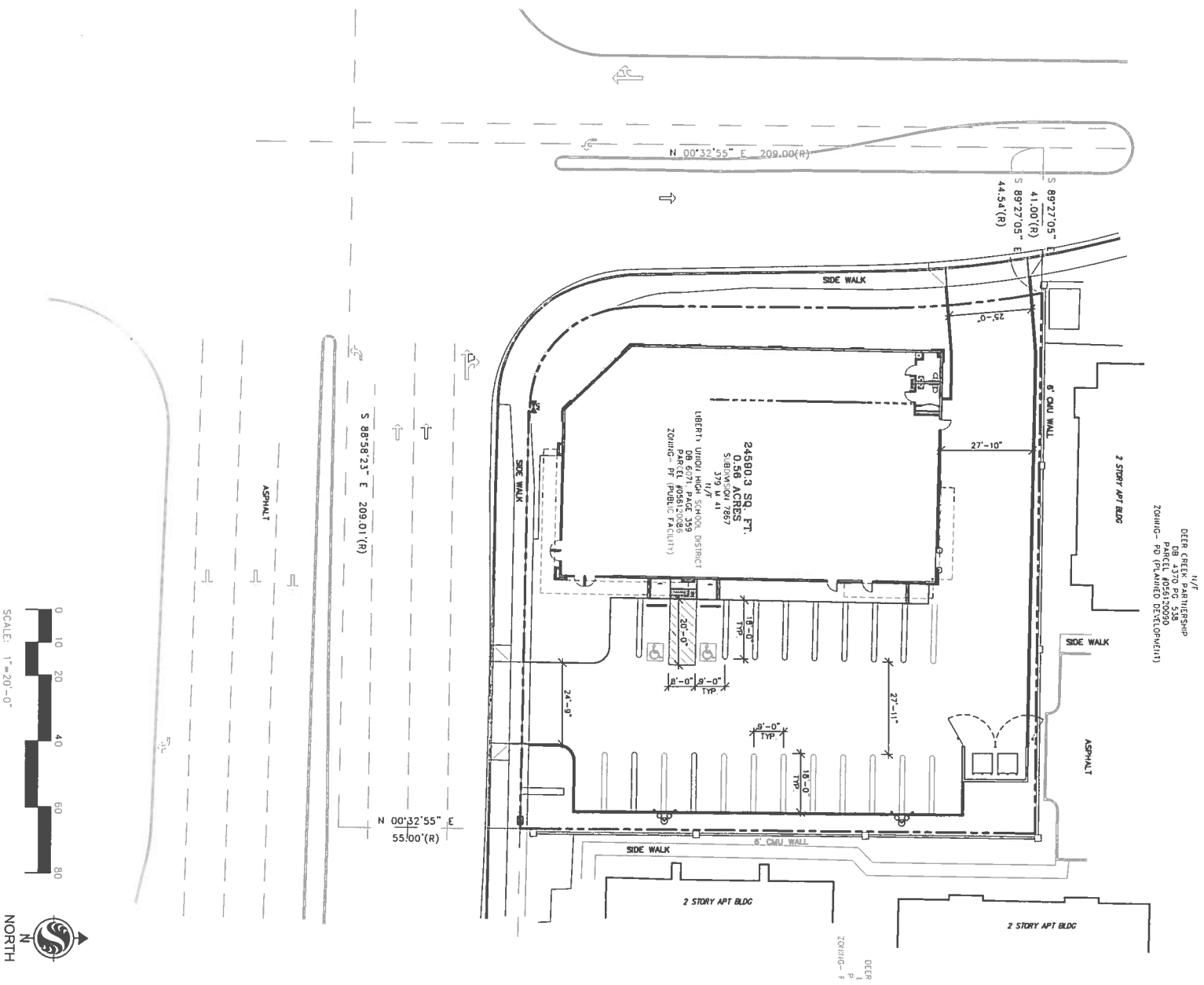
SUSTAINABLE DESIGN CHECKLIST	
<input checked="" type="checkbox"/>	REGIONAL/COMMUNITY DESIGN AND CONNECTIVITY
<input checked="" type="checkbox"/>	GROUND COVER DESIGNED TO PROVIDE 100% VEGETATED COVER IN 2-3 YRS ON AT LEAST 50% OF THE LANDSCAPE AREA.
<input checked="" type="checkbox"/>	PLANTS SUPPORT IPM
<input checked="" type="checkbox"/>	NON-INVASIVE PLANTS USED
<input checked="" type="checkbox"/>	EROSION OR SOIL MINORIZED WITH PLANT STABILIZATION, MULCH, JUTE NETTING, OTHER
<input checked="" type="checkbox"/>	LOW MAINTENANCE PLANTINGS USED OVER 80% OF LANDSCAPE AREA (ADJUST %)
<input checked="" type="checkbox"/>	VEGETATION USED TO REDUCE POLLUTANTS/CONTAMINANTS
<input checked="" type="checkbox"/>	LAWN (MINIMIZED) NOT USED.
<input checked="" type="checkbox"/>	PLANTS SELECTED BASED ON AVAILABLE PLANTER AREA
<input checked="" type="checkbox"/>	WATER CONSERVING PLANTING DESIGN
<input checked="" type="checkbox"/>	DEEP TILLING REQUIRED TO REDUCE COMPACTION
<input checked="" type="checkbox"/>	MULCH DEPTH: 3" TO REDUCE EVAPORANSPIRATION
<input checked="" type="checkbox"/>	IRRIGATION DESIGN TO BE WATER CONSERVING
<input checked="" type="checkbox"/>	SOILS TEST REQUIRED FOR IMPROVING SOILS
<input checked="" type="checkbox"/>	SOIL PANKING IS SHADED (SEE CALCULATION)
<input checked="" type="checkbox"/>	INTERVIOUS SURFACES MINIMIZED
<input checked="" type="checkbox"/>	END USER ENHANCEMENTS (DESCRIBED)
<input checked="" type="checkbox"/>	END USER ENHANCEMENTS (DESCRIBED)

NOT FOR BIDDING OR CONSTRUCTION THESE DRAWINGS ARE UNDER REVIEW AND SUBJECT TO REVISIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN FINAL DRAWINGS (INITIALED IN TITLE BLOCK), BEFORE FINALIZING BIDS OR BEGINNING CONSTRUCTION.	
PREPARED FOR: AutoZone STORE DEVELOPMENT Store No.: 4166 LONE TREE WAY & FAIR SIDE WAY ANTIOCH CA 94531	Stantec Stantec Architecture Inc. 1383 N. McDowell Blvd. Petaluma, CA U.S.A. 94954 Tel: 707.765.1660 Fax: 707.765.9908 www.stantec.com
SCALE: 1"=20'-0" REVISIONS: -/1/3 ARCHITECT: GMS DRAFTSMAN: PJO CHECKED BY:	BUILDING AREA DATA BUILDING AREA: 7,928 SF. FAR: 33.6%
PARKING PARKING REQUIRED: BASED ON NET 85% OF GROSS BLDG. RETAIL SALES: 7,928 SF x 85 = 6,733 SF. 6,733 SF / 400 = 17 STALLS. PARKING PROPOSED: 21 STANDARD (8.5'x17') TOTAL: 22 STALLS.	
SITE DATA SITE AREA: 24,590 SF. (.56 AC) CURRENT ZONING: PD-P PROPOSED ZONING: PD-P PROPOSED DEVELOPMENT: BUILDING AREA: 7,928 SF. LANDSCAPE AREA: 5,222 SF. (22.7%) PARKING / LOADING: 8,274 SF. (36.1%) SIDEWALKS: 1,443 SF. (6.3%)	

EXISTING STRIPING PLAN



PROPOSED STRIPING PLAN

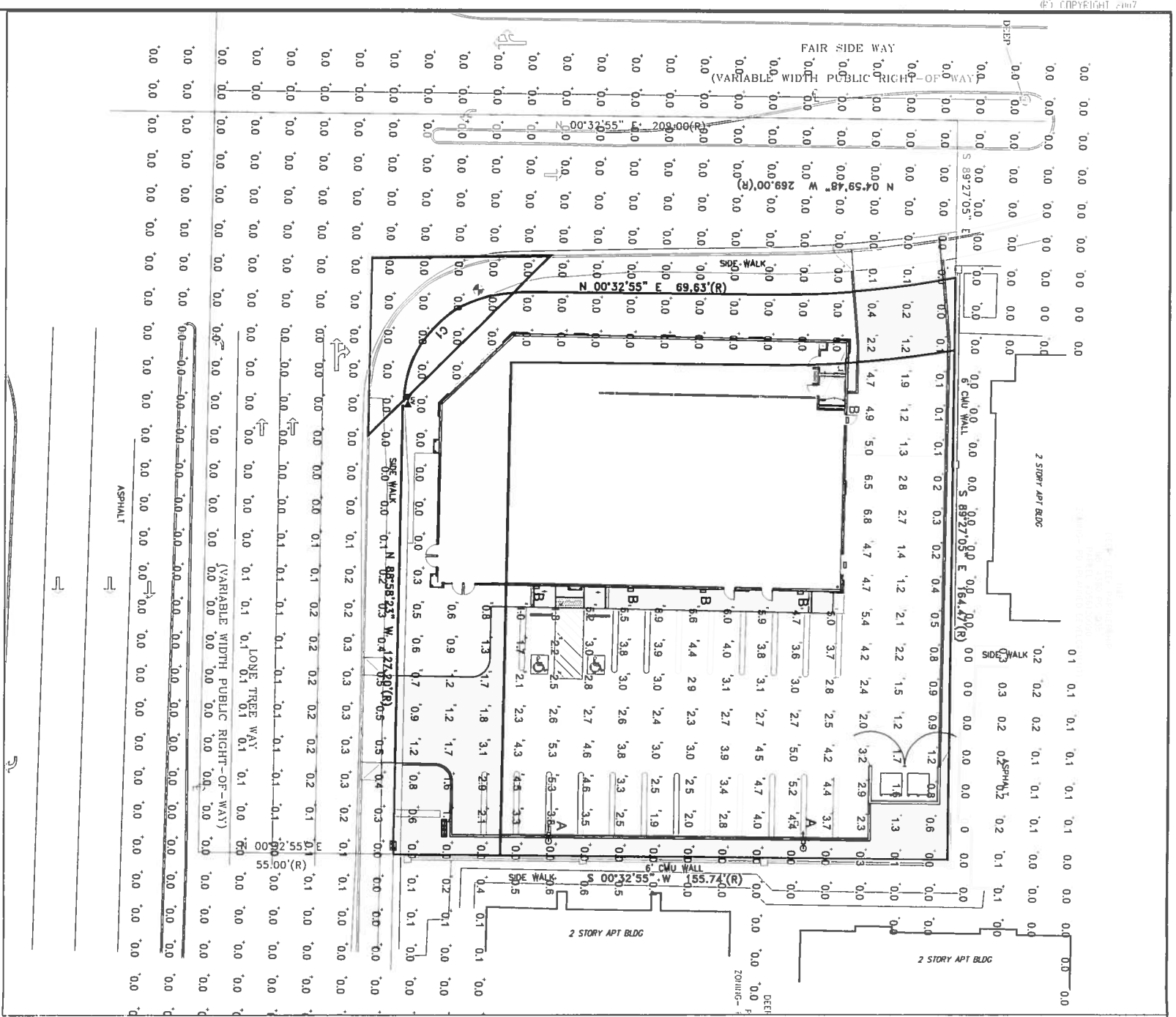


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 MAR 27 2013
 CITY OF ANTIOCH
 COMMUNITY DEVELOPMENT

SCALE: 1"=20'-0"
REVISIONS
1. -1-13
2.
3.
4.
5.
6.
7.
ARCHITECT: GMS
DRAFTSMAN: PJO
CHECKED BY:
3A

PREPARED FOR: **AutoZone STORE DEVELOPMENT**
 Store No.: 4166
 LONE TREE WAY & FAIR SIDE WAY
 ANTIOCH CA 94531
STRIPING PLAN

Stantec
 Stantec Architecture Inc. Tel. 707.765.1660
 1383 N. McDowell Blvd. Fax. 707.765.9908
 Petaluma, CA U.S.A. 94954 www.stantec.com
 Copyright 1993
 Stantec #: 2007112002



LUMINAIRE SCHEDULE			
Symbol	Label	Qty	Category Number
□	A	2	400 WATT HANS
□	B	6	CHMS-150-CNH

STATISTICS			
Category	Symbol	Avg	Max
Zone #1	+	0.8 E	0.8 E
Zone #2	X	1.0 E	1.0 E

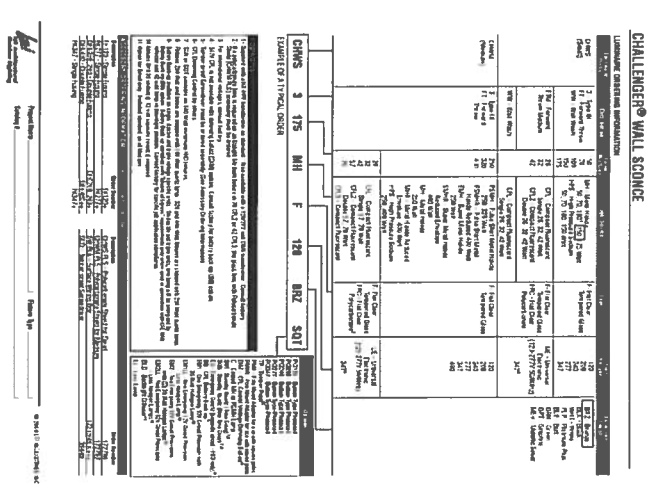
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MAR 27 2013
CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

CHALLENGER WALL SOURCE

CHALLENGER WALL SOURCE is a wall-mounted luminaire that provides a wide, uniform distribution of light. It is designed for use in parking lots, walkways, and other areas where a wide, uniform distribution of light is required. The luminaire is available in two models: the CHMS-150-CNH and the CHMS-150-CNH-150. The CHMS-150-CNH-150 model is designed for use in areas where a higher level of illumination is required.

FEATURES & SPECIFICATIONS

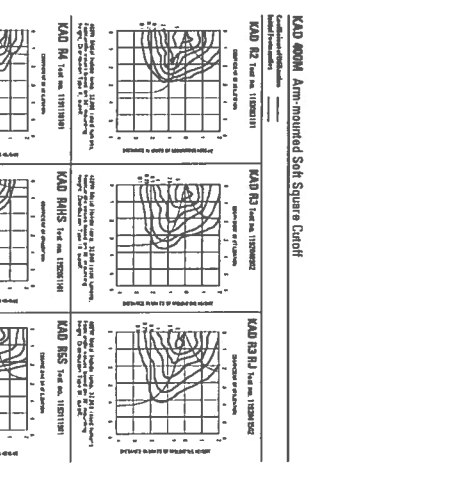
- Available in two models: CHMS-150-CNH and CHMS-150-CNH-150
- Available in two finishes: White and Black
- Available in two mounting heights: 150" and 180"
- Available in two mounting styles: Surface Mount and Pole Mount
- Available in two mounting orientations: Horizontal and Vertical
- Available in two mounting locations: Wall Mount and Pole Mount



LITHONIA LIGHTING

FEATURES & SPECIFICATIONS

- Available in two models: KAD and KAD-RS
- Available in two finishes: White and Black
- Available in two mounting heights: 150" and 180"
- Available in two mounting styles: Surface Mount and Pole Mount
- Available in two mounting orientations: Horizontal and Vertical
- Available in two mounting locations: Wall Mount and Pole Mount



ORDERING INFORMATION

Model	Finish	Mounting Style	Mounting Orientation	Mounting Location
KAD	White	Surface Mount	Horizontal	Wall Mount
KAD-RS	White	Pole Mount	Vertical	Pole Mount

PHOTOMETRIC PLAN

AutoZone Store No. 4166
LONE TREE WAY
ANTIOCH CA 94509

REVISIONS	
1	
2	
3	
4	
5	
6	

Architect:
123 South Front Street
Memphis, Tennessee 38103
TEL: 901-495-8714 FAX: (901) 495-8969

PH1
03-15-13



STORE DEVELOPMENT STORE # 4166

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COMMUNITY DEVELOPMENT

DRAWING INDEX	
SITE DRAWING	
1	TITLE SHEET
2	ALTA/ACSM LAND TITLE SURVEY
3	CONCEPTUAL SITE PLAN
C2	GRADING AND DRAINAGE PLAN
C3	UTILITY PLAN
C5	STORMWATER TREATMENT PLAN
P51	FLOOR PLAN/ROOF PLAN
P52	EXTERIOR ELEVATIONS AND NOTES
CE-1	COLOR ELEVATIONS
L1	PRELIMINARY LANDSCAPE PLAN

BUILDING AREA DATA	
BUILDING AREA:	7,766 SF.
FAR:	31.5%

SITE DATA	
SITE AREA:	24,590 SF. (.56 AC)
CURRENT ZONING:	PD - PLANNED DEVELOPMENT
PROPOSED ZONING:	PD - PLANNED DEVELOPMENT
BUILDING AREA:	7,766 SF. (21.2%)
LANDSCAPE AREA:	5,229 SF. (37.5%)
PARKING / LOADING:	9,243 SF. (4.5%)
SIDEWALKS:	1,119 SF. (4.5%)

PARKING	
PARKING REQUIRED:	7,766 SF./200 = 39 STALLS
RETAIL SALES:	7,766 SF./200 = 39 STALLS
PARKING PROPOSED:	21 STANDARD (9'x18'-6") 2 ACCESSIBLE (9'x18'-6") TOTAL: 23 STALLS

TITLE SHEET	
STORE # 4166 LONE TREE WAY + FARR SIDE WAY ANTIOCH, CA 94531	
Autozone STORE DEVELOPMENT DEPT. 8820 123 S. FRONT ST., MEMPHIS, TN 38103	
Stantec Architecture Inc. 1333 H. McDevitt Blvd. Petaluma, CA U.S.A. 94954 Tel: 707.765.1660 Fax: 707.765.9908 www.stantec.com	
DATE: 06/01/11	DATE: 06/01/11
DR. BY: PJO	APPR: OUS
SCALE: AS SHOWN	SCALE: AS SHOWN
PROJECT NO: STANTEC 2007112002	SHEET: 1

DESIGNERS OF RECORD	
ARCHITECTURAL FIRS:	STANTEC ARCHITECTURE INC. (707) 765-1660 U.S. SUPERVISOR MICHAEL FELDBERGH, L.S. (800) 882-8723
LANDSCAPE:	STANTEC ARCHITECTURE INC. (707) 765-1660 LANDSCAPE ARCHITECT MARSHA RUTH
CM:	YANG CONSULTING GROUP, INC. (510) 736-2080 ANDREW YANG
ARCHITECTURAL BUILDING PERM. RECORD:	AUTOZONE STORE DEVELOPMENT (901) 495-7352

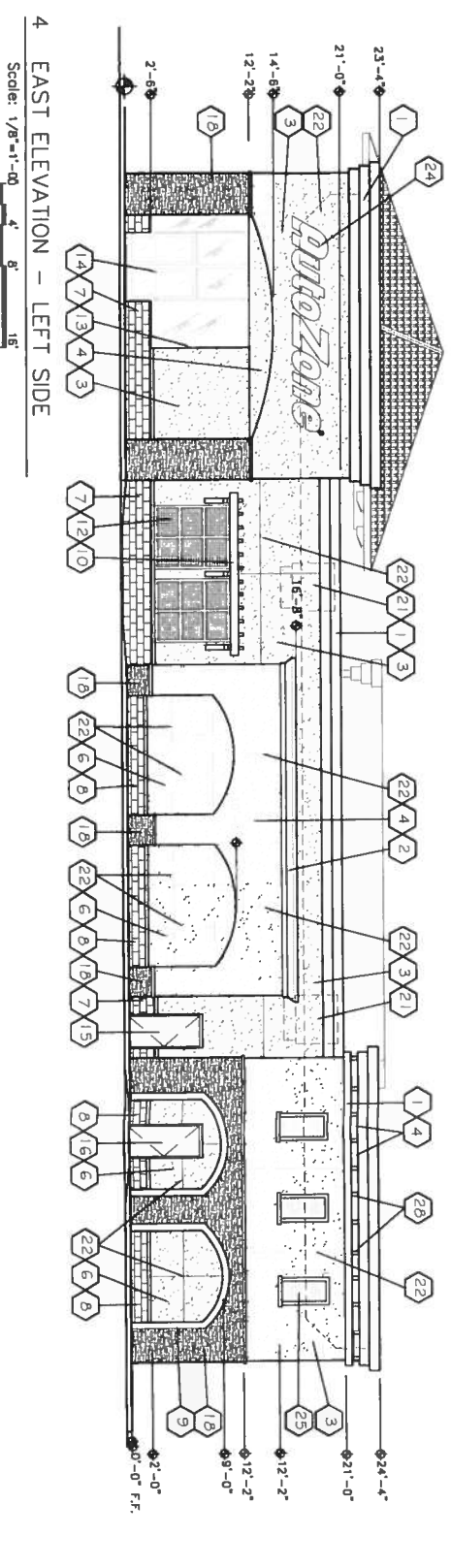
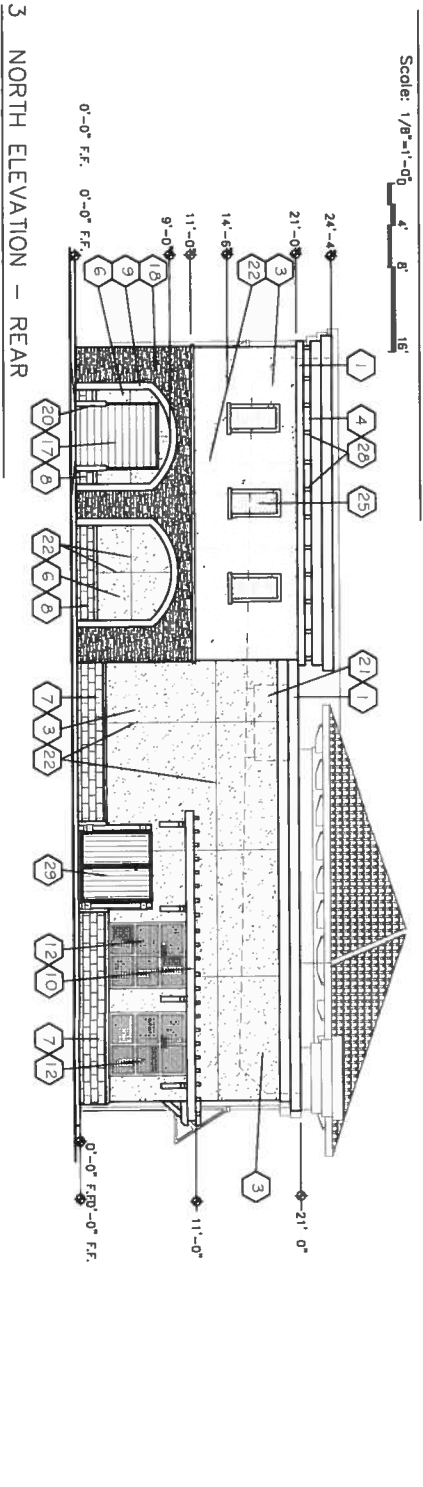
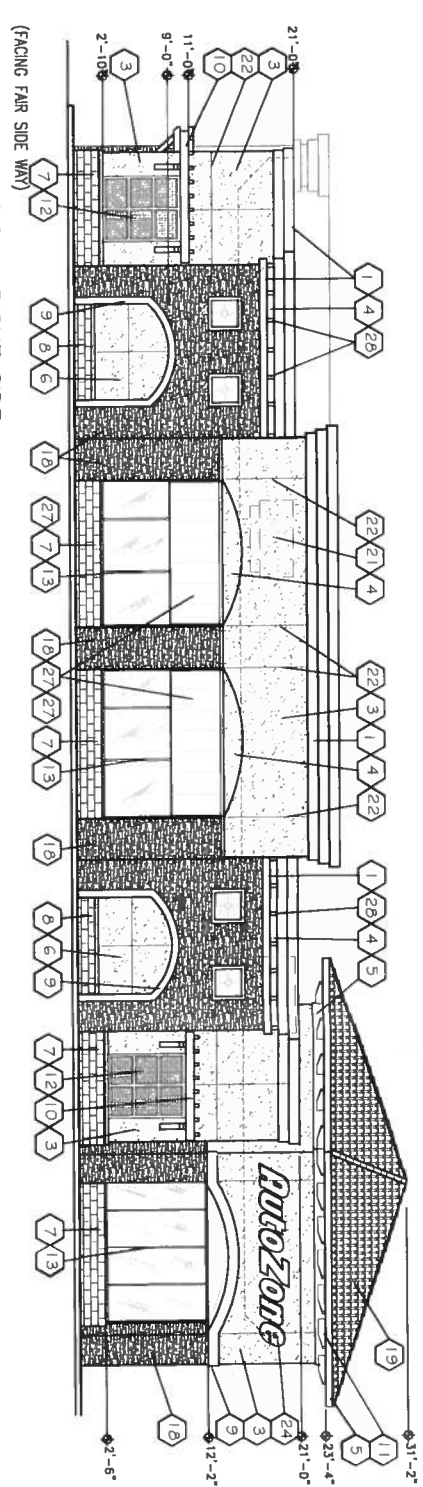
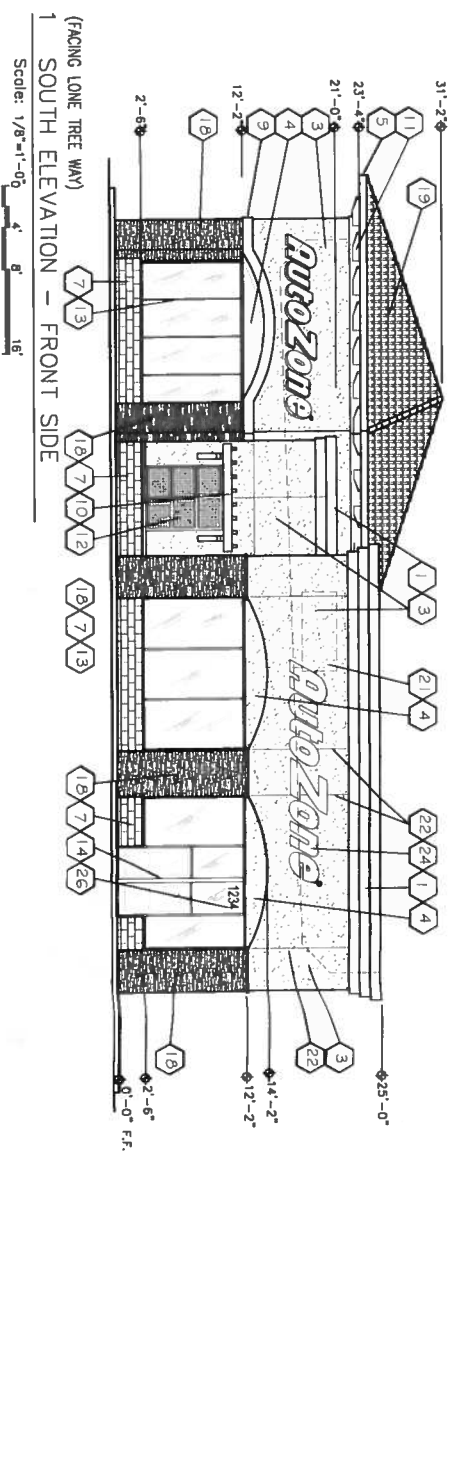
VICINITY MAP	

PROJECT DESCRIPTION	
AUTOZONE STORE DEVELOPMENT IS PROPOSING THE FOLLOWING: NEW AUTOZONE RETAIL STORE (N) DR. SITE PARKING (N) DRIVEWAY (N) DUMPSTER ENCLOSURE (N) PLANTERS WITH LANDSCAPING	

PROJECT DATA	
PROJECT NAME:	AUTOZONE AUTO PARTS
PROJECT ADDRESS:	LONE TREE WAY & FARR SIDE WAY ANTIOCH, CA
FACILITY OWNER:	AUTOZONE INC. 200 W. STREET MEMPHIS, TN 38103-3697
PROPERTY OWNER:	LIBERTY UNION HIGH SCHOOL DISTRICT (925) 634-2186
ASSIGNOR PARCEL NUMBER (LMP):	056-120-086
ZONING:	PD - PLANNED DEVELOPMENT

PROJECT DIRECTORY		
AGENCY:	CONTACT NAME:	PHONE NUMBER:
ARCHITECT REPRESENTATIVE:	GARY SEMLIN	(707) 765-1660
AUTOZONE REPRESENTATIVE:	PHIL RECORD	(901) 495-7352
PLANNING:	CITY OF ANTIOCH 200 W. STREET ANTIOCH, CA	(925) 779-7035

REVISED



- 1 CORNICE WITH STUCCO FINISH - COLOR: 2
- 2 CORNICE WITH STUCCO FINISH - COLOR: 3
- 3 STUCCO FINISH - COLOR: 1
- 4 STUCCO FINISH - COLOR: 2
- 5 STUCCO FINISH - COLOR: 3
- 6 STUCCO FINISH - COLOR: 4
- 7 SPLIFFACE BLOCK VENEER - COLOR: 2
- 8 SPLIFFACE BLOCK VENEER - COLOR: 4
- 9 PROJECTED ACCENT WITH STUCCO FINISH - COLOR: 2
- 10 ROUGH SAWN WOOD TRELLIS PAINT COLOR: 3
- 11 ROUGH SAWN WOOD CORNICE BRACKETS - PAINT COLOR: 3
- 12 DECORATIVE METAL TRELLIS ACCENT - COLOR: 3
- 13 ALUMINUM STOREFRONT - RED KYNAR FINISH
- 14 GLASS AND ALUMINUM DOORS - CLEAR ANODIZED FINISH
- 15 PAINT HOLLOW METAL DOOR(S) & FRAMES COLOR: 2
- 16 PAINT HOLLOW METAL DOOR(S) & FRAMES COLOR: 4
- 17 DO NOT PAINT OVERHEAD DOOR PAINT ANGLES BLACK
- 18 STONE VENEER: C51 CUTTERED STONE COUNTRY LEDGESTONE CHARDONNAY CSV2000S WITH MATCHING SILL
- 19 EAGLE ROOFING PRODUCTS - CARSTRAND, COLOR: TERRACOTTA GOLD
- 20 PIPE GUARD - WITH RED PLASTIC SLEAVE
- 21 MECHANICAL UNITS SCREENED BY PARAPETS
- 22 1" V-GROOVE SCORE JOINT
- 23 WALL MOUNTED LIGHT FIXTURE
- 24 WALL SIGN - 42" CHANNEL SIGN
- 25 ALUMINUM LOUVER WITH ROUGH SAWN WOOD FRAME, COLOR: 2
- 26 6" TALL ADDRESS NUMBERS PER CITY OF ANTIOCH RECS
- 27 AWNING WITH STANDING SEAM METAL ROOFING COLOR: DARK BRONZE
- 28 PROJECTED WOOD ACCENTS WITH STUCCO FINISH - COLOR
- 29 ELECTRICAL SWITCHGEAR SCREEN - COLOR: 2

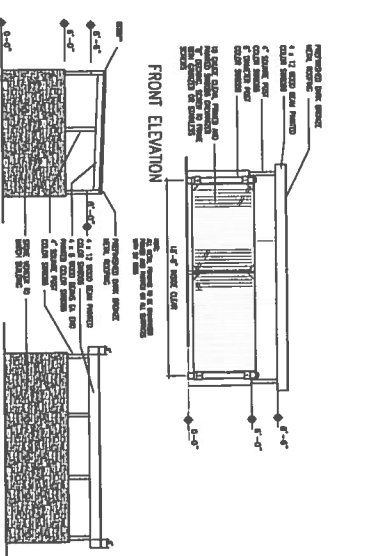
1 ELEVATION KEY NOTES

NOTE: PAINT COLORS BY ICI PAINTS

- 1 -SHERWIN WILLIAMS #6006 SAND DUNE
- 2 -SHERWIN WILLIAMS #6008 NUTCRACK
- 3 -SHERWIN WILLIAMS #6033 SABLE
- 4 -SHERWIN WILLIAMS #6349 PENNY WISE

2 COLOR SCHEDULE

NOTE: STUCCO TO BE STANDARD SAND FINISH TEXTURE



3 TRASH ENCLOSURE



REVISIONS	
1	
2	
3	
4	
5	
6	

AutoZone Store No. 4166
 LONE TREE WAY
 ANTIOCH CA
EXTERIOR ELEVATIONS AND NOTES

Architect: AUTOZONE
 123 South Front Street
 Memphis, Tennessee 38103
 TEL:901-495-8714 FAX: (901) 495-8969
 For Bidding & Contractor Information Contact:
 F. W. Dodge Plan Room Tel. 615-884-1017

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CITY OF ANTIOCH
 COMMUNITY DEVELOPMENT

11-15-11
 7N21
PS2

GENERAL NOTES

1. ALL PLANTING AREAS SHALL BE TOP DRESSED WITH A 3" (MINIMUM) DEEP LAYER OF 1/2" WESTERN PINE BARK OR EQUAL.
2. REFER TO ARCHITECTURAL AND CIVIL PLANS FOR DESCRIPTIONS OF ELEMENTS NOT IDENTIFIED ON THIS PLAN.
3. OBSERVE THE FOLLOWING MINIMUM SETBACK DISTANCES FOR TREE PLANTING:
 - DRIVEWAY CUTS AND FIRE HYDRANTS = 30 FT.
 - UTILITY BOXES, MANHOLE AND OTHER UTILITY WALLS, WATER METER AND VANS = 5 FT.
4. ALL SURFACE AND SUB-SURFACE SMALES, DAMAGE STRUCTURES AND PATTERNS SHALL BE MAINTAINED.
5. A LICENSED LANDSCAPE MAINTENANCE CONTRACTOR WILL BE RETAINED TO PERFORM ROUTINE MAINTENANCE DUTIES.
6. LOCATIONS AND QUANTITIES OF EXISTING LANDSCAPE MATERIALS ARE APPROXIMATE.
7. PLANTER SOIL SHALL BE AMENDED AS DESCRIBED BY A LABORATORY SOIL ANALYSIS.

CITY SPECIFIC REQUIREMENTS

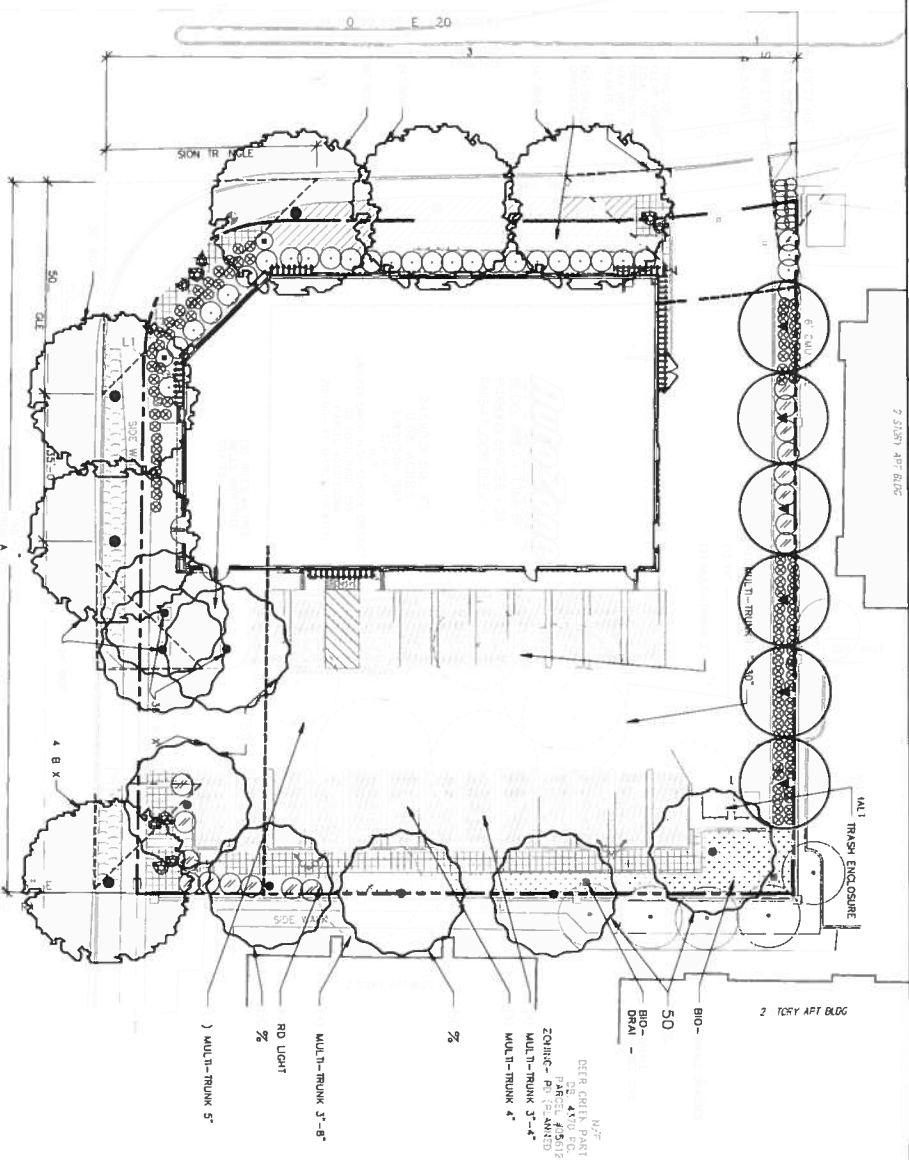
- PARKING IS SCREENED FROM THE STREET.
- PARKING LOT LANDSCAPING DEFINES ENTRIES
- (1) TREE PER EA 25 LF REQUIRED
- ONE TREE PER FRONTAGE = 1 TREE = 4.8 TREES REQUIRED
- 3 PROVIDED LINED PER SIDE FRANCES
- 3 PROVIDED LIMITED PER SIDE FRANCES
- 50% SHADE REQUIRED, 67% PROVIDED - SEE CALCULATION
- REPLACEMENTS OF AS-PLANTED PER NEW URBAN WATER EFFICIENT LANDSCAPE GUIDANCE HAVE BEEN MET - SEE CALCULATIONS
- TREES SELECTED FROM CHAPTER 3 APPROX PALETTE
- 3/4" BOX TREES USED AT ENTRIES/FOCAL POINTS
- MEDITERRANEAN PLANTS USED
- TREE REPLACEMENT REQUIREMENT MET
- 1 ESTABLISHED (R & L) LARGER TREES REMOVED
- 2 REPLACEMENT TREES REQUIRED, 2 PROVIDED

PARKING LOT SHADING CALCULATION

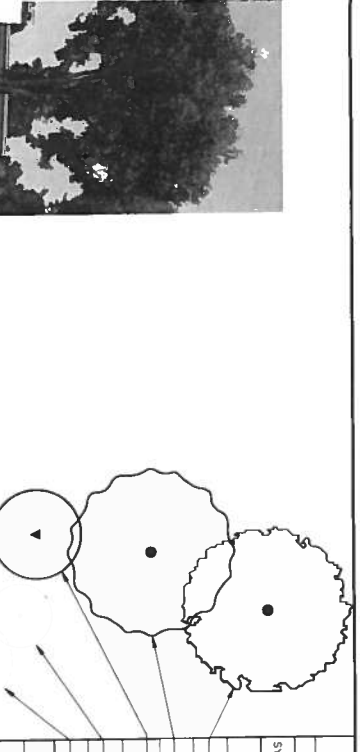
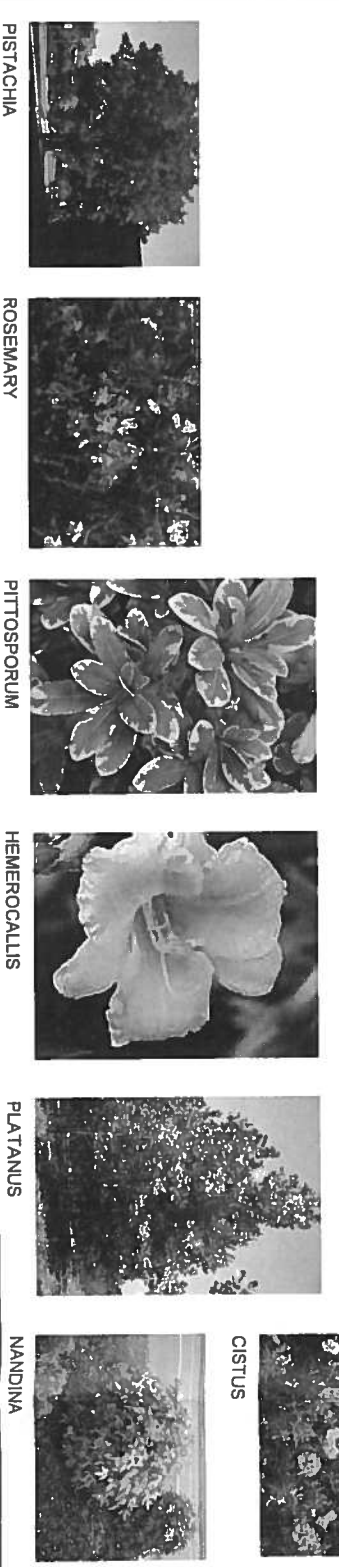
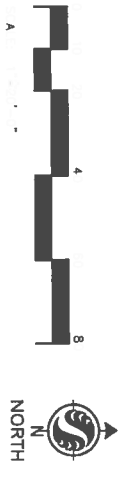
TREE TYPE	SYMBOL	FOOTPRINT (SQ. FT.)	THREE-QUARTER (75%)	HALF (50%)	ONE-QUARTER (25%)
PISTACHIA	(Symbol)	1 @ 721=721 SF.	540.75 SF.	192.75 SF.	77.25 SF.
SUBTOTAL SHADING AREA :		0 SF.	721 SF.	192.75 SF.	0 SF.
TOTAL SHADING AREA :			2645 SF.	3943 SF.	87 %

WATER CONSERVATION CONCEPT

DRAINAGE AND BARRIERS SHALL BE INSTALLED IN ALL PLANTERS. IRRIGATION SYSTEMS SHALL BE COPPED WITH A 1/2" MINIMUM CHANNEL. ALL PLANTING MATERIALS SHALL BE CHECKED FOR THE USE OF WATER EFFICIENT AND DROUGHT TOLERANT SPECIES.



PRELIMINARY LANDSCAPE PLAN



EUCALYPTUS

AB 1811 LANDSCAPE DOCUMENTATION TEMP. LAWN IN ROW NOT INCLUDED

PROJECT INFORMATION
 PROJECT ADDRESS: LONE TREE AND FAIR SIDE WAYS
 PROJECT OWNER: AUTOZONE STORE DEVELOPMENT
 PROJECT ARCHITECT: GMS
 PROJECT DATE: 1/20/14

WATER EFFICIENT LANDSCAPE WORKSHEET

PLANT	VALUE	REPLACEMENT	PLANT FACTOR	PLANT FACTOR	PLANT FACTOR
ZONE	VALUE	REPLACEMENT	PLANT FACTOR	PLANT FACTOR	PLANT FACTOR
LV	1.0	U	240	100%	0.30
GR	1.0	U	240	100%	0.30
TOTAL					10.00

WATER EFFICIENT LANDSCAPE CALCULATIONS

LOW WATER USE PLANTS
 0.00 LOW WATER USE PLANTS
 0.00 LOW WATER USE PLANTS
 0.00 LOW WATER USE PLANTS

WATER SUBJECT CALCULATIONS

ET0 4.4
 ET1 0.0
 ET2 0.0
 ET3 0.0
 ET4 0.0
 ET5 0.0
 ET6 0.0
 ET7 0.0
 ET8 0.0
 ET9 0.0
 ET10 0.0
 ET11 0.0
 ET12 0.0
 ET13 0.0
 ET14 0.0
 ET15 0.0
 ET16 0.0
 ET17 0.0
 ET18 0.0
 ET19 0.0
 ET20 0.0

PLANTING LEGEND

SYMBOL	SIZE	QTY	PLANT	BOTANICAL NAME	WATER REQUIREMENT	COMMON NAME
(Symbol)	24" BOX	1	PISTACHIA CHINENSIS	PISTACHIA CHINENSIS	L	PISTACHIA
(Symbol)	36" BOX	5	PLATANUS ACERIFOLIA	PLATANUS ACERIFOLIA	L	PLANE TREE
(Symbol)	36" BOX	3	EUCLYPTUS NICHOLII	EUCLYPTUS NICHOLII	L	WILLOW LEAF PEPPERBUSH
(Symbol)	15 GAL.	35	ERIGERON FLORENTINUS	ERIGERON FLORENTINUS	L	ERIGERON
(Symbol)	5 GAL.	7	CISTUS PURPURUS	CISTUS PURPURUS	L	FLAX
(Symbol)	5 GAL.	2	PHORMIUM ANTHROPURPUREA	PHORMIUM ANTHROPURPUREA	L	PHORMIUM
(Symbol)	5 GAL.	103	NANDINA THOMPSONII	NANDINA THOMPSONII	L	HEAVY HEARTED NANDINA
(Symbol)	5 GAL.	29	COLEONEMA	COLEONEMA	L	COLEONEMA

SUSTAINABLE DESIGN CHECKLIST

COMO GREEN

- REGIONAL/COMMUNITY DESIGN AND CONNECTIVITY
- REGION COVER DESIGNED TO PROVIDE 100% VEGETATED COVER IN 2-3 YRS. ON AT LEAST 50% OF THE LANDSCAPE AREA.
- PLANTS SUPPORT PMU
- NON-INVASIVE PLANTS USED
- REGION OF SOIL AMENDED WITH PLANT STABILIZATION, WHICH AID NETTING OTHER
- LOW MAINTENANCE PLANTINGS USED OVER 80% OF LANDSCAPE AREA (ADJUST %)
- VEGETATION USED TO REDUCE POLLUTANTS/CONTAMINANTS
- LAWS (MINIMIZED) NOT USED.
- PLANTS SELECTED BASED ON AVAILABLE PLANTER AREA
- WATER CONSERVING PLANTING DESIGN
- DEEP TILING REQUIRED TO REDUCE COMPACTION
- MULCH DEPTH 3" TO REDUCE EVAPORATION
- IRRIGATION DESIGN TO BE WATER CONSERVING
- SOILS TEST REQUIRED FOR IMPROVING SOILS
- SOIL PAVING IS SHADDED (SEE CALCULATION)
- IMPROVED SURFACES MINIMIZED
- END USER ENHANCEMENTS (OSPREY)
- END USER ENHANCEMENTS (OSPREY)

SOIL MANAGEMENT
 SOILS SHALL BE TESTED AND AMENDED AS NEEDED TO SUPPORT PLANTING. SOILS SHALL BE TESTED AND AMENDED AS NEEDED TO SUPPORT PLANTING. SOILS SHALL BE TESTED AND AMENDED AS NEEDED TO SUPPORT PLANTING.

WATER MANAGEMENT
 IRRIGATION SYSTEM SHALL BE COPPED WITH A 1/2" MINIMUM CHANNEL. ALL PLANTING MATERIALS SHALL BE CHECKED FOR THE USE OF WATER EFFICIENT AND DROUGHT TOLERANT SPECIES.

NOT FOR BIDDING OR CONSTRUCTION
 THESE DRAWINGS ARE UNDER REVIEW AND SUBJECT TO CHANGE. ANY CHANGES SHALL BE NOTIFIED IN WRITING. THESE DRAWINGS ARE UNDER REVIEW AND SUBJECT TO CHANGE. ANY CHANGES SHALL BE NOTIFIED IN WRITING.

RECEIVED
 FEB 03 2014
 CITY OF ANTIOCH
 COMMUNITY DEVELOPMENT

PARKING

PARKING REQUIRED: BASED ON NET 85% OF GROSS BLDG
 RETAIL SALES: 7,928 SF x .85 = 6,733 SF
 6,733 SF / 400 = 17 STALLS

PARKING PROPOSED: 21 STANDARD (8.5x17)
 1 ACCESSIBLE (9x18)
 TOTAL: 22 STALLS

SITE DATA

SITE AREA: 24,990 SF (.56 AC)
 PROPOSED ZONING: PD-PLANNED DEVELOPMENT
 BUILDING AREA: 7,928 SF (22.7%)
 LANDSCAPE AREA: 6,429 SF (26.1%)
 PARKING / LOADING: 8,274 SF (33.2%)
 SIDEWALKS: 1,443 SF (5.8%)

BUILDING AREA DATA

BUILDING AREA: 7,928 SF

Stantec
 Stantec Architecture Inc.
 1383 N. McDowell Blvd.
 Petaluma, CA U.S.A. 94954
 Tel. 707.765.1660
 Fax. 707.765.9908
 www.stantec.com
 Stantec# 2007112002

PREPARED FOR: **AutoZone STORE DEVELOPMENT**
 Store No: 4166
 LONE TREE WAY & FAIR SIDE WAY
 ANTIOCH CA 94531

PRELIMINARY LANDSCAPE PLAN

SCALE: 1"=20'-0"

REVISIONS:

1	1/23/14	1. SITE PLAN
2		
3		
4		
5		
6		
7		

ARCHITECT: GMS
 DRAFTSMAN: PJO
 CHECKED BY:

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 25, 2014**

Prepared by: Dawn Merchant, Finance Director *DM*
Date: March 19, 2014
Subject: Appointments to the Sales Tax Citizens' Oversight Committee

RECOMMENDATION

It is recommended that the Mayor appoint and City Council approve the appointment of seven members to the Sales Tax Citizens' Oversight Committee for the staggered terms as specified below.

BACKGROUND INFORMATION

Ordinance 2068-C-S for Measure C, Restoring Antioch Services Sales Tax, requires the establishment of a seven member citizens' oversight committee. Resolution 2013/73 further clarifies that four (4) members will serve 4 year terms and three (3) members will serve 2 year terms with at least one member having a finance/audit background. Twenty-one applications were received and twenty interviews were conducted on February 20th, 26th and 27th by Mayor Harper and Councilmember Agopian, with the Finance Director in attendance.

The nominated applicants and recommended staggered terms to serve are as follows:

	Applicant Name	Recommended Term
1	Hansel Ho	4 years
2	Barbara Herendeen	4 years
3	Melvin Chappel	4 years
4	Catherine Walker	4 years
5	Ralph Garrow	2 years
6	Joseph O. Adebayo	2 years
7	Salvatore Sbranti	2 years

FINANCIAL IMPACT

None. All positions are voluntary.

OPTIONS

Direct staff to re-advertise for the vacancies.

ATTACHMENTS

A. Applications for twenty candidates interviewed.

RECEIVED

DEC 31 2013

CITY OF ANTIOCH
CITY ATTORNEY

APPLICATION DEADLINE: 5 p.m., January 16, 2014

APPLICATION FOR COMMUNITY SERVICE

NAME OF BOARD OR COMMISSION Sales Tax Citizens' Oversight Committee

PRINT YOUR NAME Hansel Ho

ADDRESS Blackburn Peak Court CITY Antioch, CA

ZIP CODE 94531 PHONE (H) _____ (W) _____

E-MAIL ADDRESS _____

EMPLOYER Telfer Oil Company

ADDRESS 211 Foster Street CITY Martinez, CA

OCCUPATION Technical Director

YEARS LIVE IN THE CITY OF ANTIOCH 18

LIST THE THREE (3) MAIN REASONS FOR YOUR INTEREST IN THIS APPOINTMENT:

1. PLEASE NOTE THAT I AM NO LONGER ON THE CRIME PREVENTION COMMISSION, BUT AM WORKING AS A STAFF MEMBER (UNPAID) AS NEIGHBORHOOD WATCH COORDINATOR.
2. I was the first person to put my signature onto the ballot measure. I would like to follow through to see that the funds are correctly applied.
3. It is of vital importance that we improve the safety of the City by having a fully staffed police department.
4. It is also of vital importance that we use the funds to hire code enforcement officers as well as police officers to safeguard our quality of life.

HAVE YOU ATTENDED ANY MEETINGS OF THIS BOARD/COMMISSION? No

HAVE YOU HAD ANY PREVIOUS CITY COMMUNITY SERVICE ON THIS BOARD/COMMISSION? (If yes, please explain) _____

This is a newly formed committee, but I have served two terms on the Crime Prevention Commission. While I am no longer on the Commission, I continue to work as the Neighborhood Watch Coordinator.

WHAT SKILLS/KNOWLEDGE DO YOU HAVE THAT WOULD BE HELPFUL IN SERVING ON THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING? _____

I am well organized and exercise clear logic in making decisions. I think I demonstrated these traits well in my service on the Crime Prevention Commission.

I can get along and work well with people of different cultures and background and respect differing opinions

Having worked closely with the Police Department, I understand their needs well. I have worked well with our past and current Police Chief.

While serving as a Crime Prevention Commissioner, I have always listened to and help solve problems with the citizens.

(Over)

PLEASE INDICATE ANY FURTHER INFORMATION OR COMMENTS YOU WISH TO MAKE THAT WOULD BE HELPFUL IN REVIEWING YOUR APPLICATION.

I am no longer on the Crime Prevention Commission, but would like to continue to serve the City in a different capacity.

~~With my past efforts at promoting safety in our City, I think I can bring credibility to this committee as someone who does not have any special interest other than improving the safety of the City.~~

I have demonstrated in my past efforts as someone who can work well with citizens, City Council members as well as City staff.

I am not interesting in running for any political office, therefore I am as non-political as anyone can possibly be.

PLEASE READ THE ATTACHED GENERAL INFORMATION REGARDING BOARDS AND COMMISSION SO YOU ARE AWARE OF THE DUTIES, TIME AND FREQUENCY OF MEETINGS.

CAN YOU ATTEND MEETINGS AT THE DESIGNATED TIME? Yes

PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

THE TOP THREE/FOUR CANDIDATES WILL UNDERGO A BACKGROUND CHECK BY THE ANTIOCH POLICE DEPARTMENT PRIOR TO APPOINTMENT.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
P.O. BOX 5007
ANTIOCH, CA 94531-5007



Signature

12/31/2013

Date

If you would like to be considered for future openings on Boards or Commission, please check the appropriate lines(s) and return to City Hall. You will be notified when an opening occurs.

_____ Board of Administrative Appeals

_____ Building Board of Appeals

_____ Economic Development Commission

_____ Investment Advisory Committee

_____ Parks and Recreation Commission

_____ Planning Commission

_____ Police Crime Prevention Commission

_____ Youth Commission

How did you learn of this opening?

Word of Mouth _____ Channel 26 _____ Newspaper: _____

If website, name of site: City of Antioch _____

Other? Website Address: _____

Name: Hansel (Hans) Ho

Address: Blackburn Peak Court, Antioch, CA 94531

Phone: work. _____ Home: _____

Please mail to: City Clerk
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

RESUME

Hansel (Hans) H. Ho
Blackburn Peak Ct.
Antioch, CA 94531

COMMUNITY SERVICE EXPERIENCE

1/13 – DATE: Neighborhood Watch Coordinator

Duties: Monitor calls for Neighborhood Watch related requests and schedule meetings with the Crime Prevention Commissioners.
Act as staff member to assist Police Department Coordinator

6/07 – 12/12: Chair and Neighborhood Watch Coordinator, Crime Prevention Commission

6/04 – 6/07: Commissioner, Crime Prevention Commission. Elected Chair in 2006 and took over as Neighborhood Coordinator in July of 2006

PROFESSIONAL EXPERIENCE

3/94 – DATE: Technical and Environmental Compliance Director, Telfer Oil Company, 211 foster Street, Martinez, CA 94553.

Duties: Provide technical support to all divisions in Telfer Oil Company.
Oversee environmental compliance for all divisions in Telfer Oil Company
Formulate specialty road maintenance products to conform to all DOT requirements.
Direct and schedule all incoming raw material, manufacturing schedule

2/92 – 3/94: Manager, Research & Product Development, Neste Oil Services, Inc. 1935 W. McDowell Rd., Phoenix, AZ 85009.

Duties: Manage laboratory functions including quality control, product development and technical service at 5 different facilities located in the Western United States and Mexico.
Prepare and oversee budget at above facilities.
Supervise personnel at above facilities.

6/91 - 2/92: Chemist II, Mobil Corp. 3700 E. 190th Street, Torrance, CA 90509

Duties: Perform non-routine projects to assist refinery operation.
Install and bring on line test instruments such as GC, FTIR, AA and XRF.
Repair and trouble shoot test instruments.
Write test methods and procedure manuals.
Train technicians in the use of new instruments and test methods.
Participate in QAR programs.

- 2/91 - 6/91: Consultant
Duties: Provide technical support to small refineries in manufacturing asphalt.
- 10/87 - 2/91: Senior Chemist, Edgington Oil Co.
2400 E. Artesia Blvd., Long Beach, CA 90805
Duties: Define and manage projects to match company goals.
Develop and implement new products with special emphasis on polymer modified asphalts.
Provide Technical service to Marketing, Production and customers.
Fill in for Technical Director during his absence.
- 7/80 - 10/87: Quality Control Manager, Ferro Corporation, Productol Chemical Div.
10051 Romandel Ave., Santa Fe Springs, CA 90607.
Duties: Manage Quality Control laboratory.
Design and implement quality assurance program using statistical process control
Develop new test procedures.
Supervise 6 technicians and 1 lab supervisor.
- 8/74 - 6/80: Research Chemist, Ferro Corporation, Productol Chemical Div.
10051 Romandel Ave., Santa Fe Springs, CA 90607.
Duties: Product and process development of cresylic acids, alkyl phenols and antioxidants.
Prepare samples from bench to pilot plant size.
Supervise 1 technician.
Department safety officer.

EDUCATION

B.S. Chemistry, University of California, Berkeley, California, 1972.
Ph. D. Chemistry, University of California, Berkeley, California, 1974.
Stanley M. Tashiera Scholarship.

PUBLICATION

"Chemical Synthesis with a Quenched Flow Reactor; Hydroxytrihydroborate and Peroxynitrite." J. Reed, H. Ho and W. Jolly, JACS 96:4, 1248, 1974.

REFERENCES

1. Acting Captain Robin Kelley, Antioch Police Department
2. Lt. Diane Aguinaga, Antioch Police Department

3. Chief Allan Cantando, Antioch Police Department (
4. Ms Martha Parsons, former City Council Member,



RECEIVED

DEC 30 2013

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name Barbara Hernandez

Address Pierce Ct. City Antioch

ZIP Code 94509 Phone (H) _____ (W) — (C) —

E-mail address _____

Employer Retired

Address — City —

Occupation Retired

Years lived in the City of Antioch 30 years

List the three (3) main reasons for your interest in this appointment:

Strong supporter of the city and police department

Believe I can add balance to the committee.

I want to make sure money will be set aside so

when the 7 years are up it won't have to be extended.

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) Represented City of Antioch on County Library

Commission

Police Commission

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? In a past life I was a

bookkeeper for Hibernia Bank.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

All attached.

Can you attend meetings at the designated days and time? yes

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

Barbara Henderson
Signature

12/30/13
Date

Barbara Herendeen
Pierce Court
Antioch, CA 94509

- Served as staff on the Crime Prevention Committee of Contra Costa County which covered all of Contra Costa County. Worked closely with the Sheriff, law enforcement agencies, judges, and Criminal Justice Agency.
- Put together a Neighborhood Watch crime prevention tape with the help of Hispanic Council.
- 13 years as an administrative assistant to a member of the Board of Supervisors.
- 11 years on the Antioch Schools Education Foundation serving as President, Secretary, Director.
- First person given the Life Time Achievement Award by the Antioch Chamber of Commerce.
- Served on the County Drug Abuse Board and Represented the City of Antioch on the Contra Costa County Library Commission.
- Advocate for *vocational training* in our schools.
- Connected to the community through numerous organizations; The Friends of the Library, Antioch Historical Society, Rotary, Antioch Police PAL program, Antioch Animal Shelter.
- First recipient of the Antioch Chamber of Commerce *Life Time Achievement Award*.
- Retired, so can focus on job at hand, full time.
- No political agenda; has worked hard to build positive relationships with community leaders, politicians, school district board of trustees, police and the chamber of commerce.
- Truly enjoy working with people and staff; doing research and bringing people together.
- Worked and lived in the community for 34 years.
- Reputation as a hard worker; not rigid in thinking, open to new ideas and concepts.



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JAN 07 2014
CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

**APPLICATION FOR COMMUNITY SERVICE
SALES TAX CITIZENS' OVERSIGHT COMMITTEE**

Print Your Name: Salvatore S. Sbranti

Address: Granite Circle

City: Antioch

ZIP Code: 94509

Phone (H)

(W)Retired (A)

E-mail address

Employer: Retired From USS/POSCO Industries – June 1, 2013

Address: 900 Loveridge Road

City: Pittsburg, Ca

Occupation: Vice-President of Operations (Includes Safety, Environmental & Engineering Organizations)

Years lived in the City of Antioch: 40 Years

List the three (3) main reasons for your interest in this appointment:

I would like to see Antioch a safer City to live in

I would like to participate in helping the city I live in

I have a lot of unused skills now that I am retired, that I would like to put to use

Have you had any previous appointments to other city commissions or boards? (If yes, please explain): Board of Directors – Lone Tree Golf and Event Center

What skills/knowledge do you have that would be helpful in serving on the Sales Tax

Citizens' Oversight Committee? I have lots of experience in developing budgets and adhering to them. I have detailed knowledge of problem solving techniques including six sigma. I have an excellent statistical background

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

My resume will give you my technical and educational background. At UPI, I was instrumental in developing the Wage Facilitator Program, which trained and utilized our union workers to facilitate problem solving teams who were given team charters to improve processes at UPI. I strongly believe in the Continuous Improvement Process.

Can you attend meetings at the designated days and time? Yes, I will make myself available

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Antioch City Clerk

200 "H" Street

P.O. Box 5007

Antioch, CA 94531-5007

Signature: 

Date: 1/4/2013

January 6, 2014

Sal Sbranti

Home

Granite Circle, Antioch, Ca.

Objectives

I would like to assist the City of Antioch in Overseeing the Sales Tax Initiative passed in October

Education

Graduated from Pittsburg High School in 1967 – College Prep

- Vice-President of the Student Body
- Varsity Football

Graduated From California State Polytechnic College in 1971 with a Bachelor of Science Degree in Electronic Engineering

15 units towards my MBA at Golden Gate University

Numerous Executive Leadership programs including:

Covey Seven Habits

Tom Peters Group Leadership Challenge

Center for Creative Leadership – Leadership at the Peak

AMA Presidents Association

Six Sigma Training

Tennessee and Associates Continuous Improvement Program

Experience

- I started working for USS Pittsburg works between my Junior and Senior year of college in the Electronic Repair Shop. I returned after finishing college in 1971 and worked various maintenance positions working my way up to Assistant General Foreman of Rod Mill Maintenance. From there I was promoted to an operating position as General Foreman Pickle Lines. Other positions held were:
 - General Foreman – Mills and Cleaner
 - Assistant Superintendent – Sheet Finishing
 - Superintendent – Tin Finishing

- In 1986 USS Pittsburg Works was made a 50-50 Joint Venture between USS and POSCO Steel of Korea. I was put on the \$450 million dollar modernization team and became the first Division Manager of the newly built Rolling Division.
- In 1992 I became the Vice President of Operations. Over the years my organization grew to include the Safety Organization, Environmental Organization, the Automation Division, and the Technology (Engineering Organization) Division.
- I believe strongly in Continuous Improvement and took many Leadership, and Continuous Improvement Training over the years. Some of these are listed in the Education Background Above.
- I have travelled worldwide, both for business reasons and personal interests
- From 2005 to 2011, I was on the Board of Directors at Lone Tree Golf and Event Center. We focused on developing a leadership team that had a very service oriented vision. We developed an employee appraisal program and had the management develop training programs for each level of employee at LTGC. I enjoyed my tenure at Lone Tree, where I was on the Finance committee, and the personnel committee for 5 of my 6 years.

I very much would like to be on the Citizens Oversight Committee. I believe my background in developing and adhering to budgets will be a tremendous help in this effort. My financial and mathematical skills are very good.

RECEIVED

JAN 09 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: January 16, 2014

APPLICATION FOR COMMUNITY SERVICE

NAME OF BOARD OR COMMISSION Oversight Board for Measure C

PRINT YOUR NAME Catherine E. Walker ADDRESS Strawberry Ct CITY Antioch,

Ca ZIP CODE 94531 PHONE (H) _____ (cell) _____

E-MAIL ADDRESS: _____ EMPLOYER Retired

ADDRESS _____

CITY _____ OCCUPATION Retired

Assistant CEO & CPA YEARS _____ LIVE IN

THE CITY OF ANTIOCH 15

LIST THE THREE (3) MAIN REASONS FOR YOUR INTEREST IN THIS APPOINTMENT:

1. Community Involvement

2. Time available

3. Education and Experience make me qualified to do the job

HAVE YOU ATTENDED ANY MEETINGS OF THIS BOARD/COMMISSION? _____

HAVE YOU HAD ANY PREVIOUS CITY COMMUNITY SERVICE ON THIS BOARD/COMMISSION? (If yes, please explain) No

WHAT SKILLS/KNOWLEDGE DO YOU HAVE THAT WOULD BE HELPFUL IN SERVING ON THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING? _____

Certified Public Accountant (In active 1 Year)

Assistant Chief Executive officer for 6 Billion dollar Government Pension Fund (6 years)

Chief Financial Officer for the same pension fund (9 years)

Senior Level Auditor for CPA firm (7 years)

Resident of Antioch 15 years

(Over)

PLEASE INDICATE ANY FURTHER INFORMATION OR COMMENTS YOU WISH TO MAKE THAT WOULD BE HELPFUL IN REVIEWING YOUR APPLICATION.

I am currently retired from my position as an Executive Manager and have the interest and time to would like to use my skills and abilities to build my community.

PLEASE READ THE ATTACHED GENERAL INFORMATION REGARDING BOARDS AND COMMISSION SO YOU ARE AWARE OF THE DUTIES, TIME AND FREQUENCY OF MEETINGS.

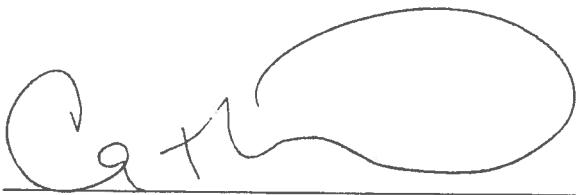
CAN YOU ATTEND MEETINGS AT THE DESIGNATED TIME? Yes

PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

THE TOP THREE/FOUR CANDIDATES WILL UNDERGO A BACKGROUND CHECK BY THE ANTIOCH POLICE DEPARTMENT PRIOR TO APPOINTMENT.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
P.O. BOX 5007
ANTIOCH, CA 94531-5007



Signature

1/7/2014
Date

If you would like to be considered for future openings on Boards or Commission, please check the appropriate lines(s) and return to City Hall. You will be notified when an opening occurs.

- Board of Administrative Appeals
 Building Board of Appeals
 Economic Development Commission
 Investment Advisory Committee
 Parks and Recreation Commission
 Planning Commission
 Police Crime Prevention Commission
 Youth Commission

How did you learn of this opening?

Word of Mouth Channel 26 _____ Newspaper:
If website, name of site: City of Antioch _____
Other? Website Address: _____

Name: Catherine E. Walker

Address: Strawberry Ct Antioch CA 94531

Phone: work: (cell _____ ho...

Please mail to: City Clerk
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

CATHERINE E. WALKER CPA

SUMMARY OF QUALIFICATIONS

20+ years of results-oriented leadership with an excellent track record of performance in turnaround and high-paced organizations. Keen analytical and insightful team oriented approach to drive organizational improvements and implementation of best practices. Superior interpersonal skills, capable of resolving complex operational and strategic issues and motivates staff to peak performance. Effective communicator with the trustees and other constituents. Additional areas of expertise include:

Board Governance & Board Policy Development

Finance, Budgeting & Cost Management

Cost Analysis & Cash Management

Risk Assessment / Financial Reporting

Pension Plan Administration Best Practices

Working knowledge of the state legislative process & civil service rules & regulations

Policy & Procedure Development

Strategic, Vision & Mission Planning

Contract Negotiations & Strategic Alliances

Team Building & Organizational Leadership

Disaster Recovery / Information Technology

Data Management Infrastructure/ Business Continuity

EDUCATIONAL DEVELOPMENT, AFFILIATIONS & TRAINING

Bachelor's of Arts (Management) Accounting

Graduated With Honors and Distinction
California State University Sonoma, California

Certified Public Accountant (CPA)

State of California State Board of Accounting

Pension Funds & Money Management Program

Wharton School of Business, University of Pennsylvania

Program on Negotiations for Senior Executives

Harvard School of Law

Investment Management Process

Callan College San Francisco, California

Qualified Instructor: Constructive Confrontation • Regulatory & Legislative Policies • Managing the Performer • Project & Program Management • Strategic Skills Management • Fiduciary Duty & Behavioral Finance • Ethics & Professional Conduct • Managing through People • Negotiating to Win/Win • Conducting Employee Performance Evaluation • Improving Employee Performance • Public Pension Plan Governance

CERTIFICATIONS

GASB Certificate of Recognition for early implementation of GASB 34
Governmental Accounting Standards Board (GASB)

Public Plan Policy Employee Pensions (CAPPP)
International Foundation of Employee Benefits Plans (IFEPP)

Evaluation Internal Controls
Governmental Financial Officers Association (GFOA)

BOARDS AND MEMBERSHIPS

California Society of Certified Public Accountants (CALCPA)
American Institute of Certified Public Accountants (AICPA)
Governmental Financial Officers Association (GFOA)
Governmental Financial Officers Association Black Caucus (GFOA)
Committee on Retirement and Benefits Administration (CORBA)
State Association of County Retirement Systems (SACRS)

PROFESSIONAL EXPERIENCE

Alameda County Employees' Retirement Association (ACERA) Oakland, CA
September 6, 1996 – Present

ACTING CHIEF EXECUTIVE OFFICER, ACERA

May 20, 2010 – December 11, 2012

Supervisor: ACERA Board of Trustees
Managed a staff of 108

Achievements:

- Implemented new contract compliance process
- Developed and implemented Internal Audit Department.
- Received Public Pension Standards Award for funding an administration for year ended December 2010.
- Directed the Strategic Plan and implemented ACERA's Operational Budget for year ended December 2010
- Successful oversight of EDMS Project implementation and Day forward Scanning department.
- Successful oversight of Board Election of 5 Seats.

Responsibilities:

- Planning and directing all ACERA activities in accordance with the Board policies. This includes the recommendation and implementation of programs and policies, supervision and mentoring of the Executive and Senior staff, management of operating plans and assisting the Board in forecasting and policy development in order to ensure that ACERA goals and objectives are being met;
- Responsible for executing the Business Plan strategy and accountability and reporting for the development and adherence of the budget, as agreed with the ACERA Board of Retirement;
- Oversee all financial and operational matters related to the organization, including financing, audit, budgeting, forecasting, management of investment portfolios, Employer relationships and liaison with funds' investment managers, actuary, consultants and custodians;
- Work directly with Legal on all legal matters affecting ACERA and its constituents. Including recommendations to the Board of Retirement and Board of Supervisors of any legislation issues that may affect the retirement system and/or the 1937 County, Employees' Retirement Act;
- Demonstrates leadership, vision and ability to influence and motivate others with knowledge of civil service rules and regulations;
- Strong listening and communication skills with all levels internally and externally;
- High personal and professional integrity;
- Strategic and creative thinker with management expertise;
- Work effectively with diverse constituencies and to build effective collaborative relationships;

Alameda County Employees' Retirement Association (ACERA) Oakland, CA
September 6, 1996 – Present

ASSISTANT CHIEF EXECUTIVE OFFICER, ACERA
September 2005 – May 20, 2010

Supervisor: Charles Conrad, Chief Executive Officer
Managed a staff of 74

Achievements:

- Certificate of Achievement of Excellence in Financial Reporting from the GFOA for the ninth through fourteenth consecutive years, fully expecting to receive it for the fifteen.
- Earned Certificate of Achievement for the Popular Annual Financial Report from GFOA in first year of Submission.
- Developed ACERA/Participating Relationship while clearing a back log of transmittal exception.

Responsibilities:

- Directed the development and implementation of ACERA's strategic communications plan;
- Directed the development of ACERA's senior management compensation plan;
- Directed the development of ACERA's Disaster Recovery Plan;
- Directed the selection process and implementation of ACERA's Electronic Data Management System;
- Directed the design, creation and implementation of the Internal Audit Division.
- Oversaw development and coordination of What's-up Quarterly Newsletter;

CHIEF FINANCIAL OFFICER, ACERA
September 1996 – September 2005

Supervisor: Charles Conrad, Chief Executive Officer
Managed a staff of 13 - 17

Achievements:

- Certificate of Achievement of Excellence in Financial Reporting from the GFOA for eight consecutive years.
- Nine years of UN-qualified opinion on Financial Statements from Independent Auditors.
- Certificate of Recognition from the Governmental Accounting Standards Board for the early adoption of GASB 34. ACERA was the only 37'ACT County to achieve this recognition.
- Effectively reduced the 13 pages of deficiencies listed in a management letter from ACERA's external auditors containing numerous reportable conditions to ZERO reportable conditions within the first year;
- Received unqualified opinion and Audit with zero audit adjustments to the Financial Statements.
- Drafted Accounting Policy and Procedure manual;

Responsibilities:

- Planned, organized, directed and coordinated the fiscal activities of the Retirement Association
- Participated in hiring decisions, disciplinary actions and other personnel activities;
- Provided technical direction to staff and assists in resolving problems;
- Developed and implemented plans for improvement of record-keeping systems and procedures;
- Conferred with representatives of financial institutions and investment managers regarding the accounting and processing of investment funds;
- Responsible for the preparation and adherence to an Eleven Million dollar Annual Budget;

Williams Adley & Company, LLP Oakland, CA

AUDIT MANAGER

September 1995 – September 1996

Supervisor: Lonnie Anderson

Managed a staff of 6

Responsibilities:

- Managed the Audit of Oakland Police & Fire Retirement;
- Managed the Audit of Oakland Municipal Employee Retirement System;
- Presented audit results to governing boards.

Clarence White, CPA, Richmond, CA

AUDIT SUPERVISOR

September 1993 – September 1995

Supervisor: Clarence White

Managed a staff of 5 - 6

Responsibilities:

- Managed the Audit of East Bay Municipal Utility District Retirement Plan and several other Governmental and Pension Plans;
- Presented audit results to governing boards.

KPMG San Francisco, CA

AUDITOR, KPMG SAN FRANCISCO, CA

July 1990 – September 1993

Supervisor: Various Partners

Managed a staff of 5 - 6

Responsibilities:

- Managed the Audit of East Bay Municipal Utility District Retirement Plan and several other Governmental and Pension Plans;
- Presented audit results to governing boards.



RECEIVED

JAN 13 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

PRINT YOUR NAME Melvin E. Chappell

ADDRESS Parkgreen Cir CITY Antioch

ZIP CODE 94531 PHONE (H. _____) (W. _____)

E-MAIL ADDRESS _____

EMPLOYER Retired U.S. Dept of Health & Human Services

ADDRESS 50 United Nations Plaza CITY SF

OCCUPATION Supervisor Accounting & Finance

YEARS LIVE IN THE CITY OF ANTIOCH 23 yrs +

LIST THE THREE (3) MAIN REASONS FOR YOUR INTEREST IN THIS APPOINTMENT:

I want to join this committee to: a) provide sound and rational oversight recommendations for Antioch's fiscal future, b) Monitor expenditures and submit recommendations to provide for Police Services, and c) Be able to participate in an activity to make Antioch safer for all.

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) No

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? Computer literate, listen before speaking, seek clarity when necessary, strive to recognize and identify facts vs opinions, work well in group setting, strive to stay on task during group discussions, ability to analyze financial data and issue reports and recommendations of the analysis

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

BSBA Accounting/Finance - Roosevelt Univ - Chgo., IL - 1973. 32 yrs of federal services which includes supervising accounting, finance, budgeting, internal auditing and report writing. Currently on 2nd term as CCC Fire Commissioner. We analyze projected and actual expenditures and recommend budget approval to the CCC Board of Suprs. Served on CCC Grand Jury (2006-7 and 2007-8). 2007-8 elected as vice-foreperson. Grand Jury's primary function was to "Watch Dog" governmental activities via investigation, interviews, research etc. The end result was to issue reports with recommendations to identify and minimize fraud, waste and abuse of County resources and funds. Former Board member of Antioch Lt 5 Commission.

Can you attend meetings at the designated days and time? Yes

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

Mel E Chappel

Signature

1/13/14

Date

Melvin E Chappel

Parkgreen Cir
Antioch CA 94531

Objective

To be appointed as a member of the Antioch CA Sales Tax Citizens' Oversight Committee

Experience

12/76 – 1/03 RETIRED U S Federal Government Various Cities

Last 23 years Supervisor of Accounting/Budgeting/Finance/Auditing

- Department of Health & Human Services (DHHS) Region 9, San Francisco. Region composed of all DHHS combined employees (approx. 3,000), in CA, NV, AZ and HI). Supervised 15 accounting technicians who audited all regional travel vouchers. Managed accounts for SF DHHS offices. Staff also responsible for all Region 9 receivables and payables. I approved all vendor payment for the Region and issued check payments under a US Treasury program using Riggs National Bank in Washington D C. NOTE: All functions were monitored for compliance with federal rules and regulations in addition to identifying and reporting fraud, waste and abuse of Federal assets and funds.
- DHHS San Francisco Regional Office: Supervised budget formation and management for branch of 25 staff members.
- DHHS San Francisco Regional Office: Supervised Financial Analysis section and auditing. Submitted written reports and recommendations to Director of Finance for his action.
- Social Security Admin (SSA) SF CA: Financial Management Specialist – Conducted on site county Financial Audits of expended funds which were awarded for various Grants issued to the states of California and Arizona.
- SSA Western Regional Center Richmond CA: Management Analyst- Conducted internal operational studies, submitted written reports with finding and recommendations
- Railroad Retirement Board Headquarters, Chicago IL – Staff Accountant – Review, maintain and reconcile accounts.
- NOTE: All functions were monitored for compliance with established federal rules and regulations. Major non-compliance activities were reported to the Regional DHHS Inspector General.

8/73 – 12/76 Bell & Howell International Corp Lincolnwood, IL

Sr Corporate Accountant

- Participated in preparing quarterly corporate balance sheets, income statements and inter/intra account reconciliations.
- Responsible for maintenance of specific line accounts and departmental financial reconciliations.
- Assisted in the preparation and execution of the year-end external audit engagement conducted by the Chicago CPA firm, Arthur Anderson
- Delivered Corporate 10K report to the Securities and Exchange Commission, Washington DC, 1976 and 1977

Melvin E Chappel

1969-73 National Lead Company - Dutch Boy Paint Chicago, IL

Production and Inventory Controller

- Maintained and ordered inventory of raw materials to produce various lines of paint. Materials had to be available to meet production schedules in order to meet sales forecasts.

1966-1969 U S Post Office Chicago, IL

Transfer Clerk

- Monitored Union Railroad Station employees load and unload U S mail from box cars. When outgoing box cars were full, I certified them, inserted a destination placard in its holder and placed a seal on the box car latch lock (seal numbers were recorded and forwarded to the destination)
- Escorted "Registered Mail" from the Railroad Postal Cars to the Main Post office for appropriate distribution. This function required me to be armed.

Education/Military/Accomplishments

Education

- Governor State University, Park Forest South, IL, Completed One Year on MBA Finance/Accounting, 1973-1974
- Roosevelt University, Chicago, IL, BSBA, Accounting/Finance, August, 1973
- Roosevelt University, Chicago, IL, Certificate In Accounting, June, 1973
- Kennedy-King College, Chicago, IL, Associate of Arts Degree, Business Administration, June, 1969

Military

- US Air Force, Communications Specialist (Top Secrete Clearance) Honorable Discharge; Jan 1963 – Sept 1966

Accomplishments

- Current Contra Costa County (CCC) Fire District Commissioner (Alt) – 2nd Term Expire 6/30/17
- CCC Grand Jury Member – FY 2006/7 and FY 2007/8, 2nd Term elected by members as Vice Foreperson (Foreperson was appointed by overseeing county Judge).
- CCC First 5 of Antioch Board Member – 2 years Approximately 2008-2010
- Retired Pacific 10 Football Official, 1985-99
- East Bay Basketball Official's Assn., Oakland, CA Past President – Approximately 1995-1996
- Association of Government Accountants (AGA), Chicago, IL, 1976-79. In 1977, I was selected by the AGA to serve as the Program Coordinator to conduct accounting/finance classes for the Office of Minority Small Business (OMBE). This was a triple joint effort, AGA, OMBE and the Illinois Institute of Technology (IIT). All classes were held on the IIT campus

References

References are available on request.



RECEIVED

JAN 16 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name RALPH GARROW, JR.

Address FONTANA PLACE City ANTIOCH

ZIP Code 94509 Phone (H) _____ (W) _____ (C) _____

E-mail address _____

Employer RALPH GARROW REAL ESTATE (RALPH GARROW INC.)

Address 1312 A STREET City ANTIOCH 94509

Occupation RESIDENTIAL REAL ESTATE

Years lived in the City of Antioch 55 YEARS (SINCE 1952 LESS 6 YEARS COLLEGE)

List the three (3) main reasons for your interest in this appointment:

(1) Insure Measure C funds are used for public safety & code enforcement, plus maintain current public safety budget. (2) Help Antioch to be a better safer community. (3) Bring entrepreneurial and private business experience to analyzing government priorities and budgeting.

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) No

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? 37 years of business & financial management involving budgeting, planning & accounting. Wide experience serving on boards & committees requiring consensus building, financial oversight, decision making & strategic planning. Political knowledge of the citizens of Antioch and how important it is to them that Measure C succeed and that Antioch return to being a safe city where people want to live, work, play and raise their families.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

I am concerned that Measure C funds not be diverted to programs that are not for public safety and code enforcement. I also believe that Measure C must be an addition to the current public safety budget and not a General Fund offset. As a committee member I would want to monitor the rest of the public safety budget to be sure that it is not cut or diverted away from current core police staffing, code enforcement, etc.

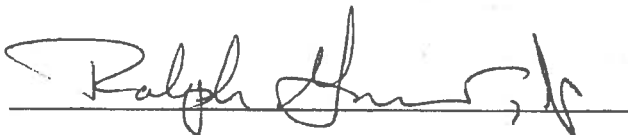
Can you attend meetings at the designated days and time? yes, but I'm not aware of designated days & times

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007



Signature

11/15/2014

Date

PERSONAL RESUME – RALPH GARROW, JR.

OCCUPATIONAL:

1998 to the Present: President of Ralph Garrow Real Estate, a family-owned real estate brokerage specializing in residential sales and property management in East Contra Costa. Manage all operations & marketing, oversee all transactions, representing sellers, buyers and landlords.

1977 to 1997: Homebuilder and Developer of residential subdivisions in Antioch, Oakley and Brentwood, starting as Construction Project Manager and transitioning to General Manager and eventually to President of Garrow & Cardinale Construction, later known as Garrow & Company. Oversaw building over 1,500 homes, condominiums and apartments, managing superintendents for union carpentry crews, estimating, bidding all construction contracts, product planning, customer service and company operations, including accounting and computing.

LICENSING:

California Bureau of Real Estate License No. 01250487

California General Building Contractor's License No. 270062

EDUCATIONAL:

1974-1976: Graduate study in MFA program for Theatre Design & Production at Yale School of Drama, specializing in technical direction, scenery, lighting, sound and theatre & auditorium design.

1970-1974: Graduated from Stanford University receiving a bachelor's degree with honors in Speech & Drama, specializing in technical direction, scenery, lighting, sound & stage management.

1966-1970: Graduated from Antioch High School as 1974 Class Valedictorian. Served as Drum Major for the AHS Marching Band 1968-1970. Recipient of Crown Zellerbach Corporation Scholarship.

PERSONAL:

Born May 18, 1952. Lifelong resident of Antioch. Excellent Health.

Married to Laurie (Rolin) Garrow since 1983.

Children: Ian Garrow (25), Alex Garrow (24)

Interests: Music, Reading, Jogging, Traveling, Spectator Sports (especially baseball & football) and Community Service

COMMUNITY AND PROFESSIONAL SERVICE:

Member of the Rotary Club of the Delta (Antioch) since 2007

Board Member, California District 4 Little League

2011 President, Delta Association of REALTORS

2009-2012 Director, California Association of REALTORS

2009 Chairman, Antioch Chamber of Commerce

1999-2001 President, Antioch West Little League

Former Board Member, Berkeley Repertory Theatre

Former Board Member, The Magic Theatre, San Francisco

Former Board Member, Delta Memorial Hospital Foundation

1983 President, Building Industry Association, Eastern Division

Volunteer Theatre Consultant to the City of Antioch for Nick Rodriguez Community Center Theatre

PROFESSIONAL COMMITTEES, AWARDS AND EDUCATIONAL DESIGNATIONS:

Current Member, Delta Association of REALTORS Local Government Relations Committee

Current Chairman, Delta Association of REALTORS Local Candidate Recommendation Committee

Current Contra Costa Regional Representative, California Association of REALTORS Local Government Forum (Vice Chairman 2013)

2009 REALTOR of the Year, Delta Association of REALTORS

Antioch Chamber of Commerce Chairman's Award for Spearheading ANTIOCH VISION 20/20

Member, National Association of Residential Property Managers (NARPM)

Certified Residential Specialist (CRS)

Graduate REALTOR Institute (GRI)

Certified Distressed Property Expert (CDPE)

Seniors Real Estate Specialist (SRES)

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JAN 16 2014

CITY OF ANTIOCH
CITY CLERK

JOSEPH ADEBAYO

**APPLICATION TO SERVE ON
SALES TAX CITIZEN'S OVERSIGHT COMMITTEE**

Submitted: January 16, 2014



RECEIVED

JAN 16 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name JOSEPH O. ADEBAYO
Address GOLETA CT. City ANTIOCH
ZIP Code 94531 Phone (H) [REDACTED] (W) [REDACTED] (C) [REDACTED]
E-mail address [REDACTED]
Employer BENCHWORTH, INC.
Address 2006 A STREET, SUITE 220 City ANTIOCH
Occupation CPA - CERTIFIED PUBLIC ACCOUNTANT
Years lived in the City of Antioch NINE YEARS

List the three (3) main reasons for your interest in this appointment:

- (1) TO MAKE ANTIOCH A SAFER CITY TO LIVE AND WORK.
- (2) TO MAKE ANTIOCH MORE SUITABLE & ATTRACTIVE TO INVESTORS.
- (3) TO SERVE THE CITY IN A ROLE WITH NEED FOR MY PROFESSIONAL TRAINING & EXPERIENCE IN SALES TAX ACCOUNTING, REVIEW AND REPORTING.

Have you had any previous appointments to other city commissions or boards? (if yes, please explain) NO.

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? (1) MY TRAINING & EXPERIENCE AS A CERTIFIED PUBLIC ACCOUNTANT WHO HAS MANAGED SALES TAX ACCOUNTING BEFORE, CONDUCTED REVIEWS AND AUDITS OF ACCOUNTING RECORDS. (2) MY MANAGEMENT AND LEADERSHIP SKILLS AS A BUSINESS OWNER. (3) MY COLLABORATIVE STYLE THAT HAS MADE ME FUNCTION VERY EFFECTIVELY IN THE COMMUNITY AS A CHANGE AGENT.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

AS A RESIDENT AND BUSINESS OWNER IN THE CITY OF ANTIOCH, IT IS MY SINCERE DESIRE TO SEE THIS CITY BECOMES ONE OF THE BEST TO LIVE, WORK, AND INVEST IN. MY MORAL VALUE, FAITH SYSTEM, AND PROFESSIONAL TRAINING COMBINE TO MAKE ME A STRONG ADVOCATE FOR FINANCIAL TRANSPARENCY AND CIVIC ACCOUNTABILITY. THE PEOPLE OF ANTIOCH'S BELIEF IN THE CURRENT LEADERSHIP OF THIS CITY LEAD TO THE PASSAGE OF MEASURE C. IT WAS A VOTE BASED ON TRUST. MY DESIRE IS TO CONTRIBUTE MY QUOTA TO PRESERVE THAT TRUST AND ACHIEVE THE OBJECTIVES OF MEASURE C.

Can you attend meetings at the designated days and time? YES

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

Joseph Argo
Signature

01/16/14
Date

BIOGRAPHY OF JOSEPH O. ADEBAYO



Joseph O. Adebayo

The son of a commercial photographer, Joseph Adebayo was born in Nigeria and grew up drawing and painting before he left for college to study accountancy. After his training in public accounting, he went to work for a finance and investment house in Lagos and rose to the position of Senior Manager and Head of Operations and Finance before relocating to the United States in December of 1995.

Mr. Adebayo co-founded Management Functions, Inc., a full-service public accounting corporation with two other colleagues in fall of 2004. During the prior 8 years, he worked in various finance, accounting and management positions in the semi-conductor, hi-tech, and healthcare sub-sectors of the economy. In addition to being a CPA, Mr. Adebayo is a certified member of the Project Management Institute. He holds an MBA degree from Heriot-Watt University in Edinburgh, United Kingdom, and the fellowship of the Institute of Chartered Accountants of Nigeria.

Joseph and his family relocated to the City of Antioch in 2003. He is a past president and treasurer of the East County Branch of the National Association for the Advancement of Colored People (NAACP). He is the current Board Chairman of the Center for Education and Information Services (CFEIS) and was recently elected Vice President of Oduduwa Heritage Organization both of which are California public benefit corporations.

He is married with a daughter.

JOSEPH O. ADEBAYO, MBA, PMP, FCA, CPA

HIGHLIGHTS

Joseph is the President and CEO of Benchworth, a full service public accounting practice located in Antioch, California. He is a citizen of the United States of America and has over 10 years of experience in auditing, taxation and tax management, and more than 11 years of risk related solutions and business process expertise. He has a solid background in the design, review, upgrade, training, and documentation of computerized financial accounting system. He is actively involved in the community and well respected by his peers. He is a result-driven leader.

EDUCATION AND CERTIFICATIONS

CPA - Certified Public Accountant, licensed by the State of California Board of Accountancy

FCA - Fellow of the Institute of Chartered Accountants of Nigeria

PMP - Certified Project Management Professional, Project Management Institute, Pennsylvania

MBA - Edinburgh Business School, Heriot-Watt University, Scotland, United Kingdom

HND - The Polytechnic, Ibadan, Nigeria

PROFESSIONAL EXPERIENCE

President/CEO/Owner

BENCHWORTH, INC., Antioch, California

01/2012 to Present

CONCORD MANAGEMENT GROUP, Antioch, California

12/2007 to 12/2011

(Office of Certified Public Accountant & Management Consultant)

- Maintain existing business relationships, explore and develop new opportunities
- Research complex accounting issues, technical guidelines and standards (SEC, FASB, EITF, SOP, GAAP, etc.), and make presentations to clients' managements
- Conduct review and audit of financial statements
- Manage mergers and acquisitions and review working papers for assurance engagements
- Perform tax compliance and planning duties for individuals, businesses, estates, trusts, and associations
- Handle corporate filings for new and existing businesses and not-for-profit organizations
- Provide off-site project management and corporate controller services
- Recruit, develop, coach and mentor staff, and attend to licensing and compliance matters

Co-owner/Managing Director (self-employed)

MANAGEMENT FUNCTIONS, INC, San Ramon, California

05/2004 to 11/2007

(Office of Certified Public Accountants & Management Consultants)

- Worked on and completed several Section 404 of Sarbanes-Oxley Act (SOX) compliance engagements
- Prepared financial statements and SEC filings regarding Acquisitions (Form S-4), Annual Reports (Form 10-K), Quarterly Reports (Form 10-Q), and Public Equity Offerings (Form S-1)
- Evaluated several systems of internal control and made recommendations for improvement
- Performed Revenue Recognition Review in accordance with relevant literature-SOP 81-1, SOP 97-2, SAB 101, SAB 104, and EITF 00-21, and conducted financial Due Diligence in Mergers and Acquisitions

Client: BEARINGPOINT (an offshoot of KPMG)

- A global management and technology consulting company headquartered in Northern Virginia with clients in government and industry in 60 countries. Reviewed revenue recognized on contracts, and projects in accordance with appropriate revenue recognition statements, bulletins, and guidelines

Client: SUNWORLD AIRLINES

- Performed financial due diligence for the acquisition of a regional airline with headquarters in the mid-western part of the United States. Reviewed summary of earnings for the past 5 years and the most recent audited financial statements filed with the Department of Transportation, identified key trends compared to industry averages. Reviewed files for significant contracts and earnings agreements. Prepared a 12-month cash flow projection and checked for consistency with historical results and past accounting treatments

Client: ACCRETIVE SOLUTIONS (formerly Horn Murdock Cole)

- Project - Pre-SOX Documentation and Testing of Key Controls for Seagate Services an arm of Seagate Technologies with headquarters in San Jose California. Revised project scope to accommodate changes made by the client. Identified Seagate Technologies entity-wide and division level controls that are in scope for SRS and eVault. Matched key controls to existing processes. Prepared SOX narratives from available procedures and information gathered during the interview stage. Tested key controls: Entity-level controls, and controls relating to the Order-to-Cash cycle
- Project - Sarbanes-Oxley Act Section 404 Documentation and Testing for FOX Hollow Technologies situated in Redwood City California with focus on Entity Level Controls; SEC Reporting; Investment and Cash; Invoicing and Receipts; ESPP, Deferred Compensation, and Stock Options; Cash Disbursement and Capital Expenditure; Accounting Close; Inventory Valuation; Commitment and Contingencies; Tax Compliance; Payroll - PTO, 401-K; Commission and Bonus; Travel and Entertainment; and Hiring, Review, Discipline, and Termination of employees

Client: HORN MURDOCK COLE

- Project - Process Improvement Audit for Scientific Learning Corporation, an award-winning skill-building multi-million dollars software company located in Oakland California with focus on making the financial close process more effective to support a more timely and accurate financial reporting time-table. Deliverables include process documentation, control assessment, gap analysis, internal control testing, and recommendations
- Project - Performed Forensic Audit on Procure to Pay cycle at the Mountain View California headquarters ACTEL Corporation, a leading supplier of Field Programmable Gate Arrays (FPGAs) based on Flash and antifuse technologies. Projects deliverables include recommendations that saved the client from huge loss of valuable assets through unauthorized procurements
- Project - SOX implementation (documentation and testing) project for Ditech Communications, a \$100m Telecom Equipment company and AVANEX, a \$160m leading global provider of Intelligent Photonic Solutions for fiber optics communications networks headquartered in Silicon Valley Northern California. Deliverables include documentation of operating controls, writing of test plans and testing of key controls

NEW WAVE RESEARCH, INC, Fremont, California

03/2003 to 04/2004

Senior Accountant / Interim Controller

- Acted as controller for 6 months supporting operations and providing leadership to personnel
- Supervised payroll, cost accounting, accounts receivable, payable, and general ledger
- Managed month-end close process, liaised with external CPAs, and prepared audit schedules
- Prepared test plans for the implementation of ERP software and documented processes
- Prepared consolidated financial reporting package and managed R&D projects

- Designed new financial reporting system for the Shanghai office and trained personnel

CLARENCE WHITE

Certified Public Accountant, Richmond, California

08/2002 to 02/2003

Staff Auditor

- Audited not-for-profit organizations and HUD assisted programs in accordance with GAAS, GAGAS, guidelines of OMB Circular A-133 and the Single Audit Amendments
- Audited cash, accounts receivable and revenue, accounts payable, prepaid assets and deposits, capital leases, accounting controls, payroll, property, plant and equipment (PP&E), sales, and inventory
- Conducted research into client-related issues and management inquiries

HEALTHCENTRAL.COM, Emeryville, California

05/2001 to 10/2001

Senior Accountant

Supervised a team of 4 with responsibilities for general accounting and cash management. Prepared financial reporting package for management, maintaining the Chart of Accounts, and supported CPA audits. Consolidated business acquisitions and annual forecasts, ensured compliance with GAAP and SEC guidelines. Managed month-end close and supported SEC filing of Forms 10-Q, 10-K, and 8-K.

- Developed reports and flux statements using Financial Statement Generator - FSG
- Consolidated the fixed asset sub ledgers and maintained it for all changes
- Compiled company-wide accounting policies and documented financial processes
- Managed Sales and Use Tax reporting, and accounted for prepaid and accrued expenses

WAFERSCALE INTEGRATION, INC., Fremont, California

12/1996 to 03/2001

Accountant

Supervised 6 accountants at international branches. Managed month end close, inter-company reconciliations, and consolidation of financial statements. Assisted with year-end CPA audits. Maintained fixed assets ledger, and computed sales rep commission. Interacted with Engineering Community over R&D expenditure and assisted with stock administration. Prepared Sales and Use tax returns, forecast, and other duties as delegated by the Corporate Controller and CFO.

- Transferred operations data and assisted with process understanding during the transitioning of WSI activities to ST Microelectronics in 3Q2000
- Set up and tested GL, AR, and AP modules during implementation of Oracle Rel.11SC

OTHER PROFESSIONAL EXPERIENCE

KENNETH MICHAEL & CO. Lagos, Nigeria

10/1991 - 11/1995

Group Head - Operations & Finance*Corporate Finance, Petroleum and Energy Consultants*

UNIVERSAL RUBBER COMPANY, Ibadan, Nigeria

10/1989 - 09/1991

Senior Accountant*Repair, retreading, and sales of tires*

BISI DAWODU & CO. Ibadan, Nigeria

08/1988 - 09/1989

Audit Senior*Office of Chartered Accountants*



RECEIVED

DEC 19 2013

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name Joshua Young

Address Chimney Pt Ct City Antioch

ZIP Code 94531 Phone (H) _____ (W) _____ (C) _____

E-mail address _____

Employer Diablo valley Insurance Agency

Address 8801 Ignacio valley Rd #100 City Walnut Creek

Occupation Agent

Years lived in the City of Antioch 27 Yrs

List the three (3) main reasons for your interest in this appointment:

Want to be involved in Measure C's Fiscal Process.
would like to be a part of a plan to promote a safer Antioch.
I am interested in being more involved of the development and future vision of Antioch. I Love my town.

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) NO

What skills/knowledge do you have that would be helpful in serving on the Sales Tax

Citizens' Oversight Committee? Over the past 8 years, I have been a commercial banker, personal banker, Branch Manager and a insurance agent. I have extensive credit and finance background along with successful Leadership abilities. I am an active Rotarian and be a part of international committees. Also I am the outreach director of the Family Life Center, in Brentwood, serving Antioch, Oakley, Brentwood and Discovery Bay with resources for our community.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

Antioch is a wonderful community, if I am chosen for appointment to the committee I believe I can contribute a passion to see our great city succeed down the right path for growth. I am a member of a family that has been in Antioch for generations my heart is for our beautiful city. If needed I can provide references from city council member Ron Leone (concord) Dan Helix (concord) Joel Bryant vice mayor (Brentwood).

Can you attend meetings at the designated days and time? Yes

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007



Signature

12/18/13

Date

JOSHUA W. YOUNG

Chimney Mountain Court
Antioch, California 94533

Home: (925) 462-1111

Financial Services Client Manager | Business Banking Client Manager | Senior Sales Engineer | Branch Manager
Employee development

An accomplished, results-driven sales professional with over 8 years of sales and financial services experience focused on banking and financial service companies. Expertise in Account Management, Sales Engineering and Client relationship Management. Proven ability to promote and demonstrate product and services to meet client and banking/financial services industry requirements. Exceptional communicator with demonstrated success building relationship with owners and upper management of potential clients. Track record for consistently meeting and maintaining sales quota requirements.

Qualification Highlights

[Account Management | Value Added Solutions| Team Leadership| Career Promotion Achievement| Client Relationship Management| Quota Attainment| Tele-marketing| Entrepreneurship| Marketing Development| Product Presentation| Highly Analytical| High Ethical Core Beliefs]

Professional Experience

Diablo Valley Insurance Agency, Walnut Creek, CA

May 2013-Present

Diablo Valley Insurance Agency is a full-service independent insurance brokerage located in Walnut Creek, CA. Founded in 1956, our agency has been providing insurance services to clients throughout Northern California and the Western United States for over 50 years.

Agent

Develop and build new policies through relationship management and new account solicitations. Develop strategic marketing plans to target new business. Build and develop referral sources. Promote Diablo Valley Insurance community brand.

- Beginning in May 2013 to Nov 2013 I have developed over 100 new clients and generated over \$100,000.00 in new premiums.

Westamerica Bank, Concord Ca

February 2012-2013

Headquartered in Fairfield California, Westamerica Bank leads the industry in community banking. As a commercial bank Westamerica Bank has over 90 branches from northern California to Bakersfield. Rated in the top 7% nationally as one of the safest and most financially secure banks in the county, Westamerica Bank is truly a relationship bank.

Financial Sales Officer IV

Promote Westamerica Bank brand in the east Contra Costa County area from Concord to Discovery Bay. Relationship management and new account solicitation. Commercial lending cash flow analysis and review of company financial strengths and weakness through in-depth financial profiling and analysis. Cross-sell of bank services to add fee base income to the Concord branch.

- Portfolio management of \$50,000,000.00 in client deposits and \$40,000,000.00 of loan relationships.
- From February 2012-July 2012 grew loan portfolio \$3.5Million and deposits \$2.3Million

Farmers and Merchants Bank, Stockton Ca

January 2011-Feb 2012

Located in the Central Valley F&M Bank is rated top 3% of the safest banks in Northern California. With over \$1.7 Billion dollars in assets the bank has positioned itself to being the strongest bank in the Central Valley. The bank provides financial and lending solutions to local businesses with a large commercial staff to everyday banking and financial needs.

Assistant Vice President/Financial Services Officer III

Promote and develop F&M Bank brand in the central valley. Assisting in bank branch operations. New and existing client asset management. Seeking for sales opportunities through successful profiling. Assist in branch management of teller staff to achieve bank goals. Team develop new members on bank products and services. Perform offsite and community sale seminars. Underwrite consumer and business financing.

- Ranked year to date in the top 10% of overall ranking out of 30 bankers
- Ranked 4th in consumer lending.

Farmers and Merchants Bank, Modesto, Ca**November 2008- 2011**

Located in the Central Valley F&M Bank is rated top 3% of the safest banks in Northern California. With over \$1.7 Billion dollars in assets the bank has positioned itself to being the strongest bank in the Central Valley. The bank provides financial and lending solutions to local businesses with a large commercial staff to everyday banking and financial needs.

Assistant Vice President/Branch Manager

Community and local business development to drive in new consumer and business clients in Modesto Ca. Coach and develop banking staff through observational coaching and constructive feedback. As a branch manager I am consistently conducting outbound sales to local business owner and drive revenue into retail banking center. Training of staff to conduct cold calls and develop personal book of business. Coach staff on consumer and business profiling for cross-sell opportunities.

Accomplishments:

- Raked in the top 10% of overall ranking out of 22 retail branches.
- From November 2008 until 2nd quarter of 2010, drove in \$20,000,000.00 in new deposit relationship
- Coached and developed employee staff to meet all sales and operational goals with each staff employee making payout incentive from November 2008-2011

Countrywide Bank, Danville & Walnut Creek, Ca**September 2007-November 2008**

\$120 Billion dollar Asset Company, a part of the Fortune 500. It provides financial and lending solutions to promote personal wealth and growth of client's future and immediate needs.

Business Banking Specialist

Oversee and develop Countrywide Bank brand in the Danville and Walnut Creek, Ca area. Promote market growth for Countrywide Bank Primer Business Banking. New and existing Client Management, seeking sales opportunities through successful profiling of customer financial statements. Train employees on business banking attributes, to discover and identify potential sales opportunities. Product presentation of current banking and financial services to outside vendors and potential business clients. Outside sales and cold call management.

Accomplishments:

- Consecutively in the top 10% of overall sales reports out of 30+ bankers
- Promoted to current position within three months of hire date.
- Meeting and maintaining 90-100% of metric goals out of 6 matrix, production accounts, credit cards, partner referrals, cross-sales, business banking production and mortgage referrals.
- Generated over \$25 Million dollars of consumer product deposits. Top 5 Banker for partner referrals with 150% of goal and existing client sales with a ratio for closing deal of 2.11% out of 1.90% hitting 114% of goal for other products sold.
- Employee of the month of April 2008 for hitting overall sales goals, production, partner referrals cross-sales, credit cards and mortgage referrals.

Financial Services Representative

Provided financial services to client through needs based analysis of current financial statement. Provided customer service for account maintenance and account monitoring to ensure 100% proficient accuracy of clients investments. Relationship management to ensure 100% customer retention. Cross-sale of other products and services based upon discovered future needs.

Accomplishments:

- Held the highest credit card production percentage of 343% obtaining 45 units with the minimum goal of 9 credit cards in the district of 20 bankers for two consecutive quarters.
 - #1 for the highest partner referral percentage of 150% of goal with a minimum of 9 per quarter hitting 23 partner referrals per quarter.
 - Maintained Top FSR from first quarter start date of hire to promotion of Business Banking Specialist. With a weighted rank of overall sales per banker of 56.4% of 240.9% nationally.
 - Maintained high level of mystery shops of at rate of 91.80% with the minimum of 85.5%
-

Antioch Chrysler, Jeep, Dodge, Mazda and Toyota June 2006-July 2007

\$1.5 Million Dollar per month dealership selling over 6 vehicles manufactures to the complete Diablo Valley market in the Contra Costa and San Joaquin County.

Sales Professional

Responsible for selling and promoting new and used line vehicles. Developing self-marketing materials for advertisement. Product demonstration and finalizing of potential sales. Organizing time for on the lot sales and conducting cold call sales. Coach and train new sales representatives using positive management infrastructures to motivate and reinforce strong ability traits.

Accomplishments:

- Led as top salesman for three consecutive months selling an average of 20-25 cars per month out of a minimum goal expectation of 6 car units per month.
- Top income producer for 8 consecutive months averaging \$3,000.00 Gross income per vehicle sale
- Held the highest closing ratio of 4 out of 5 cold call set appointments for 9 consecutive months.
- Generated 28 new client sales from marketing and advertising becoming the employee of the month for the months of July 2006 and April 2007.

Us Bank, Brentwood, Ca August 2005-June 2006

\$4.5 Billion Dollar Financial and Loan services provider. Provides commercial banking and financial services in the United States. It generates various deposit products, including checking accounts, savings accounts, money market savings, and time certificates of deposit accounts. The company also originates a portfolio of loans comprising commercial loans and lease financing. U.S. Bancorp primarily serves individuals, estates, foundations, business corporations, and charitable organizations. As of December 31, 2007, it operated 2,518 branches and 4,867 ATMs.

Senior Banker

Responsible for management of tellers and personal bankers on sales opportunities at an In-Store banker center. I provided coaching and training to identify needs of clients so the bankers can match and integrate the needs of the client to banking services. Responsible for new accounts and discovering other financial banking and lending needs. Responsible Small Business Banking and Small Business lending. Made out of office presentations for new account acquisition.

Accomplishments:

US Bank-

- Promotion from Personal Bank to Senior Banker in December.
- #1 banker in the Diablo Valley/East Bay In-Store District for 3 consecutive months meeting and exceeding production, time account, credit card, home equity lines/loan and partner referral goals.
- Received bonus award for top banker of 35 bankers producing \$1.5 Million dollars in Home Equity Loan and lines of credit for the Month of February.
- Met all operational audits with 100% of requirements.

Wells Fargo Bank, Clayton Ca July 2004-August 2005

\$609 Billion Dollar Financial, Insurance and Loan Services Company. Rated 17th most profitable company by Fortune Magazine. It provides consumer and business banking services with over 9,000 banking centers and over 6,900 ATM services. #1 in mortgage offices totaling 2,400 lending offices.

Personal Banker

New and existing account manager for the consumer and business banking customers. Dual role banker/teller services for in-store banking center. New account sales and identifying new cross-sales through successful needs based profiling opportunities. Home Equity origination and underwriting for market area. Offsite presentations for new client potential. Small business banking and small business lending done by cold-calling and door to door sales activities.

Accomplishments:

- Made top 10% banker of the Diablo district in my third quarter and maintained top 10% for 7 consecutive months for producing, \$1 mil. in new home equity loans and lines of credits, opening 80 consumer and business banking accounts per month, 7 partner referrals per month, 35 credit cards per month.
- Successfully generated over 30 new business bank accounts through product presentation and consumer based client account management.
- Maintained 100% teller and banking operational audits with 0 failures of the minimum of two allowed failures of audits.

Education

Diablo Valley College, Pleasant Hill Ca
Mt. Diablo High School, Concord Ca

General Diploma

Technical Knowledge

Windows 7, Microsoft Word, Microsoft Excel,
Acrobat, PowerPoint and IBM Lotus.

Secular Activities

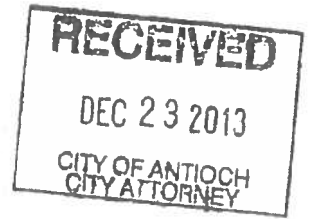
I am currently the Outreach Director of the Family Life Center in Brentwood. Through my leadership we have effectively established three new programs designed to reach our local community in preventing crime, violence and gang activities.

| References |

Vice Mayor Ron Leone Concord

Dr. Joshua McCormick DDS, Concord California

Vice Mayor Joel Bryant, Brentwood California



APPLICATION DEADLINE: 5:00 p.m. on Thursday, January 16, 2014

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name Keith Farr

Address Shannondale Dr. City Antioch

ZIP Code 94531 Phone (H) _____ (W) _____ (C) _____

E-mail address _____

Employer Retired

Address _____ City _____

Occupation _____

Years lived in the City of Antioch 37

List the three (3) main reasons for your interest in this appointment:

- Service to the community.
- To make sure the will of the voters is honored.
- To help make a difference in crime & blight in Antioch.

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) No

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee?

I have 39 years of work experience in the field of finance. (See Resume)

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

Aside from the information in my resume,
I am a volunteer with the Antioch Graffiti Abatement
Program (G.A.P.)
I organized our Neighborhood Watch program in
April 2012 for our area.
I am currently an Ambassador & Docent
with the East Bay Regional Parks.

Can you attend meetings at the designated days and time? yes

Please attach your resume to provide additional information or your application will not be considered complete and will not be considered.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

Keith Pan
Signature

12-18-2013
Date

KEITH FARR

Shannondale Dr., Antioch, Ca 94531 • Home:

• Cell:

• •

Professional Summary

I have been a Manager and Leader in all the jobs I have held over the years and was a credit analyst for nearly 40 years.

Skills

- High level of accuracy

Excellent Managerial Skills

Work History

Training officer (Officer Candidate School)/ Infantry platoon leader (1st Lieutenant), 04/1968 to 03/1971
U.S. Army – Ft. Benning, Ga., Vietnam

I was drafted into the Army, went to basic training and then advanced infantry school. I took a battery of tests and was found qualified to attend Officer Candidate School at Ft. Benning, Ga.

After graduating and being commissioned as an Infantry 2nd Lieutenant I spent the next year training other officer candidates as a TAC officer.

After that year as a training officer I was promoted to First Lieutenant and sent to Vietnam where I was assigned to the 25th Infantry Division. My first 6 months were spent in the field as an Infantry Platoon Leader and the last 5 months I was the Battalion supply officer.

Branch Manager/ Supervisor, 11/1971 to 06/1997

Avco Finance, American General Finance, Westcorp, Bank of America and Citicorp – Nevada and California

I was a Branch Manager and District Manager for several lending institutions. I was involved in direct lending, indirect lending and real estate loans. I was licensed and a insurance agent and was a notary public during most of this work experience. The number of people I supervised varied from as little as four to as many as thirty.

Loan Officer to Department Manager, 07/1997 to 02/2010

Bank of the West – 1450 Treat Boulevard, Walnut Creek, Ca.

I was initially employed by the bank as a loan officer in the Recreation Vehicle and Marine finance department.

After about a year I was promoted to Assistant Vice President and Team Leader with 4 loan officer reporting to me.

In 2006 I was promoted to department manager and all 12 of the loan officers reported to me.

I had a \$250,000 lending limit and our department generated approximately \$200 million in financing on a monthly basis. Our dealership network covered the entire United States. I reviewed potential new dealer packages for financing approval, analyzing Dunn and Bradstreet reports and business financial statements.

I analyzed retail credit applications on a daily basis and reviewed personal and business tax returns. If the applicants were self employed I also checked their Balance Sheets, Cash Flow Statements and Income Statements along with Personal Financial Statements.

I retired in 2010.

Education

Associate of Arts: Business Administration, 1966 to 1968

University of Wyoming - Laramie WY



RECEIVED
DEC 30 2013
CITY OF ANTIOCH
CITY CLERK
In person

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name CYNTHIA RUEHLIG

Address GREEN HILLS CIRCLE City ANTIOCH ZIP Code 94531

Phone (H) 3 (W) (C)

E-mail address

Employer CONTRA COSTA COUNTY

Address 651 PINE STREET City MARTINEZ Occupation SENIOR LEVEL CLERK

Years lived in the City of Antioch 18 YEARS

List the three (3) main reasons for your interest in this appointment:

I am a long time resident of Antioch & support the City's effort to evolve into a cosmopolitan city.

I wish to insure that taxes are spent according to the intent for which it is being collected.

I am concerned for public safety.

Have you had any previous appointments to other city commissions or boards?

(If yes, please explain)

I have been appointed to a county commission (Equal Employment Opportunity Commission)

I was elected and currently serve in a county board (Office of Education)

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee?

Certified Nonprofit Manager – California State University East Bay (2008)

Founder and Nonprofit Administrator of the Antioch Music Foundation (since 2005)

Experienced in the creation and review of budgets for a public entity gained through my service as an elected public official (Trustee- Area 5 for the Contra Costa County Board of Education since 2010)

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

I have a diverse professional history (as detailed in my resume) which includes:

- 1) operation of private organizations both as an entrepreneur as well as an employee;
- 2) process of legal bills;
- 3) compliance with terms and conditions of restricted funds;
- 4) application of state and federal laws.

As a woman, immigrant and minority, I believe my presence in this committee will provide diversity and a unique perspective to the review of the management of Measure C funds.

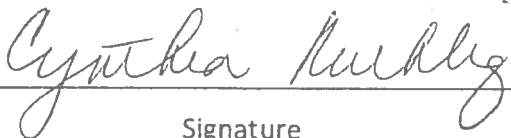
Can you attend meetings at the designated days and time? No date/time has been designated.
My schedule is flexible and with ample notice, I am confident in fulfilling this duty if appointed.

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007



Signature

12/28/2013

Date

Rev: 12/16/2013

HIGHLIGHTS:

Trustee for Area 5 – Contra Costa County Board of Education 2010 - present

- Area 5 covers Antioch, Bay Point, Bethel Island, Brentwood, Clyde, Knightsen, Oakley and Pittsburg
- Review and approval of budget
- Review and approval of educational programs
- Adjudication of appeals on expulsion and interdistrict transfer of students, charter school application

Founder / Nonprofit Administrator – Antioch Music Foundation 2005 – present

- The Antioch Music Foundation is a non-profit public benefit corporation which supports music in the public schools, empower the youth and cultivate a vibrant community

International Recruiter – USA Connect 1991 - 1996

- Administration of the overall operation for the recruitment, credentialing, licensing, and immigration of nurses, physical and occupational therapists from the Philippines to the United States

Officer in Charge – Global Computers Corporation 1982 - 1988

- Started professional career as a computer instructor and was ultimately promoted to Officer in Charge of this start-up computer education company

EDUCATION/TRAINING:

St. Scholastica's College, Manila (1981) – Bachelor of Arts, English
California County Board of Education Annual Conference (2011, 2012, 2013)
California State University, East Bay (2008) – Nonprofit Management Certificate
Conciliation Forums of Oakland (1988) – Conciliation Training

WORK EXPERIENCE:

Contra Costa County – Children & Family Services Due Diligence Clerk
USA Connect - International Recruiter
Global Computers Corporation, Manila - Officer-in-Charge / Computer Instructor

RELEVANT SKILLS/EXPERIENCE:

Advisory Board Member (current) Fil-Am Society of St. Ignatius
Branch Operator (1992 – 1995) E.C. Teves Dry Cleaning & Steam Laundry
Member (2010 – 2012) Equal Employment Opportunity Advisory Council
Chief Shop Steward (2009 – 2011) AFSCME Local 2700

RECEIVED

JAN 02 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: December 30, 2013

APPLICATION FOR COMMUNITY SERVICE

NAME OF BOARD OR COMMISSION Sales Tax Citizens' Oversight Committee

PRINT YOUR NAME Marie Livingston

ADDRESS White Rock Way CITY Antioch

ZIP CODE 94531 PHONE (H) _____ (W) _____

E-MAIL ADDRESS _____

EMPLOYER Retired from the City of Berkeley last December 2012

ADDRESS 2180 Milvia Street CITY Berkeley

OCCUPATION Human Resources Technician

YEARS LIVE IN THE CITY OF ANTIOCH 18 years

LIST THE THREE (3) MAIN REASONS FOR YOUR INTEREST IN THIS APPOINTMENT:

1. I'm a home owner and desire to help better the quality of life in Antioch.
2. I support Antioch police efforts to reduce crime and want to participate in that effort by ensuring that funding is directed to that effort.
3. I want to learn as much as I can about the COA so that I can participate in making Antioch a great city to live and work.

HAVE YOU ATTENDED ANY MEETINGS OF THIS BOARD/COMMISSION? No

HAVE YOU HAD ANY PREVIOUS CITY COMMUNITY SERVICE ON THIS BOARD/COMMISSION? (If yes, please explain) No

WHAT SKILLS/KNOWLEDGE DO YOU HAVE THAT WOULD BE HELPFUL IN SERVING ON THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING? Having worked for the City of Berkeley, Human Resources department, I'm very familiar with payroll, benefits, policies, procedures and memorandum agreements (MOUs.)

I was responsible for preparing salary resolutions for approval by the City Council. I also downloaded computer data and prepared reports to satisfy requests by city budget analysts, other external agencies and FOIA requests for classification salary/benefits information.

PLEASE INDICATE ANY FURTHER INFORMATION OR COMMENTS YOU WISH TO MAKE THAT WOULD BE HELPFUL IN REVIEWING YOUR APPLICATION.

I supervised senior office assistants in the creation and maintenance of employees' computer records and physical personnel files. I provided guidance, interpretation of payroll policies, procedures, ordinances and MOUs to City department payroll staff, in liason with the City Auditor's Payroll division. When further clarification was needed, I sought information from my supervisor, the Director of Human Resources, David Hodgkins. Mr. Hodgkins also retired last December 2012.

I reconciled all departments' FTE with the city's authorized, budgeted FTE and provided reports to all City department budget analysts, and to the City Manager's Office Budget analysts.

PLEASE READ THE ATTACHED GENERAL INFORMATION REGARDING BOARDS AND COMMISSION SO YOU ARE AWARE OF THE DUTIES, TIME AND FREQUENCY OF MEETINGS.

CAN YOU ATTEND MEETINGS AT THE DESIGNATED TIME? Yes

PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

THE TOP THREE/FOUR CANDIDATES WILL UNDERGO A BACKGROUND CHECK BY THE ANTIOCH POLICE DEPARTMENT PRIOR TO APPOINTMENT.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
P.O. BOX 5007
ANTIOCH, CA 94531-5007

Mary Senter
Signature

12.30.2013
Date

White Rock Way
Antioch, CA 94531

Home:

Email:

MARIE LIVINGSTON

OBJECTIVE

I seek membership on the Sales Tax Citizens' Oversight Committee in order to serve the City of Antioch by utilizing my skill and knowledge in the review of sales tax revenues raised, and the expenditure of those revenues. The purpose is to report publicly how the funds are being used in addressing the City Council's stated priorities of public safety and code enforcement.

SKILLS & ABILITIES

Before my retirement from the City of Berkeley, I worked in the Human Resources Department as a Human Resources Technician and was the supervisor in the Employee Records and Transactions division. I was responsible for the set up and maintenance of complex personnel records. I audited and supervised the processing of personnel action forms and salaries. Updated and maintained computer salaries for all city classifications. I interpreted and explained rules, regulations, policies and procedures to city payroll staff, budget analysts and auditor payroll staff.

EXPERIENCE

CITY OF BERKELEY

June 1986 through December 2012

I performed a wide variety of technical and paraprofessional duties involving the administration of the City's personnel system; maintaining employees' compensation and benefits records. I have knowledge of: principles, practices and theories of public personnel administration and management. I was responsible for applying federal, state and local laws and regulations related to municipal personnel functions. I have knowledge of office methods and procedures, and skill in using computer hardware and software. One small example; I downloaded computer payroll data using a report writer (Cognos-Impromptu) to provide various reports to city departments, other agencies, and to satisfy FOIA requests.

I assisted in the preparation of city budgets by providing reports of authorized, budgeted FTE of city employees to the City Manager's Office and to department budget analysts. I also interpreted laws and rules, and communicated effectively with others by phone, in writing and in person. I worked independently with little supervision and worked with teams to accomplish specific goals.

EDUCATION

CASTLEMONT HIGH SCHOOL - OAKLAND, CA. DIPLOMA

HEALD BUSINESS COLLEGE - OAKLAND, CA. CERTIFICATES IN BASIC, COBOL AND ACCOUNTING

LOS MEDANOS COMMUNITY COLLEGE, PITTSBURG, CA

BUSINESS MGMT/HR ADMIN - GPA 3.96

ORGANIZATIONS

Police Crime Commission – Neighborhood Watch Block Captain
Nextdoor.com – Joint Lead with Brittany Gougeon (Take Back Antioch)
Friday Morning Breakfast Club - Member

REFERENCES

DAVID HODGKINS, DIRECTOR OF HUMAN RESOURCES (RETIRED)
CITY OF BERKELEY
HOME:

LEO REYES, AUDITOR
CITY OF BERKELEY

ANN DEL ROSARIO, AUDITOR
CITY OF BERKELEY

VANEE BARTHOLOMEW, ADMINISTRATIVE ASSISTANT (RETIRED)
CITY MANAGER'S OFFICE, CITY OF BERKELEY

RAMA MURTY, SENIOR MANAGEMENT ANALYST
CITY MANAGER'S OFFICE
CITY OF BERKELEY



RECEIVED

JAN 09 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name VINCE AUGUSTA
 Address CRESTWOOD DR. City ANTIOCH
 ZIP Code 94509 Phone (H) (W) N/A (C)
 E-mail address
 Employer N/A (RETIRED)
 Address City
 Occupation RETIRED POLICE OFFICER
 Years lived in the City of Antioch 45

List the three (3) main reasons for your interest in this appointment:

① LIFETIME RESIDENT OF ANTIOCH (WITH EXCEPTION OF TIME SPENT IN THE MILITARY AND EMPLOYED OUT OF STATE). ② IF GIVEN THE OPPORTUNITY TO HOLD ELECTED OFFICIALS ACCOUNTABLE, CITIZENS SHOULD TAKE IT. ③ I WANT TO PROVE TO THE PUBLIC THE CITY COUNCIL WILL DO THE RIGHT THING WITH THESE FUNDS.
 Have you had any previous appointments to other city commissions or boards? (If yes, please explain) NO

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? I AM RETIRED (SERVICE RETIREMENT) AFTER 20 YEARS WITH THE ANTIOCH POLICE DEPARTMENT. I POSSESS A SOMEWHAT INSIDE KNOWLEDGE ON HOW THE POLICE DEPARTMENT WILL BENEFIT FROM THIS FUNDING SOURCE. I CAN BE OBJECTIVE AND OPEN TO OTHER'S POINTS OF VIEW, AND PROVIDE MEANINGFUL INPUT.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

I ORIGINALLY WAS ONE OF THE "NAVYCAVERS" REGARDING MEASURE C. AFTER READING STATEMENTS BY BOTH THE MAYOR AND COUNCIL, I AM INCLINED TO BELIEVE THE CITY COUNCIL WILL DO THE "RIGHT THING" WITH THESE ADDITIONAL GENERAL FUND MONIES.

THERE ARE OTHERS WHO WOULD USE THIS COMMITTEE AS THEIR PERSONAL FORUM TO "BASH" COUNCIL AND CITY STAFF.

I WOULD NEVER USE MY POSITION ON THE COMMITTEE TO PROVIDE ANYTHING BUT POSITIVE INPUT TOWARDS THE BUSINESS AT HAND.

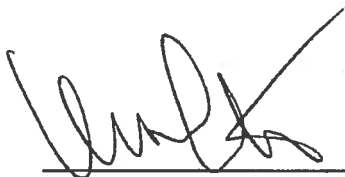
Can you attend meetings at the designated days and time? YES

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

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DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007



Signature

1-9-14

Date

VINCENT J. AUGUSTA

Crestwood Dr.
Antioch, CA 94509

Home Phone

OBJECTIVE

To obtain an appointment on the Sales Tax Citizens' Oversight Committee

HIGHLIGHTS OF QUALIFICATIONS

- High energy process and result-oriented professional.
- Over 25 years experience, planning, organizing operations and creative projects.
- Successful history in building client relations and customer satisfaction.
- Excellent coach, facilitator and team player.
- Outstanding interpersonal communication skills.
- Committed to helping organizations reach their professional and personal goals.

PROFESSIONAL EXPERIENCE

MANAGEMENT & SUPERVISION

- Supervised over 80,000 yearly air traffic control operations at NALF San Clemente Island. Ensured outstanding customer service, safety and reliability.
- During an assigned shift, supervised up to 6 air traffic controllers at one of five of the U. S. Navy's shore based RADAR surveillance facilities. Contributed to over 40,000 mishap free operations, received exemplary scores on all facility inspections and fully rated on all operating positions.
- As a 911 Dispatcher, managed the status of up to 40 police/fire assets using Computer Aided Dispatch equipment, in addition to utilizing interphone, video monitoring and radio equipment, while at the same time fielding calls from the public for emergency and/or routine requests for service.
- Facilitated the resolution of workplace problems with employees of government, military and industry.
- Field Training Officer. Assigned to train through lecture, and on the job training newly hired police officers, as well as completing daily written evaluations of their performance during a training cycle.
- As lead detective while conducting sexual assault investigations coordinated with other agencies concerning evidence gathering, witness statements and asset management.

COMMUNICATION & LIAISON

- Developed strong liaison network with staff in various departments, subsidiaries and offices, to effectively resolve conflict and operation issues.
- Controlled 30-50 aircraft per hour at an airport with high density military jet traffic and general aviation type aircraft.
- Coordinated over 1500 on-time Carrier Control Center Operations that ensured that carrier based pilots received their qualifications in a safe and efficient manner which saved the U.S. government over \$20,000 on training costs per sortie.

LICENSES/CERTIFICATIONS

Control Tower Operator (CTO) Certificate, NALF San Clemente Island
FAA Class II Medical Certificate (Current)

EMPLOYMENT HISTORY

ATC Facility Watch Supervisor, U. S. Navy, Fleet Area Control Surveillance Facility, North Island Naval Air Station, San Diego, CA 4/82-12/84
Air Traffic Control Specialist/GCA/CCA RADAR Controller, U.S Navy, Naval Auxiliary Landing Field, San Clemente Island, San Diego, CA 1/85-7/86

VINCENT J. AUGUSTA

Page two

EMPLOYMENT HISTORY (Cont)

Air Traffic Assistant, FAA, Boston Air Route Traffic Control Center, Nashua, NH. 8/86-1/87

Telephone Operator, Pacific Bell, Walnut Creek, CA. 4/87-11/87

911 Dispatcher, Contra Costa County Office of the Sheriff, Martinez and Antioch, CA 11/87-12/89

Deputy Sheriff, Contra Costa County Office of the Sheriff, Martinez, CA. 5/90-12/92

Police Officer, Antioch Police Department, Antioch, CA. 1/93-8/2013 (Retired)



RECEIVED
JAN 14 2014
CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name Bonnie S. Mason
Address West 8th Street City Antioch
ZIP Code 94509 Phone (H) — (W) — (C) —
E-mail address —
Employer Retired
Address — City —
Occupation —
Years lived in the City of Antioch 10

List the three (3) main reasons for your interest in this appointment:

- Recently retired and would like to devote time to this committee
- My profession has provided me the skills to be an effective member of this committee
- Very much want to be a part of this most exciting time for the City of Antioch

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) see attached

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee?

see attached

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

I believe the City Council will manage the additional revenues with frugal precision whether or not there is an oversight committee.

I believe Antioch's Police department is one of the finest in the nation. It consistently utilizes its resources to protect our community.

I believe the objective of the oversight committee is to communicate these accomplishments to the community at large along the way.

Should any amount of these funds need to be used for other purposes we must never stop touting what is being accomplished with the police and code enforcement. It is critical that the public knows we have not lost sight of the objective.

With the Passage of Measure C, the widening of highway 4, the extension of Bart and Northern Waterfront Economic Development Initiative discussions in the news recently this is such exciting time for Antioch as a whole.

Can you attend meetings at the designated days and time? YES

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

 Amie S. Mason
Signature

 Jan 14, 2014
Date

Bonnie S Mason
West 8th Street
Antioch, CA 94509

I am retired and now can devote greater time to community service. My husband and I reside in Antioch; our home was purchased in 2004.

My 40-year background at Bank of America in branch management and portfolio management of high-valued clients has equipped me with a vast knowledge of finance, regulatory requirements and banking operations.

Over the years I have also been an owner/partner in a number of small businesses including a smoothie shop, a restaurant and a 7-11 in Pleasanton, California

2000-2005 Vice President/Premier Client Manager
Bank of America
Provided personal, credit & investment management to high-valued Clients

1985-2000 Vice President/Banking Center Manager
Bank of America
Managed centers in Alameda, Oakland and San Leandro staffs ranging 12-25

Past Boards on which I have served include:

- Volunteers of America, Northern California/Oakland Chapter,
- California Association of Children & Adults with Learning Disabilities (ACLD)
- Oakland Women's Hispanic Business Association

Past member of Chambers of Commerce and Merchants Associations in Hayward, Alameda, Oakland and San Leandro, CA

Antioch volunteer experience includes:

- River town Preservation Society (RPS)
- Graffiti Abatement Program (GAP)
- North Antioch Neighborhood Alliance (NANA)
- Participant in various neighborhood cleanup activities



RECEIVED

JAN 15 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name DAVE LARSEN

Address KERN MT WAY City ANTIOCH

ZIP Code 94531 Phone (H) _____ (W) _____ (C) _____

E-mail address _____

Employer SELF

Address _____ City _____

Occupation ATTORNEY

Years lived in the City of Antioch 1

List the three (3) main reasons for your interest in this appointment:

I WANT TO USE MY 30+ YRS OF
CITY ATTY EXPERIENCE FOR THE
GOOD OF THE COMMUNITY

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) NO

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? CITY MANAGER AND

CITY ATTY EXP. SEE WEBSITE AT
WWW.DLARSEN.LAW.COM

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.


Can you attend meetings at the designated days and time? YES

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered. *SEE WEBSITE W/HAS COPY OF RESUME*

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DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007



Signature

1/8/14

Date



RECEIVED

JAN 15 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name David Redford

Address Ventura Ct. City Antioch

ZIP Code 94509 Phone (H) (W) (C)

E-mail address

Employer AT&T

Address 2932 Ventura Ct. City Antioch

Occupation Principle - Design Engineering Manager

Years lived in the City of Antioch 26

List the three (3) main reasons for your interest in this appointment:

1) Support for improvement in overall safety in Antioch, including police services

2) Active involvement in support of the city - don't complain if not involved

3) I have skills that can contribute to success of crucial programs

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) No, this would be my first opportunity

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee?

I have extensive budget management and oversight experience in my professional career. I have three levels of experience 1) Direct budget management. I was responsible for a capital build program in CA in excess of \$100M annual. This included day to day management of billing and expenditures with a commitment to come in less than 1% variance to target at the end of the year 2) I had oversight responsibility for a team of engineers with a combined budget of over \$500M. In this role I oversaw and provided guidance for managers to meet their (and mine) end of year variance target. 3) As Chief

of Staff to the Vice President of Engineering I oversaw the entire expense and capital budget program in excess of \$1B. I had direct tracking, forecast spend, monthly/annual reporting (Excel and PowerPoint) and variance management

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

I am very supportive of the Sales Tax Citizen's Oversight Committee as the process provides transparency and accountability to the citizens of Antioch. Successful management of the funds provided by the sales tax will build a foundation of trust and acceptance with our constituents. Conversely, poor management will reinforce mistrust of our elected officials. I want to help the program to succeed – to see the value and difference the funding can provide.

Can you attend meetings at the designated days and time?

I can support the need for scheduled daytime meetings.

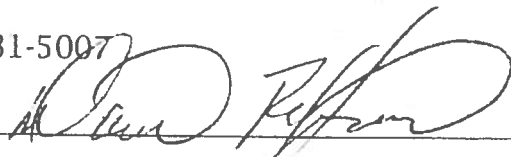
Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

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DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

Signature _____



Date: January 15, 2014

David S. Redford

- ◆ Prioritized development and introduction of multiple strategic products including Internet support of new service requests for college students resulting in 17% reduction in processing costs.
- ◆ Initiated programs to significantly restructure and maximize efficiency of existing applications supporting 300% growth in customer utilization.

Director – Marketing/Sales (1992 to 1997)

Responsible for overall product development, market management, product life-cycle management, legal and regulatory issues for Value Added Product Line. Extended responsibility for management and development of employee referral marketing program and associated direct sales channel (ERIC). (\$4.1-5.7M budget, 38 Staff)

- ◆ Restructured and expanded Calling Features product line resulting in revenue growth of \$22.9M with a total contribution of \$345M.
- ◆ Designed, developed and project managed introduction of product packaging program resulting in first year penetration of 1million packages with \$8M in incremental revenue.
- ◆ Restructured and expanded Wire and Cable product line resulting in 11% (\$8.7M) revenue gain with an annual contribution of \$73.3M.
- ◆ Designed, developed, and introduced new cable product resulting in \$8M in first year revenue.
- ◆ Improved referral program production from \$2M under target to \$3M over target in five months resulting in 25% revenue gain, \$53M incremental revenue contribution, 500% decrease in customer complaints and overall sales channel improvement to 104% of target.

Manager – Marketing & Methods and Procedures (1990 to 1992)

Responsible for the development and life-cycle management of Inside Wire and Cable product lines.

- ◆ Developed initial product offering supporting Local Area Networks resulting in \$300K first year sales.
- ◆ Developed, presented and closed proposals to key clients Cannon, US Postal Service.
- ◆ Contributed to national telecommunications standards as member of ITUT (TIA) standards group.

Manager – Operations (M&P / Field Management / Technician) (1981 to 1990)

Responsible for headquarters staff support of 12,000 state-wide I&M field technicians.

- ◆ Responsible for development and training of corporate-wide installation/repair methods and procedures.
- ◆ Prepared, filed and provided testimony on FCC and CPUC regulatory filings.
- ◆ Developed, supported and trained on corporate standards for I&M field forces.
- ◆ Managed team of 16 field I&M technicians
- ◆ Developed and delivered training modules for new business oriented support procedures

Denalect Alarm Company

Walnut Creek, CA

Vice President – Marketing and Sales, Installation Manager (1973 to 1981)

- ◆ Responsible for installation and repair departments including budget, scheduling, and human resource development.
- ◆ Developed strategic marketing and sales program including packaging of products targeted to consumer and business clientele.
- ◆ Prepared and presented bid proposals to business and consumer clients with an overall closure rate of 92%.

Education – 1994 –1997

University of Phoenix

San Jose, CA

- ◆ B. A. Business Administration (3.92 GPA)
- ◆ Specialized training in Data Communications (Data Communications Institute), Premises Distribution Systems, Project management and administration

Licenses / Memberships:

- ◆ Private Pilot, Boy Scouts of America, Certified Open Water Scuba Diver, Pending CCNA Certification

David S. Redford

- ◆ Developed and implemented capital budget analysis/management Excel model resulting in a less than 1% EOY variance between forecast and actuals (Compared to previous 10-20% variances). The model allowed engineering to return un-needed capital (over \$50M) early in the budget cycle thus reducing cost of capital to the corporation.
- ◆ Implemented installation quality improvement programs resulting in an EOY quality score over 98%, a 12% improvement.
- ◆ Reduced overall DSL unit cost from \$394 to \$308 and supported improved network DSL utilization going from 66% to 76%
- ◆ Designed and implemented new multifaceted Mentoring program that was standardized across the VP organization. Program results more than tripled the number of participants and improved overall perception of program with employees.

Director – Network Quality – Common Systems (2002 to 2003)

Responsible for the development and ongoing management of network quality program supporting an integrated high speed data network consisting of ATM, Frame/Cell Relay and DSL Services. Direct teams of Senior Technical Consultants and Central Office Common Systems Engineers responsible for all documenting all aspects of network build.

- ◆ Implemented installation quality plan resulting in 200% improvement in vendor installation quality scores in ASI quality audits.
- ◆ In the first 60 days in the assignment, implemented a quality improvement evaluation process resulting in identified savings of \$2.5M in capital costs.
- ◆ Designed and directed implementation of improved communications program including ASI extranet site, distribution of customized PDF job aids and improved vendor score card process.
- ◆ Coordinated and sponsored first SBC Approval For Use (AFU) review of Physical Layer aspects of new network data equipment.

Director – Operations ASI – Telecom Network Engineering (2000 to 2002)

Supported the development of business start-up SBC Advanced Solutions, Inc. and SBC Telecom as Chief of Staff for the Vice President of Network Engineering. Managed team of financial and process managers supporting budget, personnel and technical development of an integrated national data network. (Baseline Funding, 4 Staff)

- ◆ Responsible for (\$500K-\$1B) annual capital and (\$75M) annual expense program supporting the implementation of a national data infrastructure supporting ATM, Frame/Cell Relay and over 2 Million DSL customers in 3 years.
- ◆ Designed and built a comprehensive capital management-tracking program to more effectively manage limited capital program. Program allowed timely and effective program oversight contributing to the return of over \$250M in capital to the corporation over 2 years.
- ◆ Managed development of Unit Cost reduction program resulting in an improvement (reduction) of over \$400 per DSL line in 1 1/2 years.
- ◆ Directed personnel program team supporting 400+ technical engineers and staff. Programs included design and management of staffing plan (overall organizational design, recruiting, training/development, salary administration and recognition programs).
- ◆ Developed prototype of engineering workflow Project Management and Tracking System utilized as foundation for programming and implementation of network standard application suite.

Area Manager – Detail Engineering Center (1998 to 2000)

Responsible for the rebuilding and development of a team of central office technical engineers including personnel recruitment, training and development of new engineers, senior engineers. Directed daily management of engineering work group focusing on central office common systems design. (Baseline Funding, 50 Staff)

- ◆ Rebuilt and refocused engineering team to meet 100% increase in workload culminating in 7,000 orders in 1998 and 10,000 for 1999. Implemented quality assurance program resulting in 46% reduction in engineer errors.
- ◆ Directed Quality Improvement Team (QIT) review of engineering processes resulting in corporate-wide upgrades to scheduling, mechanized support, detail engineering and procurement processes.
- ◆ Developed internal staff development/promotion opportunities for key engineers, retained or extended service of key personnel who were considering immediate job changes due to management problems, implemented performance program for underachieving engineers achieving 100% success rate. .
- ◆ Received 2 vice-presidential special service recognition awards for program and process deployments.

Director – Electronic Commerce Channel (1997 to 1998)

Recruited to ramp-up development of Electronic Commerce Channel including management of existing channel elements. (Start-up Baseline Funding, 3 Staff)

- ◆ Managed existing base and new development of Interactive Voice Response / Internet Unit contributing \$3.4M in incremental revenue and expense reduction.

David S. Redford

Objective: To secure a management position that leverages and challenges my unique blend of technical, operational, marketing and personnel skills.

Summary of Skills: Engineering design/management of \$2 Billion capital build out for national data/video network, New infrastructure/system and build for Mobility National Data Centers., Standards development and training, Technical standards development and support, Personnel management of organization consisting of 400 engineers/managers, Marketing / Sales Management of organization with \$500M product line of Value Added Services, Cable and Wire Networks, Product / Life Cycle Management of new product launches, Data Communications, Project Management, Business Requirements, Local / National Networks, Security Evaluation and Sales.

Experience:

AT&T Corp.

Concord, CA

Principle - Network Design Engineering (2010 to 2013)

Principle - Subject Matter Expert for world-wide thermal management issues within AT&T Network Engineering. Responsible for the development, support and training of cooling standards within AT&T. Provided SME level, single point interface for NEBS compliance evaluations for all equipment used in AT&T network (Wire-line, Mobility, and Data).

- ◆ Directed and authored a complete rewrite of outdated cooling standards with a fully integrated standards and training package to handle high heat equipment deployments (up to 60kW) in network spaces
- ◆ Introduced, documented and expanded the use of Distributed Refrigerant Cooling (DRC) in AT&T facilities to meet the critical demand of high heat equipment in the restrictive environment of network space
- ◆ Led the development as senior editor of new national ATIS/ANSI and ASHRAE TC 9.9 standards for the deployment of DRC infrastructure
- ◆ Led the introduction, revision and publication of national GR-63 and GR 3108 standards to meet carrier requirements
- ◆ Led coordinated effort with AT&T Labs and manufactures to align product offerings to be in compliance with NEBS standards. Provided guidance and direction on the development and production of air baffles to meet air flow requirements
- ◆ Researched, standardized and introduced Computational Fluid Dynamics (CFD) review of airflow in AT&T as a tool for high heat, new and troubled office applications. Utilized CAD based design reviews for effective floor plan layouts.
- ◆ Communicated AT&T and industry trends through national industry forum presentations as Keynote speaker.

Lead Network Engineering Manager – Common Systems (2006 to 2010)

Responsible for technical design, job management and on-time deployment of data centers supporting Mobility, U-verse, and Internet. Responsible for coordination and management of vendors (including CRE) supporting the deployment of new data center infrastructure. Assure compliance to AT&T Technical Practices (TP) and local building standards. Responsible for integration of existing design standards with the development of new materials and standards to meet evolving data center requirements. Full line item responsibility for project budget management.

- ◆ Direct responsibility for lifecycle management of all POP/VHO/NDC Lite deployments in the CA and NV regions
- ◆ Designed, developed and contributed new aggressive new GEM architecture prototype for AT&T World deployment
- ◆ Designed and developed new infrastructure model for deployment of Mobility NDC Lite – build of Concord site
- ◆ Developed and trialed new air management containments in Pleasanton POP to extend/expand reliability and useful life
- ◆ Recognized as Role Model for deployments, standards development and systems support in organization

Director – National Data Engineering (2003 to 2006)

Responsible for national on-time deployment of Central Office based high speed data networks consisting of ATM, Frame/Cell Relay and DSL Services. Direct multiple level team of Area Managers, Senior Technical Consultants, Engineers and non-salary support personnel. Responsible for cost effective, yet quality driven deployment of network elements in support of five-nines network reliability targets.

- ◆ Direct responsibility for line item budget management (\$230M) annual capital and (\$36M) annual expense program.
- ◆ Developed and deployed new National Data Engineering model to effectively use engineering resources across regions to meet highly fluctuating network production demands. The program assured 100% on-time deployment of the 2004 DSL & ATM footprint expansions. More effective utilization of resources supported a 25% overall reduction in staff while still meeting business commitments.

RECEIVED
JAN 15 2014
CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: JANUARY 16, 2014

APPLICATION FOR COMMUNITY SERVICE

NAME OF BOARD OR COMMISSION MEASURE "C" OVERSIGHT
PRINT YOUR NAME MARTIN FERNANDEZ
ADDRESS S. APPLE CT CITY ANTIOCH
ZIP CODE 94509 PHONE (Home) _____ (W) 0
E-MAIL ADDRESS _____
EMPLOYER RETIRED
ADDRESS _____ CITY _____
OCCUPATION _____
YEARS LIVE IN THE CITY OF ANTIOCH 45

LIST THE THREE (3) MAIN REASONS FOR YOUR INTEREST IN THIS APPOINTMENT:
I HAVE BEEN A SUPPORTER OF THE POLICE FOR MANY YEARS INCLUDING SUPPORT MARCHES BY UCBN. SUPPORT BY FRIDAY MORNING BREAKFAST CLUB AND AM A VOLUNTEER WITH THE POLICE ATHLETIC LEAGUE.
HAVE YOU ATTENDED ANY MEETINGS OF THIS BOARD/COMMISSION? THEY HAVE NONE
HAVE YOU HAD ANY PREVIOUS CITY COMMUNITY SERVICE ON THIS BOARD/COMMISSION? (If yes, please explain) N/A

WHAT SKILLS/KNOWLEDGE DO YOU HAVE THAT WOULD BE HELPFUL IN SERVING ON THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING? I HAVE TAKEN PART IN COMMUNITY GROUPS INTERESTED IN THE CITY BUDGET FOR YEARS AND BEEN PARTS OF AUDITS. UCBN, FRIDAY MORNING BREAKFAST CLUB

PLEASE INDICATE ANY FURTHER INFORMATION OR COMMENTS YOU WISH TO MAKE THAT WOULD BE HELPFUL IN REVIEWING YOUR APPLICATION.

I HAVE BEEN A WORKING STIFF IN THIS TOWN FOR MANY YEARS. I ACTIVELY CAMPAIGN FOR MANY PEOPLE AND HAVE PHYSICALLY SUPPORTED ALL CITY COUNCILS FOR THE PAST 10/12 YEARS.

ALL OF YOU KNOW ME PERSONALLY

POLICE CHIEF JIM HYDE AND ACTIVIST GARY GILBERT WERE 100% RESPONSIBLE FOR MY BEING ACTIVE IN MY COMMUNITY

PLEASE READ THE ATTACHED GENERAL INFORMATION REGARDING BOARDS AND COMMISSION SO YOU ARE AWARE OF THE DUTIES, TIME AND FREQUENCY OF MEETINGS.

CAN YOU ATTEND MEETINGS AT THE DESIGNATED TIME?

YES

PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

I WAS A UNION MEMBER, RETAIL CLERKS UNION #1175 25 YRS AND TEAMSTERS LOCAL # FROM HAYWARD 10 YEARS BEFORE DISABLED BY PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW. CRONIC DISEASE.

THE TOP THREE/FOUR CANDIDATES WILL UNDERGO A BACKGROUND CHECK BY THE ANTIOCH POLICE DEPARTMENT PRIOR TO APPOINTMENT.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
P.O. BOX 5007
ANTIOCH, CA 94531-5007


Signature

MARTIN FERNANDEZ

12-16-2013

Date



RECEIVED

JAN 15 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name CAROL STALKER

Address W 3rd ST City ANTIOCH

ZIP Code CA Phone (H. _____) (W) _____ (C) _____

E-mail address _____

Employer RETIRED C.P.A

Address _____ City _____

Occupation _____

Years lived in the City of Antioch 7

List the three (3) main reasons for your interest in this appointment:

1. TO BE A PART OF MAKING ANTIOCH A BETTER PLACE TO LIVE

2. TO CONTINUE TO UTILIZE MY EDUCATION/EXPERIENCE

3. TO ASSIST IN MAKING REPORT UNDERSTANDABLE TO NON-ACCOUNTANTS

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) NOT IN ANTIOCH

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? I HAVE PREPARED AUDITS

FOR ALL TYPES OF ENTITIES, I OWN 5 HOUSES IN ANTIOCH WHICH I MAINTAIN AND AM VERY INTERESTED IN SEEING CODE ENFORCEMENT & LAW ENFORCEMENT IMPROVE.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

BEING RETIRED I HAVE TIME TO DO WHAT IS
NEEDED FOR THIS POSITION
I HAVE SPENT NEARLY 50 YEARS IN
VOLUNTEER POSITIONS.

Can you attend meetings at the designated days and time? YES

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

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DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

Carol A. Staller
Signature

1/14/14
Date

Carol A. Stalker
W 3rd Street
Antioch, CA 94509

Education San Francisco State University, 1980, MBA in Accounting

Employment 1981-1988 Staff Accountant at Rooney, Ida, Nolt and Ahern CPAs in
Oakland.

Earned CPA certification in California

1988- 2010 Owner of CPA practice specializing in Homeowners
Associations, small businesses and individual tax returns.

2010 Retired

Recent Volunteer Positions

Treasurer of the Fundraising Board of Project Second Chance Inc., the
adult literacy program of the Contra Costa Library.

Tutor at Marsh Elementary School for the 2012-2013 school year.



RECEIVED

JAN 16 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name Lori Ogochok
 Address Beaver Court City Antioch
 ZIP Code 94531 Phone (H) _____ (W) _____ (C) _____
 E-mail address _____
 Employer Self employed
 Address _____ City _____
 Occupation Realtor
 Years lived in the City of Antioch 43

List the three (3) main reasons for your interest in this appointment:

To become an involved resident in our community
Improve & educate myself in the workings of the Oversight
Maintain the integrity of the bill that Committee
was passed by the local residents

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) Director for Delta Association of Realtors (DAR)

Sub committees - local govt relations
CRA - business license fee in Antioch

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? Personally chaired several

committees, mostly w/ fund raising activities.
Participated in several local boards from Parent
League to DAR. Chairing the strategic planning,
for the current year for DAR. I strive for Accountability
Humility & Communications.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

please see attached resume

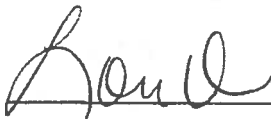
Can you attend meetings at the designated days and time? yes

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

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DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007



Signature

11/5/2014

Date

LORI OGORCHOCK

Beaver Court, Antioch 94531 |

OBJECTIVE | To maintain the integrity of the sale tax initiative that was voted on by the residents of Antioch in November, 2013. To gain the trust of the local residents by using the funds in the appropriate manner so that in the future if the city has request increases in taxes or any other funding requirements the residents will have confidence that those funds will be used in the appropriate manner.

SKILLS & ABILITIES | I currently am a self-employed Real Estate Agent. I have knowledge of creating a budget that suits my professional requirements along with my personal financial needs. I have completed several budget related courses throughout my Real Estate career, one being a class from Dave Ramsey, which I am researching to bring to my church, Holy Rosary. I created with Keller Williams Realty, East County the Agent Hands of Harmony, which is an account to help out local agents, and or requests from various entities that are in need of financial assistance.

I am confident that within my business adventures I have had to have the ability to work with funds that have not been mine, they have been for the companies, the parties with which I work for and the boards on which I have been a director. I have had to have an accounting of all funds that have been spent, and in some cases have been hundreds of thousands of dollars. I would be honored to work with the Sales Tax Citizens' Oversight Committee for the residents of Antioch in the same capacity.

EXPERIENCE | **REALTOR- KELLER WILLIAMS REALTY**
MARCH 2009 TO CURRENT

It is my responsibility to assist sellers in marketing their property and selling it for the highest possible price under the best terms. I as a buyer' agent assist buyers by helping them purchase property for the lowest possible price under the best terms. As a real estate agent I owe my client fiduciary duties, those duties include care, confidentiality, loyalty, obedience, accounting, disclosure, with fair & honest dealings.

PARALEGAL- JOSEPH LONG ATTORNEY
MARCH 2003

Speak with clients who have been involved in automobile accidents and to assist them in presenting claims to the negligent party's insurance carriers. To have an understanding and knowledge of the current insurance and vehicle laws for the state of California and Nevada. To be able to determine the value of their injuries and complete a demand packages to the insurance carriers and negotiate the settlement claims to completion.

LIABILITY ADJUSTER- CALIFORNA STATE AUTOMOBILE ASSOCIATION
SEPTEMBER 1986 TO DECEMBER 2003

Open a claim for insured property damage, complete investigations and determine liability of each claim. To evaluate each claims value, whether it be for personal injury or damages to vehicles or property value. To be able to discuss intelligently evaluations with claimants, attorney, doctors, body shops, mediation and court, Small Claims and Superior Court.

EDUCATION | **ANTIOCH HIGH SCHOOL, ANTIOC**
1971-1975

LEADERSHIP | I have been on the Agent Leadership Council for the last 4 years at Keller Williams Realty

Director for the Board of Directors at the Delta Association of Realtors

Several local Boards such as, Delta Peanut League, Antioch Youth Football, Antioch Senior all night committee, Antioch Baseball, Holy Rosary Church and more

REFERENCES | **NORA VONUBIN**
RETIRED

)

ADDIIONAL UPON REQUEST



RECEIVED

JAN 16 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name MARY ENGLETON
Address JACKSON PLACE City ANTIOCH
ZIP Code 95409 Phone (H) _____ (W) _____ (C) _____
E-mail address _____
Employer SYSCO FOOD SERVICE S.F
Address 5900 STEWART AVE City FREMONT CA 94538
Occupation SALES REP
Years lived in the City of Antioch 33 YRS

List the three (3) main reasons for your interest in this appointment:

1. TO PROVIDE ACCOUNTABILITY FOR THE TAXES PAID AND THE SAFETY INTERESTS OF THE CITIZENS OF ANTIOCH
2. TO AID THE COMMUNITY IN SECURING A SAFE ENVIRONMENT BY WORKING TOGETHER
3. TO APPLY COMMON SENSE SOLUTIONS TO SENSITIVE ISSUES IN OUR CITY

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) NO

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? THE SKILLS I HAVE RELATE TO CHARACTER AND COMMITMENT TO IMPROVE THE TRUST OF THE CITIZENS OF ANTIOCH WITH THEIR GOVERNMENT

PLEDGING TO PULL TOGETHER FOR A SAFE FUTURE FOR ALL TRUTHFULLY EVALUATING AND REPORTING THE COMMITTEES FUNCTION I HAVE AN UNDERSTANDING OF COST BENEFIT ANALYSIS

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

NONE

Can you attend meetings at the designated days and time? YES

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Committee Members are required to file a FPPC Form 700 (Statement of Economic Interests) disclosing their property, business and investment interests, with the City Clerk.

DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

Mary K. Cuyler
Signature

1-16-14
Date

RESUME Mary Engleton

COLLEGE California State University at LA

THRIFTY DRUG STORES 1963-1979 I was the first women appointed store manager since WW11

RICK'S ON SECOND 1986-87 I opened this restaurant with my family Janis & Rick Carraher

I am a member of Holy Rosary Parish since 1979

and was in charge of their Bingo program from 1987-1994 handling money and scheduling

SYSCO FOOD SERVICE SF 1987-Present as a sales rep

(2/4)



APPLICATION DEADLINE: 5:00 p.m. (January 16, 2014)

APPLICATION FOR COMMUNITY SERVICE

SALES TAX CITIZENS' OVERSIGHT COMMITTEE

Print Your Name Eileen E. BATTY
 Address [REDACTED] NORTON VILLE CT City ANTIOCH
 ZIP Code 94531 Phone (H) [REDACTED] (W) [REDACTED] (C) [REDACTED]
 E-mail address [REDACTED]
 Employer BROSSE USA, INC. / Gruppo Zignago Vetru
 Address 240 55th St #2H City NY, NY 10022
 Occupation VP SALES NORTH AMERICA
 Years lived in the City of Antioch 17

List the three (3) main reasons for your interest in this appointment:

- ① Direct impact/participation for most effective use of MEASURE C ADDITIONAL TAX REVENUE.
- ② DESIRE TO INFLUENCE THAT NEW REVENUE IS SPENT TO DECREASE cri.
- ③ My husband and I own numerous single family Antioch residences (SFR). I will bring two voices: resident and landlord/property manager to the meetings.

Have you had any previous appointments to other city commissions or boards? (If yes, please explain) NO

What skills/knowledge do you have that would be helpful in serving on the Sales Tax Citizens' Oversight Committee? I am an enthusiastic, intelligent, educated and focused individual. I am a financially secure, long time honest, Antioch resident and will bring my love of this city and my strong desire for it to continue to improve to each meeting.

3/4

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

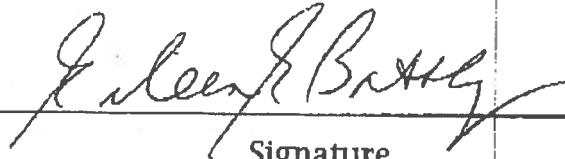
Despite being full-time employed, traveling domestically and internationally for my job, being married, a mother, volunteering twice a week at our daughter's elementary school, and a member of the John Muir school site council, and directly managing our investment properties in: CA, NC and FL, I do my utmost as Block Captain of our Nortonville Neighborhood Watch Group to attend monthly crime prevention and APD's Neighborhood Saturday Clean-ups. WHY? Because Antioch is OUR HOME and our community AND I CARE! Can you attend meetings at the designated days and time? YES

Please attach your resume to provide additional information or your application will not be deemed complete and will not be considered.

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DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007


Signature

1/16/2014
Date

(4/4)

EILEEN BATHANY

E-mail:

Tel:

EMPLOYMENT HISTORY:**GRUPPO ZIGNAGO VETRO****VP Sales - North America**

2004 - Present

- ◆ Direct sales of luxury glass fragrance bottles/cosmetic jars for prestige European glass group; annual global sales \$410 million.
- ◆ Handle all North American catalogue sales prospects for all three glass factories located in: Italy/France/Poland.
- ◆ Excel at creating loyal, trust worthy and long lasting vendor and client relationships.
- ◆ Identify and investigate new potential market segments for growth for each manufacturing site within the Group.
- ◆ Impeccable organizational, communication, project and time management, forecasting, and presentation skills.
- ◆ Meticulously follow new projects from: concept stage, model, pre-production sampling, decoration, QC, through final delivery.
- ◆ Interface working across time and geographic boundaries in order to exceed targeted sales objectives.
- ◆ Negotiate daily with C-level management, marketing and purchasing executives, senior packaging engineers, and graphic designers.
- ◆ Resolve customer claims and issues promptly and directly participate in the resolution with all involved parties.
- ◆ Conduct competitive analysis of: market trends, new client searches, and key competitors.
- ◆ Oversee high profile accounts: Coty, Crabtree & Evelyn, Jessica McClintock, Philosophy, Jack Black, Banana Republic, HSN, Benefit Cosmetics, Forever 21, Brighton, Ruc 21, Sephora, and QVC.

Western Regional Sales Manager - California

1999 - 2004

- ◆ Relocated and independently setup a satellite West Coast sales office.
- ◆ 65% field work/overnight travel and 35% inside follow-up.
- ◆ Doubled territory's customer base by aggressively developing new accounts via: cold calling, on site-presentations and creative mailings; highlighting launches/latest technical innovations.
- ◆ Increased region's revenue by 100% over the first twenty months.

Regional Sales Manager - NYC

1994 - 1999

- ◆ Maintained strong professional relationships with industry consultants, design firms, contract manufacturers, and perfumers.
- ◆ Detailed involvement during product definition and development stages, through delivery, retail launch, and promotion cycles.
- ◆ Major accounts responsibility: Metropolitan Museum of Art, Mary Kay Cosmetics, and The Disney Store.
- ◆ Participated at industry trade shows; excelled at attracting and engaging new prospects and existing clientele.

Sales and Service Manager - NYC

1991-1994

- ◆ Supervised Sales Administration Department, recruited and trained inside sales support staff.
- ◆ Oversaw order processing, packaging development activities, planning reservation system, and all client service matters.
- ◆ Computerized shipping and billing forecasts in French France and USD, buying both hard/software.
- ◆ Prepared technical, industrial translations from French to English for international press releases.

USINOR SACILOR / FRANCO STEEL - NYC

1989 - 1991

Sales and Service Assistant

- ◆ Liaison between: clients, product managers, outside sales representatives, numerous steel mills, shipping companies, and the commercial and technical departments in Paris.
- ◆ Processed multi-million dollar contracts on a complex bilingual computer system.
- ◆ Coordinated automotive accounts, managed Ford and Chrysler's USA inventory.

Education:

BA, High Point University, 1989, Magna Cum Laude.

Additional Skills:

Proficient in: Microsoft Word, Power Point, Excel, and ACT. Fluent in French.



Professional Training:


Dun & Bradstreet's Business Education: Women's Presentation Skills and Business Grammar, Learning International: Customer Satisfaction Skills and AMA's: Principles of Professional Selling.

Professional Associations: Women in Packaging, NAFE, and California Cosmetics Association.

References Available Upon Request

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE COUNCIL MEETING OF MARCH 25, 2014

Prepared by: Arne Simonsen, City Clerk, 
Christina Garcia, Deputy City Clerk 

Approved by: Steven Duran, City Manager 

Date: March 19, 2014

Subject: APPOINTMENTS TO BOARD OF ADMINISTRATIVE APPEALS TO FILL 2 VACANCIES (1-unexpired term: expiring March 2016 and 1 Alternate: 2-year term)

RECOMMENDATION

It is recommended that the Mayor appoint board members to fill one (1) expired term and one (1) Alternate to the Board of Administrative Appeals and that the City Council approve those appointments.

BACKGROUND INFORMATION

The Board of Administrative Appeals is a volunteer group of residents (5 members and one alternate) who hear a variety of appeals from residents on matters such as administrative citations for code enforcement violations and potentially dangerous or vicious animal determinations. These administrative citations are typically issued by a Code Enforcement Officer, Police Officer, or Animal Control Officer. The City of Antioch advertised to fill the vacancies in the usual manner.

Applications were received from the following individuals:

- Ademuyiwa "Ade" Adeyemi
- Vince Augusta
- Martin Johnson
- Lola Odunlami
- Frederick Rouse
- Catherine E. Walker

The applicants were interviewed by Mayor Harper.

FINANCIAL IMPACT

None. All positions are voluntary.

OPTIONS

Direct staff to re-advertise for Board of Administrative Appeals vacancies.

ATTACHMENTS

A. Applications of listed Applicants.



RECEIVED

JAN 16 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. Thursday, January 30, 2014

APPLICATION FOR COMMUNITY SERVICE

BOARD OF ADMINISTRATIVE APPEALS - Board Member

Print your name: Ademuyiwa "Ade" Adeyemi

Address: Mustang Court City: Antioch

ZIP Code: 94531 Phone (H) _____ (W) _____ (C) _____

e-mail address: _____

Employer: Adelectronics Administrative Services

Address: 2006 A Street #208 City: Antioch

Occupation: Consultant

Years lived in the City of Antioch: 24

List the three (3) main reasons for your interest in this appointment: Give residents a fair chance to explain their appeals and fines.

- 2) Help residents understand that city hall is not against them but for everyone's safety
- (3) To educate myself on the municipal code and regulations and help educate the residents

Have you attended any meeting of this board? NO

Have you had any previous city community service on this board? (If yes, please explain) NO

What skills/knowledge do you have that would be helpful in serving on the Board of Administrative Appeals? A member of 5 as a president of HOA listening to appeals and cases against residents of the HOA 10 years of experience with running a private business and working with the public, that come for refunds and having to stand by my company policy of customers are priority.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

With Over 25 years in Supervisory, Management and Customer Service. Over 8 years experience as President of Contra Loma HOA using my administrative skills Running a private company for over 10 years and having lived in Antioch for 24 years has made me a good Candidate and a stake holder in the community.

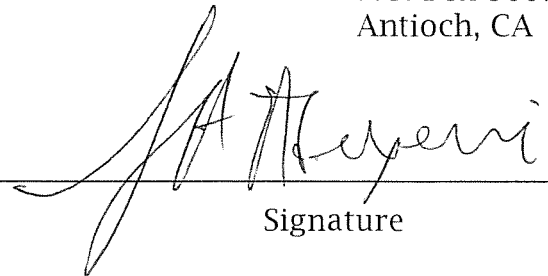
Can you attend meetings at the designated time and date? Yes

PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Board members are required to file a FPPC Form 700 (Statement of Economic Interest) with the City Clerk.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
City of Antioch
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007


Signature

1/16/2014
Date

ADEMUYIWA "ADE" ADEYEMI

Antioch, CA 94531

Cell

E-mail:

QUALIFICATIONS

- **25+ years** experience in manufacturing with strong background in management, supervision and Customer Service
- Flexible, highly motivated individual with excellent communication and organizational skills.
- Able to achieve positive results working with people at all levels and cultural background
- Demonstrated commitment to Quality Assurance in Laser, Networking and Manufacturing.

PROFESSIONAL EXPERIENCE

Adetronics Administrative Services Inc. Antioch, CA

1998-Present

Manager

- Working jointly with FBI, DOJ, Sectary of State California, Immigration and Naturalization Services and Department of Home Land Security on getting individuals processed for security clearance on government issues and matters pertaining to state security
- Started-up and managed Administrative Service Company targeting small businesses and individuals. Contacting potential customers for on-call service and contract business. Responsible for all company advertising and brand promotion activities.
- Maintaining accurate records of accounts and customers. Ordered parts and maintained inventory.
- Ability to execute business strategy
- Set and forecasted both business and professional goals; train center management in those skills
- Project management and budgeting expertise; excellent time management and organizational skills
- Manage complex 7 day a week business
- Interpret competitive information; develop strategies and tactics to respond to market changes
- Coaching and developing staff to success

- Identify risks and opportunities and build a business case for necessary investments

Nuevo Real Estate Services
Manager

2002-2007

- Managed real estate agents and Loan officers in daily activities
- Managed and delivered operating income targets while growing top line performance
- Developed and executed the short and long term strategies within the area to achieve growth
- Communicated and implemented company-wide strategy, initiatives, and programs
- Drive excellence in the student experience
- Managed adherence to Company policy and compliance activities
- Identify market prospects and focus on areas with the greatest improvement opportunities
- Strengthened center operations to deliver an excellent experience
- Collaborated with MD/CEO'S to prioritize and evaluate new market opportunities

Cyra Technology, San Ramon, CA
SENIOR ENGINEER (TECHNICAL SUPPORT)

2001-2002

Served as sole support to a group of eight field engineers in areas including vendor management, procedures documentation, and testing:

- Coordinated and monitor activities of external manufacturing supplier engineering groups and contract product design groups' related activities, and any current and/or future in-house engineering staff in paper shredder category.
- Ensure product designs are properly conceived, executed, evaluated, qualified, and maintained in manufacturing to meet specified performance expectations.
- Drive and support new product development (NPD) projects, hands-on and through domestic and offshore engineering resources, internal and external.
- Collaborated with the Marketing and Product Management team to manage product sourcing and manufacturing activities and resources.
- Provided technical leadership, guidance and support to QA function, developing performance specs collaboratively with Marketing and Product Management team,
- Ensured conformity through test protocols, corrective action plan development, defectives analysis and continuous improvement.

Cisco Systems. San Jose, CA
SENIOR SYSTEMS SUPERVISOR

2000-2001

- Supported and assisted Wireless Department Engineers:
- Monitors the daily operations on the production floor - responsibilities include scheduling, staffing, training and troubleshooting to ensure that all production operations are in full compliance with safety guidelines.
- Thorough knowledge of the theory and principles of the manufacturing operations to troubleshoot production problems and take corrective action.
- Issues discrepancies and work with cross-functional department(s) to close the discrepancies and implement appropriate corrective actions.
- Identifies issues, analyze and find solutions to meet short and long term goals
- Reviews production documents for adequacy and revise as necessary
- Ensure all equipment is operational and properly maintained
- Conducts interviews and makes hiring recommendations,
- Maintain departmental goals and establish development plans for direct reports
- Ensure direct reports are properly trained, and that all training is documented
- Reviews time off requests, and approve timecards,
- Assesses direct reports performance periodically and provide timely feedback
- Acts as a mentor and provides leaderships for direct reports

Solectron Corporation. Milpitas, CA
SENIOR SUPERVISOR (ENGINEERING)

1997 – 2000

- Supervise and train personnel in manufacturing operations in a manner consistent with the Company's policies and procedures.
- Supervise personnel and production work-flow, while ensuring that all personnel are wearing proper safety equipment and that safety awareness is maintained throughout the shift.
- Ensure that individuals are properly trained and their job functions are being performed correctly.
- Report to Maintenance and/or the Safety Coordinator any safety hazards or equipment malfunctions and/or maintenance.
- Complete verbal and written disciplinary warnings and/or counseling in accordance with the Company's policies and procedures.
- Prioritize work orders to meet due date deadlines.

- Ensure all production schedules are completed at the end of the shift and that Company quality standards are met each day.
- Contributed to building an enthusiastic and rewarding work environment through efficiency and teamwork.
- Emergence Response Team Leader.

Altatron Inc. Fremont, CA
TEAM LEADER (ELECTRONICS)

1996 – 1997

- Led four Technicians in circuitry board troubleshooting and testing.
- Lead and ensure safety, quality and waste reduction initiatives
- Supervise Team Members and manage Human Resources issues such as attendance and behavior issues and corrective measures.
- Understand key performance indicators to monitor and assess effectiveness and efficiency
- Assess and analyze current practices and make recommendations for improvement
- Direct and coordinate the activities of team members engaged in the production of goods
- Develop, train and ensure compliance of standardized work
- Continuous improvement of standardized work
- Respond to abnormalities with respect to production concerns
- Investigate safety incidents thoroughly and implement effective countermeasures.

First Image Corporation. Concord, CA
COMPUTER OUTPUT MICROFICHE/LASER OPERATOR SUPERVISOR

1987 - 1996

- Coordinates and informs Department Manager of any issues affecting production orders.
- Assures and verifies that all production is within the department's budgeted standards (i.e. downtime, waste, yield, overweight, efficiencies, overtime, expenses, etc.).
- Conducts departmental training for production employees and maintains accurate records (i.e. Quality System, safety and work instructions, production efficiency, etc.)
- Conducts performance evaluations of subordinates and develops personnel for future opportunities.
- Assure that all employees follow company policies, procedures and established work instructions.
- Resolves any employee issues and documents disciplinary actions and superior performance recognitions for all employees.

- Obtain production schedule, request necessary work materials distribute among the operators and line workers.
- As Team Leader, brought manufacturing back online only 12 hrs after 1989 earthquake.
- Awarded Employee of the Month, June 1990.

TECHNICAL SKILLS

- MS Windows XP/VISTA/NT, Office, Word, Excel, PowerPoint, Access, Outlook email, and Calendar, web based email, Internet Explorer, Firefox
- Cisco Routers, Genrad 2886, HP Intercircuitry Test Equipment, Oscilloscopes, Logic Probe, AC Generator, Multimeters, Soldering & Wire wrapping, Logic Analyzer.

EDUCATION

- A.A. in Business Management, Los Medanos College, Pittsburgh, CA, May 2002
- Cisco Networking Certification, Los Medanos College, Pittsburgh, CA, March 2001
- AS-Electronics and Electrical Technician, Heald Technical College, San Francisco, CA, October 1986
- California Department of Real Estate License, October 2003
- California Notary Public License, January 2003
- California Department Of Justice Certification, November 2004
- Immigration Consultant Certification, August 2007

Extra Activities

2002-2003

Board member of Contra Loma Estate Home Owners Association

- Attend monthly board meetings and made decisions on issues that arise on monthly bases
- Work with lawyers and Insurance companies on 328 Unit condominium units
- Work with City Police on security concerns
- Review Contracts and disburse payments to Contractors and employees.

2004-2008

President of Contra Loma Estate Home Owners Association

- Preside over monthly meetings and public forum with owners and renters of a condominium unit
- Worked with four other board members on the operation of 328Units Condominium
- Singed and approve contracts for employees and contractors
- Inspect and approve structural work done on premises
- Administer penalties and work with owners and renters on coming up to code on the condo unit

- Listen to appeals and make consensus decisions with other board members on outcome of each case

1999-2000 & 2003-2004

Volunteered on Senator Tom Torlakson's campaign for State Senate as Information database Manager

- Complied and developed database information on all campaign contributors and potential donors.
- Worked with the accountants and financial analyst to make monthly reports so as to file monthly reports to federal and state government

2004-2005

Volunteered on Emmanuel Gbenga Ogunleye's campaign for state Assembly office as Information database Manager

- Complied and developed database information on all campaign contributors and potential donors.
- Worked with the accountants and financial analyst to make monthly reports so as to file monthly reports to federal and state government

Association Member

- Kiwanis Club
- California Chamber of Commerce
- Antioch Chamber of Commerce

Awards

- 2002 Honorary Co-Chairman Business Advisory Council
- 2001 Honorary Co-Chairman Business Advisory Council
- 1997 Appreciation Award for Effective Cost Savings
- 1990 Employee of the Month Award



RECEIVED

JAN 14 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. Thursday, January 30, 2014

APPLICATION FOR COMMUNITY SERVICE

BOARD OF ADMINISTRATIVE APPEALS - Board Member

Print your name: VINCE AUGLISTA

Address CRESTWOOD DR City: ANTIOCH

ZIP Code: 94521 Phone (H) _____ (W) N/A (C) _____

e-mail address: _____

Employer: N/A

Address: _____ City: _____

Occupation: RETIRED POLICE OFFICER

Years lived in the City of Antioch: 45

List the three (3) main reasons for your interest in this appointment: ① CIVIL

DUTY; ② I WANT TO BE A PART OF SOMETHING THAT
MAKES POSITIVE DECISIONS FOR CITIZENS OF ANTIOCH AS A WHOLE.

③ I HAVE THE TIME TO DEVOTE FULL ATTENTION TO THE
MATTERS AT HAND. GIVEN MY RETIREMENT STATUS.

Have you attended any meeting of this board? No

Have you had any previous city community service on this board? (If yes, please explain) No

What skills/knowledge do you have that would be helpful in serving on the Board of Administrative Appeals? I AM A RETIRED POLICE OFFICER.

I CAN BE OBJECTIVE, AND MAKE DECISIONS BASED UPON
THE EVIDENCE SUBMITTED.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

AS PREVIOUSLY STATED, I AM A RETIRED POLICE OFFICER (CITY OF ANTIOCH). BASED ON MY EXPERIENCE AS A POLICE OFFICER, I CAN LISTEN AND MAKE APPROPRIATE DECISIONS IN AN OBJECTIVE MANNER.

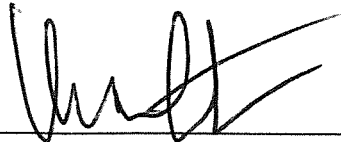
Can you attend meetings at the designated time and date? YES

PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

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City of Antioch
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007



Signature

1-13-14

Date

VINCENT J. AUGUSTA

Crestwood Dr.

Antioch, CA 94509

Home Phone: (925) 462-1111 Cell Phone: (925) 462-1111

EMAIL: vj.augusta@att.net

OBJECTIVE

To obtain a position on the Board of Administrative Appeals

HIGHLIGHTS OF QUALIFICATIONS

- High energy process and result-oriented professional.
- Over 25 years experience, planning, organizing operations and creative projects.
- Successful history in building client relations and customer satisfaction.
- Excellent coach, facilitator and team player.
- Outstanding interpersonal communication skills.
- Committed to helping organizations reach their professional and personal goals.

PROFESSIONAL EXPERIENCE

MANAGEMENT & SUPERVISION

- Supervised over 80,000 yearly air traffic control operations at NALF San Clemente Island. Ensured outstanding customer service, safety and reliability.
- During an assigned shift, supervised up to 6 air traffic controllers at one of five of the U. S. Navy's shore based RADAR surveillance facilities. Contributed to over 40,000 mishap free operations, received exemplary scores on all facility inspections and fully rated on all operating positions.
- As a 911 Dispatcher, managed the status of up to 40 police/fire assets using Computer Aided Dispatch equipment, in addition to utilizing interphone, video monitoring and radio equipment, while at the same time fielding calls from the public for emergency and/or routine requests for service.
- Facilitated the resolution of workplace problems with employees of government, military and industry.
- Field Training Officer. Assigned to train through lecture, and on the job training newly hired police officers, as well as completing daily written evaluations of their performance during a training cycle.
- As lead detective while conducting sexual assault investigations coordinated with other agencies concerning evidence gathering, witness statements and asset management.

COMMUNICATION & LIAISON

- Developed strong liaison network with staff in various departments, subsidiaries and offices, to effectively resolve conflict and operation issues.
- Controlled 30-50 aircraft per hour at an airport with high density military jet traffic and general aviation type aircraft.
- Coordinated over 1500 on-time Carrier Control Center Operations that ensured that carrier based pilots received their qualifications in a safe and efficient manner which saved the U.S. government over \$20,000 on training costs per sortie.

LICENSES/CERTIFICATIONS

Control Tower Operator (CTO) Certificate, NALF San Clemente Island
FAA Class II Medical Certificate (Current)

EMPLOYMENT HISTORY

ATC Facility Watch Supervisor, U. S. Navy, Fleet Area Control Surveillance Facility, North Island Naval Air Station, San Diego, CA 4/82-12/84

Air Traffic Control Specialist/GCA/CCA RADAR Controller, U.S Navy, Naval Auxiliary Landing Field, San Clemente Island, San Diego, CA 1/85-7/86

VINCENT J. AUGUSTA

Page two

EMPLOYMENT HISTORY (Cont)

Air Traffic Assistant, FAA, Boston Air Route Traffic Control Center, Nashua, NH. 8/86-1/87

Telephone Operator, Pacific Bell, Walnut Creek, CA. 4/87-11/87

911 Dispatcher, Contra Costa County Office of the Sheriff, Martinez and Antioch, CA 11/87-12/89

Deputy Sheriff, Contra Costa County Office of the Sheriff, Martinez, CA. 5/90-12/92

Police Officer, Antioch Police Department, Antioch, CA. 1/93-8/2013 (Retired)



RECEIVED

JAN 30 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. Thursday, January 30, 2014

APPLICATION FOR COMMUNITY SERVICE

BOARD OF ADMINISTRATIVE APPEALS - Board Member

Print your name: Martin C. Johnson

Address: Foster Mountain Ct City: Antioch

ZIP Code: 94531 Phone (H) (W) _____ (C)

e-mail address:

Employer: Morgan Stanley Wealth Management

Address: One Kaiser Plaza, 9th Floor City: Oakland

Occupation: Financial Advisor Associate

Years lived in the City of Antioch: 10 years

List the three (3) main reasons for your interest in this appointment:

I have served as a planning commission and enjoyed volunteering. I believe my educational background has prepared me for this role and that I can add value to the board. I believe that everyone is entitled to due process and this position allows me to be a part of the process to protect the rights of others

Have you attended any meeting of this board? No

Have you had any previous city community service on this board? (If yes, please explain) I have served as the Chair of the Planning Commission and as a commissioner for the 2007 to 2011 term.

What skills/knowledge do you have that would be helpful in serving on the Board of Administrative Appeals? I have a legal education and served on the planning

commission. Both of these experiences will aid me in serving because I know how the meetings are conducted and I know how to apply the relevant law to the facts that are presented to the board.

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

Can you attend meetings at the designated time and date? Yes.

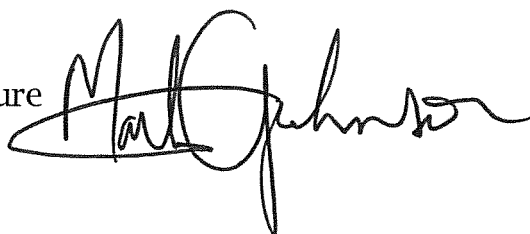
PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Board members are required to file a FPPC Form 700 (Statement of Economic Interest) with the City Clerk.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
City of Antioch
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007

Signature

A handwritten signature in black ink that reads "Mark Johnson". The signature is written in a cursive style with a large, sweeping initial "M".

Date

1/29/14

MARTIN C. JOHNSON

Ph: Crescent Drive, Suite A254, Pleasant Hill, CA 94523

Professional Objective

A financial/legal advisory role in an organization where my education and business experience are assets to the firm.

Professional Experience

MORGAN STANLEY WEALTH MANAGEMENT, Oakland, CA 1/2014 to present

Financial Advisor

- Design financial plans to assist clients in reaching their retirement, investment, estate, and tax planning goals

LAW OFFICE OF JOAN GRIMES, Walnut Creek, CA 9/2011 to 1/2014

Social Security Disability Paralegal

- Perform legal research, brief & motion writing, administrative law hearing appearances, calendaring, client intake interviewing, proofreading, maintenance of client files
Maintain blog, write articles, coordinate advertising

Results:

- Lead the research and strategy for opening a new practice area for the firm

ALLSTATE INSURANCE COMPANY, Concord, CA 12/2003 to 3/2011

Agency Owner

- As principal of firm, marketed and sold insurance and investment products
Assumed personnel, payroll, customer service, and compliance manager roles for multiple offices
Negotiated all contracts, managed vendors, and supervised staff of five agents

Results:

- Increased financial services sales first year by 50% and each subsequent year exceeded plan

DSK INSURANCE, San Ramon, CA 9/2002 to 12/2003

Managing Broker

- Responsible for marketing and sales of insurance and investment products for independent insurance broker
Developed regional strategic alliances with national insurance carriers, and supervised compliance requirements

USALLIANZ INVESTOR SERVICES, LLC, Minneapolis, MN 10/2001 to 9/2002

Regional Vice President

- Lead business development; wholesaling investment products to independent advisors and major wire houses
Extensive C-level presentations, negotiations, and sales to more than 1500 clients

Results:

- Increased market share for new products by building relationships where others could not

Education

JFK University College of Law, Pleasant Hill, CA Degree: Juris Doctor Expected: 5/2014

California State University, Hayward CA Degree: Masters of Business Administration

University of the Pacific, Stockton CA Degree: Bachelor of Arts, Communications

Community Involvement

President - Black Law Students Association, JFK University 2010 - Present
Contra Costa County Bar Association 2012 - Present
Charles Houston Bar Association 2011 - Present
City of Antioch Planning Commission 2007 - 2011



RECEIVED

JAN 30 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. Thursday, January 30, 2014

APPLICATION FOR COMMUNITY SERVICE

BOARD OF ADMINISTRATIVE APPEALS - Board Member

Print your name: LOLA ODUNLAMI

Address: KODIAK STREET City: ANTIOCH

ZIP Code: 94531 Phone (H) (415) 435-1111

e-mail address: _____

Employer: California Public Utilities Commission

Address: 305 Van Ness City: SF

Occupation: _____

Years lived in the City of Antioch: 20 years +

List the three (3) main reasons for your interest in this appointment: _____

Desire to serve

Opportunity to share knowledge and volunteer my time usefully
interest in participating and be part of a significant role to the city

Have you attended any meeting of this board? NO

Have you had any previous city community service on this board? (If yes, please explain) NO

What skills/knowledge do you have that would be helpful in serving on the Board of Administrative Appeals? Posers superior research, analysis and creative problem solving skills. Posers knowledge in the area of administrative law, appeals and experienced dealing with codes and regulations. Worked with diverse groups of people, respect and acknowledge peoples' differences as important and valuable. Ability to promote inclusiveness.

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Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

Ability to effectively communicate with diverse audience in a collaborative way. Worked with several government agencies and will bring ^{wealth of} best experience to the Board. Possess strong interpersonal skills, ability to build relationships, mitigate conflict, persuade and motivate others to embrace change. I possess a legal background with several years of experience.

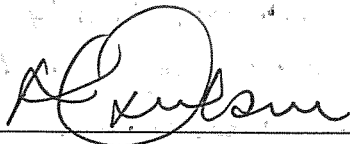
Can you attend meetings at the designated time and date? Yes

PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

Board members are required to file a FPPC Form 700 (Statement of Economic Interest) with the City Clerk.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
City of Antioch
200 "H" Street
P.O. Box 5007
Antioch, CA 94531-5007



Signature

1/29/2014

Date

Lola O. Odunlami

Kodiak Street, Antioch CA 94531

Cell:

Work:

PROFESSIONAL EXPERIENCE: Comprehensive knowledge of constitutional and civil rights regulations and codes; knowledge of administrative procedure and appeals, experienced regulatory compliance and legal research analyst; skilled in the presentation of evidence and examination of witnesses; Extensive knowledge of Court procedures, case load management and process facilitation. Focused, goal oriented with exceptional interpersonal skills.

ASSOCIATE TRANSPORTATION REP., CA PUBLIC UTILITIES COMMISSION, SF, CA 01/2013-PRESENT

- Evaluate, analyze, and examine case records to develop findings of fact and facilitate appropriate measures
- Conduct inspections, examine witnesses, hold deliberative meetings and investigate passenger carriers' activities to ensure compliance with the California Public Utilities Code
- Initiate administrative citations or other operational procedures to develop findings of fact, prepare affidavits for probable cause or to resolve complaints or violations.
- Research, Interpret codes, General Orders and Prepare clear, concise reports of findings and case summaries
- Adopt and apply rules of evidence, laws of arrest, resolutions and court procedures in performing carriers' regulatory work
- Authenticate documents and utilize appropriate steps to inform clients on CPUC's laws and procedures
- Perform other administrative functions with specific deadlines to manage and track caseload.

SENIOR LEGAL ANALYST, ATTORNEY GENERAL OFFICE, SF, CA 10/06-01/2013

- Performed complex duties pertaining to Civil rights Litigation and Constitutional Law violations
- Assisted in litigating and investigating wide range of cases including, Excessive Force, Gang Validation, Excessive, Cruel & Unusual Punishment, 8th Amend, and Deliberate Indifference to Medical Care cases
- Reviewed, analyzed and made recommendations for dispositive legal actions, violations and or complaints
- Issued spot causes of action and facilitated case opening and dispositive motions
- Facilitated witness/client interviews, assisted with trial preparations, settlement conferences and evidentiary document preparations
- Prepared propounded and responded to discovery requests, fact-finding memoranda and records for trials
- Made visual distinctions on proposed trial exhibits, proposed testimonies and proofread documents
- Conducted extensive legal research, participated in ediscovery utilizing electronic support software and engaged in special projects.

LEGAL ASSISTANT/BOARD LIAISON, VICTIM COMP. & GOVT., CLAIMS BOARD, CA. 04/06 -10/06

- Served as liaison between the public, management staff, governor's office, government agencies and media.
- Coordinated with managers on proposed decisions reviews to ensure proper execution of Board and management directives
- Ensured compliance with Bagley-Keene Open Meeting Act
- Coordinated Board member requests, consulted and assisted Chief Counsel on diverse legal issues
- Developed and managed Board Meeting Records, Resolutions, minutes, and Meeting Agenda
- Conducted legal research and maintained law library
- Evaluate Contract Bids and claims filed under Penal Code §4900 [Erroneously convicted felons]
- Administered Bid Protests, processed subpoena, prepared requests to quash/modify and requests pursuant to Information Practices Act/Records Act.

PARALEGAL, CONTRA COSTA COUNTY PUBLIC DEFENDER, MARTINEZ, CA 01/02 - 04/06

- Conducted juvenile and adult clients and inmate interviews
- Organized trial documents, conducted witness interviews and tracked exhibits within the chain of custody.
- Prepared subpoenas, crime summaries, monitored cases for conflicts

- Processed Conservatorships, filed Writs and evaluated prior-criminal history to promote plea bargaining

ADMINISTRATIVE PARALEGAL:

- Coordinated HR functions; contract development, processed contract documentations and interviews
- Prepared mandatory reports including, Equal Employment Opportunity and Small Business Enterprise
- Implemented policies and procedures regarding contract regulations, disability management, civil rights, and workers compensation.
- Facilitated processing of mandatory reports (Equal Employment Opportunity, Minority and Small Business Enterprise)
- Assisted section managers with budget preparation, performance appraisals and evaluations
- Monitored compliance with Federal /State ADA laws and Family Medical Leave Act (FMLA)

LEGAL INTERN, GOLDEN GATE UNIV., ENVIR., LAW & JUSTICE CLINIC. SF, CA. 01/04 – 5/05

- Interpreted complex Environmental Laws, regulations, related to CEQA, EIR, NEPA and other actions
- Engaged in various regulations research and conducted environmental/legislative policy analysis
- Conducted client interviews, attended Boards meetings and environmental law justice meetings
- Collaborated with community groups, participated in outreach and assisted with in carrying out policy/compliance surveys.

SUPERIOR COURT CLERK, CONTRA COSTA COUNTY SUPERIOR COURT, CA 8/01-12/01

- Engaged in legal procedures; processing motions, adjournments and court hearings
- Responded to inquiries, prepared minute orders, orders after hearings and calendared hearings
- Staff assigned to trials, child custody cases, divorce proceedings, jury selections, arraignments or sentencing
- Administered oaths to testifying witnesses and performed other assignments as necessary
- Recorded and secured evidence and documents to the court's seal

LEGAL ASSISTANT, DISTRICT ATTORNEY'S OFFICE, CITY & COUNTY OF SF., CA 07/00 – 08/01

- Recording and managed attorney time spent in appropriating Federal/State Funded programs
- Developed policies and procedures to ensure compliance with Senate Bill 90 program requirements
- Collaborated with federal and state agencies regarding mandated cost reporting and information tracking
- Analyzed case statistics, evaluated impacts on new legislation
- Prepared and processed Grants applications

CHILD SUPPORT INVESTIGATOR

- Conducted intake interviews, attended hearings and prepared Amendments to Support awards
- Prepared Complaints, Stipulations to Child Support awards and attended court hearings
- Prepared Wage Garnishment, liaised with employers on wage withholding
- Coordinated with attorneys and collaborated with DMV to resolve cases or impose enforcement actions
- Respond to inquiries and conducted legal and investigative research

EDUCATION:

- Licensed Attorney in the State of Washington Bar #46167
- Peace Officers Standard Training Certificate, PC 832
- Certified Mediator, San Francisco Bar Association, 2013
- Golden Gate University, LLM. United States Legal Studies. 06/05
- Golden Gate University, LLM. Environmental Law 12/04
- Nigerian Law School, Victoria Island, Lagos. (BL) J.D. 12/89
- University of Ife, Ile -Ife, Nigeria. (LL.B) 06/87.

RECEIVED
OCT 18 2013
CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: _____

APPLICATION FOR COMMUNITY SERVICE

NAME OF BOARD OR COMMISSION BOARD OF ADMINISTRATIVE APPEALS

PRINT YOUR NAME FREDERICK ROUSE

ADDRESS CROCKER WAY CITY ANTIOCH

ZIP CODE 94531 PHONE (H) _____ (W) _____

E-MAIL ADDRESS _____

EMPLOYER _____

ADDRESS _____ CITY _____

OCCUPATION _____

YEARS LIVE IN THE CITY OF ANTIOCH 16

LIST THE THREE (3) MAIN REASONS FOR YOUR INTEREST IN THIS APPOINTMENT:

QUALITY OF LIFE

IMPROVE OUR CITY

SAVE OUR CITY FROM BUDGET

HAVE YOU ATTENDED ANY MEETINGS OF THIS BOARD/COMMISSION? YES

HAVE YOU HAD ANY PREVIOUS CITY COMMUNITY SERVICE ON THIS BOARD/COMMISSION? (If yes, please explain) PREVIOUS CHAIRPERSON

WHAT SKILLS/KNOWLEDGE DO YOU HAVE THAT WOULD BE HELPFUL IN SERVING ON THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING? PAST EXPERIENCE

If you would like to be considered for future openings on Boards or Commission, please check the appropriate lines(s) and return to City Hall. You will be notified when an opening occurs.

- Board of Administrative Appeals
- Building Board of Appeals
- Economic Development Commission
- Investment Advisory Committee
- Parks and Recreation Commission
- Planning Commission
- Police Crime Prevention Commission
- Youth Commission

How did you learn of this opening?

Word of Mouth _____ Channel 26 _____ Newspaper: _____
If website, name of site: City of Antioch X _____
Other? Website Address: _____

Name: FREDERICK ROUSE

Address: CROCKER WAY, ANTIOCH, CA 94531

Phone: work: _____ home: _____

Please mail to: City Clerk
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Frederick Rouse

Crocker Way

Antioch, CA 94531

I am a proven leader in managing a worldwide Program Management Team with the target of establishing, developing, directing the process of delivering products from concept to introduction to market.

My focus is on organizational and corporate product delivery goals. I am experienced in multiple industries including High-tech start up, shipping, enterprise software and hardware. I specialize in building business and organizational processes, partnerships, managing internal PMO office and opening communication channels within a company. I also have managed contracts, worked with legal to determine the best results and cost controls.

In addition I have also driven and won at consistently improving service levels and customer relationships by strategizing and implementing policy and procedures to provide world-class operations and on time delivery of product. With the target of outperforming customer expectations, I am a proven leader and excellent in my communication skills. I have the ability to manage multiple and competing priorities, meet deadlines, operate within budget goals, meeting quality expectations and function independently work driving contracts and interface with vendors while collaborating effectively in a team environment.

What makes me a good fit for your position: My leadership of the direct worldwide Staff of 20. By my working directly in a customer response team – both in sustaining, issue resolution, prioritizing with the focus on overall customer satisfaction. My experience and clear knowledge of Waterfall, Phase gate and other LCM models. My development of dashboards, timelines, estimates, reports, strategies and other graphical representations of the status of a project or program. My excellent communication skills. My focused understanding of ROI and the impact of such on a global business. The fact that I put our customer quality and satisfaction first. My ability to design and implement internal process changes and implement these changes. The fact that I have reported to SVP/CEO of major corporations. My leadership in developing sustained and trusted relations in cross-functional teams. My experience in contract negotiation on the company side and the customer side (both inbound and outbound) including legal, purchasing, customer expectations, internal communication of deliverables and commitment to closure.

Sr. Director of Program Management

Sybase an SAP Company

Public Company; 1001-5000 employees; SY; Computer Software industry

January 2001 – December 2011 (11 years)

My key duties were to direct the program tracking, product delivery and management reporting activities. Assemble project teams with direct cradle to grave product responsibility. Develop standards and processes that support product delivery, quality testing, metric tracking and product life cycle flows. Develop product release plans that identify and communicate product goals, revision history, features list enhancement plans and product positioning. I have considerable expertise in developing detailed plans for complex projects involving challenging requirements, limited resources, and fixed deadlines.

I have a proven track record of managing multiple projects simultaneously. I am an expert in building appropriate processes and tools and delivering results. .

Sr. Program Manager

Synopsys, Inc.

Public Company; 5001-10,000 employees; SNPS; Computer Software industry

August 1998 – December 2000 (2 years 5 months)

Sr. Manager Field Applications Systems

DHL Airways

Public Company; 10,001+ employees; DHL; Logistics and Supply Chain industry

January 1996 – August 1998 (2 years 8 months)

Program Manager, Electronic Design Automation Products

Cadence Design Systems, Inc.

Public Company; 1001-5000 employees; CDNS; Computer Software industry

July 1994 – January 1996 (1 year 7 months)

Sun Microsystems Federal, Inc. - Program Manager, Federal Programs

Sun Microsystems, Inc.

Public Company; 10,001+ employees; ORCL; Information Technology and Services industry

May 1984 – May 1994 (10 years 1 month)

RECEIVED

JAN 09 2014

CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: January 16, 2014

APPLICATION FOR COMMUNITY SERVICE

NAME OF BOARD OR COMMISSION Board of Admin Appeals

PRINT YOUR NAME Catherine E. Walker ADDRESS Strawberry Ct CITY Antioch,

Ca ZIP CODE 94531 PHONE (H) 530-426-1111 (cell) 530-426-1111

E-MAIL ADDRESS _____ EMPLOYER Retired

ADDRESS _____

CITY _____ OCCUPATION Retired

Assistant CEO & CPA YEARS _____ LIVE IN

THE CITY OF ANTIOCH 15

LIST THE THREE (3) MAIN REASONS FOR YOUR INTEREST IN THIS APPOINTMENT:

1. Community Involvement

2. Time available

3. Education and Experience make me qualified to do the job

HAVE YOU ATTENDED ANY MEETINGS OF THIS BOARD/COMMISSION? _____

HAVE YOU HAD ANY PREVIOUS CITY COMMUNITY SERVICE ON THIS BOARD/COMMISSION? (If yes, please explain) No

WHAT SKILLS/KNOWLEDGE DO YOU HAVE THAT WOULD BE HELPFUL IN SERVING ON THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING? _____

Certified Public Accountant (In active 1 Year)

Assistant Chief Executive officer for 6 Billion dollar Government Pension Fund (6 years)

Chief Financial Officer for the same pension fund (9 years)

Senior Level Auditor for CPA firm (7 years)

Resident of Antioch 15 years

(Over)

PLEASE INDICATE ANY FURTHER INFORMATION OR COMMENTS YOU WISH TO MAKE THAT WOULD BE HELPFUL IN REVIEWING YOUR APPLICATION.

I am currently retired from my position as an Executive Manager and have the interest and time to would like to use my skills and abilities to build my community.

Multiple horizontal lines for providing further information or comments.

PLEASE READ THE ATTACHED GENERAL INFORMATION REGARDING BOARDS AND COMMISSION SO YOU ARE AWARE OF THE DUTIES, TIME AND FREQUENCY OF MEETINGS.

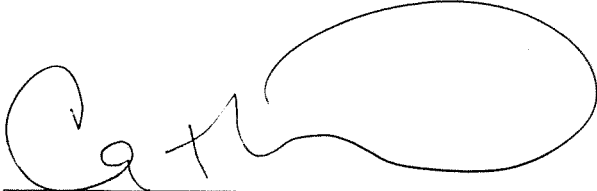
CAN YOU ATTEND MEETINGS AT THE DESIGNATED TIME? Yes

PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

THE TOP THREE/FOUR CANDIDATES WILL UNDERGO A BACKGROUND CHECK BY THE ANTIOCH POLICE DEPARTMENT PRIOR TO APPOINTMENT.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
P.O. BOX 5007
ANTIOCH, CA 94531-5007



Signature

1/7/2014
Date

If you would like to be considered for future openings on Boards or Commission, please check the appropriate lines(s) and return to City Hall. You will be notified when an opening occurs.

x Board of Administrative Appeals

Building Board of Appeals

Economic Development Commission

x Investment Advisory Committee

Parks and Recreation Commission

x Planning Commission

x Police Crime Prevention Commission

Youth Commission

How did you learn of this opening?

Word of Mouth xx Channel 26

Newspaper: xx

If website, name of site: City of Antioch

Other? Website Address:

Name: Catherine E. Walker

Address: 3 Strawberry Ct Antioch CA 94531

Phone: work: (cell) home:

Please mail to: City Clerk
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

CATHERINE E. WALKER CPA

SUMMARY OF QUALIFICATIONS

20+ years of results-oriented leadership with an excellent track record of performance in turnaround and high-paced organizations. Keen analytical and insightful team oriented approach to drive organizational improvements and implementation of best practices. Superior interpersonal skills, capable of resolving complex operational and strategic issues and motivates staff to peak performance. Effective communicator with the trustees and other constituents. Additional areas of expertise include:

Board Governance & Board Policy Development

Finance, Budgeting & Cost Management

Cost Analysis & Cash Management

Risk Assessment / Financial Reporting

Pension Plan Administration Best Practices

Working knowledge of the state legislative process & civil service rules & regulations

Policy & Procedure Development

Strategic, Vision & Mission Planning

Contract Negotiations & Strategic Alliances

Team Building & Organizational Leadership

Disaster Recovery / Information Technology

Data Management Infrastructure/ Business Continuity

EDUCATIONAL DEVELOPMENT, AFFILIATIONS & TRAINING

Bachelor's of Arts (Management) Accounting

Graduated With Honors and Distinction
California State University Sonoma, California

Certified Public Accountant (CPA)

State of California State Board of Accounting

Pension Funds & Money Management Program

Wharton School of Business, University of Pennsylvania

Program on Negotiations for Senior Executives

Harvard School of Law

Investment Management Process

Callan College San Francisco, California

Qualified Instructor: Constructive Confrontation • Regulatory & Legislative Policies • Managing the Performer • Project & Program Management • Strategic Skills Management • Fiduciary Duty & Behavioral Finance • Ethics & Professional Conduct • Managing through People • Negotiating to Win/Win • Conducting Employee Performance Evaluation • Improving Employee Performance • Public Pension Plan Governance

CERTIFICATIONS

GASB Certificate of Recognition for early implementation of GASB 34
Governmental Accounting Standards Board (GASB)

Public Plan Policy Employee Pensions (CAPPP)
International Foundation of Employee Benefits Plans (IFEBP)

Evaluation Internal Controls
Governmental Financial Officers Association (GFOA)

BOARDS AND MEMBERSHIPS

California Society of Certified Public Accountants (CALCPA)
American Institute of Certified Public Accountants (AICPA)
Governmental Financial Officers Association (GFOA)
Governmental Financial Officers Association Black Caucus (GFOA)
Committee on Retirement and Benefits Administration (CORBA)
State Association of County Retirement Systems (SACRS)

PROFESSIONAL EXPERIENCE

Alameda County Employees' Retirement Association (ACERA) Oakland, CA September 6, 1996 – Present

ACTING CHIEF EXECUTIVE OFFICER, ACERA
May 20, 2010 – December 11, 2012

Supervisor: ACERA Board of Trustees
Managed a staff of 108 Salary \$191,400

Achievements:

- Implemented new contract compliance process.
- Developed and implemented Internal Audit Department.
- Received Public Pension Standards Award for funding an administration for year ended December 2010.
- Directed the Strategic Plan and implemented ACERA's Operational Budget for year ended December 2010
- Successful oversight of EDMS Project implementation and Day forward Scanning department.
- Successful oversight of Board Election of 5 Seats.

Responsibilities:

- Planning and directing all ACERA activities in accordance with the Board policies. This includes the recommendation and implementation of programs and policies, supervision and mentoring of the Executive and Senior staff, management of operating plans and assisting the Board in forecasting and policy development in order to ensure that ACERA goals and objectives are being met;
- Responsible for executing the Business Plan strategy and accountability and reporting for the development and adherence of the budget, as agreed with the ACERA Board of Retirement;
- Oversee all financial and operational matters related to the organization, including financing, audit, budgeting, forecasting, management of investment portfolios, Employer relationships and liaison with funds' investment managers, actuary, consultants and custodians;
- Work directly with Legal on all legal matters affecting ACERA and its constituents. Including recommendations to the Board of Retirement and Board of Supervisors of any legislation issues that may affect the retirement system and/or the 1937 County, Employees' Retirement Act;
- Demonstrates leadership, vision and ability to influence and motivate others with knowledge of civil service rules and regulations;
- Strong listening and communication skills with all levels internally and externally;
- High personal and professional integrity;
- Strategic and creative thinker with management expertise;
- Work effectively with diverse constituencies and to build effective collaborative relationships;

PROFESSIONAL EXPERIENCE CONTINUED

Alameda County Employees' Retirement Association (ACERA) Oakland, CA
September 6, 1996 – Present

ASSISTANT CHIEF EXECUTIVE OFFICER, ACERA
September 2005 – May 20, 2010

Supervisor: Charles Conrad, Chief Executive Officer
Managed a staff of 74 Salary \$178,000

Achievements:

- Certificate of Achievement of Excellence in Financial Reporting from the GFOA for the ninth through fourteenth consecutive years, fully expecting to receive it for the fifteen.
- Earned Certificate of Achievement for the Popular Annual Financial Report from GFOA in first year of Submission.
- Developed ACERA/Participating Relationship while clearing a back log of transmittal exception.

Responsibilities:

- Directed the development and implementation of ACERA's strategic communications plan;
- Directed the development of ACERA's senior management compensation plan;
- Directed the development of ACERA's Disaster Recovery Plan;
- Directed the selection process and implementation of ACERA's Electronic Data Management System;
- Directed the design, creation and implementation of the Internal Audit Division.
- Oversaw development and coordination of What's-up Quarterly Newsletter;

CHIEF FINANCIAL OFFICER, ACERA
September 1996 – September 2005

Supervisor: Charles Conrad, Chief Executive Officer
Managed a staff of 13 - 17 Salary \$132,870

Achievements:

- Certificate of Achievement of Excellence in Financial Reporting from the GFOA for eight consecutive years.
- Nine years of UN-qualified opinion on Financial Statements from Independent Auditors.
- Certificate of Recognition from the Governmental Accounting Standards Board for the early adoption of GASB 34. ACERA was the only 37'ACT County to achieve this recognition.
- Effectively reduced the 13 pages of deficiencies listed in a management letter from ACERA's external auditors containing numerous reportable conditions to ZERO reportable conditions within the first year;
- Received unqualified opinion and Audit with zero audit adjustments to the Financial Statements.
- Drafted Accounting Policy and Procedure manual;

Responsibilities:

- Planned, organized, directed and coordinated the fiscal activities of the Retirement Association
- Participated in hiring decisions, disciplinary actions and other personnel activities;
- Provided technical direction to staff and assists in resolving problems;
- Developed and implemented plans for improvement of record-keeping systems and procedures;
- Conferred with representatives of financial institutions and investment managers regarding the accounting and processing of investment funds;
- Responsible for the preparation and adherence to an Eleven Million dollar Annual Budget;

PROFESSIONAL EXPERIENCE CONTINUED

Williams Adley & Company, LLP Oakland, CA

AUDIT MANAGER

September 1995 – September 1996

Supervisor: Lonnie Anderson

Managed a staff of 6

Responsibilities:

- Managed the Audit of Oakland Police & Fire Retirement;
- Managed the Audit of Oakland Municipal Employee Retirement System;
- Presented audit results to governing boards.

Clarence White, CPA, Richmond, CA

AUDIT SUPERVISOR

September 1993 – September 1995

Supervisor: Clarence White

Managed a staff of 5 - 6

Responsibilities:

- Managed the Audit of East Bay Municipal Utility District Retirement Plan and several other Governmental and Pension Plans;
- Presented audit results to governing boards.

KPMG San Francisco, CA

AUDITOR, KPMG SAN FRANCISCO, CA

July 1990 – September 1993

Supervisor: Various Partners

Managed a staff of 5 - 6

Responsibilities:

- Managed the Audit of East Bay Municipal Utility District Retirement Plan and several other Governmental and Pension Plans;
- Presented audit results to governing boards.

**STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE
COUNCIL MEETING OF MARCH 25, 2014**

Prepared by: Arne Simonsen, City Clerk, *AS*
Christina Garcia, Deputy City Clerk *CG*

Approved by: Steven Duran, City Manager *SD*

Date: March 19, 2014

Subject: APPOINTMENT TO CONTRA COSTA MOSQUITO & VECTOR
CONTROL BOARD OF TRUSTEES TO FILL ONE (1) VACANCY
(ANTIOCH RESIDENT REPRESENTATIVE)

RECOMMENDATION

It is recommended that the Mayor appoint the board member to fill one (1) expired term to the Contra Costa Mosquito & Vector Control Board of Trustees and that the City Council approve the appointment.

BACKGROUND INFORMATION

The Board of Trustees are officials appointed by their respective City Councils to govern the Mosquito and Vector Control District knowledgeably and effectively. They serve without compensation for a term of two to four years. The regular business meetings are held on the second Monday of every other month starting in January. Meetings are held at the District office, 155 Mason Circle, Concord, at 7:00 p.m. The meetings are open to the public. The City of Antioch advertised to fill the vacancy in the usual manner.

The Clerk's Office received one application for this vacancy from Lola Odunlami. The applicant was interviewed by Mayor Harper.

FINANCIAL IMPACT

None. This position is voluntary.

OPTIONS

Direct staff to re-advertise for the Contra Costa Mosquito & Vector Control District vacancy.

ATTACHMENT

- A. Application of listed Applicant.



RECEIVED
JAN 30 2014
CITY OF ANTIOCH
CITY CLERK

APPLICATION DEADLINE: 5:00 p.m. Thursday, January 30, 2014

APPLICATION FOR

CONTRA COSTA COUNTY MOSQUITO & VECTOR CONTROL BOARD OF TRUSTEES

Print your name: LOLA ODUNLAMI

Address: KODIAK STREET City: ANTIOCH CA

ZIP Code: 94531 Phone (H) _____ (W) _____ (C) _____

e-mail address: _____

Employer: California Public Utilities Commission

Address: 505 GRAN NESS AV City: SF

Occupation: Investigator

Years lived in the City of Antioch: 19 years +

List the three (3) main reasons for your interest in this appointment: _____

Opportunity and desire to serve the public

Interested in protecting the environment & live

Ability to participate and be part of a noble cause

Have you attended any meeting of this board? NO

Have you had any previous city community service on this board? (If yes, please explain) NO

What skills/knowledge do you have that would be helpful in serving on the Contra Costa Mosquito & Vector Control District Board? I have a can do attitude, good decision making skills, ability to identify issues, develop analysis of alternative positions, familiar with interpret codes and regulations. Superb legal experience with mature interpersonal skills

Please indicate any further information or comments you wish to make that would be helpful in reviewing your application.

I possess excellent communication skills, ability to listen and communicate complex information and analysis to diverse audience. Possess ability to solve problems, good team player with interpersonal skills and ability to work independently.

Additional information about the Contra Costa Mosquito & Vector Control Board and its mission is available online at www.ContraCostaMosquito.com

The Board meets on the second Monday of every other month starting in January at 7:00 p.m. at the District's offices at 155 Mason Circle, Concord.

Can you attend meetings at the designated times? Yes

PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

DELIVER OR MAIL TO: Antioch City Clerk
200 "H" Street
Antioch, CA 94509

A. [Signature]

Signature

1/29/2014

Date

Lola O. Odunlami

Kodiak Street, Antioch CA 94531

Cell: 925-777-1111

Work: 925-777-1111

PROFESSIONAL EXPERIENCE: Comprehensive knowledge of environmental, transportation and utility regulations and codes; experienced regulatory compliance and legal research analyst; skilled in the presentation of evidence and examination of witnesses; Extensive knowledge of Court procedures, case load management and process facilitation. Focused, goal oriented with exceptional interpersonal skills.

ASSOCIATE TRANSPORTATION REP., CA PUBLIC UTILITIES COMMISSION, SF, CA 01/2013-PRESENT

- Evaluate, analyze, and examine case records to develop findings of fact and facilitate appropriate measures
- Conduct inspections, examine witnesses, hold deliberative meetings and investigate passenger carriers' activities to ensure compliance with the California Public Utilities Code
- Initiate administrative citations or other operational procedures to develop findings of fact, prepare affidavits for probable cause or to resolve complaints or violations.
- Research, Interpret codes, General Orders and Prepare clear, concise reports of findings and case summaries
- Adopt and apply rules of evidence, laws of arrest, resolutions and court procedures in performing carriers' regulatory work
- Authenticate documents and utilize appropriate steps to inform clients on CPUC's laws and procedures
- Perform other administrative functions with specific deadlines to manage and track caseload.

SENIOR LEGAL ANALYST, ATTORNEY GENERAL OFFICE, SF, CA 10/06-01/2013

- Performed complex duties pertaining to Civil rights Litigation and Constitutional Law violations
- Assisted in litigating and investigating wide range of cases including, Excessive Force, Gang Validation, Excessive, Cruel & Unusual Punishment, 8th Amend, and Deliberate Indifference to Medical Care cases
- Reviewed, analyzed and made recommendations for dispositive legal actions, violations and or complaints
- Issued spot causes of action and facilitated case opening and dispositive motions
- Facilitated witness/client interviews, assisted with trial preparations, settlement conferences and evidentiary document preparations
- Prepared propounded and responded to discovery requests, fact-finding memoranda and records for trials
- Made visual distinctions on proposed trial exhibits, proposed testimonies and proofread documents
- Conducted extensive legal research, participated in ediscovery utilizing electronic support software and engaged in special projects.

LEGAL ASSISTANT/BOARD LIAISON, VICTIM COMP. & GOVT., CLAIMS BOARD, CA. 04/06 -10/06

- Served as liaison between the public, management staff, governor's office, government agencies and media.
- Coordinated with managers on proposed decisions reviews to ensure proper execution of Board and management directives
- Ensured compliance with Bagley-Keene Open Meeting Act
- Coordinated Board member requests, consulted and assisted Chief Counsel on diverse legal issues
- Developed and managed Board Meeting Records, Resolutions, minutes, and Meeting Agenda
- Conducted legal research and maintained law library
- Evaluate Contract Bids and claims filed under Penal Code §4900 [Erroneously convicted felons]
- Administered Bid Protests, processed subpoena, prepared requests to quash/modify and requests pursuant to Information Practices Act/Records Act.

PARALEGAL, CONTRA COSTA COUNTY PUBLIC DEFENDER, MARTINEZ, CA 01/02 - 04/06

- Conducted juvenile and adult clients and inmate interviews
- Organized trial documents, conducted witness interviews and tracked exhibits within the chain of custody.
- Prepared subpoenas, crime summaries, monitored cases for conflicts
- Processed Conservatorships, filed Writs and evaluated prior-criminal history to promote plea bargaining

ADMINISTRATIVE PARALEGAL:

- Coordinated HR functions; contract development, processed contract documentations and interviews
- Prepared mandatory reports including, Equal Employment Opportunity and Small Business Enterprise
- Assisted section managers with budget preparation, performance appraisals and evaluations
- Monitored compliance with Federal /State ADA laws and Family Medical Leave Act (FMLA)

LEGAL INTERN, GOLDEN GATE UNIV., ENVIR., LAW & JUSTICE CLINIC. SF, CA. 01/04 – 5/05

- Interpreted complex Environmental Laws, regulations, related to CEQA, EIR, NEPA and other actions
- Engaged in various regulations research and conducted policy analysis
- Conducted client interviews, attended Boards meetings and environmental law justice meetings
- Collaborated with community groups, participated in outreach and assisted with in carrying out policy/compliance surveys.

SUPERIOR COURT CLERK, CONTRA COSTA COUNTY SUPERIOR COURT, CA 8/01-12/01

- Engaged in legal procedures like processing motions, adjournments and court hearings
- Responded to inquiries, prepared minute orders, and calendared hearings
- Staff assigned to trials, child custody cases, divorce proceedings, jury selections, arraignments or sentencing
- Administered oaths to testifying witnesses
- Recorded and secured evidence and documents to the court's seal

LEGAL ASSISTANT, DISTRICT ATTORNEY'S OFFICE, CITY & COUNTY OF SF., CA 07/00 – 08/01

- Recording and managed attorney time spent in appropriating Federal/State Funded programs
- Developed policies and procedures to ensure compliance with Senate Bill 90 program requirements
- Collaborated with federal and state agencies regarding mandated cost reporting and information tracking
- Analyzed case statistics, evaluated impacts on new legislation
- Prepared and processed Grants applications

CHILD SUPPORT INVESTIGATOR

- Conducted intake interviews, attended hearings and prepared Amendments to Support awards
- Prepared Complaints, Stipulations to Child Support awards and attended court hearings
- Prepared Wage Garnishment, liaised with employers on wage withholding
- Coordinated with attorneys and collaborated with DMV to resolve cases or impose enforcement actions
- Respond to inquiries and conducted legal and investigative research

EDUCATION:

- Licensed Attorney in the State of Washington Bar #46167
- Peace Officers Standard Training Certificate, PC 832
- Certified Mediator, San Francisco Bar Association, 2013
- Golden Gate University, LLM. United States Legal Studies. 06/05
- Golden Gate University, LLM. Environmental Law 12/04
- Nigerian Law School, Victoria Island, Lagos. (BL) J.D. 12/89
- University of Ife, Ile -Ife, Nigeria. (LL.B) 06/87.

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE COUNCIL MEETING OF MARCH 25, 2014

Prepared by: Arne Simonsen, City Clerk, *AS*
Christina Garcia, Deputy City Clerk *CG*

Approved by: Steven Duran, City Manager *SD*

Date: March 19, 2014

Subject: APPOINTMENT TO CONTRA COSTA COUNTY LIBRARY COMMISSION TO FILL ONE (1) VACANCY (ANTIOCH RESIDENT REPRESENTATIVE)

RECOMMENDATION

It is recommended that the Mayor appoint the board member to fill one (1) expired term to the Contra Costa County Library Commission and that the City Council approve the appointment.

BACKGROUND INFORMATION

The Contra Costa County Library Commission was established by the Contra Costa County Board of Supervisors in March 1991. The Commission was created to serve in an advisory capacity to the Board of Supervisors and the County Librarian. The Library Commission is comprised of 29 members:

- 18 members representing the cities/towns in Contra Costa County - these Commissioners are appointed by the city/town councils
- 5 members represent Contra Costa County - each member of the Board of Supervisors appoints one Commissioner
- 5 members represent the Central Labor Council, the Contra Costa Council, the Contra Costa Community College District, the Superintendent of Schools, and the Friends Council

The Board normally meets on the fourth Thursday of every other month starting in January at 7:00 p.m. at the Library Administration, 75 Santa Barbara Blvd., Pleasant Hill. The City of Antioch advertised to fill the vacancy in the usual manner.

The Clerk's Office received one application for this vacancy from Walter Ruehlig. The applicant was interviewed by Mayor Harper.

FINANCIAL IMPACT

None. This position is voluntary.

OPTIONS

Direct staff to re-advertise for the Contra Costa County Library Commission vacancy.

ATTACHMENT

- A. Application of listed Applicant.

RECEIVED

DEC 30 2013

CITY OF ANTIOCH
CITY CLERK

Resubmitted

APPLICATION DEADLINE:

12/30/13

APPLICATION FOR COMMUNITY SERVICE

NAME OF BOARD OR COMMISSION

Antioch Representative to the
Contra Costa County Library Commission

PRINT YOUR NAME

Walter Kenneth Ruehlig

ADDRESS

Green Hills Circle

CITY

Antioch

ZIP CODE

94531

PHONE (H)

(W)

E-MAIL ADDRESS

EMPLOYER

Pittsburg Unified School District

ADDRESS

1151 Shoreman Ave.

CITY

Pittsburg

OCCUPATION

Teacher

YEARS LIVE IN THE CITY OF ANTIOCH

17

LIST THE THREE (3) MAIN REASONS FOR YOUR INTEREST IN THIS APPOINTMENT:

- 1) I bring a good understanding of literacy development as a teacher
- 2) I worked on the Hewett Community Center Project and hope to see the library expand someday with state funding
- 3) I am a youth advocate (School Board, faith organizations, Scouts, etc.)

HAVE YOU ATTENDED ANY MEETINGS OF THIS BOARD/COMMISSION?

YES, 10 years

HAVE YOU HAD ANY PREVIOUS CITY COMMUNITY SERVICE ON THIS

BOARD/COMMISSION? (If yes, please explain)

10 years of service, we meet 6+

a year.

WHAT SKILLS/KNOWLEDGE DO YOU HAVE THAT WOULD BE HELPFUL IN SERVING ON THE BOARD/COMMISSION FOR WHICH YOU ARE APPLYING?

As a former English teacher and as an amateur writer I love books and libraries.

My service (8 years) with the Antioch School Board and five years with the County Human Relations Commission has sharpened my governance skills + understanding of the ^(over) advisory nature of such boards.

If you would like to be considered for future openings on Boards or Commission, please check the appropriate lines(s) and return to City Hall. You will be notified when an opening occurs.

Board of Administrative Appeals

County Library Commission
(Antioch Representative)

Building Board of Appeals

Economic Development Commission

Investment Advisory Committee

Parks and Recreation Commission

Planning Commission

Police Crime Prevention Commission

Youth Commission

How did you learn of this opening? *

Word of Mouth _____ Channel 26 _____ Newspaper: _____

If website, name of site: City of Antioch

Other? Website Address: Letter from County Library office + one from Jim Jake

Name:

Walter Ruehlig

Address:

Green Hills Circle, Antioch, CA 94531

Phone:

work: _____ home: _____

Please mail to: City Clerk
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

PLEASE INDICATE ANY FURTHER INFORMATION OR COMMENTS YOU WISH TO MAKE THAT WOULD BE HELPFUL IN REVIEWING YOUR APPLICATION.

I have been on the Commission for ten years, I believe, and have only three absences, all excused out of sixty some meetings.

PLEASE READ THE ATTACHED GENERAL INFORMATION REGARDING BOARDS AND COMMISSION SO YOU ARE AWARE OF THE DUTIES, TIME AND FREQUENCY OF MEETINGS.

CAN YOU ATTEND MEETINGS AT THE DESIGNATED TIME? YES

PLEASE ATTACH YOUR RESUME (REQUIRED TO BE CONSIDERED FOR APPOINTMENT).

PLEASE NOTE THIS COMPLETED APPLICATION IS AVAILABLE FOR PUBLIC REVIEW.

THE TOP THREE/FOUR CANDIDATES WILL UNDERGO A BACKGROUND CHECK BY THE ANTIOCH POLICE DEPARTMENT PRIOR TO APPOINTMENT.

DELIVER OR MAIL TO: CITY CLERK'S OFFICE
P.O. BOX 5007
ANTIOCH, CA 94531-5007

Walter Pineda
Signature

resubmitted 12/30/13

Date

PROFILE: Multi-faceted governance, administrative, marketing, public speaking and teaching background. Possesses an engaging writing and speaking style acclaimed for digestible and humorous delivery. A notable fixture in the social, religious, cultural and economic communities. Effectively adapted presentation style to a variety of environments including boardrooms, educational settings, constituency groups, law enforcement and social services agencies.

EXPERIENCE:

PITTSBURG ADULT EDUCATION CENTER, Pittsburg
Director of Special Programs (2003-present)
Employment Training Specialist / Workshop Facilitator (1998 – 2003)

USA CONNECT, Oakland, CA
Owner / International Recruiter of Medical Professionals (1991 – 1998)

CITY UNIVERSITY OF N.Y, BOSTON SCHOOL DEPT., POLAROID CORP. (1970-1990)
ESL Instructor

EDUCATION:

1968 STATE UNIVERSITY OF NEW YORK, School of Education, Albany, NY
Graduated Cum Laude, BA English/Social Studies

1968 OCCIDENTAL COLLEGE, Los Angeles, CA
Peace Corps Training (TOEFL Methodology; Turkish; Cross Cultural Studies)

TRAINING:

2005 - 06 ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS
CSBA ANNUAL EDUCATION & TRADE SHOW, San Diego & San Francisco, CA
Finance, Legislative Issues & Best Governance Practices

2004 - 2006 PACIFIC RESEARCH INSTITUTE
TRAINING SEMINAR FOR NEW SCHOOL BOARD MEMBERS, San Francisco, CA20062
Educational Trends, Public Policies, Media & Public Relations

2003 RUTGERS, STATE UNIVERSITY OF NEW JERSEY, New Brunswick, NJ
EDWARD J. BLOUSTEIN SCHOOL OF PLANNING AND PUBLIC POLICY
JOHN J. HELDRICH CENTER FOR WORKFORCE DEVELOPMENT
Global Career Development Facilitator Certification
Global Career Development Facilitator Trainer Certification

2002 CENTER FOR HUMAN DEVELOPMENT, Pleasant Hill, CA
Mediator for Peaceful Communities

ACHIEVEMENTS:

ANTIOCH UNIFIED SCHOOL DISTRICT

School Board Trustee, Current Board President 2008-2009

Top vote getter in a six person race for the 2004 election

ANTIOCH MUSIC FOUNDATION

Founder / Board of Director / President

CCC LIBRARY COMMISSION

Chair (2005 - Present) / Commissioner – Antioch (2002 - Present)

CCC HUMAN RELATIONS COMMISSION

Chair (2001 – 2002) / Commissioner (1998 – 2003)

EVELYN WOOD READING DYNAMICS

Certified Speed Reader / Reading Instructor

AWARDS:

COUNTY HUMANITARIAN OF THE YEAR (2004)

Awarded by CCC Board of Supervisors

PEACEMAKER OF THE YEAR (2004)

Awarded by Center for Human Development

CALIFORNIA STATE COUNSELLOR OF THE YEAR (2004)

Awarded by Knights of Columbus / California State Circle of Columbian Squires

BEYOND WAR AWARD (1987)

Awarded for services rendered in Turkey through the U.S. Peace Corps

IDEAL CITIZEN AWARD (1978)

Awarded by American Federation of Science of Creative Intelligence

BEST SPEAKER AWARD (1977)

International Educator's Conference, Avoriaz, France

CAREER HIGHLIGHTS:

- Annual guest speaker at Los Medanos College (last four years)
- Closing speaker at East County Women's Conference (2000)
- Featured conference speaker at Claremont, Cathedral Hill and Marriot Hotels
- Organized several events featured on Channel 26, including:
 - “East County Idol” competition (2006)
 - “Christmas at El Campanil” concert (2005)
 - “Resume Writing and Interviewing Clinics” (2004)
 - “CCC Joint Human Relations Commissions Conference” (2003)
 - “Stop the Violence” forum (2000)
- Authored numerous newsletters and has been extensively published in the Contra Costa Times' guest columns, letters to editor and e-mail views.

**STAFF REPORT TO THE CITY COUNCIL
FOR CONSIDERATION AT THE MEETING OF MARCH 25, 2014**

Prepared by: Robin Kelley, Police Lieutenant managing Animal Services
Monika Helgemo, Supervisor of Animal Services

Reviewed by: Allan Cantando, Police Chief

Date: March 18, 2014

Subject: Adoption of a Revised Title 6, Chapter 1, of the Antioch Municipal Code regarding Animals

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 Title 6, Chapter 1, Animals, of the Antioch Municipal Code.

BACKGROUND INFORMATION

Animal control issues are a continuing problem in the City. The intake of animals at the Shelter is trending higher and higher each year. Over 50% of the calls for service that are handled by Animal Control Officers are for dangerous animals (i.e. aggressive/biting/fractious). Over the last year, the number of high profile animal cases has highlighted the need for a well defined and updated ordinance. With the exception of a few minor changes over the years, most of the Animal Municipal Code has not been updated since the early 1980s. At the City Council's request, the Police Department, Animal Control Supervisor and City Attorney's Office have revised the existing ordinance.

DISCUSSION

Following are the highlights of the proposed changes made to the animal ordinance:

1. General. The chapter was reorganized from a single list of sections into eight articles, organized by subject. The ordinance was updated consistent with state law, and references to state law are included in parenthesis where useful.
2. Clarifications. Certain existing sections were expanded or clarified, such as:
 - the right to enter private property was clarified at section 6-1.202.

- a list of potential City remedies for violation is consolidated and outlined at section 6-1.204.
 - the right to appeal decisions to the Board of Administrative Appeals was clarified at section 6-1.203.
 - the permit procedure for keeping certain animals or bees was clarified at section 6-1.601.
3. Unlawful Acts. The list of Unlawful Acts was expanded and consolidated at section 6-1.501. It now includes the following prohibitions and requirements:

- It is unlawful for a person to keep more than 5 cats without a permit.
 - Reduces the number of complaints from the public regarding uncontrolled cats that are trespassing, defecating or otherwise being a nuisance on neighboring properties.
 - Creates more parity between the allowed number of cats and dogs per property.
- It is unlawful to feed feral cats off one's own property.
 - Reduces the number of complaints from the public regarding uncontrolled cats that are trespassing, defecating or otherwise being a nuisance to or on neighboring properties.
 - Decreases the number of wildlife, rodents, vermin and other pests that are eating food from feeding stations.
- It is unlawful to allow a dog to bark unabated.
 - Updates and clearly defines what a barking dog is.
- It is unlawful to keep a rooster without a permit.
 - Prohibits any person from keeping a rooster without a permit.
 - Allows a person to have only one rooster with a permit.
 - Reduces the number of complaints from the public regarding uncontrolled roosters that are being noisy, defecating or otherwise being a nuisance to or on neighboring properties.

4. Redeeming impounded animals. The requirements for redeeming an impounded animal were added and are set forth at section 6-1.705. It now includes the following fees and requirements:

- Requires that an impounded animal must be micro-chipped before release to the owner.
 - The microchip serves as a permanent form of identification
 - Decreases the number of unclaimed animals at the Shelter
 - Reduces the time an animal with a possible owner is boarded at the Shelter
 - Requires the animal owner to pay a fee for implantation according to the City's Master Fee Schedule (Currently \$22.00)
- Requires that a dog or cat, impounded for the 2nd time, must be spayed or neutered before release to the owner.

- Diminishes the animal's desire to stray from home.
- Eliminates the animal's ability to reproduce while at large.
- Provides a deterrent for repeat violators of an animal being at large.
- Reduces the number of unwanted animals that cause over-crowding at the Shelter.
- Requires the owner to pay the spay/neuter surgery fees to the local Antioch veterinarian of their choice before an animal is released to the owner.

5. Multiple pets or kennel permit. New permits for multiple pets or kennels were added to section 6-1.303. The multiple pets permit replaces the former dog fancier permit. The following changes and requirements have been added to the process of obtaining a permit:

- Now prohibits any applicant that has a revoked dog license from obtaining a permit.
- Now prohibits any applicant that has been convicted for a violation of any law regulating animals within 3 years from obtaining a permit.
- Animal Control will now notify adjacent property owners and tenants within 300 feet of the applicant's property.
- Adjacent property owners and tenants will now be given the opportunity, within 10 days of notification, to provide Animal Control with any written/verbal comments regarding any animal nuisances (i.e. trespassing, noise, defecation.)
- The applicant may now appeal the Animal Control Supervisor's decision to deny a permit.
- Limits on the Number of Pets:

At the City Council meeting on January 12, 2014, some members of the public objected to the proposed limit on the number of pets at a home. Specifically, there were objections to the limit of 5 cats, 10 fowl, 10 rabbits and 15 animals total. Staff has reviewed those limitations and now recommends no overall limit on animals and that the limit on fowl and rabbits provide that a permit can be sought for more than that number, just like the limit on 3 dogs or 5 cats.

There are strong public policy reasons to limit the number of animals without a permit, particularly in primarily suburban areas, both to avoid the creation of public nuisances and to ensure that pets have adequate food, water, shelter, veterinary care and that they are not kept in overcrowded and unsanitary conditions.

As to the potential for public nuisances, a large number of animals in a house or a small lot can create odor issues for neighbors. Unless all of the animals are kept inside, there may also be issues regarding urine and feces left uncollected on the property or on neighboring properties which create public nuisances. Multiple pets at one home can also lead to animals getting loose and potentially causing property damage or personal injury to Antioch residents.

For example, in 2013, Antioch Animal Services responded to a call for service regarding 6 Rottweiler mixes that were breaking through a common fence into a neighboring yard. Once they had broken through, the dogs attacked and severely injured the neighbor's dog causing hundreds of dollars in medical costs. As well, there was property damage and violations of defecation laws.

Each year Antioch Animal Services responds to at least one call for service with regard to animal cruelty. Too many pets at one home can create overcrowding and unsanitary conditions with inadequate food, water and veterinary care. These types of cases tax our resources and are very difficult to deal with.

For example, in 2010, Antioch Animal Services responded to a call for service from American Medical Response (AMR) regarding a residence with multiple cats inside. Upon arrival, Animal Services discovered over 100 cats inside the house. Most of the cats were in bad health. Several were found deceased behind the tenants washer and dryer. The house was filled with a foul odor due to excessive amounts of urine and feces. The tenant was taken to the hospital and the cats were impounded by Animal Services. The boarding and medical costs to treat, care for and re-home these cats cost the City several thousands of dollars. **See attachment B.**

This is not to say that large numbers of pets at one home will always lead to public nuisances or animal cruelty, which is why the proposed ordinance allows a resident to seek a multiple pet permit. Section 6-1.303 sets forth information that an application needs to show (including adequate facilities, no recent convictions or citations for violations related to animals and current rabies immunization for all dogs). The permit application allows an Animal Control Officer to inspect the premises to make sure that the conditions are not a public nuisance or causing cruelty to animals.

Therefore, the proposed restriction on the number of pets, but with a permit process to allow additional pets, is a rational approach to protect the public health, welfare and safety of Antioch residents and to protect animals from being kept in overcrowded and unsanitary conditions. This is why many jurisdictions have limits on the number of pets in one household, including all of our neighboring jurisdictions in the County.

Those opposed to the ordinance have pointed to one Pennsylvania case (Commonwealth v. Creighton, 639 A. 2d 1296 (1994)) to support their argument that the pet limit is illegal. That is not a completely accurate reference. First, a Pennsylvania court has no authority over California and was interpreting Pennsylvania laws not California laws. Second, this Pennsylvania Court simply said that it did not have enough information in the record to understand the public health, safety and welfare concerns for the pet limit and sent the case back to the trial court "to make findings and, if necessary, hold additional hearings to determine the goals which this ordinance seeks to advance, whether those goals are legitimate governmental goals and whether, if the goals are legitimate, the means used to achieve them are reasonable." No one has indicated what finally occurred to the extent that it would even be applicable in this situation. As discussed above, there are legitimate public health, welfare and safety goals to limit large numbers of pets in one home both to avoid the creation of public nuisances and to ensure that pets have adequate food, water, shelter, veterinary care and that they are not kept in overcrowded and unsanitary conditions. Having a permit process with standards, as the City proposes, allows for that limit to be exceeded in appropriate situations and is a reasonable means of achieving the City's public health, welfare and safety goals.

6. Potentially dangerous and vicious animals. The provisions regulating potentially dangerous and vicious animals were updated and include more remedies. These are found at Article 8, beginning at section 6-1.801. (As a reminder, under state law, the City is not permitted to ban any type of dog based upon the breed. Food and Agriculture Code section 31683.) The following updates and additions have been made to the Dangerous Animal Ordinance:

- Aligns the City ordinance more closely with that of California State Law.
- Updates the ordinance to now include remedy for animal attacks and maulings that take place on private property.
- Now includes the requirements for keeping an animal after it has been declared potentially dangerous or vicious.
- Now includes the process of how to appeal a determination of a potentially dangerous animals or vicious animal.
- Continues to comply with the State prohibition of breed specific legislation (Food and Agriculture Code section 31683.)

7. The Feeding of Free Roaming Abandoned and Feral Cats. The rise of the free roaming stray and feral cat population is a dilemma that is not unique to the City of Antioch. In fact, the Humane Society of the United States estimates that there are as many as 50 million feral cats in the United States. Throughout the state of California, as well as the rest of the nation, the rampant number of free roaming stray and feral cats is a cause for great concern. However, the way in which each municipality handles the situation is based on the individual needs and idiosyncrasies of their area. It is important for Council to look not only at what is right for the stray and feral cats in the area, but it is also equally important to temper those findings with the following concerns:

- Other Animals (both domestic and wild in the area):
 - The cats downtown intermingle (and eat) alongside native wild animals that include, but are not limited to, opossums, raccoons and skunks. Many diseases can be transmitted between cats and wildlife. However the ones of most concern are zoonotic diseases which can also be spread to from animals to humans. The most serious of which is rabies.
 - The cats in the downtown area are located in a place where local citizenry enjoy walking their dogs and, by law, are required to keep them both licensed and on a leash. The cats in the area may carry fleas and diseases, and have the potential to bite or scratch dog walkers and other passersby.
 - The cats in the downtown area located right next to the Dow Wetlands Preserve which includes the Salt Marsh Harvest Mouse which is an endangered species, as well as, the Black Shouldered Kites and Northern Harrier which are both threatened species. Additionally, more than 130 species of birds live or pass through the preserve.
- Public Health and Zoonotic Diseases (disease that can be passed between animals and humans):
 - *Salmonellosis (Salmonella):* A bacterial disease associated with various animals (including cats), that is spread through cat feces.

- *Bartonellosis (Cat Scratch Fever)*: A bacterial disease transmitted through cat scratches and bites.
 - *Cryptosporidium (Cryptosporidiosis)*: A parasitic disease transmitted through cat diarrhea.
 - *Ringworm*: A fungal disease transmitted through contact with an infected cat's skin or hair.
 - *Toxoplasma (Toxoplasmosis)*: A parasitic disease transmitted through contaminated cat feces.
 - *Rabies*: A deadly viral disease associated with various animals (including cats), that is spread through cat scratches and bites.
 - People who are more likely to contract diseases from cats include infants, children younger than 5 years old, pregnant woman, the elderly and those with compromised immune systems.

- Feral Cat Feeding Stations and the Redevelopment of the Downtown Area: Feeding stations for feral cats not only attract wildlife (predominately opossums, raccoons, skunks), but also result in excessive and unmanaged feces, urine, spraying/marking, as well as allergies for those allergic to cat hair and/or dander.
 - Feral Cat Feeding Stations that have attracted feral cats and other wildlife to the area of Prospects High School raise a potential health risk to students through zoonotic diseases, allergies and flea infestations and the cats have the potential to bite or scratch students and staff.
 - Existing and future restaurants, stores and companies may be concerned about locating in the downtown area. The foul odor of feces and urine may deter them from establishing their business downtown.
 - Landmarks/Historic Buildings (e.g. the Hard House, The Lynn House, El Campanil Theatre, Railroad and Marina) that make the Antioch Rivertown area unique are overwhelmed with the growing population of feral cats which could result in decreased appeal and property value.
 - City Buildings (including the Police Department, City Hall and the Corp Yard) have seen an increase of defecation and urine smell, howling and loud noise from mating and fighting, as well as, fractious and aggressive cats protecting their territory.
 - Visible cat defecation and urine odor may also hamper the efforts of the City to obtain a Ferry Boat at the Marina and other riverfront areas.

- Other Quandaries of TNR – Trap/Neuter/Release or Trap/Neuter/Re-Abandonment:
 - Feral and free roaming cats have shorter life spans than those living indoors.
 - Feral cats are subject to animal cruelty (e.g. being poisoned, shot and otherwise tortured)
 - Feral and free roaming cats are subject to being hit by cars, suffering from flea/tick/worm infestations or dying of infectious disease.
 - Encourages the abandonment of cats which is illegal instead of surrendering them to animal shelters or rescue organizations.
 - Fecal matter from feral and free roaming cats can make significant contributions to pollution and contamination of streams, rivers and coastal waters.
 - TNR may be illegal. Deliberate release or abandonment of domestic animals (including cats) is prohibited under California State Penal Code 597s

- Further opposition and concern regarding TNR and the Feeding of Stray and Feral Cats:

- **Contra Costa Health Services:**

“The feeding of wild or feral animals in public spaces – including local, state and national parks – is poor policy for a variety of health, safety and ecologic reasons. In particular, the practice of feeding feral cats in public areas creates significant human disease risks: Visitors to a site where feral cats are being fed may have more frequent contact with feral cats and wildlife, and so be at increased risk for scratches, bites, and infectious diseases. Enacting a ban on the feeding of feral cats would help to protect the health of community members who wish to enjoy the City of Antioch’s parks and other public places.”
See Attachment D.

- **The American Association of Wildlife Veterinarians:**

“The American Association of Wildlife Veterinarians supports the actions by governmental wildlife agencies, public health agencies, and public and private organizations to ban or eliminate feral cat colonies in a humane manner on public lands managed for natural resources and discourage feral cat colonies on private lands.”

- **Lindsay Wildlife Museum:**

“Cats kill over four million birds in the U. S. every day. Despite being well fed, cats will still hunt. Collar bells don’t work...Outdoor cats are exposed to more diseases, need more medical care and have shorter life spans than indoor cats. Cars kill millions of cats each year...20 percent of the animals treated in our wildlife hospital have been caught by a cat...It is not a good idea to feed mammals, either intentionally or unintentionally. Artificial diets are usually unhealthy for mammals and they may become sick if fed an improper diet. Leaving food out for mammals will attract more to the area. This will increase the chance of them becoming nuisances and crowded conditions may spread diseases more easily and rapidly through a population. Animals will become too accustomed to people if they are receiving a handout. Some mammals can become aggressive if they expect to get food from people.”

- **People for the Ethical Treatment of Animals (PETA):**

“Sadly, our experience with trap, spay-and-neuter, and release programs and “managed” feral cat colonies has led us to question whether or not these programs are truly in the cats’ best interests. We receive countless reports of incidents in which cats—“managed” or not—suffer and die horrible deaths because they must fend for themselves outdoors. Having witnessed firsthand the gruesome things that can happen to feral cats, we cannot in good conscience advocate trapping and releasing as a humane way to deal with overpopulation.”

- **National Association of State Public Health Veterinarians, Inc.:**

“(National Association of State Public Health Veterinarians, Inc) acknowledges there are potential human public health risks associated with free-roaming/unowned/feral cats. There is no evidence that colony management programs will reduce diseases such as bartonellosis, larval migrans, toxoplasmosis, and vector-bourne zoonotic diseases. Rabies will also continue to be a risk, as such colonies are not closed...(National Association of State Public Health Veterinarians, Inc) is concerned that managed cat colonies may foster irresponsible cat ownership and will promote the free-roaming of owned cats.”

- **The American Veterinary Medical Association (AVMA):**

“The AVMA opposes placement of managed cat colonies on public lands or in any area that could threaten at-risk wildlife or in areas that may pose a zoonotic risk to the public.”

- **County of Los Angeles Departments of Public Health and Animal Care and Control:**

“The accumulation of fecal matter also poses a potential risk of disease. Infectious agents in animal feces may be acquired as a result of direct contact with the animal, its feces or contaminated surfaces, or ingestion of food, dirt or sand contaminated with feces. The parasitic diseases include toxoplasmosis, cryptosporidiosis, giardiasis, roundworm, and hookworm. With many of these diseases, certain groups are at higher risk of serious disease or complications; these include the very young and the elderly, and persons with immune system weakness caused by medication, cancer treatment, HIV, and pregnancy.”

- **This statement has been endorsed by the following organizations:**

Albany Audubon Society, Alabama Ornithological Society, Atlanta Audubon Society, Bird Conservation Network - Illinois, Carolina Bird Club, Columbus Audubon Society, Florida Ornithological Society, Georgia Wildlife Federation, Ocmulgee Audubon Society, Oconee Rivers Audubon, Ogeechee Audubon Society and Tennessee Ornithological Society:

“Supports the passage and enforcement of local and state ordinances prohibiting the public feeding of free-ranging cats, especially on public lands, and prohibiting the release of pet or feral cats into the wild.”

- **This statement has been endorsed by Paul Schorr, Vice President of the Mt. Diablo Audubon Society and the American Bird Conservancy:**

“Domestic cats (Felis catus) can provide excellent companionship and make wonderful pets. But when allowed to roam outdoors, this non-native, invasive species threatens the welfare of birds and other wildlife and endangers the integrity of the ecosystems into which domestic cats are introduced. Domestic cats are recognized as a threat to global biodiversity. Cats have contributed to the extinction of 33 species across the world and continue to adversely impact a

wide variety of species, including those that are threatened or endangered. The ecological dangers are so critical that the International Union for the Conservation of Nature (IUCN) now lists domestic cats as one of the world's worst non-native invasive species. In the U.S., free-roaming domestic cats kill an estimated 1.4-3.7 billion birds and 6.9-20.7 billion mammals. The sheer quantity of cat-caused mortality is staggering. For perspective, consider that 1.4 billion is equivalent to the entire human population of China, the most populous country in the world. As the number of cats continues to grow and owners continue to allow their pets to roam, harmful impacts will surely increase." See Attachment C.

- **U.S. Fish and Wildlife Services:**

"One solution some people feel will help this problem is a program called Trap Neuter Return (TNR). In the program, individuals capture stray or feral cats, take them to a veterinarian, have them neutered, and then return them back to where the cat was found. It was thought that this would help curb the population so that there would be fewer feral cats killing birds and other wildlife. However, after many years of these programs and subsequent studies to determine their success, most cat populations stayed the same, increased or decreased only slightly. There was no "success" story. Furthermore, this solution does not speak directly to the problem of feral cats killing wildlife. Neutering cats does not take away their instinct to kill. Therefore, even if TNR were to have success by controlling feral cat populations, it would have no immediate effect on the problem of our nation's wildlife being killed."

- **USA Today article by Elizabeth Weise quoting the Global Alliance for Rabies Control and the Federal Centers for Disease Control and Prevention:**

"Efforts to care for abandoned cats could mean more humans will be exposed to rabies, researchers at the federal Centers for Disease Control and Prevention say. For 30 years, the main domestic animal linked to human exposure to rabies in the United States has been the cat. In the past 10 years, the number of feral cat colonies has exploded as animal-rights groups fight to end the capturing and killing of strays. Those two trends could be on a collision course, says Charles Rupprecht, director of research for the Global Alliance for Rabies Control, who was senior author of the CDC study. Dogs were the primary domestic carrier of rabies until the 1970s, when roundups of strays and vaccination programs eradicated canine rabies. That hasn't happened with cats. "We didn't think it was OK to have (stray) dogs, but we think it's OK to create artificial cat colonies where they're exposed to wildlife that can transmit rabies," Rupprecht says. Approximately 300 rabid cats are reported each year in the United States, says Jesse Blanton, a CDC epidemiologist. The CDC estimates that 16% of people in the United States who undergo rabies treatment are exposed to the deadly virus from cats. They must be treated with a series of shots."

Opposing and supporting views to the proposed Ordinance

While preparing this report, staff received numerous phone calls and e-mails advocating and in opposition of this ordinance.

8. TNR Spay/Neuter Costs

- **TNR Spay/Neuter Clinic Cost**

Using the formula created by feral cat expert, Dr. Julie K. Levy, (Maddie's Professor of Shelter Medicine; Maddie's Shelter Medicine Program) the City of Antioch has approximately 17,519 feral cats living here (Human Population-105,117 divided by 6).

For the City of Antioch to set up a fully fledged and well maintained TNR (Trap/Neuter/Release) program it would require a budget of \$324,601.89 (Not including purchase/construction/remolding of building or an Animal Services truck to utilize when trapping). The following itemized budget is based on spaying and neutering 60 cats a week, having a Veterinarian working 2 days a week, and a Vet Tech for 30 hours a week. Each cat would receive a basic exam, microchip, rabies vaccination and FVRCP vaccination. At the end of the year approx. 3,120 cats would be spayed/neutered (60 a week x 52 weeks in a year for a total of 3,120). This is not including treatment of fleas, ear mites, wound care, upper respiratory infections, or any other medical treatment needed at the time of surgery.

\$30,000.00	Vet Equipment <i>[figures based on the City of Berkeley which recently set up a clinic]</i>
\$ 7,500.00	Medical Supplies <i>[figures based on the City of Berkeley which recently set up a clinic]</i>
\$31,200.00	Micro Chips
\$ 9,360.00	Rabies Vaccinations <i>[approx. \$3.00 each]</i>
\$ 9,360.00	Feline Vaccinations <i>[approx. \$3.00 each]</i>
\$69,888.00	Veterinarian <i>[This cost is for one Vet for two days a week, basing it on spaying/neutering 30 cats a day, for total of 3,640 a year.]</i>
\$16,640.00	Registered Vet Tech <i>[This cost is for one part time RVT for two days a week, basing it on \$20.00 an hour for 8 hours a day.]</i>
\$18,720.00	Vet Tech <i>[This cost is for one part time Tech for 30 hours a week, basing it on \$12.00 an hour.]</i>
\$15,600.00	Receptionist <i>[This cost is for one part time Receptionist 30 hours a week, basing it on \$10.00 an hour.]</i>
\$93,126.85	Animal Control Officer full time
\$23,207.04	Animal Care Attendant full time
	<i>[Both ACO and ACA positions are needed for the trapping, transporting, data entry, after care and cleaning of the cats].</i>

Start up cost is approximately \$324,601.89 for the 1st year.

It also should be noted that the Animal Shelter is now at full capacity and capital improvements to the building would also be required. The above quoted figures do not reflect these additional costs related to housing these cats or the cost of a truck to utilize for transportation.

The introduction of a municipal cat licensing ordinance might help to off-set some of the cost.

- **Outsourcing Spay/Neuter Surgeries for TNR**

For the City to run a TNR (Trap/Neuter/Release) program using an outside veterinarian solely for the Spay/Neuter surgeries, it would require a budget of \$157,533.89 as well as the current prices for spay/neuter surgeries of feral cats at a local veterinarian. These costs are itemized below.

\$10,000.00	Supplies, traps, carriers, bank of cages for recovery, etc.
\$31,200.00	Micro Chips
\$93,126.85	Animal Control Officer full time
\$23,207.04	Animal Care Attendant full time
	<i>[Both ACO and ACA positions are needed for the trapping, transporting, data entry, after care and cleaning of the cats].</i>

In addition to the above costs, it would also require fees to be paid to an outside veterinarian. The current fees for spay/neuter surgeries for feral cats are itemized below and are based on 3120 surgeries (1560 females/1560 males) a year (the same number in the clinic totals). These prices were quoted in the year 2014 for “feral cat” surgeries. The price of an outside veterinarian is always subject to change.

Antioch Vet Hospital/Clinic:

Spay:	\$224.00=	\$349,440.00
Neuter:	\$130.00=	<u>\$202,800.00</u>
		\$552,240.00

Abbey Vet Hospital:

Spay:	\$88.00=	\$137,280.00
Neuter:	\$58.00=	<u>\$ 90,480.00</u>
		\$227,760.00

Ark Pet Hospital:

Spay:	\$255.00=	\$397,800.00
Neuter:	\$200.00=	<u>\$312,000.00</u>
		\$709,800.00

Companion Pet Hospital:

Spay:	\$227.00=	\$354,120.00
Neuter:	\$134.00=	<u>\$209,040.00</u>
		\$563,160.00

East Hills Vet Hospital:

Spay:	\$176.00=	\$274,560.00
Neuter:	\$119.75=	<u>\$186,810.00</u>
		\$461,370.00

Tail Wag Inn:

Spay:	\$114.00=	\$177,840.00
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FISCAL IMPACT

There is no direct fiscal impact associated with the adoption of the proposed ordinance. However, the proposed updates to the ordinance hope to not only deter animal law violations, but also encourage the fiscal responsibility of animal owners, particularly when animals are impounded. The enforcement of the monetary fines and penalties (as well as those within the regular Master Fee Schedule) may help Animal Services recover more of its costs.

OPTIONS

The Council may choose not to adopt the ordinance and direct staff to prepare different amendments to the Animal ordinance.

ATTACHMENTS

- A: Revised Ordinance
- B: Photos
- C: Letter from Dr. Brown
- D: Letter from Contra Costa Health Services

01-16-14 draft

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING
IN ITS ENTIRETY CHAPTER 1, ANIMALS, OF TITLE 6, SANITATION AND HEALTH**

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

SECTION 1. Chapter 1, Animals, of Title 6 (Sanitation and Health) is amended in its entirety to read as follows:

"Chapter 1, Animals

CHAPTER 1: ANIMALS

Article 1: Purpose and Definitions

Article 2: Authority; Entry on Private Property; Procedures; Violations; Remedies

Article 3: Dog Licensing

Article 4: Rabies and Animal Bites

Article 5: Animals: Prohibitions and Requirements

Article 6: Number and Types of Animals

Article 7: Impounding and Disposition of Animals

Article 8: Potentially Dangerous and Vicious Animals

ARTICLE 1: PURPOSE AND DEFINITIONS

§6-1.101 Purpose

§6-1.102 Definitions

§ 6-1.101 PURPOSE.

The purpose of this chapter is to provide standards to safeguard property and the public welfare by regulating and controlling animals and providing for the impoundment and caring for certain animals. (Citations to California Codes in this chapter are for reference.)

§ 6-1.102 DEFINITIONS.

In this chapter, the following definitions apply unless the context requires a different meaning.

ANIMAL. A mammal, avian, reptile, arachnid or fish.

ANIMAL CONTROL or ANIMAL CONTROL SERVICES. The City's Animal Control Division of the Police Department.

ANIMAL CONTROL SUPERVISOR. The City's Animal Control Supervisor or his or her designee. (See Section 6-1.201.)

ANIMAL SERVICES. The Antioch Animal Services Center or any other facility designated by action of the Council for the purpose of impounding and caring for animals found in violation of this chapter, or surrendered to the city by their owners.

AT LARGE. An animal that is: 1) not secured or enclosed on the owner's property; or 2) not under restraint by a substantial leash no longer than 6 feet and within the care, custody and physical control of a competent person authorized to be at that location. An at-large animal does not include a cat.

BARKING DOG. A dog that barks, bays, cries, howls or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or on private property. An extended period of time consists of incessant barking for 30 minutes or more in any 24-hour period, or intermittent barking for 60 minutes or more during any 24-hour period. A dog shall not be deemed a "barking dog" if at the time the dog is barking: (1) a person is trespassing or threatening to trespass on private property where the dog is situated; or (2) the dog is being teased or provoked.

CAT. A member of the feline species customarily confined or cultivated as a pet.

CHIEF OF POLICE or CHIEF. The City's Chief of Police or his or her designee. (See Section 6-1.201.)

DOG. A member of the canine species customarily confined or cultivated as a pet.

EUTHANASIA. The humane destruction of an animal by a method that involves instantaneous unconsciousness and immediate death, or by a method that involved anesthesia produced by an agent that causes the painless loss of consciousness and death during the loss of consciousness.

FERAL CAT. A cat that is born in or has reverted to the wild, and is not domesticated or tamed.

HORSE. An animal of the genus equus, including, but not limited to, horses, mules, donkeys, and burros.

IMPOUNDED. Taken into the custody of Animal Services. (Food & Ag. Code §31607.)

KENNEL PERMIT. A discretionary permit issued by the City to permit more than 10 dogs in any single dwelling unit or business or to allow dogs to be kept for commercial purposes. See Section 6-1.303(A)(2).

MULTIPLE PET PERMIT. A discretionary permit issued by the City to allow more than 3 dogs at a single dwelling unit or business unit pursuant to Section 6-1.303(A)(1) or more than 5 cats pursuant to Section 6-1.601 and Section 6-1.303(A)(1).

OWNER. A person owning, keeping, or having custody of one or more animals (not including Animal Control Services).

PERSON. An individual, domestic or foreign corporation, partnership, association of any kind, trust, fraternal society, or cooperative.

PET. An animal kept for pleasure rather than utility.

PET SHOP. A premises devoted to the commercial trade or selling of animals for use as pets.

POTENTIALLY DANGEROUS DOG OR ANIMAL. Any of the following, as determined by the City:

(1) a dog or other animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by a person or another animal to prevent bodily injury when the person and the dog are: off the property of the dog's owner; or on the property of the dog's owner by invitation or with implied permission. (Food & Ag. Code §31602);

(2) a dog or animal which, when unprovoked, bites a person causing a less severe injury than as defined here as a SEVERE INJURY (Food & Ag. Code §§31602, 31064); or

(3) a dog or animal which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. (Food & Ag. Code §31602.)

PREMISES. A property owned, leased, or rented by a person.

PUBLIC NUISANCE. An animal which engages in behavior specified as defined as a public nuisance under Section 6-1.501, this Chapter 1, elsewhere in the Municipal Code, or state law.

SEVERE INJURY. A physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (Food & Ag. Code §31604.)

VETERINARY HOSPITAL. An establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of animal diseases and injuries.

VICIOUS DOG OR ANIMAL. Any of the following, as determined by the City:

(1) a dog or animal seized under Penal Code section 599aa and upon the sustaining of a conviction of the owner under Penal Code section 597.5;

(2) a dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;

(3) a dog or animal previously determined to be and currently listed as a potentially dangerous dog or animal which, after its owner has been notified of this determination: continues the behavior described as a potentially dangerous dog or animal; or is not kept indoors or secured on the owner's property. Here, "secured" means contained within a fence or structure suitable to prevent the entry of young children and to confine a vicious dog or animal, designed to prevent the animal from escaping. (Food & Ag. Code §§31603, 31641, 31642 or 31643.)

WILD ANIMAL. An animal that can normally be found in a wild state or is defined as a wild animal under state law. This includes but is not limited to a live raccoon, skunk, fox, opossum, gopher or undomesticated rabbit, rodent or snake.

ARTICLE 2: AUTHORITY; ENTRY ON PRIVATE PROPERTY; PROCEDURES; VIOLATIONS; REMEDIES

§6-1.201	Authority.
§6-1.202	Entry on private property.
§6-2.203	Procedures.
§6-1.204	Violations; Remedies.
§6-1.205	Future Ownership of Animals after Violation

§ 6-1.201 AUTHORITY.

This chapter shall be enforced, administered, and directed by the Chief of Police or his or her designated representative. The following are also authorized to enforce this chapter: the Animal Control Supervisor or representative, the Code Enforcement Officer or representative, and all City police officers.

§ 6-1.202 ENTRY ON PRIVATE PROPERTY.

(A) Entry on private property. The Animal Control Supervisor may enter on private property to investigate or enforce a possible violation of this chapter under any of the following circumstances:

- (1) with the written or verbal consent of the property owner or adult person in possession of the property; or
- (2) in an emergency situation when immediate action is required without time to seek a warrant. Examples of an emergency situation include circumstances posing an immediate threat to public health or safety or a situation requiring swift

action to save life, property or evidence. (See *Broden v. Marin Humane Society* (1999) 70 Cal. App. 4th 1212, 83 Cal. Rptr. 2d 235.)

(B) Warrant. The Animal Control Supervisor must obtain a warrant issued by the court before entering private property when there is no consent and no emergency under subsection (A) above. (Code of Civ. Proc. §§1822.50 through 1822.57).

6-1.203 PROCEDURES.

(A) General. A person aggrieved by a decision made under this chapter may appeal that decision to the Board of Administrative Appeals, under Sections 1-4.01 through 1-4.04, or to a hearing officer appointed by the City Manager in a case where a quorum of the Board cannot be convened in a timely manner. However, these procedures do not apply to criminal penalties (§6-1.201 (B)(1)), civil injunctions (§6-1.201 (B)(2)), administration citations (§6-1.201 (B)(3)) or public nuisance abatement (§6-1.201 (B)(4)), each of which is subject to its own procedures.

(B) Examples. Examples of matters that are subject to appeal include:
(1) determination of unlawful act under Section 6-1.501 or other section of this chapter;
(2) denial or revocation of a permit under Article 6 of this chapter; (3) designation as potentially dangerous animal or vicious animal, or conditions related to continued ownership.

(C) Notice, hearing, decision. The notice, hearing and decision procedures are those set forth in Section 1-4.03 and procedures that the Board of Administrative Appeals may adopt.

§ 6-1.204 VIOLATIONS; REMEDIES.

(A) Violations. It is unlawful for a person to violate this Chapter 1, or to fail to comply with a requirement of this Chapter 1. Each day the violation continues is a separate offense.

(B) Remedies Generally. The City may enforce this Chapter 1 by any one or more of the following methods, at the City's discretion:

(1) Criminal penalties. A violation of this Chapter 1 is a misdemeanor, unless the citing officer determines to cite the violation as an infraction based upon the circumstances. Anyone authorized to enforce this Chapter under Section 6-1.201 may investigate complaints and may issue a criminal citation if he or she observes a violation committed in his or her presence. (See Title 1, Chapter 2, of the Antioch Municipal Code regarding penalties.) (Food & Ag. Code §31401.)

(2) Civil injunction and penalties, under Section 1-2.04.

(3) Administrative citations and penalties, under Title 1, Chapter 5 of the Antioch Municipal Code.

- (4) Public nuisance abatement, under Antioch Municipal Code Section 5-1.301 and following and Government Code sections 38773 or other lawful authority.
- (5) Impoundment and/or Quarantine.
- (6) Mandatory surrender of animal.
- (7) Conditions imposed as a condition of permits, or for animals declared to be potentially dangerous or vicious under Section 6-1.803.
- (8) Remedies provided by state law.

(C) State law. When more stringent than the provisions of this chapter, the provisions of the Health and Safety Code, the Penal Code, the Food and Agriculture Code and the California Code of Regulations relating to animal health, control, care, and rabies control shall apply.

§ 6-1.205 FUTURE OWNERSHIP OF ANIMALS AFTER CRIMINAL VIOLATION

A person convicted of violating or permitting violations of this chapter or related state law is prohibited from keeping or harboring within the City an animal of the type, species, group or family to which the conviction applies (including the animal initially causing the violation or nuisance) for a period of three years from the date of the subsequent conviction. (See also Section 6-1.805, Actions after determination: Vicious.)

ARTICLE 3: DOG LICENSING

- §6-1.301 Ownership.
- §6-1.302 Dog licenses required.
- §6-1.303 Multiple pet or kennel permit.
- §6-1.304 License fee.
- §6-1.305 License fee exemptions.
- §6-1.306 Lost tags; Duplication fees.
- §6-1.307 License tags; Display
- §6-1.308 License tags not to be removed without permission from owner; Counterfeit tags.
- §6-1.309 License record keeping.
- §6-1.310 Disposition of fees and fines.

§ 6-1.301 OWNERSHIP.

A person who obtains a dog license under this chapter is, for the purposes of this chapter, the legal owner of the animal described in the license file. That person, and anyone defined as an owner under Section 6-1.102, is responsible for the animal.

§ 6-1.302 DOG LICENSE REQUIRED.

Each owner of a dog which is over the age of four months and which is kept in the City shall obtain an annual license for the dog, beginning with date of the (mandatory) rabies vaccination of the dog and expiring one year later. The owner shall obtain the license within 30 days after the day on which the dog, if over the age of four months, is first owned. The Animal Control Supervisor will issue a license after application and payment of the required fee.

A dog owner may, with proof of multi-year rabies vaccination, choose to renew a license for one, two or three years, with final expiration coincident with the expiration of the rabies vaccination. (Food & Ag. Code §30801.) A person who acquires a licensed dog must transfer ownership within 30 days, and shall include written notice to Animal Control of the name and address of the former owner.

§ 6-1.303 MULTIPLE PET OR KENNEL PERMIT.

(A) Permit required.

(1) Multiple pet permit. No more than 3 dogs over six months of age may be kept, harbored, possessed or maintained for more than 30 days in a single dwelling or business unit without a multiple pet permit.

(2) kennel permit. ~~No more than 10 dogs over six months of age, and n~~No dogs for commercial purposes may be kept, harbored, possessed or maintained in any single dwelling or business unit without a kennel permit. *Commercial purposes* includes but is not limited to: boarding, training, or wholesaling of animals; but does not include the sale of individual animals to private owners.

(3) Exemptions.

(a) A veterinary hospital is not required to obtain a multiple pet permit or kennel permit unless the hospital also offers boarding or breeding services separately from hospital services.

(b) A person holding dog fancier permit on the effective date of this chapter need not obtain a multiple pet permit until the end of the term of the dog fancier permit.

(4) Wearing license tag. A dog for which a license is required under a multiple pet or kennel permit, which is removed for more than one day from the permitted premises, shall wear its current, valid license tag unless performing in the capacity of hunting, working, obedience, tracking or showing.

(B) Application.

- (1) The application for a multiple pet permit or a kennel permit shall include a written application to the Animal Control Supervisor accompanied by an application fee.
- (2) The Animal Control Supervisor may promulgate regulations governing the application and issuance of permits, consistent with this section.
- (3) An application for a multiple pet permit or kennel permit shall list each dog to be included and show:
 - (a) Facilities exist at the location to adequately secure, feed, house and maintain the animals;
 - (b) Possession and maintenance of the animals at the location has not resulted in, and is not likely to result in the animals being subjected to neglect, suffering, cruelty or abuse;
 - (c) Within the prior three years, neither the applicant, the owner, nor the possessor of the animals has: had a city or county permit or license revoked; been issued an administrative citation or found civilly liable for a violation of this chapter or any law regulating animals; or been convicted for a violation of this division or any law regulating animals;
 - (d) All dogs maintained under a multiple pet permit shall be confined on the premises and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, exercised, tried, worked, hunted, or trained under the owner's control;
 - (e) A current rabies immunization certificate issued by a veterinarian for each dog listed.

The required showing may be made by declaration under penalty of perjury.

(C) Decision.

- (1) Inspection; Notification. Before approving an application, the Animal Control Supervisor shall inspect the premises and notify adjacent property owners and tenants within 300 feet of the proposed use for multiple pets or a kennel. Adjacent property owners and tenants will be given at least 10 calendar days to provide written or verbal comments regarding any complaints, noise or odor.
- (2) Decision. The Animal Control Supervisor shall notify neighbors that a permit application has been filed, under subsection (C)(1) above, and allow them 10 days to provide comments to the Supervisor. After the 10 calendar days, the Supervisor shall determine whether the application will be approved (subject to conditions) or denied, and shall notify the applicant in writing of the decision.
- (3) Approval and conditions. The Animal Control Supervisor may approve the permit subject to reasonable conditions.

(4) Term of permit; Renewal. The permit is valid for one year. A multiple pet permit or kennel permit shall be renewed without review upon the filing of a complete application and payment of the necessary fees, unless the City has received or lodged any complaint concerning the permitted location within the last year.

(D) Fees. Multiple pet permit fees, kennel permit fees, application fees, and late permit fees are established by resolution of the City Council. The fees for the initial application and any application after complaints are received or lodged shall include the cost of inspecting the premises.

Late fees are payable upon the failure to obtain a multiple pet permit or a kennel permit within sixty days of keeping, harboring, possessing or maintaining animals in excess of those specified in subsection (A), or upon the failure to pay a renewal permit fee within 60 days after it is due.

(E) Breeding limitation. A person holding a multiple pet or kennel permit may allow the parturition and rearing of no more than one litter per bitch registered by a nationally recognized dog registering body in any one calendar year.

§ 6-1.304 PERMIT FEE.

(A) The permit fee is established by resolution of the City Council. Permit fees are nonrefundable.

(B) An added late fee shall be charged for late licensing.

(C) The owner of a dog which has been permitted for the current year in any other political subdivision of the state, or in any other state which has the same licensing requirements, may have the permit validated for use in the City for the remainder of the year, for a fee set in the master fee resolution.

(D) A dog redeemed or adopted in the City, but residing outside the City, is not required to pay a license fee to the City.

§ 6-1.305 LICENSE FEE EXEMPTIONS.

(A) Assistance dog. A dog being raised, trained and used as a guide dog, signal dog or service dog shall be licensed without a fee while so owned and used, but is not exempt from registration or from any required vaccinations. (Food & Ag. Code §30850.)

Whenever a person applies for an assistance dog identification tag, the person shall sign an affidavit stating as follows:

“By affixing my signature to this affidavit, I hereby declare I fully understand that Section 365.7 of the Penal Code prohibits any person to knowingly and fraudulently represent himself or herself, through verbal or written notice, to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide dog, signal dog, or service dog, as defined in subdivisions (d), (e), and

(f), respectively, of Section 365.5 of the Penal Code and paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code, and that a violation of Section 365.7 of the Penal Code is a misdemeanor, punishable by imprisonment in a county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.”

Upon the death or retirement of an assistance dog, the owner or person in possession of the assistance dog identification tag shall immediately return the tag to Animal Control.

(B) Law enforcement. A dog used by a governmental agency for law enforcement purposes shall be licensed without a fee, but is not exempt from registration or from any required vaccinations. Verification shall be presented upon request.

§ 6-1.306 LOST TAGS; DUPLICATION FEES.

If a license is lost, Animal Services may issue a new license after payment of the required fee, stated in the master fee resolution.

§ 6-1.307 LICENSE TAGS; DISPLAY.

The license tag shall be attached securely to collar or harness upon the dog for which issued at all times the dog is within the City and not confined indoors. The owner shall show the license tag at any time upon request by the Animal Control Supervisor or other enforcement officers.

§ 6-1.308 LICENSE TAGS NOT TO BE REMOVED WITHOUT PERMISSION FROM OWNER; COUNTERFEIT TAGS.

No person shall remove a license tag from a dog without the permission of the owner, expressed or implied. No person shall counterfeit or imitate a dog license tag or make any unauthorized substitution of license tags.

§ 6-1.309 LICENSE RECORD KEEPING.

The City shall keep a permanent record of all animals registered under this chapter until the City is notified that the animal has been removed from the City or has been lost or stolen or has died. The person registering the animal remains liable for the acts of the registered animal until notice is given to the Animal Control Supervisor of the sale or transfer of the animal, the removal of such animal from the City, or the death or loss of such animal. (Food & Ag. Code §30502.) If an Animal Control Supervisor determines an animal to be potentially dangerous or vicious under Sections 6-1.803, he or she shall include the potentially dangerous or vicious designation in the registration records of the dog. (Food & Ag. Code §31641.)

§6-1.310 DISPOSITION OF FINES AND FEES.

Fees for the issuance of dog license tags, and the fines collected, shall be used in the following order of precedence: (1) to pay fees for the issuance of dog license

tags; (2) to pay fees, salaries, costs and expenses for the enforcement of this Chapter. (Food & Ag. Code §30652.)

ARTICLE 4: RABIES AND ANIMAL BITES

- § 6-1.401 Rabies vaccination required.
- § 6-1.402 Rabies reports.
- § 6-1.403 Biting report; Impoundment and quarantine of animal.

§ 6-1.401 RABIES VACCINATION REQUIRED.

(A) Each dog owner shall procure a rabies vaccination by a licensed veterinarian upon the dog attaining the age of four months, and at intervals not later than the expiration date on the vaccination certificate. The veterinarian shall issue a certificate to the owner showing the following:

- (1) The veterinarian's name and business address;
- (2) The name and description of the dog;
- (3) The date of the vaccination; and
- (4) The expiration date of the vaccination.

Each dog owner shall show a copy of the vaccination certificate upon the request of an Animal Control Supervisor or other enforcement officer.

(B) The veterinarian may issue an exemption if a rabies vaccination would be detrimental to the health of the dog.

(C) The certificate of vaccination is required before the City will issue a dog license under Section 6-1.302.

§ 6-1.402 RABIES REPORTS.

(A) Rabies is declared to be a reportable disease. Each veterinarian practicing within the City, and every person providing professional medical treatment for an animal bite by a species subject to rabies, shall immediately notify Animal Services or the Police Department.

(B) Every veterinarian practicing within the City shall provide Animal Services with a copy of every rabies immunization certificate which is issued.

§ 6-1.403 BITING REPORT; IMPOUNDMENT AND QUARANTINE OF ANIMAL.

(A) Owner reporting and quarantine instructions. The owner of an animal which bites or scratches (with skin broken) a person shall immediately (1) notify Animal Services or the Police Department, giving the name and address of the person bitten or scratched, if known, and (2) obey any quarantine instructions given by the responding officer. Failure to obey the quarantine instructions is cause for the impoundment of the animal for the quarantine period.

It is also the duty of every physician or other medical practitioner to report to the Animal Shelter or Police Department the names and addresses of persons treated for bites inflicted by animals, together with other information as will be helpful in rabies control.

(B) Quarantine requirement. Each animal in violation of the Rabies Control Act (Cal. Health and Safety Code Sections 121575-121710), or of the rabies control provisions of this chapter, shall be quarantined or impounded, and is subject to destruction in some humane manner. Such animals are also subject to other disposition as provided by this chapter.

(1) General. Each animal that has bitten a person or is suspected of having been exposed to rabies shall be securely quarantined at the discretion of the Animal Control Supervisor and at the owner's expense. Upon demand by the Animal Control Supervisor, the owner shall immediately surrender the animal.

(2) Location of quarantine. At the discretion of the Animal Control Supervisor, the quarantine may be on the premises of the owner, at the Animal Shelter or at a veterinary hospital of the owner's choice. In the case of a stray animals or an animal whose owner is not known, the quarantine shall be at the Animal Shelter.

(3) Time period. The animal shall be quarantined for a period of 10 days.

(4) Release; Fees. The animal shall not be released from quarantine except by written permission of the Animal Control Supervisor. The owner may reclaim the animal if the animal is adjudged free from rabies. Before the release, the owner shall pay board fees if applicable and comply with licensing provisions. (See Section 6-1.302.)

(5) Rabies diagnosis. When an animal under quarantine has been diagnosed as being rabid, or is suspected by a licensed veterinarian as being rabid, and dies while under observation, the Animal Control Supervisor shall immediately send the animal's head to the appropriate health department for pathological examination, and shall notify the proper public health officer of reports of contacts and the diagnosis made of the suspected animal.

(C) Self-defense. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, unless in self-defense or the defense of others, except as provided in this section, nor remove the animal from the City without written permission from the Animal Control Supervisor.

ARTICLE 5: ANIMALS: PROHIBITIONS AND REQUIREMENTS

- § 6-1.501 Unlawful acts.
- § 6-1.502 Animal care.
- § 6-1.503 Dogs to be leashed in public places.
- § 6-1.504 Striking animal with a motor vehicle.
- § 6-1.505 Animals not to be sold as pets or novelties; No prizes.
- § 6-1.506 Disposal of carcasses.

§ 6-1.501 UNLAWFUL ACTS. It is unlawful for a person owning an animal to do any of the following. A violation of this section is also a public nuisance, under Section 1-2.01(D):

- (A) Abandon the animal, except to surrender it to the Animal Shelter or Animal Control Supervisor; (Penal Code §597s.)
- (B) Fail to license a dog over the age of four months, or allow a dog to leave its premises when the dog does not have a current license affixed to its collar; (Food & Ag. Code §30951.)
- (C) Allow an animal to be at large (or to be at a public park, playground or school unless under leash restraint); (See Definition of "at large" at §6-1.102.)
- (D) Allow a dog to enter on private property without the consent of the person in possession of the property or to damage or destroy a lawn, tree, shrub, or other planting or any other improvement or thing of value on the property;
- (E) Allow an animal to defecate on public property or private property of another without immediately cleaning up. The owner of each animal is responsible for the immediate removal of any excreta deposited by the animal anywhere but the owner's own property, and the sanitary disposal of the removal;
- (F) Fail to clean up excreta on one's own property within a reasonable period of time;
- (G) Allow a barking dog or another animal-related noise that continues for 30 minutes or more in any 24-hour period or intermittently for 60 minutes or more during any 24-hour period causing disturbance to any person regardless of whether the animal is physically situated on private property; (See Definitions at §6-1.102.)
- (H) Allow a female dog to roam at large or remain accessible to other roaming dogs while the dog is in heat or breeding condition; (Food & Ag. Code §30954.)

- (I) Allow an animal to be tethered or leashed on any street or other public place unattended, except temporary tethering or leashing (or tying in an appropriate and safe place) as the owner enters a store or public place for a specific purpose. In no case shall the temporary tethering exceed 15 minutes; (Hlth. & Saf. Code §122335; Penal Code §597t.)
- (J) Tether, fasten, chain, tie or restrain a dog to a dog house, tree, fence or other stationary object for any longer than three hours in a 24-hour period, except: (1) to a running line, pulley, or trolley system (without a choke or pinch collar); (2) as required by a camping or recreational area; or (3) other exception permitted under Health and Safety Code section 122335;
- (K) Harbor or feed a feral cat except on one's own property;
- (L) Beat, cruelly ill-treat, torment, tease, overload, overwork, or otherwise abuse an animal, nor cause, instigate, or permit any dogfight, cockfight, or combat between animals or animals and humans, excluding police canines. No parent may allow his minor child to so treat any animal; (Penal Code §597.)
- (M) Own, keep or train a dog with the intent that the dog engage in an exhibition of fighting; or cause a dog to fight with or injure another dog, for amusement or gain; or permit either of those actions on premises under his or her control. (Penal Code section 597.5.)
- (N) Expose any known poisonous substance, whether mixed with food or not, so that the substance is liable to be eaten by an animal (except for a person to expose on his own property common rat poison mixed only with vegetable substances for the sole purpose of combating rat infestation);
- (O) Permit an animal to engage in conduct that would constitute a public nuisance;
- (P) Refuse to obey the conditions of a lawfully imposed quarantine;
- (Q) Refuse to display an animal to the Animal Control Supervisor upon his or her request;
- (R) Interfere with, obstruct, or hinder an Animal Control Supervisor or health officer in the discharge of the officer's duties under this chapter or state laws related to animal care and control;
- (S) Violate this chapter or any state law regarding animals.

§ 6-1.502 ANIMAL CARE.

(A) Food, water, shelter, veterinary care. No owner shall fail to provide his or her animal(s) with: adequate feed and water; proper, clean, and sanitary shelter and protection from the weather; and veterinary care when needed to prevent suffering. (Penal Code §§597.1, 597f.)

In this section, "adequate feed" means the provision at regular intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff, served in a sanitary container, suitable for the species and age, and sufficient to maintain a reasonable level of nutrition in each animal involved. "Adequate water" means constant access to a supply of clean, fresh, potable water, provided in a sanitary manner, or provided at regular intervals for the species, never to exceed 24 hours at any interval.

(B) Overcrowding; sanitation. No person shall keep an animal overcrowd in any crate, box, or other receptacle, or fail to provide sanitation for the animal in the crate, box, or other receptacle.

(C) Confinement in vehicle.

(1) No person shall leave an animal confined in a motor or other vehicle without adequate ventilation that would deleteriously affect the ambient temperature immediately surrounding the animal. If an animal is so confined, the Animal Control Supervisor, or any other enforcing authority, may enter the vehicle by whatever reasonable force is necessary to release the animal, without any liability upon the City or the enforcing authority for resulting damages. An animal in or on a vehicle is deemed to be upon the property of the vehicle's operator. (Penal Code §597.7.)

(2) No person shall transport an animal on a public street in a vehicle unless the animal is totally enclosed within the vehicle, within a secured container carried on the vehicle, or securely cross-tethered to the vehicle in such a way as to prevent the animal from falling out of or off the vehicle, and to prevent injury to the animal.

§ 6-1.504 STRIKING ANIMAL WITH A MOTOR VEHICLE.

Any person who, as the operator of a motor vehicle, strikes a non-wild, domesticated animal shall stop at once and render such assistance as may be possible and shall attempt to locate the animal's owner and inform him or her of the collision. If the owner cannot be ascertained and located, the operator shall immediately report the location of the injured animal to the Animal Shelter or to an appropriate law enforcement agency.

§ 6-1.505 ANIMALS NOT TO BE SOLD AS PETS OR NOVELTIES; NO PRIZES.

(A) No sale as pet or novelty; No prize. No person shall sell, offer for sale, barter, give away, or publicly display a dog, cat or other animal (including but not limited to baby chicks, ducklings, or other fowl) as pets or novelties. (See Penal Code §597.3.) No person shall give away a live animal as a prize for or as an inducement to enter: a

contest, game, or competition; a place of amusement; or business agreement to attract trade. (Penal Code §599.)

- (B) Exception. This section shall not be construed to prohibit:
- (1) the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for domestic consumption or commercial purposes; or
 - (2) the sale or display in humane display facilities of a dog, cat or other animal by a pet store engaged in the business of selling them, or animal shelter engaged in placing the animal as a pet; or
 - (3) the sale or gift of a pet or its offspring by the owner as a family pet, from the owner's private property.

§ 6-1.506 DISPOSAL OF CARCASSES.

A person possessing a dead animal shall take the responsibility of disposing of it in a safe and sanitary manner that does not pollute drinking water. Upon the receipt of information that the body of an animal has not been properly disposed of in accordance with this section, the Animal Control Supervisor shall dispose of the body, and charge the costs to the owner, if known.

ARTICLE 6: NUMBER AND TYPES OF ANIMALS

- § 6-1.601 Permit procedures.
- § 6-1.602 Keeping animals and bees.
- § 6-1.603 No livestock within City limits; Horse stables.

§ 6-1.601 PERMIT PROCEDURES. Whenever a permit is required under this Article 6, the permit procedures in Section 6-1.303 apply. In addition to other requirements, the Animal Control Supervisor must first determine that the keeping of an animal, bird or bees is not likely to result in harm to the creature, create a public nuisance or health hazard, or cause an unreasonable disturbance to the neighborhood due to odors, noise or the creature's behavior.

§ 6-1.602 KEEPING ANIMALS AND BEES.

~~The total number of fowl or animals specified in subsections (A), (B), (C), (D) and (F) of this section may not exceed 15 for each household.~~

(A) Number of dogs. It is unlawful for a person to keep more than three dogs that are required to be licensed at any residence in the City, without first obtaining a multiple pet or kennel permit under Section 6-1.303.

(B) Number of cats. It is unlawful for a person to keep more than five cats without a permit issued under Section 6-1.601.

(C) Number of fowl. It is unlawful for a person to keep or maintain more than ten ~~each of total~~ ducks, geese, chickens or other fowl, without a permit issued under Section 6-1.601. No person may keep a rooster without a permit under Section 6-1.601.

Fowl shall be kept in enclosures located a minimum of 20 feet from any dwelling, church, or school (except with permission on school premises). Such enclosures shall be maintained in a clean manner.

(D) Rabbits. It is unlawful for a person to keep or maintain ~~Not~~ more than ~~10~~ ten domesticated adult rabbits ~~may be kept~~ on any parcel within the City, without a permit issued under Section 6-1.601. ~~and their e~~Cages and runs shall be kept clean.

(E) Bees. Bees may only be kept in an agricultural or open space zoning district and with a permit from the Animal Control Supervisor. (See Section 6-1.601.)

(F) 3/4 acre requirement. It is unlawful for a person to keep or maintain a horse, mule, cow, sheep, goat, pig, or wild animal, except dogs and cats and other household pets, except in an enclosed area for the animal of not less than three-fourths of an acre, and then only with a permit. (See Section 6-1.601.)

(G) Racing pigeons. A member of a recognized racing pigeon club may keep an unlimited number of banded racing pigeons or fancy birds upon obtaining a permit from the Animal Control Supervisor. (See Section 6-1.601.) The keeping of such birds is subject to the following minimum conditions:

- (1) Aviaries shall be of sound construction and properly maintained to conform with the surrounding area.
- (2) The location is subject to inspection by the Animal Control Supervisor at reasonable times.
- (3) Aviaries shall be cleaned regularly, maintained in a sanitary condition, and kept free of organic materials which may cause offensive odors or allow the propagation of flies and other insects.
- (4) Feed shall be stored in containers which protect against rodents and insects.
- (5) The cage size and specifications shall conform to the rules and regulations of the racing pigeon organization.

§ 6-1.603 NO LIVESTOCK WITHIN THE CITY LIMITS; HORSE STABLES.

No person shall stable, keep, pasture or maintain horses or bovine animals within the City, unless expressly allowed to do so by the zoning ordinance. This section does not apply to a circus, carnival, or show permitted to operate in the City.

Each person who stables, keeps, pastures, or maintains a horse within the City shall keep the stable or enclosure clean and free from manure, mud, and everything of a foul and unclean nature.

ARTICLE 7: IMPOUNDING AND DISPOSITION OF ANIMALS

- § 6-1.701 Stray animals.
- § 6-1.702 Impounding animals found running at large
- § 6-1.703 Disposition of impounded animals.
- § 6-1.704 Redemption.
- § 6-1.705 Sterilization.
- § 6-1.706 Surrender of animals.

§ 6-1.701 STRAY ANIMALS

A person who picks up a stray or lost animal shall report it to Animal Services within eight hours, and shall release the animal to the enforcing authority upon demand.

§ 6-1.702 IMPOUNDING ANIMALS FOUND RUNNING AT LARGE

(A) The Animal Control Supervisor may seize and impound an animal found at large or in violation of this chapter. (Food & Ag. Code §31101.) A seized animal will be impounded at the Animal Shelter and confined there in a humane manner.

(B) When a dog is found at large, and its ownership is known to the Animal Control Supervisor, the dog need not be impounded. The Animal Control Supervisor, at his or her discretion, may return the animal to its owner and cite the dog owner under Section 6-1.501.

§ 6-1.703 DISPOSITION OF IMPOUNDED ANIMALS

(A) The City will keep an impounded dog or cat for:

- (1) if licensed, bears owner identification or is known to the Animal Control Supervisor, for at least 10 days that the shelter is open;
- (2) if the dog or cat is unlicensed and bears no identification, for at least 4 days that the shelter is open. (Food & Ag. Code §31108.)

(B) Upon delivering the animal to Animal Services, the Animal Control Supervisor shall send a written notice of impoundment by email or mail to the licensed or registered owner of the animal, if known, at the address as shown on the records of the Animal Services. The Animal Control Supervisor shall scan the animal for a microchip that identifies the owner. (Food & Ag. Code §31108(c).) The notice shall state that the animal has been impounded and shall give the location of impoundment. The notice shall also state that if the animal is not claimed within the period specified in the notice, the animal will be disposed of by placing it in another suitable home or by euthanizing the animal.

(C) The owner may recover the dog, cat, or other animal picked up and impounded under this chapter only upon payment of the charges and costs of redemption of impounded animals. (See Section 6-1.705 below.) The owner is liable for the costs whether or not the owner redeems the animal.

The owner's refusal or failure to pay the fees and charges, after due notification, constitutes his or her abandonment of the animal.

(D) A licensed dog not redeemed by the owner within 10 days after mailing or emailing the notice shall be disposed of as though the dog was an unlicensed dog when impounded. If the Animal Control Supervisor determines that the animal will not be claimed, represents a health hazard to the other animals maintained at the shelter, is of a wild nature, or is severely injured, he or she may order the animal to be placed in a suitable home or euthanized.

(Food & Ag. §31108.)

§ 6-1.704 REDEMPTION.

(A) The owner may redeem an animal taken up and impounded under this chapter at any time before the actual disposal of the animal, by presenting suitable evidence of ownership. (Food & Ag. Code § 31108.5.) No animal will be released until the owner has:

(1) paid redemption fees and any fees and penalties authorized by this chapter. The fees may include, but are not limited to: impound fee; boarding (care and feeding); microchip fee; dog license; vaccination; veterinary fees, if injured; investigation; spaying or neutering; special tag and investigation if determined to be potentially dangerous or vicious;

(2) signed a declaration of ownership, made under penalty of perjury, to justify the release of the animal declaring ownership. However, the Animal Control Supervisor may refuse to release the animal if there is reasonable cause to believe that the information contained in the declaration is untrue or incorrect and, in that case, may require additional evidence of ownership as the Animal Control Supervisor may determine; and

(3) paid the fine specified under Food and Agriculture Code section 30804.7 for any nonspayed or unneutered dog that is impounded.

(B) No dog shall be released from impoundment until the dog has been licensed or registered. No dog or cat shall be released from impoundment until the animal has been implanted with a microchip identification and, after the second impoundment, until the animal has been spayed or neutered.

(C) The Animal Control Supervisor, at his or her discretion, may refuse to permit the redemption of any animal impounded under this chapter, or any other county, state, or municipal law, until the need for the retention of such animal no longer exists. The City shall bear the cost of the continued retention, after any request of redemption and tendering of all other costs and fees by the owner.

§ 6-1.705 STERILIZATION.

No unclaimed dog or cat shall be released for adoption without:

(1) being sterilized; or

(2) a written agreement from the adopter guaranteeing that the animal will be sterilized and a sterilization deposit made. The sterilization fee deposit is established by resolution of the Council. If the animal is not sterilized within 14 business days after the date of purchase, the sterilization deposit collected at the time of adoption will be considered abandoned and the money applied to the General Animal Control Fund for use as the City may determine. (Food & Ag. Code §30503.)

§ 6-1.706 SURRENDER OF ANIMALS.

(A) For disposal. At the request of a person not operating a commercial establishment for the sale and/or care of animals, the Animal Control Supervisor shall accept and dispose of any small animal, such as a dog, cat, bird, or rabbit, lawfully in the possession of the person.

(B) For adoption. An owner may surrender an animal to the Animal Control Supervisor for placement for adoption. It is understood that no guarantee of placement will be made, and euthanasia will be at the discretion of the Animal Control Supervisor. A surrender fee is established by resolution of the Council.

ARTICLE 8: POTENTIALLY DANGEROUS AND VICIOUS ANIMALS

§ 6-1.801 Purpose; Definitions.

§ 6-1.802 Seizure and impoundment.

§ 6-1.803 Determination of potentially dangerous or vicious dog or animal.

§ 6-1.804 Actions after determination: potentially dangerous.

§ 6-1.805 Actions after determination: vicious.

§ 6-1.806 Inspections.

§ 6-1.801 PURPOSE; DEFINITIONS.

(A) Purpose. The purpose of this article 8 is to reduce the risk of serious attacks or bites by dogs or other animals. This article sets forth the procedures for finding an animal potentially dangerous or vicious and subject the animal to appropriate controls and enforcement actions. (Hlth. and Saf. Code §§ 31601 and following; Food & Ag. Code §§31601-31683.)

(B) Definitions. In this Article 8:

POTENTIALLY DANGEROUS DOG OR ANIMAL. Any of the following, as determined by the City:

(1) a dog or other animal which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by a person or another animal to prevent bodily injury when the person and the dog are: off the property of the dog's owner; or on the property of the dog's owner by invitation or with implied permission. (Food & Ag. Code §31602);

(2) a dog or animal which, when unprovoked, bites a person causing a less severe injury than as defined here as a SEVERE INJURY (Food & Ag. Code §§31602, 31064); or

(3) a dog or animal which, when unprovoked, has bitten, inflicted injury or otherwise caused injury attacking a domestic animal. (Food & Ag. Code §31602.)

SECURE ENCLOSURE. A kennel, pen or structure with secure sides and a secure, attached top. The kennel or pen shall be constructed in a manner so that it cannot be broken down by any action of the confined animal. All structures used for confinement of a vicious animal must be locked with a key or combination lock of sufficient strength to ensure confinement of the animal. The structures must be erected on a secure bottom or floor constructed of concrete or other material sufficient to prevent the animal from digging free. A vicious animal enclosed in a house, apartment, building or similar structure is allowed only where the windows and doors of the structure are secured to prevent the animal from exiting without the assistance of the owner or other person in control. (See also Food & Ag. Code §31605.)

SEVERE INJURY. A physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery. (Food & Ag. Code §31604.)

VICIOUS DOG OR ANIMAL. Any of the following, as determined by the City:

(1) a dog or animal seized under Penal Code section 599aa and upon the sustaining of a conviction of the owner under Penal Code section 597.5;

(2) a dog or animal which, when unprovoked, in an aggressive manner inflicts severe injury on or kills a person or a domestic animal;

(3) a dog or animal previously determined to be and currently listed as a potentially dangerous dog or animal which, after its owner has been notified of this determination: continues the behavior described as a potentially dangerous dog or animal; or is not kept indoors or secured on the owner's property. Here, "secured" means contained within a fence or structure suitable to prevent the entry of young children and to confine a potentially dangerous or vicious dog or animal, designed to prevent the animal from escaping. (Food & Ag. Code §§31603, 31641, 31642 or 31643.)

Other definitions in Section 6-1.102 also apply unless the context indicates or requires a different meaning.

6-1.802 SEIZURE AND IMPOUNDMENT.

If upon investigation the Animal Control Supervisor or law enforcement officer determines that probable cause exists to believe a dog or animal poses an immediate threat to public safety, then the Animal Control Supervisor or law enforcement officer may seize and impound the animal pending the opportunity for hearing under this section. (Food & Ag. Code §31625.) The animal's owner is liable to the City for the fees and costs of keeping the animal if it is determined to be potentially dangerous or vicious. At the Supervisor's discretion, the animal may be quarantined on the owner's property in an approved enclosure. (Food & Ag. Code §31605 regarding enclosure. See also Definitions at §6-1.801(B).) (See Section 6-1.705(A) regarding fees and costs.)

6-1.803 DETERMINATION OF POTENTIALLY DANGEROUS OR VICIOUS DOG OR ANIMAL.

(A) Determination. In making a determination regarding whether the animal is potentially dangerous or vicious, the Animal Control Supervisor shall take into account the severity of the injury, the number of attacks, and the circumstances. No dog or animal may be declared potentially dangerous or vicious if:

- (1) the injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the owner's premises, or was teasing, tormenting, abusing or assaulting it, or was committing or attempting to commit a crime.
- (2) if it was protecting or defending a person within the immediate vicinity of the dog or animal from an unjustified attack or assault.
- (3) any other exception applies under Food & Agriculture Code §31626.

(B) Notice to owner; Appeal.

(1) The Animal Control Supervisor or law enforcement officer shall attempt to notify the animal owner of the animal in writing of the impoundment and of the determination that the dog or animal is determined to be potentially dangerous or vicious. The notification shall include any requirements to be imposed upon the restraint and enclosure of the animal, or if the animal is proposed to be euthanized.

The City may also notify the property owner, police department, fire department, post office and any utility companies of the determination and any requirements.

(2) The notice shall also contain information that the officer's determination may be appealed to the Board of Administrative Appeals, within the time specified in Municipal Code Title 1, Chapter 4, Appeals. The procedures and appeal period shall comply with Food and Agriculture Code sections 31621 through 31625.

(3) The Board of Administrative Appeals may decide all issues for or against the owner of the animal, even if the owner does not appear at the hearing. (Food & Ag. Code §31623.)

(4) The decision of the Board of Administrative Appeals may be appealed to the superior court under Food and Agriculture Code section 31622.

(C) Permit. If not euthanized, an animal designated potentially dangerous or vicious may only be owned, kept or maintained upon issuance of a potentially dangerous or vicious animal permit. The Animal Control Supervisor shall impose conditions upon the ownership and custody of the dog or animal that protect the public health, safety and welfare. (See Section 6-1.804.) The animal owner shall notify the Animal Control Supervisor within two working days if the animal dies or is sold, transferred or permanently removed from the City. (Food & Ag. Code §31643.) The owner is responsible for notifying the subsequent owner of the potentially dangerous or vicious designation.

(D) Violation of conditions. If a determination is made that the owner of the potentially dangerous or vicious animal has violated the conditions of a potentially dangerous or vicious dog permit, the permit is immediately revoked and the animal may be euthanized at the discretion of Animal Control.

6-1.804 ACTIONS AFTER DETERMINATION: POTENTIALLY DANGEROUS.

(A) If the Animal Control Supervisor determines an animal to be potentially dangerous, he or she shall include the potentially dangerous designation in the dog's registration records (Food & Ag. Code §31641), and may order any of the following actions, or a combination of them:

- (1) Prior to release, at the owner's expense and as approved by the City:
 - (a) Have the animal micro-chipped for permanent identification, and identification numbers registered with Home Again Pet Recovery;
 - (b) Have the animal spayed or neutered;
 - (c) Reimburse the City for the cost of keeping the animal, if applicable;
 - (d) Pay a fine, up to \$500 (Food & Ag. Code §31662.);
 - (e) Have current rabies vaccination and dog license;
 - (f) Obtain liability insurance;
 - (g) For security:
 - post a "BEWARE OF DOG" sign at each entry gate to rear and side yards;
 - at the premises, have exit gates and/or doors (including those into the residence and garage) which are self-closing, self-latching and in good working order;
 - install a security screen door on the front door entrance;
 - (h) Sign City's terms and conditions declaration.

- (2) Within 30 days of release:
(a) Satisfactorily complete a basic obedience/aggressive dog training course and provide proof of completion to the Animal Control Supervisor;
- (3) At all times:
(a) Authorize Animal Services to inspect and approve the area(s) of confinement;
(b) When in public, the dog shall wear a humane muzzle, a dog harness and shall be restrained by a lease no longer than six feet and be under the control of a competent adult who is physically able to restrain the animal. The leash must be capable of restraining four times the weight of the animal. The animal shall not be leashed or tethered at any time to inanimate objects such as trees, posts, or buildings. The muzzling device for the animal must be constructed so that it is impossible for the animal to remove it without human assistance;
(c) The dog shall not be allowed loose in the front yard. An adult must be present and supervising the dog when it is loose in the side or rear yard;
(d) When unsupervised in the side or rear yard, the dog must be in a secure enclosure with the gate locked;
(e) The owner must immediately contact Animal Services if the dog escapes and owner's premises or bites a human or animal;
(f) Notify any caregiver or custodian of the terms and conditions;
(g) Have the a animal wear the special red tag indicating the dog is potentially dangerous (or vicious);
(h) Transportation of the animal shall only be in a locked animal carrier equivalent in construction quality to those used by commercial air carriers. The animal shall not be left unattended or loose in or about any motor vehicle;
(h) Comply with all applicable animal care and control laws.
- (4) Notice of changes. The owner must notify the City before any change in location of the animal, or new ownership, at least seven days before the change. If a new location is in the City, it is subject to the inspection and prior approval of the Animal Control Supervisor. If the new location is outside the City, the Animal Control Supervisor shall notify the animal control department or police department of that City.
- (5) Any other appropriate action.

(B) The animal shall be removed from the list of potentially dangerous animals if there are no additional instances of the behavior within a 36-month period. (Food & Ag. Code §31644.)

§6-1.805 ACTIONS AFTER DETERMINATION: VICIOUS.

- (A) Actions. If the Animal Control Supervisor determines an animal to be vicious, he or she may order any of the following actions, or a combination of them:
- (1) Any action set forth for a potentially dangerous animal, under Section 6-1.804 above, except that the fine is up to \$1,000; (Food & Ag. Code §31662.)
 - (2) Order the owner to surrender it to the Animal Services Officer for euthanizing; (Food & Ag. Code §31645.)
 - (5) Order that the owner may not own or possess any dog or other animal for a 36-month period; (Food & Ag. Code §31646.)
- (B) Findings. Before allowing a person to keep a vicious animal, the Animal Control Supervisor must make all of the following findings:
- (1) Allowing the person to keep the animal will not result in any detriment or danger to the peace, health or safety of the people in the vicinity of where the animal will be kept;
 - (2) Possession and maintenance of the animal at the location has not resulted in and is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse;
 - (3) The location is kept clean and sanitary, and the animal is provided with adequate food, water, ventilation, shelter and care at all times.
 - (4) Possession of the animal at the location does not violate any law, code or regulation; and
 - (5) The animal will not be kept at any other location than that specified in the order.
- (C) Euthanizing dangerous dog or animal.
- (1) A dog or animal determined to be vicious may be euthanized by the Animal Control Department when it is found that the release of the animal would create a significant threat to public health, safety and welfare, and: (a) when the time for filing an appeal with the Board of Administrative Appeals has lapsed; or (b) if an appeal is filed, when the Board determined to rule against the appeal; or (c) if the owner has not met the conditions imposed on releasing a vicious animal within 14 days.
 - (2) If there is a violation of this chapter, or a violation of any nonappealable order under this chapter after release of the animal that is observed by the Animal Services Officer, or sworn to in a written affidavit from a complaining party, the Animal Services Officer shall issue an order for the owner or possessor of the vicious animal to surrender the vicious animal to the Animal Control Supervisor for euthanizing. This order is subject to the appeal provisions set forth in Title 1, Chapter 4 of the Antioch Municipal Code.

§6-1.806 INSPECTIONS.

The Animal Control Supervisor may make whatever inspections deemed necessary to ensure compliance with this chapter, the orders or conditions, and any order of the Board of Administrative Appeals."

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 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 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 thirty (30) 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 do hereby certify that the foregoing ordinance was introduced by the City Council of the City of Antioch on December 10, 2013 and passed and adopted by the City Council of the City of Antioch at a regular meeting held on the ___ day of ____, 20__, by the foregoing vote:

AYES: COUNCIL MEMBERS: _____

NOES: COUNCIL MEMBERS: _____

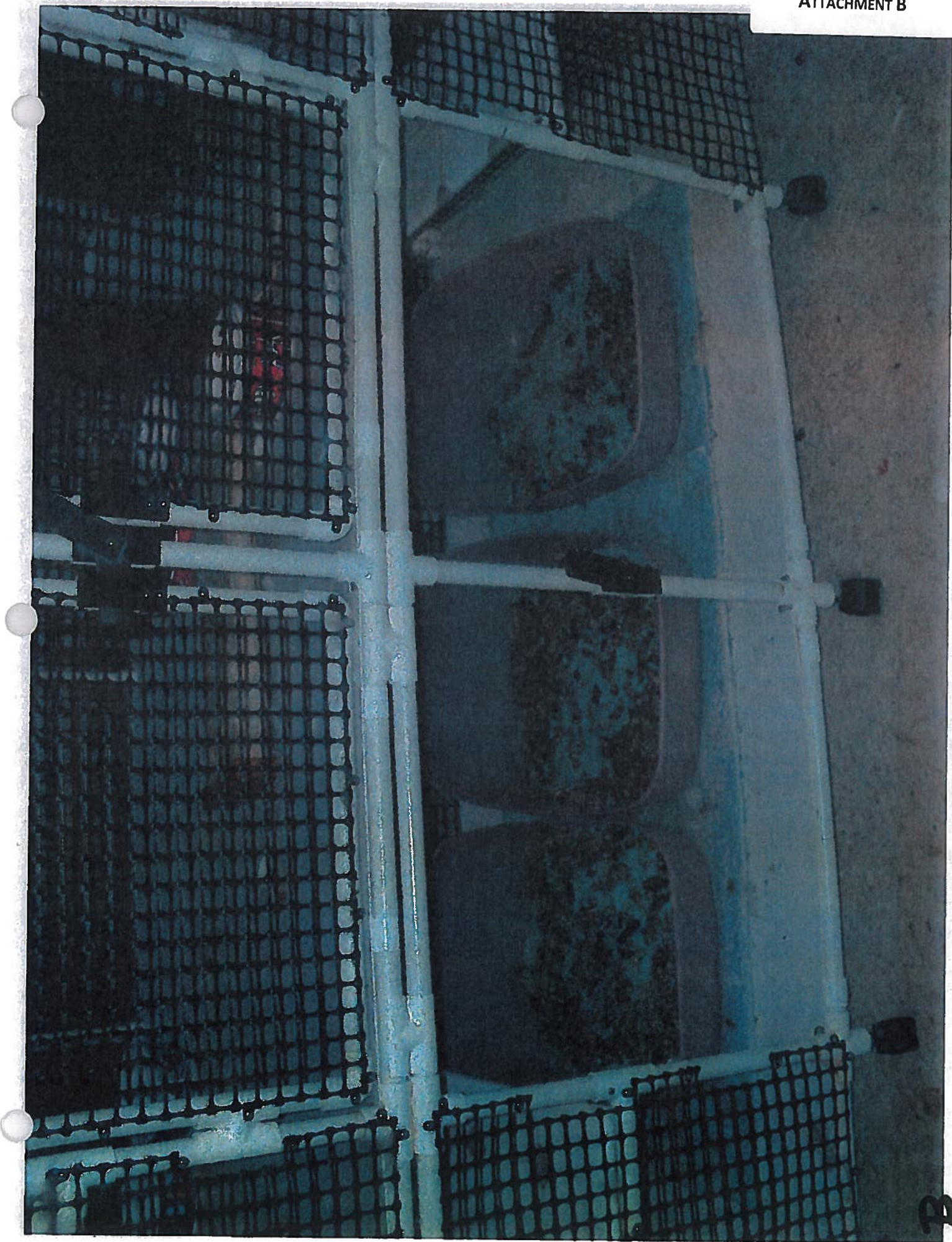
ABSENT: COUNCIL MEMBERS: _____

ABSTAIN: COUNCIL MEMBERS: _____

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch





B





www.happypet.com

resQ

No Registration or Annual Fees

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B

**EAST HILLS VETERINARY HOSPITAL**

2325 Buchanan Road
Antioch, California 94509
Telephone (925) 754-7960

February 6, 2014

To Whom It May Concern:

In my opinion, feeding feral cats on public property in Antioch creates an unhealthy situation. Wildlife such as skunks and raccoons are attracted to the cat food and sometimes eat side by side with the feral cats. Skunks are one of the primary carriers of rabies in California, and raccoons can carry rabies as well.

Supplementing the food supply indirectly increases the feral cat population. The growing population of unvaccinated cats increases the risk of disease in the cats as well as the risk of a rabies outbreak.

Feral cats will hunt rodents, lizards, and birds on their own if they are not fed commercial cat food. Even if public feeding stations were approved in certain locations, supplementing the feral cat population with cat food contributes to the overall population growth, which becomes unsustainable without continued supplementation.

In my opinion, the feral cat population on public property in Antioch can only be limited by decreasing or stopping food supplementation and by performing spay and neuter procedures on the cats that are allowed to stay there. A vaccination program would also improve the health of the feral cats. In my opinion, trap/neuter/release will never eliminate the feral cat population in Antioch. However, it may help control the overall number of cats on public property.

Sincerely,

A handwritten signature in black ink that reads "Dean R. Brown, D.V.M." The signature is written in a cursive style and is located below the word "Sincerely,".

Dean R. Brown, D.V.M.
Consulting Veterinarian for
Antioch Animal Services

WILLIAM B. WALKER, M.D.
HEALTH SERVICES DIRECTOR

WENDEL BRUNNER, M.D.
DIRECTOR OF PUBLIC HEALTH



CONTRA COSTA
PUBLIC HEALTH
597 CENTER AVENUE, SUITE 200
MARTINEZ, CALIFORNIA 94553
PH (925) 313-6712
FAX (925) 313-6721
WENDEL.BRUNNER@HSD.CCCOUNTY.US

February 27, 2014

City of Antioch City Council
City Hall
Antioch, CA 94509



Dear Mayor and City Council Members:

We are writing to express our support for a proposed ordinance that would ban the feeding of feral cats on public property in the City of Antioch. The feeding of wild or feral animals in public spaces – including local, state and national parks – is poor policy for a variety of health, safety and ecologic reasons. In particular, the practice of feeding feral cats in public areas creates significant human disease risks: visitors to a site where feral cats are being fed may have more frequent contact with feral cats and wildlife, and so be at increased risk for scratches, bites, and infectious diseases. Enacting a ban on the feeding of feral cats would help to protect the health of community members who wish to enjoy the City of Antioch's parks and other public spaces.

Providing food to a free-living cat colony enables the population size and density of that colony to increase. At higher densities, cats more frequently interact with other cats, thereby facilitating the transmission of diseases within the colony. Meanwhile, wildlife species such as raccoons, skunks, rats, mice, and pigeons are attracted by the presence of cat food and may mix relatively freely with the feral cat colony while becoming increasingly acclimated to humans.

At high densities, feral cats themselves pose important health risks to people. Cat bites are more likely to occur when large numbers of feral cats share a public space with human visitors, who might easily mistake a feral cat for a tame one, or believe that a particular cat needs "help." Children are at particular risk. Cat bites not only cause significant direct trauma but also are very likely to become infected. A recent study in the Journal of Hand Surgery showed that one in three people bitten on the hand by a cat end up being hospitalized for complications relating to the bite.

Rabies is a fatal viral disease transmitted to humans through animal bites. Cats may contract rabies from the wild animals in which it circulates and pass it on to people. In the United States, cats are the domestic animal most frequently found to have rabies. A person who is bitten by a cat that cannot be located should reasonably seek post-exposure rabies treatment to protect against infection, incurring the associated anxiety and medical costs.

Other infectious diseases that may be transmitted through direct contact with feral cats include cat scratch disease, plague, and tularemia. Parasitic diseases that may be contracted through contact with cat feces include toxoplasmosis, ascariasis, and hookworm infection. These diseases are not common, but their effects can be devastating, particularly to children.



Wild animals attracted to cat feeding stations also pose disease risks to people. Rabies circulates widely in California skunks. Raccoons transmit a roundworm in their feces that causes permanent disabilities in humans, particularly children. Rodents are associated with a number of infections.

In addition to all of the communicable disease risks outlined above, the abundant presence of feral cats, cat waste, and wildlife, including rodents, in Antioch's public areas can have indirect human health effects, by discouraging exercise and recreation.

We believe that reducing the disease risks associated with the presence of high-density feral cat colonies in public spaces is important to protecting the health of our Contra Costa community. Please approve the ordinance to ban the feeding of feral cats on public property in the City of Antioch.

Sincerely,

Wendel Brunner MD

Wendel Brunner MD
Director of Public Health

cc: City Manager Steven Duran
Antioch Animal Control
Supervisor Piepho
Supervisor Glover



Antioch Animal Ordinance

All animal ordinances are listed under sanitation and health, Title 6 in the municipal Code.

6-1.501(K) - Harbor or feed a feral cat except on one's own property

Lt. Robin Kelley / Supervisor Monika Helgemo

What is a feral cat?



- A “feral” cat is unsocialized to humans. They originate from lost or abandoned cats.
- A “stray” cat is living on his own, but remains socialized and adoptable.

What is a colony?



Feral and stray cats tend to live in groups centered around a common food source.

What is “TNR”?

Feral cat management method involving:

- 1.** Trap members of a colony
- 2.** Neuter (plus rabies vaccination & eartipping)
- 3.** Return ferals to original site
- 4.** Long-term caretaking/monitoring

TNR Spay/Neuter Costs:

- City of Antioch TNR- \$324,601.89
 - City of Antioch TNR outsourcing Spay and Neuter - \$157,533.89
- **Penal Code Section 597s(a)- Every person who willfully abandons any animal is guilty of a misdemeanor. Therefore, the release of the animal may be a violation of the law.

Feral cat overpopulation impacts:

- Animal Control
- Rescue Groups
- Public Health
- Wildlife
- Quality of Life /
Animal Welfare



Impact of feral cats on Public Health:

- Unvaccinated cats can transmit diseases to other cats, native wildlife and humans.
- Zoonotic diseases (animal to human) include: rabies, salmonella, ringworm, etc.
- Quality of life complaints (odor, noise, unsanitary conditions, dead kittens / cats, property damage, etc.)
- Financial costs (Investigations - cruelty to animal reports, clean up, etc.)

Impact of feral cats on Wildlife:

- Predation – Cats are hardwired to hunt.
- Potentially devastating impact on sensitive ecosystems of rare species vulnerable to cat attacks
- Extinction – Salt Marsh Harvest Mouse, The Black shouldered Kites and Northern Harrier.





Photo: infinityyy, Shutterstock

Impact on animal welfare:

Kittens: high kitten mortality (susceptible to death).

Adults: short average life span in unmanaged situations (cars, cruelty, disease, fighting, etc.)

*** According to The Humane Society of the United States, free roaming cats typically live less than 5 years , whereas cats kept exclusively indoors can live to 17 or more years of age.

Prohibition Against Feeding Cats

- The new ordinance prohibits the feeding cats on public property.
- Rescues and citizens are not prohibited from trapping cats and re-homing them through their adoption programs.
- Although rescue groups say they will adhere to rules regarding the controlled feeding of feral cats, there is no way to control caretakers or rogue feeders without a ban on the feeding of feral cats.

Prohibition Against Feeding Cats Cont.

- The uncontrolled feeding of cats on public property leads to cats trespassing onto private properties, defecation, and spraying, disease, fleas/flies and other nuisances.
- The uncontrolled feeding of cats increases the number of wildlife, rodents, vermin, and other pests that are also free eating from the food stations that are being left on public properties (including schools, eating establishments and city facilities).

Prohibition Against Feeding Cats Cont.

- Many of the cats are unaltered and unvaccinated.
- Trapping and altering cats does not address the problem of excessive defecation/urine/spraying, offensive odors, cat fur/dander, allergies and diseases that may be transferrable to both animals and humans.

Cat Colony at The Police Department:



Raccoon feeding on one of the foam feeder plates on Cavallo Rd..



Feeding station at the Marina



Raccoon and Cat competing at the Marina

Feeding station at the Marina



Feeding stations (garbage) left at the Marina



Cavallo Rd. / C.C. Times



Water Station C.C. Times



1st Street



Feeding Cats/schools, Health and Sanitation

- Recently both Liberty and Freedom High Schools in the Cities of Brentwood and Oakley have been forced into a problematic situation with feral cat colonies living on their properties. At the recommendation of the Public Health Department, the schools were forced to address the potential health and sanitation dangers to their school children by removing cats and their colonies from their properties that were once part of Trap and Release Programs.

http://www.contracostatimes.com/east-county-times/ci_24743457/liberty-union-high-school-district-battles-feral-cat?source=email

Opposition and concern regarding TNR and the feeding of Stray and Feral Cats

- Lindsay Wildlife Museum: “Cats kill over four million birds in the U.S. every day” Despite being well fed, cats still hunt. Leaving food out for mammals will attract more to the area.
- PETA (people for the Ethical Treatment of Animals): “Sadly our experience with trap, spay and neuter, and release programs and “managed” feral cat colonies has led us to question whether or not these programs are truly in the cat’s best interests.

Opposition and concern regarding TNR and the feeding of Stray and Feral Cats, Cont.

- National Association of State Public Health Veterinarians: There is no evidence that colony management programs will reduce disease (from feral cats).
- AVMA (American Veterinary Medical Association): Opposes placement of managed cat colonies on public lands or in any area that could threaten at-risk wildlife or in areas that may pose a zoonotic risk to the public.

Opposition and concern regarding TNR and the feeding of Stray and Feral Cats, Cont.

- County of Los Angeles Departments of Public Health and Animal Care and Control: With many of these diseases (from feral cats) certain groups are at higher risk of serious disease or complications; these include the very young and the elderly, and persons with immune system weakness caused by medication, cancer treatment, HIV, and pregnancy.
- Mt. Diablo Audubon Society and the American Bird Conservancy: When allowed to roam outdoors, this non-native, invasive species threatens the welfare of birds and other wildlife and endangers the integrity of the ecosystems into which domestic cats are introduced.

Opposition and concern regarding TNR and the feeding of Stray and Feral Cats, Cont.

- U.S. Fish and Wildlife Services: With regard to TNR: After many years of these programs and subsequent studies to determine their success, most cat populations stayed the same, increased or decreased only slightly. There was no “success” story. Furthermore this, solution does not speak directly to the problem of feral cats killing wildlife.

Opposition and concern regarding TNR and the feeding of Stray and Feral Cats, Cont.

- Contra Costa Health Services *“The feeding of wild or feral animals in public spaces – including local, state and national parks – is poor policy for a variety of health, safety and ecologic reasons. In particular, the practice of feeding feral cats in public areas creates significant human disease risks: Visitors to a site where feral cats are being fed may have more frequent contact with feral cats and wildlife, and so be at increased risk for scratches, bites, and infectious diseases. Enacting a ban on the feeding of feral cats would help to protect the health of community members who wish to enjoy the City of Antioch’s parks and other public places.”*



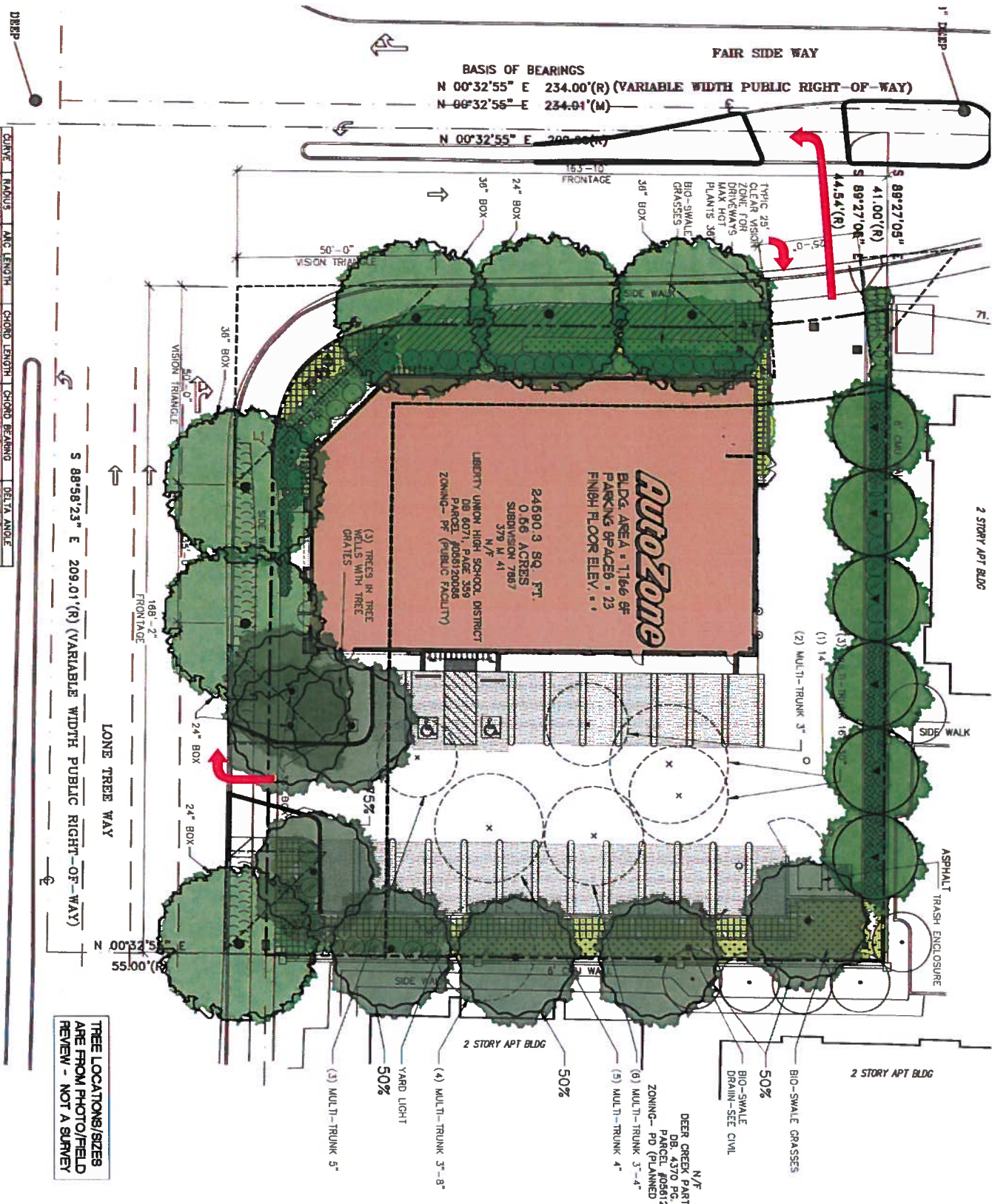
**DEPARTMENT OF
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and City Council
From: Mindy Gentry, Senior Planner *MA*
Date: March 25, 2014
Subject: Item #5 – AutoZone

The attached site plan, which was provided by the applicant after the staff report was released, provides a revised circulation pattern that differs from the proposed plans. The revised plan removed access from Lone Tree Way into the project site; therefore the only ingress into the project would be off of Fairside Way. While this does address staff's concern regarding traffic slowing on a major arterial, Lone Tree Way, to turn into the site, it does not address the concern about vehicles attempting to cross three lanes of traffic exiting onto Lone Tree Way in order to make a u-turn at the Heidorn Ranch Road/Fairside Way intersection to travel east on Lone Tree Way.

#5

03-25-14



BASIS OF BEARINGS
 N 00°32'55" E 234.00'(R) (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)
 N 00°32'55" E 234.01'(M)

2 STORY APT BLDG

AutoZone
 BLDG. AREA = 1166 SF
 PARKING SPACES = 23
 FINISH FLOOR ELEV. = 0'
 24590.3 SQ. FT.
 0.56 ACRES
 SUBDIVISION 7887
 375 N. 41
 N/F
 LIBERTY UNION HIGH SCHOOL DISTRICT
 DB 6071, PAGE 358
 PARCEL #006120088
 ZONING - PF (PUBLIC FACILITY)

(1) TREES IN TREE WELLS WITH TREE GRATES

(1) 14"

(2) MULTI-TRUNK 3"

ASPHALT TRASH ENCLOSURE

2 STORY APT BLDG

BIO-SWALE GRASSES

50%

BIO-SWALE DRAIN-SEE CIVIL

DEER GREEN / ART

DB 6071, PAGE 358

PARCEL #00612

ZONING - PD (PLANNED)

(6) MULTI-TRUNK 3'-4"

(5) MULTI-TRUNK 4"

50%

(4) MULTI-TRUNK 3'-8"

YARD LIGHT

(3) MULTI-TRUNK 5"

LONE TREE WAY

S 88°58'23" E 209.01'(R) (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

NAME	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE

TREE LOCATIONS/SIZES ARE FROM PHOTO/FIELD REVIEW - NOT A SURVEY