



Council Chambers
200 H Street
Antioch, CA 94509

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

ANNOTATED AGENDA

for

SEPTEMBER 8, 2015

**Antioch City Council
Regular Meeting**

**Including the Antioch City Council
acting as Successor Agency to the
Antioch Development Agency**

Wade Harper, Mayor

Lori Ogorchock, Mayor Pro Tem

Mary Helen Rocha, Council Member

Tony Tiscareno, Council Member

Monica E. Wilson, Council Member

Arne Simonsen, City Clerk

Donna Conley, City Treasurer

Steven Duran, City Manager

Derek Cole, Interim City Attorney

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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.

6:00 P.M. ROLL CALL – CLOSED SESSIONS – for Council Members – *All Present*

PUBLIC COMMENTS for Closed Sessions – *None*

CLOSED SESSIONS:

- 1) **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City's Labor Negotiators is authorized by California Government Code section 54957.6; City designated representatives: Michelle Fitzer, Denise Haskett and Glenn Berkheimer; Employee organizations: Operating Engineers Local Union No. 3 (OE3) and Public Employees Union Local 1.

Direction given to Labor Negotiators

- 2) **PUBLIC EMPLOYMENT APPOINTMENT: City Attorney**– This Closed Session is authorized by California Government Code section 54957. Agency Designated Representative: City Manager, Administrative Services Director, and Phil McKenney of Peckham & McKenney regarding the recruitment and appointment of a City Attorney.

Direction given to Negotiator

7:02 P.M. ROLL CALL – REGULAR MEETING – for Council Members/City Council Members acting as Successor Agency to the Antioch Development Agency – *All Present*

PLEDGE OF ALLEGIANCE

1. PROCLAMATION

- Fall Prevention Awareness Week, September 21 – 27, 2015

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the proclamation.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

- SALES TAX CITIZENS' OVERSIGHT COMMITTEE (Deadline date to apply: 09/10/15)
- PLANNING COMMISSION (Deadline date to apply: 10/09/15)

PUBLIC COMMENTS – Members of the public may comment only on unagendized items. The public may comment on agendized items when they come up on this Agenda.

CITY COUNCIL COMMITTEE REPORTS

MAYOR'S COMMENTS

PRESENTATIONS – East County Family Justice Center Discussion Update, presented by Devorah Levine, J.D.

– California Youth Energy Services - Summer 2015 Wrap Up, presented by Julie Haas-wajdowicz

PRESENTATIONS

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

A. APPROVAL OF COUNCIL MINUTES FOR AUGUST 11, 2015

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the minutes.

MINUTES

B. APPROVAL OF COUNCIL MINUTES FOR AUGUST 25, 2015

Continued, 5/0

Recommended Action: It is recommended that the City Council continue the minutes to the next meeting.

MINUTES

C. APPROVAL OF COUNCIL WARRANTS

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the warrants.

STAFF REPORT

D. REJECTION OF CLAIMS

1. Tanya Ward – Claim received on July 10, 2015
2. Tameka S. Flood – Claim received on August 11, 2015

STAFF REPORT

Rejected, 5/0

Recommended Action: It is recommended that the City Council reject the claims.

E. APPROVE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND MONIES

Approved, 5/0

Recommended Action: It is recommended that the City Council receive and file the report and approve Supplemental Law Enforcement Services Fund Monies for fiscal year 2015/16 in an amount estimated to be \$150,000.

STAFF REPORT

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

F. THIRD AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT FOR PROFESSIONAL SERVICES WITH WALTER BISHOP CONSULTING

Approved, 5/0

Recommended Action: It is recommended that the City Council approve the Third Amendment to the Consultant Service Agreement with Walter Bishop Consulting to assist in negotiations with the City's Water Rights, provide support, planning and strategies with Bay Delta Conservation Plan (BDCP) and the Brackish Water Desalination Treatment Project in the amount of \$50,000 for a total of \$95,000.

STAFF REPORT

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

G. RECOGNIZED OBLIGATION PAYMENT SCHEDULE (15-16B) FOR THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH

SA Reso No. 2015/19 adopted, 5/0

Recommended Action: It is recommended that the Successor Agency to the Antioch Development Agency of the City of Antioch adopt the resolution approving the Recognized Obligation Payment Schedule for the period of January 2016 through June 2016 (ROPS 15-16B).

STAFF REPORT

PUBLIC HEARING

3. AVIANO PROJECT – GP-15-02, PD-14-01, PW-676, UP-14-05 (Continued from 08/25/15)

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

Reso No. 2015/66 adopted, 5/0

1) Adopt the Resolution adopting the Addendum to the Environmental Impact Report for the Aviano Adult Community Project.

To 09/22/15 for adoption with amendments, 5/0

2) Introduce the Ordinance approving a Development Agreement between the City of Antioch and Aviano Farms LLC.

Reso No. 2015/67 adopted, 5/0

3) Adopt the Resolution approving a General Plan Amendment for purposes of amending the Sand Creek Focus Area text to allow small-lot single family residential uses on-site (GP-15-02).

To 09/22/15 for adoption, 5/0

4) Introduce the Ordinance approving a rezone to modify the current Aviano Adult Community Planned Development zone standards (PD-14-01).

Reso No. 2015/68 adopted, 5/0

5) Adopt the Resolution approving a Vesting Tentative Map/Final Development Plan and Use Permit for Phase 1 consisting of 127 units (UP-14-15).

STAFF REPORT

COUNCIL REGULAR AGENDA

4. FINAL ACCEPTANCE OF CAVALLO ROAD/COUNTRY HILLS DRIVE PAVEMENT REHABILITATION (P.W. 392-29)

Reso No. 2015/69 adopted, 5/0

Recommended Action: It is recommended that the City Council adopt a resolution authorizing the Director of Finance to increase the existing contract with MCK Services, Inc. for this project in the amount of \$216,480.39 for a total of \$1,653,410.39, accepting work and authorizing the Public Works Director/City Engineer to File a Notice of Completion.

STAFF REPORT

5. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTION PACKET

Direction provided to Voting Delegate, 5/0

Recommended Action: It is recommended that the City Council review and discuss the League of California Cities annual conference resolution packet and provide direction to the voting delegate (Mayor Pro Tem Ogorchock).

STAFF REPORT

PUBLIC COMMENT

STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS AND FUTURE AGENDA ITEMS – *Council Members report out various activities and any Council Member may place an item for discussion and direction on a future agenda. Timing determined by Mayor and City Manager – no longer than 6 months.*

ADJOURNMENT – 8:29 p.m.

Family Justice Alliance

Presentation to Antioch City Council, September 8, 2015

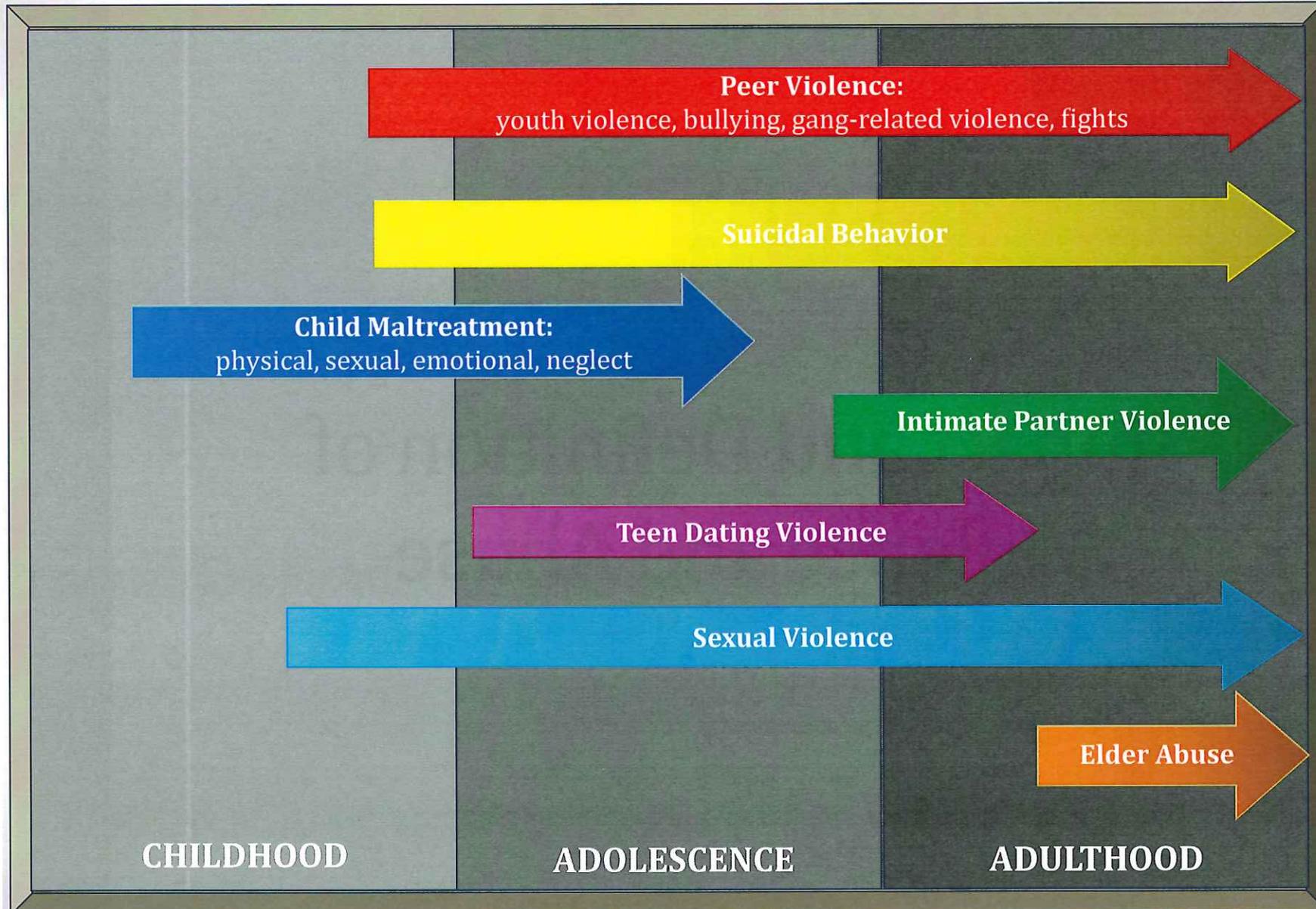


Purpose:

- Gain an understanding of how the Family Justice Center Model benefits communities
- Gain an understanding of progress to date

Impact and Definition of Violence and Abuse

Different Forms of Violence



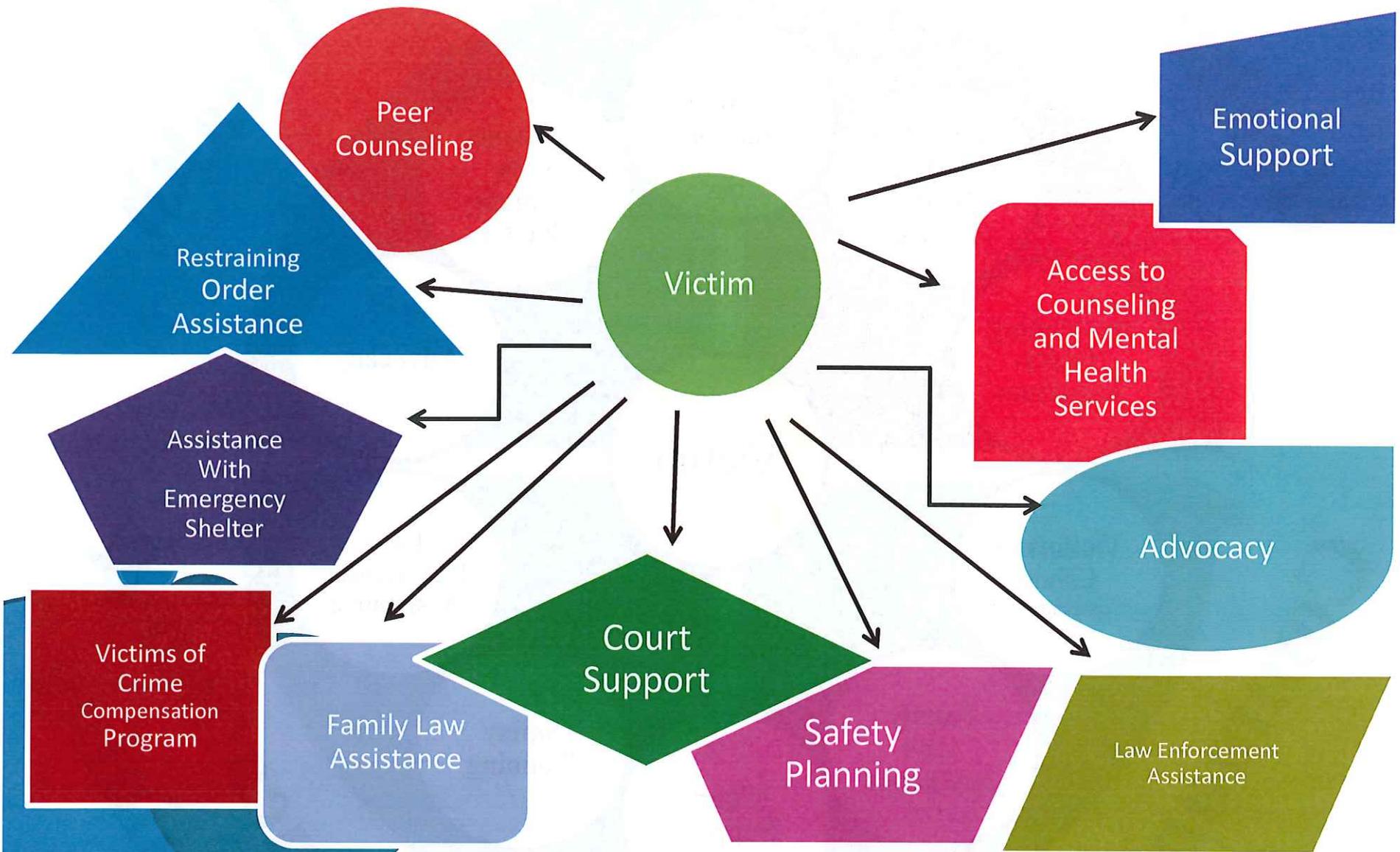
Source: Centers for Disease Control and Prevention, Division of Violence Prevention

Connecting the Dots

- *“Gang violence is connected to bullying is connected to school violence is connected to intimate partner violence is connected to child abuse is connected to elder abuse. It’s all connected.”*
- *-Dr. Deborah Prothrow-Stith, Adjunct Professor, Harvard School of Public Health*

Source: Wilkins, N., Tsao, B., Hertz, M., Davis, R., Klevens, J. (2014). **Connecting the Dots: An Overview of the Links Among Multiple Forms of Violence**. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention Oakland, CA: Prevention Institute.

Need for Family Justice Centers to Address Violence and Abuse



FAMILY JUSTICE CENTER

SERVING • CONNECTING • EMPOWERING

What is a Family Justice Center?



Saves Lives and Money

- Communities with Family Justice Centers have experienced **reduction in domestic violence homicides**:
 - San Diego: 30 homicides in 1985; 7 in 2011
 - New York: 54% reduction in homicides since opening Family Justice Centers
- Reduction in domestic violence homicides and other related crimes **saves money**:
 - A 2010 study by Iowa State University found that
 - one murder costs the local government \$17.5 million,
 - one rape costs \$448,532, and
 - one aggravated assault costs \$145,379

Cost Effective & Leveraging Resources

- Co-locates existing personnel from partner agencies under one roof ; accountability + quality = safety.
- Leverages existing resources rather than duplicating or replacing existing programs
- Majority of center staffing and services are covered through FJC Partners' existing budgets
- Lean operating budget for Centers
- Diversified funding sources
- Successful fundraising

Progress to Date in the County

- **2001:** SB 968 declares Contra Costa County the first *Zero Tolerance for Domestic Violence* County in California; Partnership begins to plan for integration.
- **2011:** First Family Justice Center opened in Richmond (West Contra Costa FJC)
- **2015:** Central County FJC opened in Concord
- **2015:** Planning begins in East County
- **Ongoing:** Planning for a countywide Family Justice Alliance

The FJC Model in East County

- A Family Justice Center is about much more than a building. It is a focus on:
 - Keeping victims and their children at the center
 - Understanding the context in East County
 - Creating highly effective working relationships among professionals
 - Breaking down silos to create safer communities

A Countywide Alliance

- Links together current and future centers with one governance structure and coordinates fund raising and sustainability
- Benefits:
 - Efficient Use of Resources
 - Consistent Access to Quality Services
 - Streamlining of Policies

Thank You

Contact: Devorah Levine

Director, Zero Tolerance for Domestic Violence Initiative

dlevine@ehsd.cccounty.us

(925) 313-1524

Susun Kim

Executive Director, Contra Costa Family Justice Center

susun@cocofamilyjustice.org

(510) 965-4937

Family Justice Alliance of Contra Costa

<http://www.cocofamilyjustice.org>

- **The Family Justice Alliance of Contra Costa will focus on the needs of victims.**

The Family Justice Alliance of Contra Costa seeks to ensure a compassionate, comprehensive response to the needs of victims experiencing interpersonal violence, domestic violence, sexual assault, child abuse, elder abuse, and human trafficking.

- **Family Justice Centers are a new way of doing business that are part of our county's path to a violence-free future.**

Family Justice Centers help us use existing resources in new ways to: ensure easier access to high-quality services, build safer and healthier communities, and create violence-free futures.

- **Family Justice Centers provide wrap-around services for victims.**

Family Justice Centers bring together multiple organizations to coordinate wrap-around services for victims of interpersonal violence and their families.

- **Planning for the Family Justice Alliance of Contra Costa will focus on shared governance and sustainability.**

The objectives of the planning process for the alliance include establishing an effective shared governance structure and a sustainability plan for new, existing, and future Family Justice Centers in the county.

- **The Family Justice Alliance of Contra Costa builds on the experience of existing Family Justice Centers in the region.**

In 2011, the first Family Justice Center in the county opened in a temporary location to support the healing of family violence survivors in Richmond/West County (West Contra Costa Family Justice Center). An expanded permanent location for this center opened in June 2015. In 2014, planning efforts began to establish a Central County Family Justice Center with a site opening March 2015 in Concord. Preliminary discussions to assess readiness for a Family Justice Center in East and Far East County have also begun.

- **Stakeholder engagement will be an essential element of the planning process.**

The strategic planning process will prioritize robust stakeholder engagement in order to ensure that the development of the Family Justice Alliance of Contra Costa both responds to, and is supported by, Contra Costa's diverse communities.

- **Planning team and contact information:**

A core group of representatives from the Zero Tolerance Initiative, other local government agencies, and community-based partners will guide the planning process with support from the Glen Price Group.

For more information, contact Devorah Levine, Contra Costa County Zero Tolerance for Domestic Violence Initiative, dlevine@ehsd.cccounty.us

CITY COUNCIL MEETING

Regular Meeting
7:00 P.M.

August 11, 2015
Council Chambers

6:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LABOR NEGOTIATORS** – This Closed Session with the City's Labor Negotiators is authorized by California Government Code section 54957.6; City designated representatives: Michelle Fitzer, Denise Haskett and Glenn Berkheimer; Employee organizations: Operating Engineers Local Union No. 3 (OE3) and Public Employees Union Local 1.

Interim City Attorney Cole reported in addition to this evening, the City Council had been in Closed Session on August 3, 2015. He gave the following report: **August 3, 2015 #1 PUBLIC EMPLOYEE APPOINTMENT; City Attorney**, Direction was given to City's recruiter and **August 11, 2015 #1 CONFERENCE WITH LABOR NEGOTIATORS** – Direction was given.

Mayor Harper called the meeting to order at 7:06 P.M., and City Clerk Simonsen called the roll.

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

PLEDGE OF ALLEGIANCE

Mayor Harper led the Council and audience in the Pledge of Allegiance.

ANNOUNCEMENTS OF CIVIC AND COMMUNITY EVENTS

Martha Parsons wished Councilmember Ogorchock a happy belated birthday. As a member of the Contra Costa County Stand Executive Board, she thanked the City Council for their support and announced *Stand Down on the Delta* would take place on September 11 – 14, 2015 at the Contra Costa County Fairgrounds. She thanked the sponsors, volunteers and those donating to the event. She noted anyone wishing to volunteer or register could do so on their website.

Bill Myers, representing Undead Bettys Roller Derby, announced The Skaters Grim vs. San Diego Aftershocks bout would be held on August 15, 2015 at the Antioch Indoor Sports Complex. He noted contact information was available on their website and tickets were available for anyone wishing to attend.

Director of Parks and Recreation Kaiser announced the Antioch Water Park would be open Friday evenings and weekends through Labor Day. Additionally, she noted free summer concerts hosted by the Arts and Cultural Foundation were being held on Saturdays at Waldie Plaza. She provided brochures for the swim program and noted Fall/Winter Recreation Guides would be sent out this week.

PUBLIC COMMENTS

Mayor Harper explained Council was prohibited from discussing matters not on the agenda and assured residents their concerns would be heard.

Battalion Chief Bob Atlas gave an update on fire department activities in Antioch for the month of July. He reported there was a fire in the Sycamore Corridor on August 5, 2015 which had displaced approximately 30 residents. He recognized the apartment complex management and the American Red Cross for assisting residents in finding accommodations.

Mayor Harper thanked Battalion Chief Atlas for the presentation and stated he looked forward to his monthly reports.

Frank Sterling, Antioch resident, questioned why the community had not been informed someone had died in police custody and requested details of this event be made public. He also discussed encounters with Antioch Police Officers in which he felt excessive force had been used and questioned what action would be taken to resolve this issue. He requested City Manager Duran provide more detailed reports in his weekly Police Department updates.

Patty Howard, Antioch resident, reported a landlord in her neighborhood habitually rented to undesirables who threatened and harassed her and her neighbors. She reported on her participation in Neighborhood Watch and National Night Out. She requested contact from the City so she could receive guidance on how to resolve the issue.

Mayor Harper sympathized with Ms. Howard and thanked her for participating in Neighborhood Watch and National Night Out. He stated he would be providing her contact information to Chief Cantando.

Tom Trost, representing the Hickmott Canary properties, requested his Wharf parcel be included in the City's waterfront and zoning maps.

Mayor Harper stated he would provide City Manager Duran with Mr. Trost's contact information.

Mayor Harper read written comment from Antioch resident George Briggs, requesting the City provide a detailed list of all fund balances with increases and decreases for FY 2005 – FY 2015.

Mayor Harper stated he would provide City Manager Duran with Mr. Brigg's contact information.

ANNOUNCEMENTS OF BOARD AND COMMISSION OPENINGS

City Clerk Simonsen announced there was a resignation on the Sales Tax Citizen's Oversight Committee and applications for the vacancy would be available online and at the City Clerk and Deputy City Clerk's offices beginning August 12, 2015.

COUNCIL SUBCOMMITTEE REPORTS - None

MAYOR'S COMMENTS

Mayor Harper welcomed everyone back from summer break.

PRESENTATION

Sarah Meacham, Public Finance Management (PFM), gave an overhead presentation of the Second Quarter 2015 Review of Portfolio Investment Report.

Mayor Harper thanked Ms. Meacham for the presentation.

Director of Public Works/City Engineer Bernal introduced Typhian Rice-Evans who gave an overhead presentation of the Transportation Development Impact Fee Draft Study (PW 644-A)

In response to Council, Mr. Rice-Evans discussed methodology for determining the transportation impact fee, funding mechanisms, and next steps in the process.

Mayor Harper suggested Mr. Rice-Evans discuss the City's transportation needs with Tri-Delta Transit and Dick Loewke.

1. COUNCIL CONSENT CALENDAR

- A. APPROVAL OF COUNCIL SPECIAL MEETING STUDY SESSION MINUTES FOR JUNE 17, 2015
- B. APPROVAL OF COUNCIL MINUTES FOR JULY 28, 2015
- C. APPROVAL OF COUNCIL WARRANTS
- D. REJECTION OF CLAIM
 - 1. April Lujano
- E. ORDINANCE NO. 2105-C-S AMENDING SECTIONS 4-5.1501.4 AND 4-5.1501.5 OF THE ANTIOCH MUNICIPAL CODE AND CHANGING THE PRIMA FACIE SPEED LIMIT ON BUCHANAN ROAD, CANADA VALLEY ROAD, AND SOMERSVILLE ROAD/AUTO CENTER DRIVE (PW 282-3A) (*Introduced on 07/28/15*)
- F. ORDINANCE NO. 2106-C-S WAIVED FIRST READING AND INTRODUCED AN ORDINANCE ADDING CHAPTER 20 TO TITLE 8 OF THE ANTIOCH MUNICIPAL CODE, DEALING WITH EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS
- G. RESOLUTION NO. 2015/55 ASSIGNING THE PARKS AND RECREATION COMMISSION TO SERVE AS THE LOCAL BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (PW 409-4)

- H. **RESOLUTION NO. 2015/56 AUTHORIZING THE CITY MANAGER TO EXECUTE A USE AGREEMENT WITH DELTA 2000 FOR THE RIVERTOWN RESOURCE CENTER**
- I. **RESOLUTION NO. 2015/57, RESOLUTION NO. 2015/58, RESOLUTION NO. 2015,59 PROPERTY ASSESSED CLEAN ENERGY PROGRAMS (PACE) TO OPERATE IN ANTIOCH ADMINISTERED BY CALIFORNIA HOME FINANCE AUTHORITY (YGRENE) PACE PROGRAMS AND ALLIANCE NRG**

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

Councilmember Rocha thanked Betty Smith for her leadership at Delta 2000.

COUNCIL REGULAR AGENDA

2. FINAL ACCEPTANCE OF PAVEMENT PLUGS AND BASE REPAIRS AT VARIOUS LOCATIONS (PW 328-9)

Director of Public Works/City Engineer Bernal presented the staff report dated August 11, 2015 recommending the City Council adopt a resolution authorizing the Director of Finance to amend the 2014-2015 Capital Improvement Budget to increase Gas Tax funding for the Pavement Plugs and Base Repairs at Various Locations project in the amount of \$210,000 and increase the existing contract with MCK Services, Inc. for this project in the amount of \$209,325.11 for a total of \$2,220,757.11, accepting work and authorizing the Public Works Director/City Engineer to File a Notice of Completion.

Director of Public Works/City Engineer Bernal explained when staff received requests from residents; he put them on a list to prioritize for future improvements.

RESOLUTION NO. 2015/60

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously adopted a resolution authorizing the Director of Finance to amend the 2014-2015 Capital Improvement Budget to increase Gas Tax funding for the Pavement Plugs and Base Repairs at Various Locations project in the amount of \$210,000 and increase the existing contract with MCK Services, Inc. for this project in the amount of \$209,325.11 for a total of \$2,220,757.11, accepting work and authorizing the Public Works Director/City Engineer to File a Notice of Completion.

Councilmember Rocha and Mayor Harper stated they had received positive feedback from the community on the road improvements projects.

3. CONSULTANT CONTRACT WITH CAROLLO ENGINEERS FOR INITIAL PLANNING AND FUNDING ASSISTANCE FOR BRACKISH WATER DESALINATION PROJECT (PW 694)

Director of Public Works/City Engineer Bernal presented the staff report dated August 11, 2015 recommending the City Council adopt a resolution amending the fiscal year 2015/2016 Water Enterprise Fund budget by \$63,718, carrying forward funds designated for this project in fiscal year 2014/2015 and authorize the City Manager to execute a sole source agreement with Carollo Engineers for Phase 1 Initial Planning for a Brackish Water Desalination Project in the amount of \$100,000. Funding for the balance of the purchase is designated in the fiscal year 2015/2016 Capital Improvements expenditure budget.

Lou Carella, representing Carollo Engineers, stated this was an opportunity for the City to optimize their pre-1914 water rights. He noted a business case analysis would consider an engineering component, mitigation for the environmental impact and outside funding to assist with construction.

Mayor Harper thanked Mr. Carella for attending the meeting this evening.

In response to Councilmember Tiscareno, Director of Public Works/City Engineer Bernal stated this process was considering current intake. He noted expanding that was a possibility; however, pre-1914 water rights required the City to utilize water within the City limits. He noted they could assess cost, impact and the process for expansion of capacity to generate revenue.

RESOLUTION NO. 2015/61

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously adopted a resolution amending the fiscal year 2015/2016 Water Enterprise Fund budget by \$63,718, carrying forward funds designated for this project in fiscal year 2014/2015 and authorize the City Manager to execute a sole source agreement with Carollo Engineers for Phase 1 Initial Planning for a Brackish Water Desalination Project in the amount of \$100,000. Funding for the balance of the purchase is designated in the fiscal year 2015/2016 Capital Improvements expenditure budget.

4. BABE RUTH LOAN AGREEMENT

Water Treatment Plant Supervisor Coley presented the staff report dated August 11, 2015 recommending the City Council provide direction regarding the request by Antioch Babe Ruth for annual loan forgiveness.

Ed Davies, President of Antioch Babe Ruth, announced signups for Fall Ball had begun. He reported they would begin using their well once the domestic and well water lines were separated.

Councilmember Rocha thanked Mr. Davies for attending this evening to respond to Council's questions.

Mayor Harper thanked Mr. Davies for overseeing the Antioch Babe Ruth program.

On motion by Councilmember Tiscareno, seconded by Councilmember Rocha, the City Council approved forgiveness of the annual loan in the amount of \$762.92.

5. TRANSPORTATION UPDATE AND PRIORITIES

Director of Public Works/City Engineer Bernal presented the staff report dated August 11, 2015 recommending the City Council receive and file this report, and direct staff regarding the City of Antioch's regional transportation capital project priorities.

Allen Payton, Antioch resident, had no comment as his questions had been answered with the presentation.

Councilmember Rocha and Councilmember Tiscareno agreed that a major emphasis should be placed on promoting Ferry service in Antioch.

On motion by Councilmember Ogorchock, seconded by Councilmember Tiscareno, the City Council unanimously received and filed the report with direction that the Ferry Terminal be the first priority.

6. DISCUSSION OF RENAMING 'A' STREET AND 'L' STREET

City Manager Duran presented the staff report dated August 11, 2015 recommending the City Council discuss whether or not to rename "A" Street and/or "L" Street and direct staff accordingly.

Lori Cook, Antioch resident, provided the City Council with photos of "A" and "L" Street corridors as well as comments from her facebook page. She stated she did not have an opinion regarding changing the names of the streets; however, both areas were in need of having graffiti, illegal dumping, boarded up homes, panhandling, garbage and homeless issues addressed. She requested the City consider increasing Code Enforcement staff.

Allen Payton, Antioch resident, agreed with Ms. Cook's comments. He noted the concept of the name change was for permanent marketing of downtown Antioch. He reported the Rivertown Business Association was in support of renaming "A" Street to Rivertown Drive and 2nd Street to West or Old Rivertown Drive. He encouraged the City Council to move forward with this matter.

Following discussion, the City Council supported the concept of changing the names of "A" and "L" Streets and agreed to bring the item back for Council consideration following community outreach.

Mayor Harper stated if the street names were changed, he would suggest leaving old signage up temporarily during the transition.

On motion by Councilmember Rocha, seconded by Councilmember Ogorchock, the City Council unanimously directed staff to conduct public outreach regarding the renaming of "A" and "L" Streets and bring back the item in October.

Mayor Harper recognized Lori and Bill Cook for their hard work in cleaning up the community. He stated issues brought up this evening needed to be addressed.

**7. AUTHORIZE RESPONSE TO GRAND JURY REPORT: "COMMUNITY COURTS"
(REPORT 1510)**

Chief Cantando and Captain Brooks presented the staff report dated August 11, 2015 recommending the City Council approve and authorize the Mayor to sign the response to the Grand Jury report: "Community Courts."

Councilmember Ogorchock stated she had observed the community court and felt it was a viable process. Additionally, she stated she had spoken with several City and Judicial officials who supported the program. She suggested the City Council consider implementing the program in Antioch.

Mayor Harper stated he did not support a Community Court for Antioch at this time as it transferred the burden to the local Police Department where resources could be better utilized.

Councilmember Tiscareno stated he did not feel the benefits of a "Community Court" would outweigh the demand on staff at this time. He noted he was willing to readdress this issue in the future.

Mayor Harper read written comment from Iris Archuleta who spoke in support of the staff report recommendation.

Councilmember Ogorchock suggested the letter indicate the City would like to table the matter and reconsider it in the future.

In response to Councilmember Wilson, City Manager Duran gave an overview of the response to the Grand Jury report and explained that it would not prevent the City from reconsidering the matter in the future. He stated he supported staff's recommendation and discussed the importance of deploying City resources strategically and for the highest priorities.

On motion by Councilmember Tiscareno, seconded by Councilmember Wilson, the City Council approved and authorized the Mayor to sign the response to the Grand Jury report: "Community Courts." The motion carried the following vote:

Ayes: Wilson, Tiscareno, Rocha and Harper

Noes: Ogorchock

8. DISCUSSION AND DIRECTION REGARDING CITY COUNCIL COMMITTEES AND APPOINTMENTS

City Manager Duran presented the staff report recommending the City Council review and discuss City Council Committees and Appointments and their functions to determine which committees and appointments should be continued in the present format, discontinued or otherwise changed.

City Manager Duran stated he would reach out to Superintendent Gill to discuss how to move forward with the City/School Relations committee.

In response to Councilmember Rocha, Mayor Harper explained Councilmember Wilson was working with the Chamber of Commerce on the Suburban Poverty Task Force Committee to address homeless issues.

Councilmember Wilson stated with regards to the Sycamore Corridor Committee, Emerald Consulting had launched their Health Wealth Initiative and she sits on that Initiative in her Workforce Development role. She cautioned the City to be mindful of duplication of committees and suggested as an alternative, Council participate as an active liaison or in a leadership role.

Councilmember Rocha suggested Council take a leadership role to address the homeless issue and cleaning up blight in the community.

City Manager Duran clarified liaisons appointed to committees were not bound by the requirements of the Brown Act. He cautioned Council that Code Enforcement work needed to be addressed at a staff level and it may require more resources to deal with the issues.

Mayor Harper agreed with concerns related to panhandling, blight, vandalism, and graffiti. He stated the issue needed to be addressed with compassion. He suggested Antioch Police Department give more attention to this issue.

Councilmember Rocha suggested the City Council adequately fund staff to address this issue.

Councilmember Tiscareno recommended the Graffiti Committee be formalized and expanded to address blight.

A motion was made by Councilmember Ogorchock and seconded by Councilmember Rocha, to direct staff to discontinue the following Council/Appointments/Committee Assignments: ICLEI (International Council for Local Environmental Initiatives), City/School Relations Committee (change to liaison), Historic Preservation Committee, Quality of Life Forum Committee, and Committee on Aging.

Following discussion, the maker of the motion and the second amended the motion as follows:

On motion by Councilmember Ogorchock, seconded by Councilmember Rocha, the City Council unanimously directed staff to discontinue the following Council Appointment/Committee Assignments: ICLEI (International Council for Local Environmental Initiatives), Historic Preservation Committee, Quality of Life Forum Committee, and Committee on Aging.

PUBLIC COMMENTS

Joy Motts, representing the Celebrate Antioch Foundation, encouraged the City Council to advance communications with the Antioch Unified School District. She asked for direction from the Council with regards to their intentions as to the development of the Beede Lumber site and requested the City agendize consideration of their proposal for the August 25, 2015 meeting.

STAFF COMMUNICATIONS

City Manager Duran reported on his attendance at the Mayor's Conference, Health and Wealth Initiative, and Delta 6 meeting.

COUNCIL COMMUNICATIONS

Councilmember Rocha reported on her attendance at the Antioch Police Department Swearing-in Ceremony and the National Night Out event. She requested staff agendaize direction to the Celebrate Antioch Foundation regarding their proposal for the Beede Lumber Yard parcel.

City Manager Duran responded staff was prepared to take this item to Closed Session under real estate negotiations to discuss proposals received including the Celebrate Antioch Foundation. He explained real property negotiations needed to be addressed in Closed Session rather than through the dais.

Councilmember Tiscareno reported on his attendance at the National Night Out event. He noted he was unable to attend the Antioch Police Department Swearing-in Ceremony due to work obligations; however, he looked forward to meeting the new officers. He requested staff agendaize formalizing and expanding the graffiti committee.

Councilmember Ogorchock reported on her attendance at the Mayor's Conference, the Antioch Police Department Swearing-in Ceremony and National Night out. She requested staff agendaize the following discussion items; six (6) license plate readers for the Sycamore corridor and hiring of an additional Code Enforcement and Community Service Officer. She expressed concern staff had not provided clear and concise information to the Celebrate Antioch Foundation regarding their park/event center proposal for the Beede Lumber parcel. She requested an MOU on this matter be agendaized for the August 25, 2015 City Council meeting.

Councilmember Wilson reported on her attendance at the Neighborhood Cleanup event, National Night Out and Sister City visitation in Chichibu Japan. She requested staff agendaize a presentation from Dr. Sean Wright on the Sister City program.

Mayor Harper reported on his attendance at the Mayor's conference. He requested staff agendaize a discussion on the homeless issue. He congratulated Chief Cantando on the hiring of the new officers and reported on his attendance at National Night Out.

ADJOURNMENT

With no further business, Mayor Harper adjourned the meeting at 10:21 P.M. to the next regular Council meeting on August 25, 2015.

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 8, 2015

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Christina Garcia, Deputy City Clerk *Cg*

APPROVED BY: Michelle Fitzner, Administrative Services Director

SUBJECT: City Council Meeting Minutes of August 25, 2015

RECOMMENDED ACTION

It is recommended that the City Council continue the Meeting Minutes of August 25, 2015 to the next meeting.

STRATEGIC PURPOSE

N/A

FISCAL IMPACT

None

DISCUSSION

N/A

ATTACHMENT

None.

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

Non Departmental

358032 BLUE STAR HEATING AND AIR	CBSC FEE REFUND	2.34
358074 HARO, CONNIE	BARRICADE DEPOSIT REFUND	30.00
358109 MCGOVERAN, JEFF	STATE FEE REFUND	1.00
358111 MIKEL, RADIAH AND MIKE	BARRICADE DEPOSIT REFUND	60.00
358148 STANTEC CONSULTING SERVICES INC	CONSULTING SERVICES	6,703.25
358176 CONTRA COSTA WATER DISTRICT	FACILITY RESERVE FEE	266,554.00
358177 CONTRA COSTA WATER DISTRICT	TREATED WATER CAPACITY FEE	60,554.52
358178 ECC REG FEE AND FIN AUTH	ECCRFFA-RTDIM	452,528.40
358202 CIRCLEPOINT	CONSULTING SERVICES	2,062.50

City Council

358026 BANK OF AMERICA	CONFERENCE-OGORCHOCK	500.00
358053 DIABLO LIVE SCAN	FINGERPRINTING	20.00
358233 NATURES BOUNTY	MEETING EXPENSE	260.61
358251 STATE OF CALIFORNIA	FINGERPRINTING	32.00

City Attorney

358134 RAY MORGAN COMPANY	COPIER USAGE	62.51
358145 SHRED IT INC	SHRED SERVICE	48.16
358179 PECKHAM AND MCKENNEY	PROFESSIONAL SERVICES	1,979.04

City Manager

358026 BANK OF AMERICA	MEETING EXPENSE	148.08
358134 RAY MORGAN COMPANY	COPIER USAGE	62.51

City Clerk

358031 BLUE SHIELD OF CALIFORNIA	PAYROLL DEDUCTIONS	33.32
358134 RAY MORGAN COMPANY	COPIER USAGE	62.51

City Treasurer

358068 GARDA CL WEST INC	ARMORED CAR PICK UP	226.93
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Human Resources

358084 IEDA INC	PROFESSIONAL SERVICES	4,035.84
358134 RAY MORGAN COMPANY	COPIER USAGE	110.13
358145 SHRED IT INC	SHRED SERVICE	48.17
358230 MUNICIPAL POOLING AUTHORITY	PROFESSIONAL SERVICES	522.27

Economic Development

358117 MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	2,222.00
358134 RAY MORGAN COMPANY	COPIER USAGE	62.52
358240 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	460.26
924980 COMPUTERLAND	SOFTWARE	121.00
924986 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	468.27

Finance Administration

358125 OFFICE MAX INC	OFFICE SUPPLIES	69.52
358134 RAY MORGAN COMPANY	COPIER USAGE	841.09

Finance Accounting

358053 DIABLO LIVE SCAN	FINGERPRINTING	20.00
358145 SHRED IT INC	SHRED SERVICE	48.17
358194 AT AND T MCI	PHONE	489.83

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

Finance Operations

358134 RAY MORGAN COMPANY	COPIER USAGE	185.92
358160 UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	15.30

Non Departmental

358063 FERNANDES, ANGELO	BUS LIC OVERPAYMENT REFUND	196.68
358109 MCGOVERAN, JEFF	BUS LIC APP FEE REFUND	234.90
358110 MENDOZA JR, ALFONSO	LIABILITY CLAIM	3,500.00
358117 MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	34,687.00
358220 HUDSON TOWNHOUSE MANOR	BUS LIC PENALTY FEE REFUND	1,864.22
358231 MUNISERVICES LLC	QTR1 STARS	250.00

Public Works Maintenance Administration

358134 RAY MORGAN COMPANY	COPIER USAGE	20.34
358235 NEXTEL SPRINT	CELL PHONE	58.10
358237 OFFICE MAX INC	OFFICE SUPPLIES	51.00

Public Works General Maintenance Services

358134 RAY MORGAN COMPANY	COPIER USAGE	54.26
358237 OFFICE MAX INC	OFFICE SUPPLIES	130.05

Public Works Street Maintenance

358053 DIABLO LIVE SCAN	FINGERPRINTING	20.00
358136 RED WING SHOE STORE	SAFETY SHOES	439.39
358180 VERIZON WIRELESS	DATA PLAN	38.01
358235 NEXTEL SPRINT	CELL PHONE	57.11
358251 STATE OF CALIFORNIA	FINGERPRINTING	32.00
358266 VERIZON WIRELESS	DATA PLAN	38.01
924965 GRAINGER INC	SUPPLIES	164.50

Public Works-Signal/Street Lights

358014 AMERICAN GREENPOWER USA INC	STREET LIGHTS	6,703.90
358042 CONTRA COSTA COUNTY	TRAFFIC SIGNAL MAINTENANCE	121,979.85
358149 STATE OF CALIFORNIA	SIGNAL LIGHT MAINTENANCE	2,717.80
358194 AT AND T MCI	PHONE	586.49
358240 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	6,018.40
924969 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	8,305.75

Public Works-Striping/Signing

358010 ACE HARDWARE, ANTIOCH	SUPPLIES	3.51
358020 ANTIOCH AUTO PARTS	AIR HOSE	26.93
358058 EAST BAY WELDING SUPPLY	SUPPLIES	17.71
358102 LINE MASTER ENGINEERING	FILTER ELEMENTS	214.15
358107 MANERI SIGN COMPANY	SIGNS	3,051.19
358180 VERIZON WIRELESS	DATA PLAN	38.01
358185 ALTA FENCE	FENCE REPAIR	347.00
358196 BAY AREA BARRICADE	SUPPLIES	107.02
358212 EAST BAY WELDING SUPPLY	SUPPLIES	17.71
358229 MT DIABLO LANDSCAPE CENTERS INC	CONCRETE MIX	260.51
358235 NEXTEL SPRINT	CELL PHONE	57.11
358266 VERIZON WIRELESS	DATA PLAN	38.01

Prepared by: Georgina Meek
 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

Public Works-Facilities Maintenance

358011	ACME SECURITY SYSTEMS	REPAIR SERVICE	285.00
358015	AMERICAN PLUMBING INC	PLUMBING SERVICES	135.00
358029	BELUS CONSTRUCTION	RESTROOM REPAIRS	19,400.00
358055	DREAM RIDE ELEVATOR	ELEVATOR SERVICES	240.00
358069	GENERAL PLUMBING SUPPLY CO	SUPPLIES	132.21
358076	HONEYWELL INTERNATIONAL INC	HVAC REPAIRS	699.20
358104	LOWES COMPANIES INC	SUPPLIES	68.74
358117	MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	3,266.00
358180	VERIZON WIRELESS	DATA PLAN	38.01
358194	AT AND T MCI	PHONE	50.15
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	14,213.47
358266	VERIZON WIRELESS	DATA PLAN	38.01
924973	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	3,041.85

Public Works-Parks Maint

358015	AMERICAN PLUMBING INC	PLUMBING SERVICES	2,750.80
358139	ROSS RECREATION EQUIPMENT	PLAYGROUND REPAIRS	1,279.36
358181	ACE HARDWARE, ANTIOCH	PVC FITTINGS	5.84
358194	AT AND T MCI	PHONE	87.63
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	885.05
358245	ROSS RECREATION EQUIPMENT	EQUIPMENT REPLACEMENT	734.00
358250	SPECTRATURF INC	EQUIPMENT REPAIR	167.38

Public Works-Median/General Land

358053	DIABLO LIVE SCAN	FINGERPRINTING	20.00
358130	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	2,420.00
358194	AT AND T MCI	PHONE	185.63
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,758.91
358249	SILVA LANDSCAPE	LANDSCAPE SERVICES	684.00
358251	STATE OF CALIFORNIA	FINGERPRINTING	32.00
358253	STEWARTS TREE SERVICE INC	TREE SERVICES	4,835.00
924971	JOHN DEERE LANDSCAPES PACHECO	IRRIGATION SUPPLIES	1,499.14

Public Works-Work Alternative

358181	ACE HARDWARE, ANTIOCH	SUPPLIES	32.93
358235	NEXTEL SPRINT	CELL PHONE	49.90

Police Administration

358023	ARROWHEAD 24 HOUR TOWING INC	TOWING SERVICES	1,208.19
358027	BANK OF AMERICA	TRAINING-LOWTHER	5,070.16
358066	FOUR POINTS SHERATON	TRAINING-SUMMERS	333.21
358067	FOUR POINTS SHERATON	TRAINING-MCMANUS	333.21
358094	JOHNSON, VIRGINIA L	EXPENSE REIMBURSEMENT	26.05
358097	LADUE, DONALD	TRAINING PER DIEM	284.00
358099	LC ACTION POLICE SUPPLY	EQUIPMENT	6,115.06
358113	MOREFIELD, ANTHONY W	TRAINING PER DIEM	284.00
358120	NET TRANSCRIPTS	TRANSCRIPTION SERVICES	217.40
358125	OFFICE MAX INC	OFFICE SUPPLIES	663.97

Prepared by: Georgina Meek
 Finance Accounting

9/3/2015

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

358134	RAY MORGAN COMPANY	COPIER USAGE	947.71
358155	TRAINING FOR SAFETY INCORPORATED	TUITION-NORRIS	109.00
358156	TRAINING FOR SAFETY INCORPORATED	TRAINING-SOARES	109.00
358173	BANK OF AMERICA	SUPPLIES	527.99
358174	BANK OF AMERICA	JOB POSTING	1,058.95
358195	BARNETT MEDICAL SERVICES INC	MEDICAL WASTE DISPOSAL	265.00
358206	CONCORD UNIFORMS LLC	UNIFORMS	223.51
358209	COSTCO	BUSINESS EXPENSE	3,526.04
358223	MALSOM, STACEY K	EXPENSE REIMBURSEMENT	34.50
358224	MC MANUS, ERIC A	EXPENSE REIMBURSEMENT	75.22
358225	MEADS, KORINA M	EXPENSE REIMBURSEMENT	34.50
358228	MORIN, SHAWN M	EXPENSE REIMBURSEMENT	90.00
358247	RUPANI, FRANK M	EXPENSE REIMBURSEMENT	298.30
358251	STATE OF CALIFORNIA	FINGERPRINTING	516.00
358256	TRAINING FOR SAFETY INCORPORATED	TUITION-N FROMME	109.00
924974	MOBILE MINI LLC	PORTABLE STORAGE CONTAINERS	463.21
924984	CRYSTAL CLEAR LOGOS INC	UNIFORM SHIRTS	447.99
924987	MOBILE MINI LLC	PORTABLE STORAGE CONTAINERS	104.91

Police Prisoner Custody

358134	RAY MORGAN COMPANY	COPIER USAGE	18.86
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Police Community Policing

358065	FORTNER, JOHN C	EXPENSE REIMBURSEMENT	95.75
358071	GONZALEZ, ADRIAN E	EXPENSE REIMBURSEMENT	77.10
358077	HOPWOOD, DANIEL JOHN	EXPENSE REIMBURSEMENT	78.65
358081	HULSEY, MICHAEL S	EXPENSE REIMBURSEMENT	33.95
358083	HYNES, MARTIN P	EXPENSE REIMBURSEMENT	186.05
358091	JEONG, JISEOK	CONSULTING SERVICES	39.45
358093	JOHNSEN, ERIC Y	CONSULTING SERVICES	45.10
358123	OCCUPATIONAL HEALTH CENTERS	PREEMPLOYMENT MEDICAL	829.50
358205	COMMERCIAL SUPPORT SERVICES	CAR WASHES	858.00
358236	OCCUPATIONAL HEALTH CENTERS	PREEMPLOYMENT MEDICAL	829.50
358242	PURSUIT NORTH	PUSH BAR	1,179.54

Police Investigations

358012	ADVANTAGE SENTRY & PROTECTION	PRISONER TRANSPORTATION	712.50
358065	FORTNER, JOHN C	EXPENSE REIMBURSEMENT	28.50
358134	RAY MORGAN COMPANY	COPIER USAGE	334.48
358208	CONTRA COSTA COUNTY	FY15-16 CALL ID PORTION	117,361.00
358209	COSTCO	SUPPLIES	72.22

Police Special Operations Unit

358114	MORTIMER, MICHAEL P	FUNDING	3,000.00
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Police Communications

358016	AMERICAN TOWER CORPORATION	TOWER RENTAL	445.68
358044	CONTRA COSTA COUNTY	ACCJIN SHARED COSTS FY14-15	8,941.45
358163	VERIZON WIRELESS	WIRELESS SERVICE	1,786.47
358193	AT AND T MCI	PHONE	665.27

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 Finance Accounting

9/3/2015

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund		
358194 AT AND T MCI	PHONE	1,249.90
358207 CONTRA COSTA COUNTY	ANNUAL FEES	35,070.00
358259 VERIZON WIRELESS	WIRELESS SERVICE	1,786.47
358262 VERIZON WIRELESS	WIRELESS SERVICE	76.02
924968 HUBB SYSTEMS LLC DATA 911	DELL SERVER	14,880.00
Office Of Emergency Management		
358194 AT AND T MCI	PHONE	342.68
Police Community Volunteers		
358173 BANK OF AMERICA	EDUCATION MATERIALS	491.73
Police Facilities Maintenance		
358055 DREAM RIDE ELEVATOR	ELEVATOR SERVICES	80.00
358122 NEXTEL SPRINT	CELL PHONE	3,300.84
358173 BANK OF AMERICA	SUPPLIES	3,432.56
358174 BANK OF AMERICA	SUPPLIES	6,215.76
358194 AT AND T MCI	PHONE	296.87
924973 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	3,597.30
Community Development Administration		
358134 RAY MORGAN COMPANY	COPIER USAGE	397.95
Community Development Land Planning Services		
358214 EIDEN, KITTY J	MEETING MINUTES	210.00
CD Code Enforcement		
358089 INTERWEST CONSULTING GROUP INC	CONSULTING SERVICES	11,947.50
358134 RAY MORGAN COMPANY	COPIER USAGE	60.70
358172 BANK OF AMERICA	BUSINESS EXPENSES	731.72
358235 NEXTEL SPRINT	CELL PHONE	248.73
358248 SHUCK, ANDREW JAMES	EXPENSE REIMBURSEMENT	135.61
PW Engineer Land Development		
358022 ARC IMAGING RESOURCES	PAPER	281.75
358025 BANK OF AMERICA	SAFETY BANNER	271.79
358134 RAY MORGAN COMPANY	COPIER USAGE	234.56
358194 AT AND T MCI	PHONE	32.82
358235 NEXTEL SPRINT	CELL PHONE	170.76
358261 VERIZON WIRELESS	DATA PLAN	76.02
Community Development Building Inspection		
358032 BLUE STAR HEATING AND AIR	TECH FEE REFUND	182.19
358051 CREATIVE SUPPORTS INC	ERGONOMIC IMPROVEMENTS	432.90
358125 OFFICE MAX INC	OFFICE SUPPLIES	257.05
358235 NEXTEL SPRINT	CELL PHONE	60.06
Capital Imp. Administration		
358125 OFFICE MAX INC	OFFICE SUPPLIES	64.97
358134 RAY MORGAN COMPANY	COPIER USAGE	83.57
358261 VERIZON WIRELESS	DATA PLAN	38.01
Community Development Engineering Services		
358134 RAY MORGAN COMPANY	COPIER USAGE	81.15
358235 NEXTEL SPRINT	CELL PHONE	58.10

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 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund
212 CDBG Fund

CDBG

358089	INTERWEST CONSULTING GROUP INC	CONSULTING SERVICES	292.50
358143	SENIOR OUTREACH SERVICES	CDBG SERVICES	1,269.09
358144	SHELTER INC	CDBG SERVICES	1,777.62
924967	HOUSE, TERI	CONSULTING SERVICES	9,165.00

213 Gas Tax Fund

Streets

358042	CONTRA COSTA COUNTY	TRAFFIC SIGNAL MAINTENANCE	28,618.90
358186	AMERICAN PAVEMENT SYSTEMS INC	PAVEMENT PROJECT	616,501.71
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	26,831.87

214 Animal Control Fund

Animal Control

358057	EAST BAY VETERINARY EMERGENCY	VETERINARY SERVICES	656.77
358088	INTERVET INC	SCANNERS	400.00
358118	MWI VETERINARY SUPPLY CO	SUPPLIES	49.30
358122	NEXTEL SPRINT	CELL PHONE	289.98
358134	RAY MORGAN COMPANY	COPIER USAGE	52.47
358240	PACIFIC GAS AND ELECTRIC CO	GAS	23,010.39
924973	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	457.80

215 Civic Arts Fund

Civic Arts

358117	MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	678.00
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219 Recreation Fund

Non Departmental

358043	CONTRA COSTA COUNTY	NUTRITION PROGRAM	32,160.95
358059	EMPOWERMENT CHURCH	DEPOSIT REFUND	135.00
358079	HUB INTERNATIONAL OF CA INSURANCE	INSURANCE	1,259.80
358080	HUB INTERNATIONAL OF CA INSURANCE	INSURANCE	352.94
358134	RAY MORGAN COMPANY	COPIER USAGE	8.10
358191	ARAUZ, PAMELA	DEPOSIT REFUND	500.00
358200	BLAS, MARIBEL	DEPOSIT REFUND	1,000.00

Recreation Admin

358240	PACIFIC GAS AND ELECTRIC CO	GAS	125.33
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Senior Programs

358159	TYLER SHAW DOORS	DOOR REPAIR	376.74
358194	AT AND T MCI	PHONE	98.50
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	4,962.16
924973	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	352.80

Recreation Classes/Prog

358053	DIABLO LIVE SCAN	FINGERPRINTING	40.00
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Recreation Sports Programs

358019	ANNUVIA	AED SUPPLIES	104.99
358053	DIABLO LIVE SCAN	FINGERPRINTING	20.00
358087	INTEGRITY BUSINESS SOLUTIONS	PROGRAM FLYERS	440.13

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 Finance Accounting

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

358197	BIG SKY LOGOS AND EMBROIDERY	LEAGUE AWARDS	767.91
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	2,069.07

Recreation Concessions

358049	COSTCO	SUPPLIES	535.74
358194	AT AND T MCI	PHONE	17.33

Recreation-New Comm Cntr

358019	ANNUVIA	AED SUPPLIES	314.97
358024	BANK OF AMERICA	SUPPLIES	1,514.40
358028	BAY BUILDING MAINTENANCE INC	JANITORIAL SERVICES	995.00
358031	BLUE SHIELD OF CALIFORNIA	PAYROLL DEDUCTIONS	12.56
358049	COSTCO	SUPPLIES	53.43
358053	DIABLO LIVE SCAN	FINGERPRINTING	20.00
358117	MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	15,291.00
358134	RAY MORGAN COMPANY	COPIER USAGE	225.14
358142	SCOTT, DIANE	CLASS REFUND	182.00
358147	SPEEDY JANITORIAL REPAIR INC	SUPPLIES	1,463.15
358193	AT AND T MCI	PHONE	129.37
358194	AT AND T MCI	PHONE	20.02
358200	BLAS, MARIBEL	RENTAL FEE REFUND	720.00
358210	CPR FAST	CONTRACTOR PAYMENT	369.60
358215	FAR WEST SANITATION & STORAGE INC	RESTROOM RENTAL	348.10
358217	GARDA CL WEST INC	ARMORED CAR PICK UP	158.62
358219	HONEYWELL INTERNATIONAL INC	HVAC REPAIR	3,875.30
358226	MELODYS DANCE STUDIO	CONTRACTOR PAYMENT	5,332.80
358234	NEOFUNDS BY NEOPOST	POSTAGE	198.63
358240	PACIFIC GAS AND ELECTRIC CO	GAS	9,142.80
358253	STEWARTS TREE SERVICE INC	TREE SERVICES	750.00
924965	GRAINGER INC	VALVES	472.53
924966	HAMMONS SUPPLY COMPANY	SUPPLIES	92.87

221 Asset Forfeiture Fund

Non Departmental

358045	CONTRA COSTA COUNTY	ASSET FORFEITURE	2,970.76
358046	CONTRA COSTA COUNTY	ASSET FORFEITURE	1,052.26
358047	CONTRA COSTA COUNTY	ASSET FORFEITURE	394.48

222 Measure C/J Fund

Streets

358042	CONTRA COSTA COUNTY	TRAFFIC SIGNAL MAINTENANCE	8,625.52
358092	JJR CONSTRUCTION INC	SIDEWALK REPAIR PROJECT	194,974.89
358213	ECONOMIC & PLANNING SYSTEMS	PROFESSIONAL SERVICES	11,984.15

223 Child Care Fund

Child Care

358117	MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	413.00
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226 Solid Waste Reduction Fund

Solid Waste Used Oil

924965	GRAINGER INC	SUPPLIES	351.45
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 Finance Accounting

9/3/2015

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

229 Pollution Elimination Fund

Channel Maintenance Operation

358018 ANKA BEHAVIORAL HEALTH INC	LANDSCAPE SERVICES	13,248.00
358112 MJH EXCAVATING INC	EQUIPMENT RENTAL	9,600.00
358187 AMERICAN TEXTILE AND SUPPLY INC	PIPE REPAIR	679.99
358189 ANKA BEHAVIORAL HEALTH INC	LANDSCAPE SERVICES	5,520.00
358227 MJH EXCAVATING INC	EQUIPMENT RENTAL	6,510.00
358235 NEXTEL SPRINT	CELL PHONE	49.90
358243 RMC WATER AND ENVIRONMENT	PROFESSIONAL SERVICES	5,358.03

251 Lone Tree SLLMD Fund

Lonetree Maintenance Zone 1

358129 PACHECO BROTHERS GARDENING INC	LANDSCAPE SERVICES	1,980.00
358154 TERRACARE ASSOCIATES	TURF MOWING	136.60
358194 AT AND T MCI	PHONE	69.32
358240 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	788.48
358255 TERRACARE ASSOCIATES	TURF MOWING	136.60

Lonetree Maintenance Zone 2

358194 AT AND T MCI	PHONE	116.06
358240 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	733.56

Lonetree Maintenance Zone 3

358194 AT AND T MCI	PHONE	51.35
358240 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	937.97

Lonetree Maintenance Zone 4

358130 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	1,198.00
358154 TERRACARE ASSOCIATES	TURF MOWING	218.56
358238 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	1,797.00
358240 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	19.97
358249 SILVA LANDSCAPE	LANDSCAPE SERVICES	2,052.00
358255 TERRACARE ASSOCIATES	TURF MOWING	218.56

252 Downtown SLLMD Fund

Downtown Maintenance

358154 TERRACARE ASSOCIATES	TURF MOWING	136.60
358240 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	336.85
358255 TERRACARE ASSOCIATES	TURF MOWING	136.60

253 Almondridge SLLMD Fund

Almondridge Maintenance

358240 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	214.46
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254 Hillcrest SLLMD Fund

Hillcrest Maintenance Zone 1

358130 PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	4,142.12
358154 TERRACARE ASSOCIATES	TURF MOWING	355.16
358194 AT AND T MCI	PHONE	34.66
358240 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	1,005.44
358255 TERRACARE ASSOCIATES	TURF MOWING	355.16

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

Hillcrest Maintenance Zone 2

358130	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	4,285.00
358150	STEWARTS TREE SERVICE INC	TREE SERVICES	3,600.00
358154	TERRACARE ASSOCIATES	TURF MOWING	486.30
358194	AT AND T MCI	PHONE	120.03
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	758.55
358255	TERRACARE ASSOCIATES	TURF MOWING	486.30

Hillcrest Maintenance Zone 4

358154	TERRACARE ASSOCIATES	TURF MOWING	273.20
358194	AT AND T MCI	PHONE	101.19
358238	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	5,483.00
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	643.40
358255	TERRACARE ASSOCIATES	TURF MOWING	273.20

255 Park 1A Maintenance District Fund

Park 1A Maintenance District

358154	TERRACARE ASSOCIATES	TURF MOWING	355.16
358194	AT AND T MCI	PHONE	17.51
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	169.51
358255	TERRACARE ASSOCIATES	TURF MOWING	355.16

256 Citywide 2A Maintenance District Fund

Citywide 2A Maintenance Zone 3

358154	TERRACARE ASSOCIATES	TURF MOWING	5.46
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	79.15
358255	TERRACARE ASSOCIATES	TURF MOWING	5.46

Citywide 2A Maintenance Zone 4

358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	313.92
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Citywide 2A Maintenance Zone 5

358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	468.50
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Citywide 2A Maintenance Zone 6

358130	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	2,420.00
358154	TERRACARE ASSOCIATES	TURF MOWING	327.84
358238	PACIFIC COAST LANDSCAPE MGMT INC	LANDSCAPE SERVICES	2,420.00
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	234.10
358255	TERRACARE ASSOCIATES	TURF MOWING	327.84

Citywide 2A Maintenance Zone 8

358154	TERRACARE ASSOCIATES	TURF MOWING	27.32
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	244.76
358255	TERRACARE ASSOCIATES	TURF MOWING	27.32

Citywide 2A Maintenance Zone 9

358154	TERRACARE ASSOCIATES	TURF MOWING	81.96
358194	AT AND T MCI	PHONE	69.32
358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	490.72
358255	TERRACARE ASSOCIATES	TURF MOWING	81.96

Citywide 2A Maintenance Zone 10

358240	PACIFIC GAS AND ELECTRIC CO	ELECTRIC	118.83
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CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund		
358249 SILVA LANDSCAPE	LANDSCAPE SERVICES	684.00
257 SLLMD Administration Fund		
SLLMD Administration		
358117 MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	15,299.00
358153 TARGET SPECIALTY PRODUCTS	TRAINING	138.00
358154 TERRACARE ASSOCIATES	TURF MOWING	327.84
358180 VERIZON WIRELESS	DATA PLAN	76.02
358235 NEXTEL SPRINT	CELL PHONE	563.26
358255 TERRACARE ASSOCIATES	TURF MOWING	327.84
358266 VERIZON WIRELESS	DATA PLAN	76.02
259 East Lone Tree SLLMD Fund		
Zone 1-District 10		
358146 SILVA LANDSCAPE	LANDSCAPE SERVICES	3,420.00
358240 PACIFIC GAS AND ELECTRIC CO	ELECTRIC	26.98
311 Capital Improvement Fund		
Streets		
358017 ANCHOR CONCRETE CONSTRUCTION INC	SIDEWALK REPAIR PROJECT	39,888.00
312 Prewett Family Park Fund		
Parks & Open Space		
358246 ROYSTON HANAMOTO ALLEY AND ABEY	CONSULTING SERVICES	32,087.40
924972 KARSTE CONSULTING INC	PROFESSIONAL SERVICES	7,094.00
924986 ICR ELECTRICAL CONTRACTORS	ELECTRICAL SERVICES	5,062.00
376 Lone Diamond Fund		
Assessment District		
358243 RMC WATER AND ENVIRONMENT	PROFESSIONAL SERVICES	13,668.72
410 2015 Refunding Bond (2001ABAG) Fund		
Non Departmental		
358117 MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	4,120.00
415 APFA 02 Lease Revenue Ref Fund		
Non Departmental		
358119 NBS LOCAL GOVERNMENT SOLUTIONS	FINAL ARBITRAGE SERVICES	2,200.00
570 Equipment Maintenance Fund		
Non Departmental		
358082 HUNT AND SONS INC	FUEL	16,848.81
Equipment Maintenance		
358020 ANTIOCH AUTO PARTS	FILTERS	1,491.61
358030 BILL BRANDT FORD	SUPPLIES	166.02
358036 CHUCKS BRAKE & WHEEL SERVICE	BATTERIES	1,736.62
358056 EAST BAY TIRE CO	TIRE MOUNTING	45.58
358070 GOLDEN GATE TRUCK CENTER	WATER PUMP	149.40
358073 HARLEY DAVIDSON	MOTORCYCLE REPAIR	1,024.38
358103 LINE X KUSTOM AND ACCESSORIES	TRUCK BED LINER	3,129.04
358104 LOWES COMPANIES INC	SUPPLIES	21.96
358105 MAACO	VEHICLE PAINT	4,786.45
358117 MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	1,025.00

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CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

358123	OCCUPATIONAL HEALTH CENTERS	PREEMPLOYMENT MEDICAL	501.00
358124	OCONNELL JETTING	PRESSURE WASHER	217.89
358126	ONE 800 RADIATOR	RADIATOR	196.20
358127	OREILLY AUTO PARTS	SUPPLIES	9.80
358131	PETERSON	GASKETS	1,279.01
358134	RAY MORGAN COMPANY	COPIER USAGE	24.88
358136	RED WING SHOE STORE	SAFETY SHOES-GALL	158.00
358151	SUPERIOR AUTO PARTS	ALTERNATOR	223.32
358157	TRED SHED, THE	TIRES	5,967.86
358164	WALNUT CREEK FORD	RADIATOR	1,080.28
358180	VERIZON WIRELESS	DATA PLAN	38.01
358184	ALL STAR AUTO ELECTRIC	ALTERNATORS	583.15
358190	ANTIOCH AUTO PARTS	HEAD GASKET	627.45
358198	BILL BRANDT FORD	AXLE PARTS	730.67
358201	CHUCKS BRAKE & WHEEL SERVICE	SUPPLIES	963.48
358211	EAST BAY TIRE CO	TIRE REPAIR	182.40
358242	PURSUIT NORTH	SUPPLIES	1,447.62
358263	WALNUT CREEK FORD	BRAKE PARTS STOCK	1,633.82
358266	VERIZON WIRELESS	DATA PLAN	38.01
924961	BIG SKY ENTERPRISES INC	TIRE DISPOSAL FEES	206.75

573 Information Services Fund

Information Services

358194	AT AND T MCI	PHONE	62.02
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Network Support & PCs

358039	COMCAST	INTERNET SERVICE	172.78
358078	HP CARE PACK SALES	SOFTWARE WARRANTY	986.00
358096	KIS	NETWORK ASSESSMENT	1,650.00
358134	RAY MORGAN COMPANY	COPIER USAGE	12.14
358194	AT AND T MCI	PHONE	809.76
358235	NEXTEL SPRINT	CELL PHONE	64.97

Telephone System

358192	AT AND T MCI	PHONE	32.03
358193	AT AND T MCI	PHONE	503.74
358194	AT AND T MCI	PHONE	2,315.84

GIS Support Services

358025	BANK OF AMERICA	SOFTWARE LICENSES	2,943.00
358035	CALIFORNIA SURVEYING & DRAFTING	CHARGERS	119.62

Office Equipment Replacement

358075	HEWLETT PACKARD COMPANY	COMPUTER EQUIPMENT	3,223.64
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611 Water Fund

Non Departmental

358061	FASTENAL CO	SUPPLIES	1,499.60
358125	OFFICE MAX INC	OFFICE SUPPLIES	3,365.06
358128	PACE SUPPLY CORP	SUPPLIES	234.90
358199	BISHOP CO	SUPPLIES	3,134.49

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9/3/2015

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

358244	ROBERTS AND BRUNE CO	SUPPLIES	8,469.30
924966	HAMMONS SUPPLY COMPANY	SUPPLIES	1,679.91

Water Supervision

358053	DIABLO LIVE SCAN	FINGERPRINTING	10.00
358117	MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	43,417.00
358180	VERIZON WIRELESS	DATA PLAN	76.02
358235	NEXTEL SPRINT	CELL PHONE	114.22
358237	OFFICE MAX INC	CHAIR MATS	677.81
358251	STATE OF CALIFORNIA	FINGERPRINTING	16.00
358266	VERIZON WIRELESS	DATA PLAN	76.02
924976	QUENVOLDS	SAFTEY SHOES-COLEY	147.15

Water Production

358010	ACE HARDWARE, ANTIOCH	TUBING	147.20
358033	BORGES AND MAHONEY	CONTROL VALVE	693.99
358048	CONTRA COSTA WATER DISTRICT	RAW WATER	1,125,006.21
358060	ENVIRONMENTAL RESOURCE ASSOC INC	PROFICIENCY STUDY	1,243.71
358061	FASTENAL CO	SUPPLIES	292.99
358064	FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	1,078.33
358072	HACH CO	LAB EQUIPMENT	833.06
358085	IEH LABORATORIES	SAMPLE TESTING	1,050.00
358095	KELLY MOORE PAINT CO	SUPPLIES	179.64
358098	LAW OFFICE OF MATTHEW EMRICK	WATER RIGHTS LEGAL SERVICE	2,359.50
358104	LOWES COMPANIES INC	SUPPLIES	102.97
358107	MANERI SIGN COMPANY	SUPPLIES	550.70
358108	MCCAMPBELL ANALYTICAL INC	SAMPLE TESTING	954.00
358134	RAY MORGAN COMPANY	COPIER USAGE	43.52
358136	RED WING SHOE STORE	SAFETY SHOES-NG	250.00
358152	TAP MASTER INC	WELDING SERVICE	740.00
358161	UNIVAR USA INC	CAUSTIC	10,051.74
358180	VERIZON WIRELESS	DATA PLAN	38.01
358188	ANCHOR CONCRETE CONSTRUCTION	REBAR	4,850.00
358193	AT AND T MCI	PHONE	258.72
358194	AT AND T MCI	PHONE	837.10
358216	FISHER SCIENTIFIC COMPANY	LAB SUPPLIES	176.87
358218	HACH CO	LAB SUPPLIES	883.35
358229	MT DIABLO LANDSCAPE CENTERS INC	SUPPLIES	163.50
358235	NEXTEL SPRINT	CELL PHONE	104.34
358240	PACIFIC GAS AND ELECTRIC CO	GAS	112,563.50
358252	STATE WATER RESOURCES BOARD	LAB CERTIFICATON FEE	2,811.00
358254	T AND T PAVEMENT MARKINGS	SURFACE MOUNT BASES	404.66
358257	UNIVAR USA INC	CAUSTIC	5,166.49
358258	USA BLUE BOOK	SUPPLIES	152.60
358264	WALTER BISHOP CONSULTING	CONSULTING SERVICES	1,512.50
358266	VERIZON WIRELESS	DATA PLAN	38.01
924959	AIRGAS SPECIALTY PRODUCTS	AMMONIA	3,484.24

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CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

924962	CHEMTRADE CHEMICALS US LLC	ALUM	7,831.18
924963	CONSOLIDATED ELECTRICAL DIST INC	SUPPLIES	17.29
924964	EUROFINS EATON ANALYTICAL INC	MONITORING	145.00
924970	IDEXX LABORATORIES INC	SUPPLIES	3,063.86
924973	LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	306.60
924975	OLIN CHLOR ALKALI PRODUCTS	CAUSTIC	5,417.62
924977	SIERRA CHEMICAL CO	CHLORINE	4,252.47
924982	CHEMTRADE CHEMICALS US LLC	ALUM	7,823.51
924983	CONSOLIDATED ELECTRICAL DIST INC	FUSE	172.44
924985	EUROFINS EATON ANALYTICAL INC	MONITORING	140.00

Water Distribution

358010	ACE HARDWARE, ANTIOCH	SUPPLIES	58.34
358020	ANTIOCH AUTO PARTS	AIR FITTINGS	68.75
358021	ANTIOCH BUILDING MATERIALS	ASPHALT	7,610.31
358025	BANK OF AMERICA	MEETING EXPENSE	153.83
358050	COUNTY ASPHALT	CONCRETE MIX	700.78
358061	FASTENAL CO	SUPPLIES	338.15
358086	INFOSEND INC	POSTAGE COSTS	453.92
358090	JACK DOHENY SUPPLIES INC	SUPPLIES	324.82
358103	LINE X KUSTOM AND ACCESSORIES	TOOL BOX	620.78
358104	LOWES COMPANIES INC	LUMBER	85.26
358107	MANERI SIGN COMPANY	SIGNS	743.16
358115	MT DIABLO LANDSCAPE CENTERS INC	CONCRETE MIX	978.49
358125	OFFICE MAX INC	OFFICE SUPPLIES	66.51
358132	PR DIAMOND PRODUCTS INC	SUPPLIES	520.00
358134	RAY MORGAN COMPANY	COPIER USAGE	63.31
358136	RED WING SHOE STORE	SAFETY SHOES	889.61
358138	ROBERTS AND BRUNE CO	SUPPLIES	7,455.64
358140	ROYAL BRASS INC	HOSE FITTINGS	522.72
358158	TRENCH PLATE RENTAL CO INC	EQUIPMENT RENTAL	1,488.50
358160	UNITED PARCEL SERVICE	SHIPPING	67.45
358180	VERIZON WIRELESS	DATA PLAN	380.10
358194	AT AND T MCI	PHONE	17.33
358204	COLEFIELD, RONALD G	RENEWAL REIMBURSEMENT	105.00
358221	INFOSEND INC	POSTAGE COSTS	6,387.46
358235	NEXTEL SPRINT	CELL PHONE	442.43
358244	ROBERTS AND BRUNE CO	PIPE & FITTINGS	19,830.97
358266	VERIZON WIRELESS	DATA PLAN	380.10
924965	GRAINGER INC	SUPPLIES	2,542.68
924983	CONSOLIDATED ELECTRICAL DIST INC	PIPE & FITTINGS	64.05

Water Meter Reading

358061	FASTENAL CO	SUPPLIES	39.33
358180	VERIZON WIRELESS	DATA PLAN	38.01
358232	NATIONAL METER & AUTOMATION INC	WATER METER SUPPLIES	8,909.62
358235	NEXTEL SPRINT	CELL PHONE	51.68

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9/3/2015

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

358266	VERIZON WIRELESS	DATA PLAN	38.01
924960	BADGER METER INC	REGISTERS	8,364.79
924981	BADGER METER INC	REGISTERS	12,706.68

Warehouse & Central Stores

358134	RAY MORGAN COMPANY	COPIER USAGE	10.35
358160	UNITED PARCEL SERVICE	WEEKLY PRINTER SERVICE FEE	15.30
358235	NEXTEL SPRINT	CELL PHONE	69.97

621 Sewer Fund

Sewer-Wastewater Supervision

358053	DIABLO LIVE SCAN	FINGERPRINTING	30.00
358134	RAY MORGAN COMPANY	COPIER USAGE	74.69
358180	VERIZON WIRELESS	DATA PLAN	114.03
358237	OFFICE MAX INC	OFFICE SUPPLIES	15.81
358251	STATE OF CALIFORNIA	FINGERPRINTING	16.00
358266	VERIZON WIRELESS	DATA PLAN	114.03

Sewer-Wastewater Collection

358010	ACE HARDWARE, ANTIOCH	SUPPLIES	33.89
358021	ANTIOCH BUILDING MATERIALS	ASPHALT	7,610.29
358025	BANK OF AMERICA	TRAINING	618.26
358050	COUNTY ASPHALT	CONCRETE MIX	700.79
358052	CRESO EQUIPMENT RENTALS	EQUIPMENT RENTALS	635.77
358062	FASTLANE TEK INC	CONSULTING SERVICES	2,952.50
358075	HEWLETT PACKARD COMPANY	COMPUTER EQUIPMENT	4,056.40
358086	INFOSEND INC	POSTAGE COSTS	453.92
358117	MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	155.00
358123	OCCUPATIONAL HEALTH CENTERS	PREEMPLOYMENT MEDICAL	460.65
358125	OFFICE MAX INC	OFFICE SUPPLIES	66.52
358136	RED WING SHOE STORE	SAFETY SHOES-LAWSON	1,542.90
358138	ROBERTS AND BRUNE CO	PIPE & FITTINGS	114.77
358180	VERIZON WIRELESS	DATA PLAN	228.06
358182	ADVANCED TRENCHLESS INC	PIPE REPAIR	3,700.00
358194	AT AND T MCI	PHONE	67.44
358221	INFOSEND INC	POSTAGE COSTS	6,387.45
358235	NEXTEL SPRINT	CELL PHONE	278.34
358244	ROBERTS AND BRUNE CO	PIPE & FITTINGS	354.25
358251	STATE OF CALIFORNIA	FINGERPRINTING	32.00
358266	VERIZON WIRELESS	DATA PLAN	228.06
924965	GRAINGER INC	SUPPLIES	101.69
924966	HAMMONS SUPPLY COMPANY	SUPPLIES	199.24
924988	SCOTTO, CHARLES W AND DONNA F	PROPERTY RENT	4,500.00

631 Marina Fund

Marina Administration

358041	CONTRA COSTA COUNTY	PERMIT FEES	3,061.00
358117	MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	5,965.00
358134	RAY MORGAN COMPANY	COPIER USAGE	34.34

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9/3/2015

CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

358135 RECREATION PUBLICATIONS	ADVERTISEMENT	670.00
358175 BELUS CONSTRUCTION	REPAIR SERVICE	1,245.00
358194 AT AND T MCI	PHONE	95.50
358235 NEXTEL SPRINT	CELL PHONE	57.11
358240 PACIFIC GAS AND ELECTRIC CO	GAS	3,505.88

Marina Maintenance

358009 ACCURATE POLY COATINGS	POLY COAT	2,816.56
358241 PFLUEGER, MATTHEW JAMES	EXPENSE REIMBURSEMENT	106.73
924973 LEES BUILDING MAINTENANCE	JANITORIAL SERVICES	1,260.00

641 Prewett Water Park Fund

Non Departmental

358054 DOCUT, APRIL	DEPOSIT REFUND	500.00
358079 HUB INTERNATIONAL OF CA INSURANCE	INSURANCE	1,139.27
358265 ZIA RANCH	DEPOSIT REFUND	1,000.00

Recreation Aquatics

358024 BANK OF AMERICA	RED CROSS CERTIFICATES	293.00
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Recreation Water Park

358013 ALL STAR RENTS	EQUIPMENT RENTAL	184.92
358015 AMERICAN PLUMBING INC	PLUMBING SERVICES	752.65
358019 ANNUVIA	AED	314.97
358024 BANK OF AMERICA	PERMIT FEES	5,562.66
358034 BPXPRESS	SUPPLIES	1,172.06
358037 COCA COLA BOTTLING CO	CONCESSION SUPPLIES	2,627.99
358038 COLE SUPPLY CO INC	SUPPLIES	102.87
358040 COMMERCIAL POOL SYSTEMS INC	SUPPLIES	10,869.04
358049 COSTCO	SUPPLIES	366.87
358053 DIABLO LIVE SCAN	FINGERPRINTING	40.00
358100 LEWIS, REBECCA	CLASS REFUND	130.00
358101 LINCOLN EQUIPMENT INC	SUPPLIES	26.98
358104 LOWES COMPANIES INC	SUPPLIES	12.40
358106 MAGDALENO, JOANNE	CANCELLATION REFUND	136.00
358116 MUIR, ROXANNE	AEROBICS INSTRUCTOR FEES	140.00
358117 MUNICIPAL POOLING AUTHORITY	PROPERTY INSURANCE	3,185.00
358121 NEW PIG CORPORATION	SUPPLIES	252.26
358125 OFFICE MAX INC	OFFICE SUPPLIES	421.81
358133 PRAXAIR DISTRIBUTION INC	OXYGEN TANK RENTAL	100.25
358134 RAY MORGAN COMPANY	COPIER USAGE	154.88
358137 RESPONSIVE COMMUNICATION SVCS	RADIOS	1,183.08
358141 SCOGGINS-CALHOUN, AQUETTA	EVENT DEPOSIT REFUND	240.00
358161 UNIVAR USA INC	CHEMICALS	1,399.07
358162 US FOODSERVICE INC	CONCESSION SUPPLIES	3,928.98
358194 AT AND T MCI	PHONE	49.34
358203 COLE SUPPLY CO INC	SUPPLIES	187.04
358217 GARDA CL WEST INC	ARMORED CAR PICK UP	158.63
358222 LINCOLN EQUIPMENT INC	CHEMICALS	379.59

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CITY OF ANTIOCH
 CLAIMS BY FUND REPORT
 FOR THE PERIOD OF
 AUGUST 14-27, 2015
 FUND/CHECK#

100 General Fund

358240	PACIFIC GAS AND ELECTRIC CO	GAS	12,613.62
358253	STEWARTS TREE SERVICE INC	TREE SERVICES	750.00
358257	UNIVAR USA INC	CHEMICALS	929.21
924965	GRAINGER INC	SUPPLIES	398.90

Rec Prewett Concessions

358194	AT AND T MCI	PHONE	49.83
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721 Employee Benefits Fund

Non Departmental

358031	BLUE SHIELD OF CALIFORNIA	PAYROLL DEDUCTIONS	2,515.14
358165	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	400.00
358166	CONTRA COSTA COUNTY	PAYROLL DEDUCTIONS	50.00
358167	INTERNAL REVENUE SERVICE	PAYROLL DEDUCTIONS	60.00
358168	OPERATING ENGINEERS TRUST FUND	PAYROLL DEDUCTIONS	8,653.82
358169	PARS	PAYROLL DEDUCTIONS	6,175.35
358170	STATE OF CALIFORNIA	PAYROLL DEDUCTIONS	113.33
358171	RECIPIENT	PAYROLL DEDUCTIONS	112.15
358183	AFLAC	PAYROLL DEDUCTIONS	7,271.25
924978	NATIONWIDE RETIREMENT SOLUTIONS	PAYROLL DEDUCTIONS	48,634.87
924979	VANTAGEPOINT TRANSFER AGENTS	PAYROLL DEDUCTIONS	3,786.73



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 8, 2015

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: William R. Galstan, Interim Asst. City Attorney *William R. Galstan*

SUBJECT: **Rejection of Claims: Tanya Ward
Tameka S. Flood**

RECOMMENDED ACTION

It is recommended that the City Council reject the following claims:

1. Tanya Ward – Claim received on July 10, 2015.
2. Tameka S. Flood – Claim received on August 11, 2015.

Should the City Council desire to discuss this matter, it would be scheduled for a future closed session.

D

Agenda Item #



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 8, 2015

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Leonard Orman, Captain, Support Services

APPROVED BY: Allan Cantando, Chief of Police

SUBJECT: Approve Supplemental Law Enforcement Services Fund Monies

RECOMMENDED ACTION

Receive and file the report and approve Supplemental Law Enforcement Services Fund Monies for fiscal year 2015/16 in an amount estimated to be \$150,000.

STRATEGIC PURPOSE

This item supports Strategy A-1 in the Strategic Plan of rebuilding police services by maximizing the number of sworn police personnel being deployed in the field.

FISCAL IMPACT

Revenues for FY 2015/2016 are estimated at \$150,000.

DISCUSSION

The State of California provides annual funding to local law enforcement agencies to supplement law enforcement services pursuant to the adoption of AB2885. The monies are received by counties and disseminated to the local jurisdictions.

Pursuant to Government Code Section 30061(c)(1), counties must hold public hearings in September to consider front-line funding requests made by county entities. In the case of a city, the city council shall appropriate existing and anticipated monies exclusively to fund front-line municipal services, in accordance with written requests submitted by the Chief of Police of that City or the Chief Administrator of the law enforcement agency that provides police services for the city. These written requests shall be acted upon by the City Council in the same manner as specified in paragraph (1) for county appropriations.

For the 2015/2016 allocation our City will receive an *estimated* \$150,000 that will augment funding of front-line police services. Payment allocations are passed through Contra Costa County on a monthly basis.

ATTACHMENT

None.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 8, 2015

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Ron Bernal, Public Works Director/City Engineer *REB*

SUBJECT: Third Amendment to the Consultant Services Agreement for Professional Services with Walter Bishop Consulting

RECOMMENDED ACTION

It is recommended that the City Council approve the Third Amendment to the Consultant Service Agreement with Walter Bishop Consulting to assist in negotiations with the City's Water Rights, provide support, planning and strategies with Bay Delta Conservation Plan (BDCP) and the Brackish Water Desalination Treatment Project in the amount of \$50,000 for a total of \$95,000.

STRATEGIC PURPOSE

This item supports Long Term Goal K of designing, building, operating, maintaining, stewarding and enhancing Antioch's assets and resources, Strategy K-2 by protecting Antioch's water rights and delivering high quality water to our customers and exploring the feasibility of desalinization.

FISCAL IMPACT

Funding for these professional services is included in the Fiscal Year 2015/16 Water Enterprise Account.

DISCUSSION

Mr. Bishop has a long history of being an industry leader in the area of water, specifically in the State of California and our region. During his tenure as General Manager of Contra Costa Water District, Mr. Bishop's vision, negotiating expertise and determination led to the permitting and construction of the Los Vaqueros Reservoir, which supplies high quality water to the City when our intake is not usable due to high chloride levels.

Since 2013, Mr. Bishop has been a member of the City's water rights' consultant team. Mr. Bishop provides Antioch key counsel and strategy for the proposed BDCP project, which has been modeled to show significant negative impacts to Antioch's water quality, reliability, and recreation for our community. Mr. Bishop will continue to support the City on water rights issues, our amended 1968 Agreement with the Department of Water Resources, and regulatory actions pertaining to the City's intake and delta water supply. Additionally, Walter Bishop Consulting will continue to assist the City in developing a strategy to fund and conduct the feasibility and implementation of a Brackish Water Desalination Treatment Facility.

ATTACHMENTS

A: Third Amendment to Agreement for Professional Services

ATTACHMENT "A"

**AMENDMENT NO. 3 TO AGREEMENT
FOR PROFESSIONAL CONSULTING SERVICES**

THIS THIRD AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES is entered into this 8th day of September, 2015, by and between the CITY OF ANTIOCH, a municipal corporation ("CITY") and WALTER BISHOP CONSULTING, their address is 3832 Via Granada, Moraga, CA 94556 ("Consultant").

RECITALS

WHEREAS, on May 13, 2013, Walter Bishop Consulting, entered into an Agreement for Professional Consulting Services to assist in negotiations for the City's Water Rights ("Agreement") in the amount of \$10,000.00; and

WHEREAS, on January 27, 2014, City amended the Agreement to increase the compensation for Walter Bishop Consulting for actual costs in the amount of \$15,000.00 bringing the total compensation to an amount not to exceed \$25,000.00; and

WHEREAS, on August 7, 2014, City amended the Agreement to increase the compensation for Walter Bishop Consulting for actual costs in the amount of \$20,000.00 bringing the total compensation to an amount not to exceed \$45,000.00; and

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

1. **SERVICES. Section 1 of the Agreement**, "Services" is amended to include the following provision: See Exhibit "A".

2. **COMPENSATION. Section 2 of the Agreement:**

CITY shall increase the compensation for Walter Bishop Consulting for actual costs in the amount of \$50,000.00 bringing the total compensation to an amount not to exceed \$95,000.00.

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

CITY OF ANTIOCH:

WALTER BISHOP CONSULTING

By: _____
Steven Duran, City Manager

By: _____
Walter J. Bishop, Owner

APPROVED AS TO FORM:

By: _____
City Attorney

EXHIBIT "A"

To: Ron Bernal

From: Wally Bishop

Re: Scope of Work for Consulting Agreement

Date: 7/17/2015

Scope:

- Provide advice, counsel and strategic planning for BDCP process
- Assist BDCP Team in a review of environmental documents
- Make presentations to City staff, consultant and others, as directed, on City position for BDCP
- Advise City on Water Right's, Settlement Agreement, and Regulatory Actions pertaining to City's Intake & Delta Water Supply
- Develop Strategy for helping City implement Brackish Water Treatment Project (BWTP)
- Assist City in obtaining outside funding for BWTP
- Assist City in working with & directing Consultant Team for BWTP
- Assist City & provide advice on external policy & communication strategy for BWTP



STAFF REPORT TO THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH

DATE: Regular Meeting of September 8, 2015

TO: Members of the Successor Agency to the Antioch Development Agency of the City of Antioch

SUBMITTED BY: Dawn Merchant, Finance Director

SUBJECT: Recognized Obligation Payment Schedule (15-16B) for the Successor Agency to the Antioch Development Agency of the City of Antioch

RECOMMENDED ACTION

It is recommended that the Successor Agency to the Antioch Development Agency of the City of Antioch adopt the resolution approving the Recognized Obligation Payment Schedule for the period of January 2016 through June 2016 (ROPS 15-16B).

STRATEGIC PURPOSE

This action meets Long Term Goal N, Financial Services; specifically addressing Strategy N-2 by ensuring financial reports are accurate and timely. The ROPS is required to be submitted to the Department of Finance by October 5, 2015.

FISCAL IMPACT

Approval of the ROPS and enforceable obligations listed thereupon will ensure that the Successor Agency receives adequate funding from the Redevelopment Property Tax Trust Fund administered through Contra Costa County to meet all outstanding obligations due during the ROPS period.

DISCUSSION

As a result of the passage of Assembly Bill 1X26, or Dissolution Act, as amended by Assembly Bill 1484, the Successor Agency to the Antioch Development Agency of the City of Antioch (Successor Agency) is required to prepare a Recognized Obligation Payment Schedule (ROPS) that outlines administrative, contractual and bonded indebtedness expenses of the Successor Agency every six months until all obligations of the former Antioch Development Agency are satisfied. The ROPS incorporates obligations on the Enforceable Obligations Schedule as approved by the City of Antioch as Successor Agency in January 2012. The ROPS also includes the portion of the Antioch Public Financing Authority 2015A bonds being issued in February related to the refinancing of the Antioch Public Financing Authority 2002 Series A&B Lease Revenue Bonds. The City, Successor Agency and Oversight Board approved a reimbursement agreement between the City and Successor Agency to reimburse the City for debt service expenditures related to the refinanced 2002A&B bonds. This debt is now an

G

Agenda Item #

enforceable obligation of the Successor Agency. The first debt service payment subject to the agreement is due November 1, 2015.

The ROPS 15-16B for the period of January 2016 through June 2016 is required to be submitted to the Department of Finance (DOF) by October 5, 2015. A draft ROPS for this period is attached (Attachment A). The ROPS 15-16B will be used by the County Auditor-Controller to allocate property tax increment to the Successor Agency to pay the obligations listed on the ROPS due for the six month period. The ROPS is subject to certification by the County Auditor Controller, approval of the State Controller, State Department of Finance and the Oversight Board. The Oversight Board is scheduled to review this ROPS on September 21, 2015. Once approved, the City as Successor Agency will then only be able to pay those obligations listed on the approved ROPS.

Attached for consideration and approval are a resolution and ROPS 15-16B (Attachment A), detailing the continuing obligations of the former Antioch Development Agency, along with the newly issued bonds, with payments from January through June 2016. The ROPS is segregated into five pages, with the first page providing a summary of funding requested. The second page details all obligations of the Successor Agency to be reimbursed from the Redevelopment Property Tax Trust Fund established at the County level. The third page provides cash balance totals (which outlines any funds retained, being set aside for future approved obligations or unspent from the prior period ROPS distribution). The fourth page provides a reconciliation of authorized to actual expenditures for the approved January through June 2015 ROPS, and the fifth page provides notes to the obligations listed that the City wants to provide further clarification for.

ATTACHMENTS

- A.** Resolution Approving the Recognized Obligation Payment Schedule for the Period of January 2016 through June 2016 (ROPS 15-16B).
 - 1)** Recognized Obligation Payment Schedule for the Period of January 2016 through June 2016 (ROPS 15-16B)

SA RESOLUTION NO. 2015/

RESOLUTION OF THE SUCCESSOR AGENCY TO THE ANTIOCH DEVELOPMENT AGENCY OF THE CITY OF ANTIOCH APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (“ROPS”) FOR THE SUCCESSOR AGENCY FOR THE PERIOD OF JANUARY 2016 THROUGH JUNE 2016 (ROPS 15-16B)

Whereas, pursuant to the Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*), on July 15, 1975, the City Council of the City of Antioch (“City”) adopted the Antioch Community Redevelopment Plan (as amended) , which set forth the Redevelopment Plan of the Antioch Community Redevelopment Project Area to be implemented by the Antioch Development Agency (“Agency”); and

Whereas, in June 2011, as part of the 2011-2012 State budget bill, the California State Legislature enacted, and the Governor signed, Assembly Bill 1X 26 to dissolve redevelopment agencies; and

Whereas, given the State-mandated dissolution of the Antioch Development Agency on February 1, 2012 pursuant to Assembly Bill 1x 26, the City Council adopted a resolution confirming its intention to serve as the Successor Agency to the Antioch Development Agency (“Successor Agency”) and as Housing Successor (“Housing Successor”), pursuant to California Health and Safety Code section 34173(d); and

Whereas, Health and Safety Code section 34177(l)(1) provides that Successor Agencies are required to prepare a Recognized Obligation Payment Schedule (“ROPS”) before each six-month fiscal period identifying enforceable obligations and sources of payment; and

NOW THEREFORE BE IT RESOLVED THAT the Successor Agency to the Antioch Development Agency of the City of Antioch hereby approves the attached Recognized Obligation Payment Schedule of the City of Antioch as Successor Agency for the period of January 2016 through June 2016 (ROPS 15-16B).

* * * * *

The foregoing resolution was passed and adopted by the Successor Agency to the Antioch Development Agency of the City of Antioch at a regular meeting thereof, held on the 8th day of September, 2015 by the following vote:

AYES:
NOES:
ABSENT:

ARNE SIMONSEN, RECORDING SECRETARY

Recognized Obligation Payment Schedule (ROPS 15-16B) - Summary

Filed for the January 1, 2016 through June 30, 2016 Period

Name of Successor Agency: Antioch
Name of County: Contra Costa

Current Period Requested Funding for Outstanding Debt or Obligation		Six-Month Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding		
A	Sources (B+C+D):	\$ 7,681
B	Bond Proceeds Funding (ROPS Detail)	-
C	Reserve Balance Funding (ROPS Detail)	-
D	Other Funding (ROPS Detail)	7,681
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 1,134,564
F	Non-Administrative Costs (ROPS Detail)	1,034,564
G	Administrative Costs (ROPS Detail)	100,000
H	Total Current Period Enforceable Obligations (A+E):	\$ 1,142,245
Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
I	Enforceable Obligations funded with RPTTF (E):	1,134,564
J	Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)	(749,011)
K	Adjusted Current Period RPTTF Requested Funding (I-J)	\$ 385,553
County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding		
L	Enforceable Obligations funded with RPTTF (E):	1,134,564
M	Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)	-
N	Adjusted Current Period RPTTF Requested Funding (L-M)	1,134,564

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

Name Title

/s/ _____
Signature Date

Antioch Recognized Obligation Payment Schedule (ROPS 15-16B) - ROPS Detail
 January 1, 2016 through June 30, 2016
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	Funding Source					Six-Month Total
										Non-Redevelopment Property Tax Trust Fund (Non-RPTTF)			RPTTF		
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin	
								\$ 46,148,930		\$ -	\$ -	\$ 7,681	\$ 1,034,564	\$ 100,000	\$ 1,142,245
1	2000 Tax Allocation Bonds	Bonds Issued On or	11/1/2000	9/1/2017	Bank of New York	Bond issue to fund non-housing	Area 1	2,888,250	N			7,681	59,444		\$ 67,125
2	2009 Tax Allocation Bonds	Bonds Issued On or Before 12/31/10	8/1/2009	9/1/2027	Bank of New York	Bond issue to fund non-housing projects	Area 1	1,751,862	N				19,350		\$ 19,350
6	Bond administration	Fees	7/1/1994	1/1/2032	Bank of New York	Bond administrative fees	Area 1,2,3,4,4.1	241,500	N				9,000		\$ 9,000
7	Marina Subsidy	Miscellaneous	1/1/2002	1/1/2020	City of Antioch	Marina subsidy	Area 1		N						\$ -
12	Administrative costs	Admin Costs	2/1/2012	12/31/2032	City of Antioch/consultants	Administrative expenses for agency	Area 1,2,3,4,4.1	8,625,000	N					100,000	\$ 100,000
15	Housing Fund Deficit	LMIHF Loans	1/14/2013	1/31/2069	City of Antioch Housing Successor	Repayment for housing fund deferred set-aside	Area 1	3,127,573	N				-		\$ -
16	Markley Creek Culvert	Improvement/Infrastructure	6/15/2011	6/30/2013	City of Antioch for contractual costs	Markley Creek Culvert Improvements to be paid from 2002 Lease Revenue Bond proceeds	Area 1	1,000,000	N						\$ -
17	Property Maintenance	Property Maintenance	9/10/2013	9/10/2023	City of Antioch	Property maintenance for successor agency parcels until disposed of per long range property management plan	Area 1,2,3,4,4.1	158,917	N				82,877		\$ 82,877
18	2015A Lease Revenue Bonds	Bond Reimbursement Agreements	2/1/2015	5/1/2032	City of Antioch	Bonds issued to refinance 2002 Lease Revenue Bonds	Area 1,2,3,4,4.1	28,355,828	N				863,893		\$ 863,893
19									N						\$ -

**Antioch Recognized Obligation Payment Schedule (ROPS 15-16B) - Report of Cash Balances
(Report Amounts in Whole Dollars)**

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [INSERT URL LINK TO CASH BALANCE TIPS SHEET]									
A	B	C	D	E	F	G	H	I	
Cash Balance Information by ROPS Period		Fund Sources						Comments	
		Bond Proceeds		Reserve Balance		Other	RPTTF		
		Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin		
ROPS 14-15B Actuals (01/01/15 - 06/30/15)									
1	Beginning Available Cash Balance (Actual 01/01/15)	1,276,797				121,834	235,581		
2	Revenue/Income (Actual 06/30/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015	-	21,818,115			7,681	658,498		
3	Expenditures for ROPS 14-15B Enforceable Obligations (Actual 06/30/15) RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q	276,797	21,790,744			87,139	91,539		
4	Retention of Available Cash Balance (Actual 06/30/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)								
5	ROPS 14-15B RPTTF Prior Period Adjustment RPTTF amount should tie to the self-reported ROPS 14-15B PPA in the Report of PPA, Column S	No entry required						749,011	
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 1,000,000	\$ 27,371	\$ -	\$ -	\$ 42,376	\$ 53,529		
ROPS 15-16A Estimate (07/01/15 - 12/31/15)									
7	Beginning Available Cash Balance (Actual 07/01/15) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 1,000,000	\$ 27,371	\$ -	\$ -	\$ 42,376	\$ 802,540		
8	Revenue/Income (Estimate 12/31/15) RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during June 2015						2,307,527		
9	Expenditures for ROPS 14-15B Enforceable Obligations (Estimate 12/31/15)		27,371			34,695	2,361,056		
10	Retention of Available Cash Balance (Estimate 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)								
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 7,681	\$ 749,011		

Antioch Recognized Obligation Payment Schedule (ROPS 15-16B) - Notes January 1, 2016 through June 30, 2016	
Item #	Notes/Comments
4	2002 Lease Revenue Bonds refunded in February 2015 to realize debt service savings over life of bonds. Amount on prior period adjustment tab reflects use of sinking fund balance towards refunding and bond proceeds issued with 2015A Lease Revenue Bonds for refunding.
6	Amount reported for six month period is estimate of amount to be paid.
12	Amount reported for six month period is estimate of amount to be paid.
16	This project was paid for with bond proceeds from the 2002 Lease Revenue Bonds. Transfer of funds took place after January 1, 2011. DOF determination on transfer stated that this can be requested on a subsequent ROPS after a finding of completion is received. This obligation is pending a finding of completion.
17	Amount claimed represents estimated reimbursement of costs associated with property maintenance of successor agency properties for the six month period. There is a loan and reimbursement agreement with the City of Antioch.
18	Amount includes \$63,768 "under" claimed on ROPS 15-16A. Amount used prior was based on a preliminary debt service schedule. A final schedule was received after the prior ROPS prepared and thus did not claim enough to cover entire debt service.



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular/Special Meeting of September 8, 2015
TO: Honorable Mayor and Members of the City Council
SUBMITTED BY: Cindy Gnos, Contract Planner
APPROVED BY: Forrest Ebbs, Community Development Director *FE*
SUBJECT: Aviano Farms – GP-15-02, PD-14-01, PW-676, UP-14-05

RECOMMENDED ACTION

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

1. Adopt the Resolution adopting the Addendum to the Environmental Impact Report for the Aviano Adult Community Project.
2. Introduce the Ordinance approving a Development Agreement between the City of Antioch and Aviano Farms LLC.
3. Adopt the Resolution approving a General Plan Amendment for purposes of amending the Sand Creek Focus Area text to allow small-lot single family residential uses on-site (GP-15-02).
4. Introduce the Ordinance approving a rezone to modify the current Aviano Adult Community Planned Development zone standards (PD-14-01).
5. Adopt the Resolution approving a Vesting Tentative Map/Final Development Plan and Use Permit for Phase 1 consisting of 127 units (UP-14-15).

STRATEGIC PURPOSE

This action will grow Antioch's economy through residential development (Strategy F-3 in the Strategic Plan), in that it will create more homes and necessary infrastructure. In addition, this action will rebuild police services (Strategy A-1 in the Strategic Plan), in that the Development Agreement includes a provision to create a financing mechanism for the provision of police services necessary to serve the development.

FISCAL IMPACT

The action does not directly impact the City budget. All improvements and infrastructure necessary to facilitate the development will be funded by the applicant. On-going maintenance is being addressed through the provision of a Lighting and Landscaping District as well as through the Home Owner's Association. In addition, the Development Agreement contains a provision for the creation of a financing mechanism to pay the project's fair share of police services.

DISCUSSION

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

Response to City Council Direction

The City Council considered this project at its August 25, 2015 meeting, where the applicant presented multiple objections to the Development Agreement and EIR Addendum along with suggested modifications to resolve these objections. The public hearing was continued to September 8, 2015 so that staff and the applicant could work through these disagreements and return with a revised document, if necessary, that clarified these issues and achieved greater consensus. Since that meeting, the following changes have been made to the documents:

1. EIR Addendum: The references to the police services fee have been removed from the EIR Addendum, though they remain in the Development Agreement. This change does not substantively change the outcome of the EIR Addendum or otherwise affect the determined impacts of the project.
2. Development Agreement
 - a. Rental/Ownership Restrictions: The City's requirement that no more than 30 percent of the units be made available by their owners for rental has been removed in its entirety. Following more thorough legal research, City staff no longer endorses this requirement as a function of the City, but instead encourages the applicant to pursue any reasonable and lawful means to encourage greater owner occupancy. (Sections 2.11.1-2)
 - b. Police Services Fee: The text addressing the police services fee has been revised to clarify that the applicant will pay for the formation of the financing mechanism and that the Aviano project will commit to a funding commensurate with 1.35 officer per 1,000 residents, or \$445 per lot.

Further, the requirement that the Homeowner's Association guarantee payment of the police services fee in the absence of a financing mechanism has been removed. This removal was based on the greater assurance that the financing mechanism will indeed be in place at the time of construction. (Sections 2.11.3, 2.13)

Finally, a provision has been added that permits the applicant to be reimbursed for the cost of formation of the financing mechanism by future participants. Future residential projects will be expected to participate in the financing mechanism and to proportionately reimburse the founder for the initial costs of formation.

- c. Indemnification: At the time of publication of this report, staff and the applicant were unable to agree on the indemnification terms. As such, the indemnification language contained in the attached Development Agreement (Attachment "B") represents the recommendation of staff and is not necessarily acceptable to the applicant. Staff will continue to work with the applicant and will provide a complete and current update at the meeting.

Background Information

The current project site was previously entitled by the City of Antioch in 2009 for the development of a 533-unit active adult community, called the Aviano Adult Community Project. The approvals included a Development Agreement, Rezoning to Planned Development District, a Master Development Plan, a Vesting Tentative Map/Final Development Plan, a Use Permit, and Design Review. An Environmental Impact Report (EIR) was prepared in 2008 and certified as part of the project approvals. In addition, a Development Agreement was approved. It should be noted that the Development Agreement has not been assigned to the current applicant so is no longer active, which nullifies some of the previous approvals which were based upon the Development Agreement. The current project applicant, Aviano Farms LLC, is proposing a similar development for 533 single-family market rate homes, removing the "age restriction" component of the previous project.

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

Planning Commission Recommendation

On August 5, 2015, the Planning Commission recommended the project be approved by City Council, by a vote of 6-0 for all entitlements except the Development Agreement, which was passed by a vote of 4-2. The primary discussion focused on the appropriateness of the calculations for the police services fee in the Development Agreement, as well as on the appropriateness and enforcement of rental restrictions. One community member spoke at the hearing and noted that they had supported the senior development but were concerned with the traffic, school and public service

impacts associated with a family development. The Draft Planning Commission minutes are included as Attachment "F" to this staff report and the Planning Commission staff report is Attachment "G". Please refer to the Planning Commission staff report for the project details.

ATTACHMENTS

- A. Resolution adopting the Addendum to the Environmental Impact Report for the Aviano Adult Community Project (Exhibit A - Addendum)
- B. Ordinance approving a Development Agreement between the City of Antioch and Aviano Farms LLC (Exhibit A - Development Agreement)
- C. Resolution approving a General Plan Amendment for purposes of amending the Sand Creek Focus Area text to allow small-lot single family residential uses on-site
- D. Ordinance approving a rezone to modify the current Aviano Adult Community Planned Development zone standards (Exhibit A - Legal Description)
- E. Resolution approving a Vesting Tentative Map/Final Development Plan, and a Use Permit for Phase 1
- F. Draft Planning Commission Minutes of August 5, 2015
- G. Planning Commission Staff Report only
- H. Vesting Tentative Map
- I. Phasing Plan

ATTACHMENT "A"

RESOLUTION NO. 2015/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING THE ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE AVIANO ADULT COMMUNITY PROJECT AS ADEQUATE FOR ADDRESSING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

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

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

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

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

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

WHEREAS, on September 8, 2015, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

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

1. The foregoing recitals are true and correct.
2. **THAT THE CITY COUNCIL** hereby finds that substantial changes are not proposed to the project that would require major revisions to the 2008 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified effect.

RESOLUTION NO. 2015/**

September 8, 2015

Page 2

3. **THAT THE CITY COUNCIL** hereby finds that substantial changes have not occurred with respect to the circumstances under which the project is undertaken requiring major revisions to the 2008 EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified effect.

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

NOW THEREFORE BE IT FURTHER RESOLVED that the Addendum to the Environmental Impact Report for the Aviano Adult Community Project is **HEREBY ADOPTED** pursuant to the California Environmental Quality Act. All feasible mitigation measures for the project identified in the Environmental Impact Report and accompanying studies are hereby incorporated into this approval.

* * * * *

I **HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 8th day of September, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

AZ

EXHIBIT A

ADDENDUM TO THE AVIANO ADULT COMMUNITY PROJECT ENVIRONMENTAL IMPACT REPORT

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

Figure 1
Current (2015) Tentative Subdivision Map

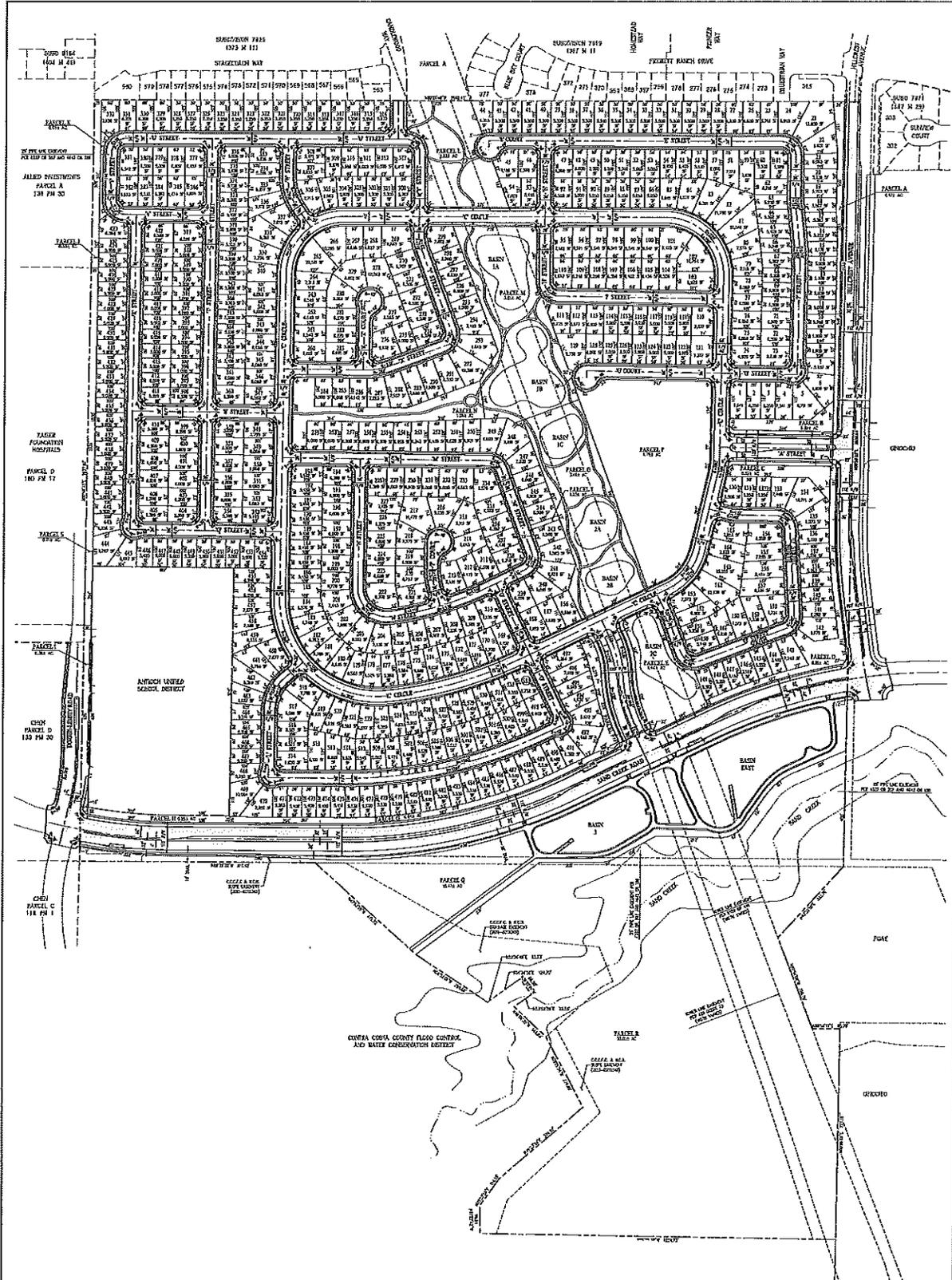
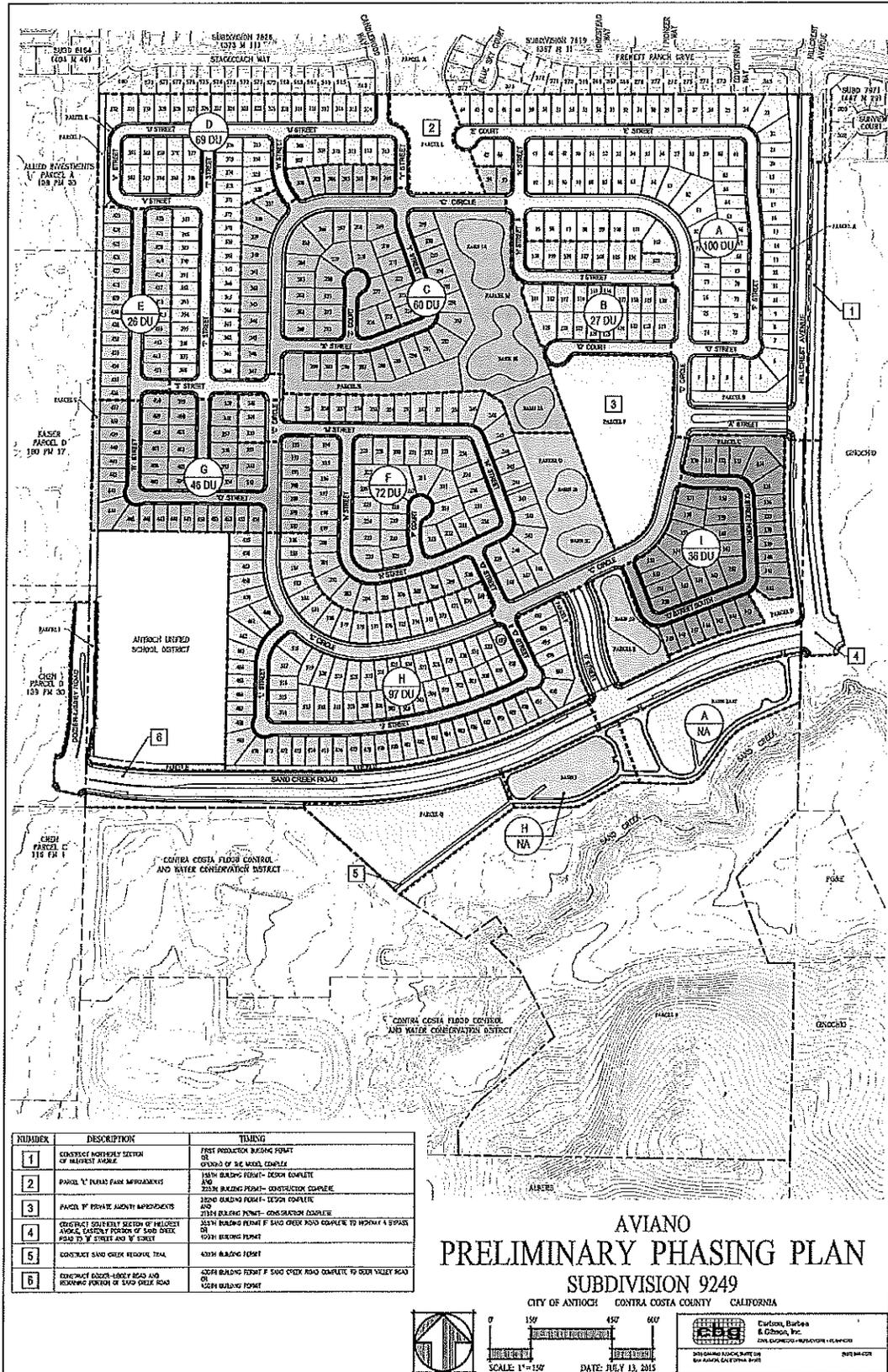


Figure 2
Preliminary Phasing Plan



ENVIRONMENTAL SETTING:

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

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

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

ADDITIONAL / NO ADDITIONAL IMPACT FINDING:

A. Statement of Findings

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

B. Evidence Supporting Findings

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

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

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

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

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

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

Prepared by:

Date: July 2015

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Contact:
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Acting Senior Planner

All referenced documentation is available for Public Review at:

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

ENVIRONMENTAL IMPACT COMPARISON

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

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

Explanation of Impact Evaluation Categories

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

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

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

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

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

Mitigation Sections

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

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

Environmental Impact Comparison

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

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

Aviano Project Environmental Impacts Comparison

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

ALL

Aviano Project Environmental Impacts Comparison

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

A12

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>allows 20 du/ac, and the southernmost approximately 36 acres of the site are designated Hillside Estate, Executive Residential or Open Space, which allows one to two du/ac. Under the current project, the entire area south of the Sand Creek Road extension would be used for Open Space uses consistent with the proposal for the 2008 Aviano Adult Community Project. More specifically, the area immediately north of Sand Creek itself would be used for water quality basins and the area south of the Creek would remain in its current, open conditions. In total, approximately 802 residential units could be built on the project site under the existing land use designations, at a development density of 4.2 du/acre. Development of approximately 93 acres of the 189-acre project site with up to 533 single-family residential units, at an average density of approximately 2.8 du/acre, would be consistent with the development intensity envisioned for the project site.</p> <p>Policy 3.5.3.1 of the City's Growth Management Element of the General Plan includes performance standards for police staffing. According to the standard, the City strives to maintain a force level within a range of 1.2 to 1.5 officers, including community service officers assigned to community policing and prisoner custody details, per 1,000 population. However, the current Antioch Police Department (PD) staffing ratio is approximately 1.0, which is unacceptable. Although the staffing for the Antioch PD is unacceptable, staffing is not identified as a physical environmental impact. The need to build additional law enforcement facilities, which could cause further environmental impacts, is considered a physical environmental impact. The Antioch PD has a state of the art 67,000-square foot police facility located at 300 "L" Street, near the Marina. The police facility features an indoor firing range, weight training and exercise room, spacious locker rooms and a computer aided dispatch system and a new law enforcement facility is not needed to serve the needs of the proposed project's residents.</p> <p>In addition, in November 2014, the City of Antioch residents passed Measure O, which became effective in December 2014. Measure O updates the</p>

A13

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>existing business license tax ordinance and requires residential landlords to pay a per unit, per year tax for single-family dwelling units of \$250.00 and \$150.00 for multi-family rental units. The intent of Measure O is to provide General Fund revenue, which primarily funds the Antioch PD. Measure O is anticipated to increase funding for the Antioch PD for the purpose of expanding law enforcement facilities and hiring additional sworn officers. Due to the recently voter approved Measure O, the Antioch PD is anticipated to continue to serve the project site and provide law enforcement services to the new residents upon project buildout.</p> <p><i>Antioch Zoning Code.</i> The City of Antioch previously approved the 2008 Aviano Adult Community Project rezoning from the Study district (S) to the Planned Development (PD) zoning district. The current project proposes to amend the PD district with respect to lot coverage and setbacks.</p> <p><i>Conclusion.</i> As explained above, the current project would have a <i>less-than-significant</i> impact on police services similar to the 2008 Aviano Adult Community Project.</p>

2008 EIR Mitigation Measures: None required.

Special Mitigation Measures: None required.

A14

Aviano Project Environmental Impacts Comparison

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

The current project involves a change from age-restricted to non-age restricted. In addition, the current project has an identical site plan as the 2008 Aviano Adult Community Project. Due to the amount of time that has passed since the 2008 EIR was completed, the City has decided to complete a new Traffic Impact Study (TIS). It should be noted that the Contra Costa Transportation Authority (CCTA) model has been updated since the completion of the 2008 EIR. As such, some of the intersections included in the TIS are different than those analyzed in the 2008 TIS. In addition, due to the amount of time that has passed since the 2008 EIR was completed, the development conditions have slightly changed. The 2008 Near-Term (2011) condition will be referred to below as the Near-Term (2015) condition and the 2008 EIR Cumulative (2025) condition will be referred to as the Long-Term (2030) condition.

A15

Aviano Project Environmental Impacts Comparison

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

ALL

Aviano Project Environmental Impacts Comparison

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

A17

Aviano Project Environmental Impacts Comparison

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

A18

Aviano Project Environmental Impacts Comparison

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

A19

Aviano Project Environmental Impacts Comparison

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

A20

Aviano Project Environmental Impacts Comparison

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

A21

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>internal streets, there is increased potential for collision due to drivers not anticipating pedestrians and bicyclists crossing at those locations.</p>					<p>impacts related to potential collisions at greenway path crosses are <i>less than significant</i>.</p>
<p>(12) At locations where the greenway path abuts some cul-de-sacs and internal loop roads, residents are not able to directly access the greenway path and must take a circuitous route.</p>	<p>LSM (p. 134)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Although the updated TIS did not analyze impacts related to access to the greenway path specifically, the current project has a similar site plan as the 2008 Aviano Adult Community Project. As such, any potential impacts to site access for residents due to cul-de-sacs and internal loop roads would be identical to the 2008 Aviano Adult Community Project. Therefore, Mitigation Measure TRANS-6 remains adequate in order to ensure that impacts related to potential collisions at greenway path crosses are <i>less than significant</i>.</p>
<p>2008 EIR Mitigation Measures applicable to the proposed project:</p>					
<p>TRANS-5: Lighted crosswalks and flashing traffic signs are recommended to increase driver awareness of the crossing, slow traffic and thereby increase safety. The current project should be responsible for all of the mitigation costs associated with this measure. Adding the raised crosswalks and signage would reduce the impact to a less-than-significant level. (LTS)</p>					
<p>TRANS-6: Direct access from the cul-de-sacs and loop streets should be provided to the path in harmony with the general plan policy to remove barriers for safe and convenient movement of pedestrians. The current project should be responsible for all of the mitigation costs associated with this measure. Adding additional access points to the greenway reduces the impact to a less-than-significant level. (LTS)</p>					

AZZ

Aviano Project Environmental Impacts Comparison

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

A23

Aviano Project Environmental Impacts Comparison

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

A24

Aviano Project Environmental Impacts Comparison

	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>Impact</p> <p>(5) Operational emissions – regional emissions.</p>	<p>LS (p. 146)</p>	<p>No</p>	<p>No</p>	<p>Yes (analysis shows that original environmental conclusion of LS remains the same)</p>	<p>Long-term air emission impacts would be those associated with changes in usage of the project site. Mobile source emissions would result from vehicle trips associated with the current project. The current project's emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2013.2.2.¹ Results of the CalEEMod modeling are expressed in lbs/day for construction and operational emissions, and in tons/yr for cumulative emissions, which allows for comparison between the model results and the BAAQMD significance thresholds.²</p> <p>The daily emissions increase associated with 2008 Aviano Adult Community Project and the current project's operational vehicular trip generation are identified in Table 1 for reactive organic gases (ROG) and nitrogen oxides (NO_x) (two precursors of ozone) as well as coarse particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}).</p>

Table 1

Unmitigated Project Operational Emissions			
Pollutant	2008 Project	2014 Project	BAAQMD
			Would

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

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

A25

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion				
					Emissions (lbs/day)	Emissions (lbs/day)	Significance Threshold (lbs/day)	2014 Exceed?	
					ROG	60.47	44.51	54.0	No
					NOx	44.34	42.72	54.0	No
					PM ₁₀	44.12	26.28	82.0	No
					PM _{2.5}	--	8.44	54.0	No
					<i>Source: CalEEMod, July 2014.</i>				
(6) Construction period activities during future development of the project site could generate significant dust, exhaust, and organic emissions.	LSM (p. 150)	No	No	Yes (analysis shows that original environmental conclusion of LSM remains the same)	<p>Current project emissions shown in Table 1 would not exceed the BAAQMD thresholds of significance for ROG, NO_x, PM₁₀, and PM_{2.5}, nor would the current project's emissions exceed the emissions projected for the 2008 project. Therefore, the current project would have a <i>less-than-significant</i> impact on regional air quality, similar to the 2008 Aviano Adult Community Project.</p> <p>Similar to the 2008 Aviano Adult Community Project, the current project would require excavation of soil from the site to prepare the site for development, which has a high potential for creating air pollutants. In addition to the dust created during site preparation for construction, substantial dust emissions could be created as debris and soil are loaded into trucks for disposal. Construction activities from vehicles and equipment would generate exhaust, fugitive particulate matter, and organic gas emissions that would also affect local air quality. Solvents in adhesives, non-water-base paints, thinners, and some insulating and caulking materials would evaporate into the atmosphere that would participate in the photochemical reaction that creates urban ozone. Similar to the 2008 Aviano Adult Community Project, asphalt used in paving is also a source of organic gases for a short time after its application. Effects of project-related construction activities would be increased dust and locally elevated levels of PM₁₀ downwind of construction activity. Construction dust would be generated at levels that would create an annoyance to nearby properties. In addition to particulate emissions from earthmoving, air pollutants also would be emitted in the exhaust of</p>				

AZL6

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>construction equipment. Utilizing CalEEMod, the current project's construction-related criteria air pollutant emissions were estimated and are presented in Table 2 below.</p>

Table 2

Pollutant	Project Emissions (lbs/day)	BAAQMD Significance Threshold (lbs/day)	Exceed?
ROG	48.72	54.0	No
NO _x	26.04	54.0	No
PM ₁₀	3.43	82.0	No
PM _{2.5}	7.18	54.0	No

Source: CalEEMod, July 2014.

It should be noted that the BAAQMD requirement regarding architectural coating volatile organic compound (VOC) content limits was used to calculate the emissions for the current project. In addition, in accordance with Mitigation Measure AIR-1 proposed in the 2008 EIR, Tier 2 engines were applied to all off-road equipment used in construction. Furthermore, diesel oxidation catalysts were applied to all off-road equipment with an assumed reduction of 20 percent.³ The 2008 Aviano Adult Community Project construction emissions were not quantified in the 2008 EIR given the then-current BAAQMD guidance for construction emissions; therefore, the 2008 construction emissions are not included in Table 2.

As shown in the table, the current project's construction-related ROG, NO_x, PM₁₀, and PM_{2.5} emissions would be below the applicable thresholds of

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

A27

Aviano Project Environmental Impacts Comparison

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

A28

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>pollutants and public health, similar to the 2008 Aviano Adult Community Project.</p>
<p>2008 EIR Mitigation Measures: AIR-1: Consistent with guidance from the BAAQMD, the following controls shall be implemented at all construction sites for the project to control dust production and fugitive dust.</p> <ul style="list-style-type: none"> Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing sensitive land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust; Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.); Limit traffic speeds on unpaved roads to 15 mph; Install sandbags or other erosion control measures to prevent silt runoff to public roadways; Replant vegetation in disturbed areas as quickly as possible; On-site idling of construction equipment shall be minimized as much as feasible (no more than 5 minutes maximum); All construction equipment shall be properly tuned and fitted with manufacturer's standard level exhaust controls; Contractors shall consider using alternative powered construction equipment (i.e., hybrid, compressed natural gas, biodiesel, electric) when feasible; Contractors shall use add-on control devices such as diesel oxidation catalysts or particulate filters; and All contractors shall use equipment that meets California Air Resources Board's (ARB) most recent certification standard for off-road heavy duty diesel engines. (LTS) <p>Special Mitigation Measures: None required.</p>					
					<p align="center">D. Noise</p> <p>An updated Noise Analysis was prepared by j.c. brendan & associates in 2014 for the currently proposed project. The updated Noise Analysis evaluated changes in ambient noise levels in the vicinity of the project site since 2008, and the traffic noise level effects resulting from a non-age restricted project as compared to the original age-restricted project evaluated in the 2008 EIR.</p>

A29

Aviano Project Environmental Impacts Comparison

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

A30

Aviano Project Environmental Impacts Comparison

	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>Impact the project site before completion of the entire project.</p>		No	No	Yes (analysis shows that original environmental conclusion of LSM remains the same)	<p>provided under the "Special Mitigation Measures" section below.</p>
<p>(4) Local traffic would generate long-term exterior noise exceeding normally acceptable levels on the project site and could expose site uses to unacceptable noise levels.</p>	<p>LSM (p. 162)</p>	No	No	<p>Yes (analysis shows that original environmental conclusion of LSM remains the same)</p>	<p><i>Exterior Traffic Noise Level Impacts</i></p> <p>The Federal Highway Administration (FHWA) highway traffic noise prediction model (FHWA RD-77-108) was used to predict Cumulative Plus Project traffic noise levels at the proposed residential land uses associated with the project. The model is based upon the Calveno reference noise emission factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly L_{eq} values for free-flowing traffic conditions. Traffic volumes for existing conditions were obtained from the traffic study prepared for the project. Truck percentages and vehicle speeds on the local area roadways were estimated from field observations.</p>
<p>Table 3 shows the predicted traffic noise levels at the proposed residential uses adjacent to the major project-area arterial roadways. Table 3 also indicates the property line noise barrier heights required to achieve compliance with an exterior noise level standard of 60 dB CNEL.</p>					
<p align="center">Table 3 Transportation Noise Levels at Proposed Residential Uses</p>					
<p>Noise Source</p>	<p>Receptor Description</p>	<p>Approx. Distance to Center of Outdoor Activity Area (feet)</p>	<p>Average Daily Trips</p>	<p>Predicted Noise Levels (dB CNEL²)</p>	

A31

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion					
					Traffic Noise	No Wall	6-foot Wall			
					Hillcrest Avenue	Prewett Ranch Drive to East Entrance	75	7,588	63	58
					Hillcrest Avenue	East Entrance to Sand Creek Road	75	6,400	62	57
					Sand Creek Road	Hillcrest Avenue to South Entrance	75	7,663	63	58
					Sand Creek Road	South Entrance to Future School Access	75	5,938	62	57

¹ Setback distances are measured in feet from the centerlines of the roadways to the center of residential backyards.

² The modeled noise barriers assume flat site conditions where roadway elevations, base of wall elevations, and building pad elevations are approximately equivalent.
 Source: *j.c. brennan & associates, Inc. 2014*

The modeled noise barriers assume flat site conditions where roadway elevations, base of wall elevations, and building pad elevations are approximately equivalent. The Table 3 data indicate that noise barriers six-feet in height would be required to reduce exterior noise levels to 60 dB CNEL or less at the sensitive receptors located closest to Hillcrest Avenue and Sand Creek Road. Because grading plans are not currently available, noise barrier height and placement should be reviewed when such plans are available.

In contrast, the 2008 EIR noise analysis determined that a sound wall of 8 feet in height along Hillcrest Avenue, and a sound wall of 8 feet in height along Sand Creek Road, would reduce traffic noise levels to within the City's acceptable range of 60 dBA CNEL for new residential outdoor activity areas.

A32

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>These sound wall heights are measured in feet above the finished roadway elevation. As a result, Mitigation Measures NOISE-2a and 2b of the 2008 EIR require modifications to specify that the 2014 Noise Analysis has determined that a 6-foot tall sound wall would be adequate to reduce noise levels experienced at the project residences to a level below the City's exterior noise standard of 60 dB. The modified NOISE-2a and 2b measures have been included in the <i>Special Mitigation Measures</i> section below.</p> <p>In conclusion, with implementation of NOISE-2a and 2b (as modified), the currently proposed project would not result in a new or more severe exterior traffic noise impact than that which was identified in the 2008 EIR.</p> <p><i>Interior Noise Impacts</i></p> <p>Modern construction typically provides a 25 dB exterior-to-interior noise level reduction with windows closed. Therefore, sensitive receptors exposed to exterior noise of 70 dB CNEL, or less, will typically comply with the City's 45 dB CNEL interior noise level standard. Additional noise reduction measures, such as acoustically-rated windows are generally required for exterior noise levels exceeding 70 dB CNEL.</p> <p>Based upon the analysis shown in Table 3, the predicted noise levels will not exceed 60 dBA CNEL at the first floor facades, which are either shielded by existing residential buildings on the east, or sound walls along Hillcrest Avenue and Sand Creek Road. Second floor facades along Hillcrest Avenue and Sand Creek Road will be less than 65 dBA CNEL. Therefore, typical interior noise levels are expected to be less than 40 dBA CNEL, and will comply with the interior noise level standard of 45 dBA CNEL.</p> <p>Notwithstanding this, j.c. Brennan has recommended a mitigation measure to require mechanical ventilation in all residential uses in order to allow residents to keep doors and windows closed. The additional mitigation</p>

A33

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>2008 EIR Mitigation Measures: NOISE-1a: The construction contractor shall limit all noise producing construction related activities, including haul truck deliveries or warming up and idling of heavy construction equipment, to the hours of 8:00 a.m. to 5:00 p.m. on weekdays. On Saturdays, noise producing construction activities shall be limited to 9:00 a.m. to 5:00 p.m., irrespective of the distance from occupied dwellings. No construction shall be allowed on Sundays and public holidays. All weekend noise producing construction activity is subject to approval by the City Engineer. NOISE-1b: During all project site excavation and on-site grading, the construction contractor shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards. NOISE-1c: The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. NOISE-1d: The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction related noise sources and noise-sensitive receptors nearest the project site during all project construction. NOISE-1e: The construction contractor shall use temporary noise attenuation fences at least 6 feet in height to protect all sensitive receptors along the northern property line that are not currently protected by a sound wall of at least 6 feet in height. (LTS) Special Mitigation Measures: NOISE-1f: Designate a disturbance coordinator and conspicuously post this person's number around the project site and in adjacent public spaces. The disturbance coordinator will receive all public complaints about construction noise disturbances and will be responsible for determining the cause of the complaint, and implement any feasible measures to be taken to alleviate the problem. (LTS) NOISE-2a: A sound wall barrier at least 6-foot-high (relative to the building pad elevation) shall be constructed along the project property line adjacent to Hillcrest Avenue to reduce traffic noise impacts to a less-than-significant level. The sound wall should be of solid construction without gaps (including at the bottom), and have a minimum surface weight of 4 pounds per square foot.</p>					<p>measure (NOISE-2c) is provided under the "Special Mitigation Measures" section below.</p> <p>In conclusion, with implementation of NOISE-2c, the currently proposed project would not result in a new or more severe interior traffic noise impact than that which was identified in the 2008 EIR.</p>

A34

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>NOISE-2b: A sound wall barrier at least 6-foot-high (relative to the building pad elevation) shall be constructed along the project property line adjacent to Sand Creek Road to reduce traffic noise impacts to a less-than- significant level. The sound wall should be of solid construction without gaps (including at the bottom), and have a minimum surface weight of 4 pounds per square foot. (LTS)</p>					<p>NOISE-2e: Mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation. This requirement shall be shown on building plans prior to issuance of any building permit as verified by the Chief Building Official. (LTS)</p>
<p>E. Cultural and Paleontological Resources</p>					
<p>(1) Site preparation, grading, and construction activities could adversely impact subsurface historic resources at site CA-CCO-682H.</p>	<p>LSM (p. 174)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>According to the 2008 EIR, site CA-CCO-682H is partially located within the off-site Sand Creek Road (east) corridor. The site is described as a historic ranching outpost with five habitation-associated features consisting of an earthen loading ramp, a metal water tank made from an old truck bed, a kidney-shaped depression representing a possible foundation, a circular cistern, and a barbed-wire fence enclosure surrounding a well. Due to the potential for subsurface historic deposits that may produce information important to early development of the area on a local scale, ground disturbing activities could adversely impact site CA-CCO-682H. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts. Therefore, Mitigation Measure CULT-1 remains adequate in order to ensure that impacts related to CA-CCO-682-H are <i>less than significant</i>.</p>
<p>(2) Site preparation, grading, and construction activities could adversely impact previously undiscovered archaeological resources.</p>	<p>LSM (p. 175)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Due to the proximity of recorded archeological sites, the potential exists for unknown archeological resources to occur on the project site. A review of the Sacred Lands File by the Native American Heritage Commission (November 1, 2006) did not identify any Native American cultural resources within the vicinity of the project area; however, the potential exists for undiscovered Native American resources to occur within the project area. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to archaeological resources. Therefore, Mitigation Measure CULT-2 remains adequate in order to ensure that impacts related to archaeological resources are <i>less than significant</i>.</p>

A35

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
(3) Impacts to previously undiscovered paleontological resources.	LSM (p. 175)	No	No	No	Unique geologic features are not located within the project area. Although six fossil localities are located within four miles of the project area, none were identified within the same geologic setting as the project area. However, the possibility that construction activities could impact paleontological resources within the Pleistocene alluvium still exists. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to paleontological resources. Therefore, Mitigation Measure CULT-3 remains adequate in order to ensure that impacts related to paleontological resources are <i>less than significant</i> .
(4) Disturbance of human remains, including those interred outside of formal cemeteries.	LSM (p. 176)	No	No	No	The potential to uncover Native American human remains exists in locations throughout California. Although not anticipated, human remains may be identified during site-preparation and grading activities, resulting in a significant impact to Native American cultural resources. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to human remains. Therefore, Mitigation Measure CULT-4 remains adequate in order to ensure that impacts related to the disturbance of human remains are <i>less than significant</i> .
<p>2008 EIR Mitigation Measures: CULT-1: If feasible, the site shall be avoided. If avoidance is not feasible, an Archaeological Research Design and Testing Plan (ARDTP) shall be developed. Once the ARDTP is reviewed and approved by the City of Antioch, and testing is completed, a report shall be prepared detailing the methods and results, and the site shall be evaluated using the California Register of Historic Resources eligibility criteria. The report shall be submitted to the project applicant, the City of Antioch, and the Northwest Information Center (NWIC). If the site appears to be ineligible for the California Register, project construction activity within the area of the site may begin. If the site is found to be potentially eligible, a Cultural Resources Treatment Plan (CRTP) shall be developed to mitigate project effects. Once the program is approved by the City, and the work completed, project construction activities within the site area can begin. A Cultural Resources Treatment Report (CRTR) shall be prepared and submitted to the project applicant and the City for review and comment. Final copies of the CRTR shall be submitted to the project applicant, the City of Antioch, and the NWIC. (LTS)</p>					

A36

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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CULT-2: If deposits of prehistoric or historic archeological materials⁴ are encountered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archeologist shall be contacted to assess the deposit finds and make recommendations. While deposits of prehistoric or historic archeological materials should be avoided by project activities, if the deposits cannot be avoided, they shall be evaluated for their California Register eligibility. If the deposits are not eligible for the California Register, avoidance is not necessary. If the deposits are eligible for the California Register, they shall be avoided. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of the evaluating archaeologist and CEQA Guidelines §15126.4 (b)(3)(C), which requires implementation of a data recovery plan and avoidance of human remains. Upon completion of the archaeologist's assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the discovered archaeological materials. The report shall be submitted to the project applicant, the City of Antioch, and the Northwest Information Center (NWIC). Once the report is reviewed and approved by the City, and any appropriate resource recovery completed, project construction activity within the area of the find may resume. (LTS)

CULT-3: If paleontological resources⁵ are encountered during site preparation or grading activities, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has assessed the discoveries and made recommendations. If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by project activities. If project activities cannot avoid the resources, the adverse effects shall be mitigated. Mitigation shall include data recovery and analysis, preparation of a final report, and the formal transmission or delivery of any fossil material recovered to a paleontological repository, such as the University of California Museum of Paleontology (UCMP). Upon completion of recovery activities, a final report documenting methods and findings of the mitigation shall be prepared and submitted to the project applicant, the City of Antioch, and a suitable paleontological repository. Once the final report is reviewed and approved by the City, project construction activity within the area of the find may resume. (LTS)

CULT-4: If human remains are encountered, work within 25 feet of the discovery shall be redirected and the Contra Costa County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the project applicant, the City of Antioch, and the Northwest Information Center. Once the

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

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

A37

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
report is reviewed and approved by the City, and any appropriate treatment completed, project construction activity within the area of the find may resume. (LTS) Special Mitigation Measures: None required.					
F. Geology, Soils, and Seismicity					
(1) Fault rupture at the project site.	LS (p. 189)	No	No	No	Active faults which pose a hazard for surface rupture have not been mapped across the current project and no portion of the current project is located within an Alquist-Priolo Earthquake Fault Zone. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to fault rupture. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.
(2) Landslide hazards at the project site.	LS (p. 189)	No	No	No	The U.S. Geological Survey (USGS) maps the hillsides south of Sand Creek as Category 3: "generally to marginally stable" or Category 5: "unstable". The site-specific investigation has mapped a landslide on the northwest face of the hills south of Sand Creek. The area south of Sand Creek is not proposed for development as a part of the current project; however, the Sand Creek Focus Area of the General Plan designates the site for development. If a project is eventually developed south of Sand Creek, the issue of slope stability and determination of the appropriate level of environmental review under CEQA would need to be addressed at that time. Similar to the 2008 Aviano Adult Community Project, the portion of the current project to be developed north of Sand Creek is not subject to landslide hazards. The current project is not located on an unstable geologic unit, which if developed would be subject to, or contribute to, on- or off-site fault rupture, liquefaction, or lateral spreading. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to landslide hazards. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.
(3) Loss of known mineral resources.	LS (p. 189)	No	No	No	Implementation of the current project would not result in the loss of known mineral resources; as noted in the 2008 EIR, the project area is classified MRZ-1, "areas where available geologic information indicates that little

A38

Aviano Project Environmental Impacts Comparison

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

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

⁷ U.S. Geological Survey, 2007. *Mineral Resources On-Line Spatial Data*. Website: mrdata.usgs.gov/index.html.

⁸ City of Antioch Municipal Code, Title 8: Building Regulations, Chapter 1: Building Code.

A39

Aviano Project Environmental Impacts Comparison

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

A40

Aviano Project Environmental Impacts Comparison

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

⁹ Natural Resource Conservation Service, 2008. op. cit.

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

A41

Aviano Project Environmental Impacts Comparison

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

2008 EIR Mitigation Measures:

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

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

¹¹ Title 8, California Code of Regulations, Sections 1539-1543. Construction Safety Orders can be reviewed at: www.dir.ca.gov/Title8/sub4.html.

A42

Aviano Project Environmental Impacts Comparison

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GEO-3: A site-specific design-level geotechnical investigation report for both on- and off-site project elements, prepared by a licensed professional, shall be prepared. The report shall include recommendations for foundations and improvements, including sidewalks, paved paths, parking lots, and subsurface utilities, considering expansive soil conditions. Measures shall be incorporated into the report to ensure that potential damage due to shrink/ swell potential of soils is minimized. Corrective measures, as recommended by a licensed professional, may include removal and replacement of problematic soils with engineered and compacted fill, proper drainage design, or design and construction of improvements to withstand the forces exerted by expected shrink/ swell cycles. The report shall be submitted to the City Engineer for review and approval.

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

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

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

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

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

Special Mitigation Measures: None required.

A43

Aviano Project Environmental Impacts Comparison

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

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

¹³ The inundation zone for the planned USCB has not yet been officially mapped.

¹⁴ Contra Costa County Flood Control District, 2008. op. cit.

¹⁵ City of Antioch, 2008. op. cit.

A44

Aviano Project Environmental Impacts Comparison

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

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

A45

Aviano Project Environmental Impacts Comparison

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

446

Aviano Project Environmental Impacts Comparison

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

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

A47

Aviano Project Environmental Impacts Comparison

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

A48

Aviano Project Environmental Impacts Comparison

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

1. A qualified licensed engineering firm retained by the applicant shall develop final design-level drainage and C.3 compliant stormwater management plans for the current project including all on-site and off-site improvements. The project drainage plan shall include a design that, when implemented, would ensure that post-project runoff does not exceed estimated pre-project rates and/or durations, where the increased stormwater discharge rates and/or durations will result in increased potential for erosion.
2. Include drainage components that are designed in compliance with City of Antioch standards. The qualified licensed engineering firm preparing drainage plans shall consider the proximity of the proposed detention basins to Sand Creek and shall implement adequate design measures so as to not result in bank instability in Sand Creek. The grading and drainage plans shall be reviewed for compliance with these requirements by the City of Antioch.
3. ~~Neither the City of Antioch nor any government agency shall be responsible for~~ Maintenance of C.3 compliance detention and water quality facilities shall be determined by the City Engineer. The project must include a self-perpetuating drainage system maintenance program (to be managed by a homeowners association, LLD or similar entity) that includes annual inspections and necessary maintenance of detention basins, sedimentation basins, drainage ditches, and drainage inlets. Any accumulation of sediment or other debris shall be promptly removed and damage to the drainage system repaired in a timely manner.
4. Storm Water Control Plans shall be in conformance with the engineering guidance and specifications provided by the Contra Costa County Flood Control and Water Conservation District. (LTS)

HYD-2: As a condition of approval of the final grading and drainage plans for the project, and prior to issuance of a grading permit the applicant shall demonstrate through detailed hydraulic analysis that implementation of the proposed drainage plans will not impact flooding conditions or create potential flooding impacts downstream, by implementing the following:

1. The qualified licensed engineering firm retained by the applicant shall analyze the potential for the project including all on-site and off-site improvements to contribute to downstream flooding impacts at the project limits, as well as downstream of the site, to the junction of Sand Creek and Marsh Creek. The project drainage plan shall include a design that, when implemented, would not increase peak flows above existing flows, or exacerbate downstream flooding.
2. Storm Water Control Plans, including underlying hydrology and hydraulic analysis, shall be submitted to the CCCFCD for review and approval, to ensure that the design is in conformance with CCCFCD engineering guidance and specifications and that the proposed design is compatible with the future plans for the USCB. The applicant shall work closely with the City of Antioch and the CCCFCD to ensure that the proposed uses within the on-site open space immediately downstream of the USCB dam structure are compatible with the dam inundation zone, emergency release route, and primary spillway alignment of the proposed USCB facility. (LTS)

HYD-3a: As a condition of approval of the final grading plans, the applicant shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project including all on- and off-site improvements. The SWPPP shall be submitted for approval to the City of Antioch prior to issuance of a grading permit. The SWPPP must be maintained on-site and made available to City inspectors and/or San Francisco Bay or Central Valley Water Board staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At a minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain. An important component of the stormwater quality protection effort is the knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention.

419

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

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

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

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

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

Special Mitigation Measures: None required.

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

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

A50

Aviano Project Environmental Impacts Comparison

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

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

Aviano Project Environmental Impacts Comparison

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

²¹ IMFC, 2004, op cit.

²² City of Antioch, General Plan, 2003, Section 11.8, Disaster Response, November 24.

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

A52

Aviano Project Environmental Impacts Comparison

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

²⁴ CEQA Guidelines, Section 15145.

A53

Aviano Project Environmental Impacts Comparison

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

A54

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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are less than significant.

2008 EIR Mitigation Measures:

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

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

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

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

Special Mitigation Measures: None required.

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

A55

Aviano Project Environmental Impacts Comparison

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

The following permits and associated consultation have been completed or will soon be completed by the Aviano Farms Project: USFWS Biological Opinion; CDFW Section 1602; CDFW Section 2081 California Endangered Species Act (CESA) Conditional Incidental Take permit; Section 7 Federal Endangered Species Act (FESA) Consultations between USFWS and the USACE; USACE Section 404 Clean Water Act Permit; and RWQCB Section 401 Clean Water Act.

A56

Aviano Project Environmental Impacts Comparison

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

A57

Aviano Project Environmental Impacts Comparison

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

A58

Aviano Project Environmental Impacts Comparison

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

A59

Aviano Project Environmental Impacts Comparison

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

ALD

Aviano Project Environmental Impacts Comparison

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

Al61

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>Aera Energy parcel associated with the installation of the sewer pipeline would result in a loss of trees covered by the City of Antioch's tree ordinance.</p>					<p>ordinance. Some of the trees occur within the footprint of the proposed sewer pipeline alignment. It should be noted that an EIR for the currently proposed Vineyards at Sand Creek Project, located adjacent to the current project site, is currently being drafted. The Vineyards at Sand Creek Project EIR will address impacts to trees on the Aera property as well. The current project involves a change from age-restricted to non-age restricted and therefore the changes would not create new or more severe impacts related to trees covered by the Antioch tree ordinance. Therefore, Mitigation Measure BIO-7 remains adequate in order to ensure impacts related to Antioch's tree ordinance are <i>less than significant</i>.</p>

2008 EIR Mitigation Measures:

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

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

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

A62

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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the HCP/NCCP divide the responsibility for land acquisition and preservation to meet the HCP/NCCP goals between new development at 52 percent and existing development (i.e., the public) at 48 percent. Since cost sharing for projects not covered by HCP/NCCP does not exist, the entire responsibility to mitigate the impacts in a manner consistent with the regional HCP/NCCP would fall to new development (i.e., the project sponsor).

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

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

On-site Preservation. The project sponsor shall preserve 35.9²⁷ acres as an Open Space Preserve at the south end of the project site. Approximately 4.7 acres of the preserved area are located north of the Sand Creek channel and would serve to buffer the Sand Creek riparian corridor from the development north of the creek. The on-site preserved area excludes 2.5 acres that have been set-aside for a potential future road extending from Sand Creek Road southwest through the Preserve, as well as another 1.0 acre which has been granted as an easement to PG&E for grading and landscaping associated with a new substation located at the eastern boundary of the preserve. On-site habitat preservation within the Preserve would provide habitat for San Joaquin kit fox and burrowing owl. The population of round-leaved filaree is located within the on-site preserve. The on-site preserve also would provide habitat for common wildlife and plant species that occur in the grasslands of the region.

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

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

ALB3

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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The Preserve would include a permanently protected riparian buffer along the north side of Sand Creek on the project site averaging 100 feet from the top-of-bank. The development plan for the project site shall include the transfer of the preserve into a dedicated parcel. A deed restriction shall be recorded over the parcel, ensuring that its ecological values would be maintained in perpetuity. An endowment fund shall be established by the project sponsor and held and administered by an appropriate public agency such as CDFW, to provide for the long-term maintenance, monitoring, and management of the on-site preserve including the plantings established in the Riparian Enhancement Plan (described in Mitigation Measure BIO-2b). As required by the City's General Plan, the site would be managed pursuant to a Resource Management Plan (a draft version of which is provided as Appendix K in the 2008 EIR).

Off-site Preservation. The project sponsor has purchased a 205.6-acre property known as the Ralph Property in eastern Contra Costa County as partial mitigation for impacts associated with the development of the project site. Approximately 166.6 acres would be used as off-site mitigation for biological impacts resulting from the current project. The Ralph property is located approximately two miles south of the Byron Airport, just outside the town of Byron, California, and is composed of two parcels: APN 001-031-018-3 (147.02 acres), and APN 001-031-019-1 (58.53 acres). Per an agreement with CDFW in 2006, 39 acres of the 205.6-acre Ralph property have already been designated as mitigation for impacts that occurred to burrowing owls at another of the project sponsor's project sites in Oakley. As mitigation compensation for the current project, the project sponsor shall donate the remaining 166.6 acres of the Ralph property to a qualified conservation organization to mitigate impacts to waters of the U.S. and State, and for habitat loss for the vernal pool fairy shrimp, vernal pool tadpole shrimp, California tiger salamander, western burrowing owl, and San Joaquin kit fox. The project sponsor shall establish an endowment fund to provide for the long-term maintenance and monitoring of the site. As required by the City's General Plan, the site shall be managed pursuant to a Resource Management Plan (Appendix K of the 2008 EIR). The 166.6 acres of the Ralph property that would be preserved as compensation for impacts to special-status grassland and vernal pool species is comprised of predominantly non-native grassland habitat (estimated at 136.6 acres), with the remaining acreage (estimated at 30 acres) supporting a mosaic of vernal pool, seasonal wetland channel, and seasonal alkali wetland habitats.

The Ralph site is within USFWS Critical Habitat for vernal pool crustaceans and within the mapped range of San Joaquin kit fox. The site also supports known populations of four species of vernal pool crustaceans including the vernal pool fairy shrimp; breeding and upland habitat for the California tiger salamander; and breeding and overwintering habitat for burrowing owls. Additionally, occurrences of California red-legged frog have been documented upstream of the site in a seasonal wetland channel that enters the site in the southwest corner. Adding to the resource value of the site, the Ralph property is located just outside the 2,000-foot protection zone established around the Byron Airport and therefore would remain part of a much larger preservation complex with regional importance as identified in the ECC HCP/NCCP. The HCP/NCCP indicates that there are already areas adjacent to the Ralph property that are preserved in perpetuity and whose resources will be managed for the benefit of native wildlife and plants (816 acres within the airport boundaries and 121 acres in a private mitigation bank). The Ralph property is immediately outside the indicated preserved areas and thus has regional significance as a property that can be added to existing preserved areas. Based on information provided by M&A, information contained in the HCP/NCCP, and on a reconnaissance-level site visit to the Ralph property by LOA staff in April 2007, the Ralph mitigation site appears to provide higher habitat value for special-status animals that occur on the site or its vicinity than the project site itself. Acreages of impacts and mitigations for the loss of habitat for individual special-status grassland and vernal pool species impacted by the project are provided in Table IV.I-3 of the 2008 EIR (page 265) and discussed in further detail in the text below.

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

A64

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
	<p>site contains a rough estimate of at least 9.0 acres of vernal pool habitat.²⁸ In 2006, M&A conducted wet season protocol-level surveys for federally-listed vernal pool crustaceans on the Ralph site. The site was found to support one listed fairy shrimp species – vernal pool fairy shrimp (<i>Branchinecta lynchi</i>), and three non-listed species – Lindahl’s fairy shrimp (<i>Branchinecta lindahl</i>), Midvalley fairy shrimp (<i>Branchinecta mesovallensis</i>), and alkali fairy shrimp (<i>Branchinecta mackini</i>).²⁹ Vernal pool tadpole shrimp were not found to be present on the mitigation site. The current project would result in a loss of 0.32 acres of potential vernal pool crustacean habitat occurring on the project site, and would result in temporary impacts to another approximately 0.10 acres of such habitat occurring on the Gimocchio/Numn site. The loss would be compensated by the preservation of an estimated 9.0 acres of occupied vernal pool crustacean habitat on the Ralph property, resulting in a loss: preservation ratio greater than 1:20 and well in excess of the 1:3 mitigation ratio generally required by the USFWS. Additionally, the project sponsor shall create another 0.91 acres of seasonal wetland habitats that shall be suitable for vernal pool fairy shrimp and vernal pool tadpole shrimp. The created wetlands shall be inoculated with salvaged soils from the seasonal wetlands on the project site, resulting in a greater than 1:2 loss:creation ratio. The salvaging of topsoil from the seasonal wetlands is described in Mitigation Measure BIO-3.</p>	<p>Do Proposed Changes Involve New or More Severe Impacts?</p>	<p>Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?</p>	<p>Any New Information Requiring New Analysis or Verification?</p>	<p>Discussion</p>

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

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

³⁰ Monk & Associates, 2007. op. cit.

³¹ Pers. comm. Geoff Monk, Monk & Associates, on July 11, 2007.

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

A65

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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would be preserved on-site, the preserved acreage has not been considered in the mitigation of habitat impacts for tiger salamander species. The 39.5-acre area has been excluded because of the unlikely future preservation of off-site migration corridors to the Preserve area from known salamander breeding habitat in the site's vicinity, as well as the uncertainty that such off-site breeding habitat would be preserved in perpetuity.

The combination of breeding habitat in proximity to suitable upland habitat is most important for the ongoing viability of the tiger salamander populations. Breeding habitat on the Ralph property supports not just upland habitat on the site, but also many more acres of upland habitat on open rangeland surrounding the site. According to the HCP/NCCCP, 39 over 900 acres of such habitat is already preserved in the immediate vicinity of the Ralph property. However, given that the loss:preservation ratio for salamander habitat on the Ralph property alone is below the minimum by the resource agencies, or as derived from the HCP/NCCCP, acreage on the Ralph property alone does not adequately mitigate this impact, and additional mitigation is required (see BIO-1b).

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

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

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

³³ Jones & Stokes, 2006. op. cit.

³⁴ Monk & Associates, 2007. op. cit.

ALB

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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Although protocol-level studies for San Joaquin kit fox have not been conducted on the Ralph site, the site occurs well within the USFWS mapped range of the kit fox species, and the USFWS considers the site to be kit fox habitat based on M&A's informal consultation with USFWS in February 2006.³⁵ Additionally, eleven occurrences of kit fox have been documented in the vicinity of Byron in the period from 1987 to 2002, within one and six miles north and northwest of the Ralph site, with the latest of these sightings in 2002.³⁶ 37 Approximately 166.6 acres of grasslands and seasonal wetlands that provide habitat for the San Joaquin kit fox species would be preserved off-site on the Ralph property, and additionally, another 35.9 acres of grassland habitat would be preserved on-site, totaling 202.5 acres. Preservation of the on-site and off-site mitigation lands would result in a 1:1.3 (loss:preservation) ratio. The 1:1.3 ratio is below the minimum ratio of 1:3 (loss:preservation) required to mitigate this impact to a standards used by the USFWS, CDFW, and the ratio derived from the regional HCP/NCCP. Therefore, the preserved acreage on-site and off-site on the Ralph property would not adequately mitigate this impact, and additional mitigation is required (see BIO-1b).

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

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

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

³⁵ Monk & Associates, 2007. op. cit.
³⁶ Monk & Associates, 2007. op. cit.
³⁷ EDAW. 1998. op. cit.

AB7

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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foraging and denning habitat. The project sponsor must either establish a conservation easement on the additional mitigation lands to preserve them in perpetuity as wildlife habitat or donate the additional mitigation lands acres to a qualified conservation organization. The project sponsor must also establish an endowment fund to provide for the long-term management, maintenance, and monitoring of the mitigation site.

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

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

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

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

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

ALB

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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measures as draining ponds as necessary to control predators such as fish and bullfrogs. This created wetland habitat would provide an opportunity for the red-legged frog to become established on the mitigation site and in its immediate vicinity.

BIO-2b: The project proponent shall provide the City with a map showing the extent of encroachment of project development, including the detention basins, landscaped areas, roads and trail, that occur within 100 feet of the dripline of riparian vegetation or the creek bank, whichever is greater, as well as the acreage of such encroachment. To compensate for such encroachment, the project proponent shall enhance riparian habitat on-site within the 4.7 acre riparian set-back area at a 1:1 (loss:enhancement) ratio. A Riparian Enhancement Plan shall be developed by a qualified Plant or Restoration Ecologist in consultation with the USFWS and CDFW. A copy of the Enhancement Plan shall be provided to the City. At a minimum, the Plan shall include:

- A Planting Plan which provides the location of on-site Enhancement Areas within the 4.7 acre designated riparian buffer and the number, location, planting container size, and species of trees and shrubs to be utilized in the enhancement effort.
- A Maintenance Plan which provides details on irrigation, weed abatement and other maintenance activities to be conducted in the Enhancement Area(s) during the monitoring period.
- A Monitoring Plan which provides specific measurable performance and final success criteria, and the methods that will be used to monitor these criteria. Performance criteria shall be monitored on an annual basis for a minimum of five years. The Monitoring Plan shall also include specific remedial actions to be taken should annual monitoring indicate that the Enhancement Area is not meeting the annual performance criteria during each annual monitoring period, or doesn't meet the final success criteria at the end of the minimum five-year monitoring period. One of the remedial actions will include an extension of the monitoring period until the final success criteria are met.

Results of the annual monitoring effort and any remedial actions to be taken to rectify situations where the Enhancement is not meeting the annual performance criteria or final success criteria shall be provided to the City by an annual monitoring report. (LTS)

BIO-3a: The project sponsor shall consult with the USFWS and CDFW regarding impacts to federal and State listed species from the current project. The project sponsor shall obtain the appropriate take authorization. (Section 7 Biological Opinion and/or 2081 permit) from the USFWS and CDFW prior to initiation of construction activities. The project sponsor shall comply with all terms of the endangered species permits including any mitigation requirements and provide proof of compliance to the City prior to issuance of a grading permit.

BIO-3b: Project grading shall only occur during the dry season (April 15 – October 30) and only after a qualified biologist has determined that all wetland areas of the site providing potential habitat for vernal pool crustaceans are dry, and individuals of these species, if present, would be in cyst form. Prior to filling the wetlands, the topsoil of all permanently impacted wetlands shall be salvaged and deposited in appropriate seasonal wetland habitats to be created on the Ralph mitigation property. Additionally, should pipeline installation on the Ginocchio/Numm parcel result in temporary impacts to wetlands on the site, prior to the installation, topsoils in areas of these wetlands to be impacted shall be salvaged and then redeposited in the wetlands of the site once pipeline installation is complete and the wetlands have been re-sculpted on the site pursuant to Mitigation Measure BIO-1c.

BIO-3c: California tiger salamanders that are in burrows or soil cracks on the project site would be impacted by ground disturbing activities. California tiger salamanders may also

AB9

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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become trapped in trenches excavated during project construction. In order to minimize and avoid mortality of California tiger salamanders on the site, as well as in the vicinity of off-site impacts occurring on the Royal Formosa/Chen and Ginocchio/Numm parcels, the following measures shall be implemented:

- Prior to project-related ground disturbance activities occurring on-site or off-site, an employee training program for operators/contractors shall be conducted by a qualified biologist to explain the endangered species concerns at the project site and the measures being implemented to minimize and avoid mortality to the listed species.
- All project-related grading activities shall be conducted during the summer months after all potential breeding sites on and in the vicinity of the project site have dried and when California tiger salamanders are not breeding or migrating.
- A qualified biologist shall be present at the locations of all on- and offsite project-related ground disturbance activities to monitor these activities and to salvage California tiger salamanders that may be unearthed during ground disturbing activities. Salvaged California tiger salamander may be turned over to CDFW personnel for relocation, or the relocation of the CTS may be handled by a 10(a)(1)(A) permitted biologist as approved and directed by the USFWS and CDFW. Terms of the salvage shall be established in consultation with USFWS and CDFW prior to initiation of construction activities.
- The sponsor shall develop and implement a plan to prevent salamanders from moving onto the construction areas during grading or construction activities and to monitor the site during construction. The plan shall be approved by the City, USFWS, and CDFW prior to the initiation of construction activities.
- Best Management Practices also shall be implemented to minimize the potential mortality, injury, or other impacts to California tiger salamanders. Erosion control materials shall not include small-mesh plastic netting, which could result in entanglement within the material and death of California tiger salamanders. All trash items shall be removed from the project site to reduce the potential for attracting predators of California tiger salamanders, such as crows and ravens which could scavenge uncovered salamanders.

BIO-3d: California red-legged frogs are known to be present on-site within Sand Creek and may also occur from time to time in the manmade detention channel. To avoid harm or mortality to California red-legged frogs to the greatest extent practicable, the following measures shall be implemented:

- Any construction-related activity that occurs within either the manmade detention channel or the Sand Creek channel, or within 300 feet of the top of the bank of either of these features, including project-related activities occurring on the Royal Formosa/Chen and Ginocchio/Numm properties, shall only occur during the dry season (April 15 to October 30) when the frog would most likely have moved off-site to deeper pool habitats upstream of the site in Sand Creek.
- No more than 48 hours prior to such construction-related activities described above, a qualified biologist shall survey Sand Creek and the detention channel, including at least 100 feet upstream and downstream of the construction site to determine if frogs are present and may be impacted by the activities.
- Prior to any ground disturbance occurring within 300 feet of Sand Creek or the manmade detention channel, an employee training program for operators/contractors shall be conducted by a qualified biologist to explain the endangered species concerns at the project site. The education/training program must include a discussion of the general protection measures to be implemented to protect the frog and minimize take, and a delineation of the limits of the work area.
- The project sponsor shall isolate the work area with suitable amphibian exclusion fencing that would block the movement of California red-legged frogs from entering the work area. The fence shall be installed prior to the time any site grading or other construction-related activities are implemented. The fence shall remain in place during site grading or other construction-related activities to prevent frogs from entering the project site work areas. Exclusion fencing shall consist of a 4-foot wall of ¼-inch mesh, galvanized wire (i.e., hardware cloth). Initially, staking would be installed along the route of the exclusion fencing in a 4-inch deep trench. Then, the bottom of the fence

A70

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>shall be firmly seated in the trench. The fencing above the ground shall be anchored to metal staking with wire. Finally, the top 10 inches or less shall be bent over in a semicircle towards the outside of the fence to ensure that the fence cannot be climbed.</p> <ul style="list-style-type: none"> A qualified biologist possessing the proper authorizations from USFWS and CDFW shall be on-site during all construction and grading activities occurring within 300 feet of Sand Creek or the detention channel to conduct daily inspections of the fencing and to ensure that stranded frogs are relocated back to the stream channel. The biological monitor shall be responsible for ensuring that the frog fencing is not compromised, and shall notify both the on-site contractor and supervisor when fencing needs to be repaired. All trash that might attract predators to the project site shall be properly contained and removed from the site and disposed of regularly. All construction debris and trash shall be removed from the site when construction activities are complete. All fueling and maintenance of equipment and vehicles, and staging areas shall be at least 75 feet from the top of the bank of Sand Creek or the detention channel. The construction personnel shall ensure that contamination of California red-legged frog habitat does not occur and shall have a plan to promptly address any accidental spills. <p>BIO-3e: Within 24 hours of ground disturbance occurring within the manmade detention channel or the Sand Creek channel on the project site, or within 50 feet of the top of the banks of either of these areas, a qualified biologist shall survey the work area for western pond turtles. If turtles are found within the work area, they shall be relocated to other suitable habitat at least 300 feet up- or down-stream from the work area by a qualified biologist with the appropriate approvals from CDFW shall conduct all the relocations.</p> <p>BIO-3f: Burrowing owls or their nests shall not be disturbed during the breeding season (February 1 through August 31). In the non-breeding season (September 1 to January 31), or at such time as all young owls have been determined by a qualified biologist to have fledged and be foraging independently, owls may be passively evicted from the project site's development area by a qualified biologist. Passive eviction methods shall be implemented pursuant to CDFW guidelines, and all eviction activities shall be coordinated with the CDFW prior to disturbance of active burrows. Once owls are evicted from the site, a qualified biologist shall develop a plan for management and on-going biological monitoring of the site to be implemented by the project sponsor to preclude owls from becoming re-established on the site. If construction or ground disturbance activities commence on the site prior to a passive eviction of owls, the CDFW shall be notified and a qualified biologist shall implement a routine monitoring program and establish a fenced exclusion zone around each occupied burrow in which no construction-related activity shall occur until the burrows are confirmed to be unoccupied. Disturbance shall not occur within 160 feet (50 meters) of an occupied burrow during the non-breeding season (September 1 through January 31) and within 250 feet (75 meters) of an occupied burrow during the breeding season (February 1 through August 31).</p> <p>BIO-3g: To avoid harm or mortality to American badgers, a qualified biologist shall survey the site for denning badgers on the project site, and in areas of off-site temporary or permanent project impacts. The survey may be conducted at the same time that surveys for denning kit foxes are conducted (see Mitigation Measure BIO-3h below). If potential badger dens are found, they shall be monitored by the biologist to determine their status. If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a no disturbance buffer zone consisting of a 300-foot circumference around the den (or distance specified by the CDFW) shall be established. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or den abandonment. The monitor shall remain on-site until young are determined to be of an independent age and construction activities would not harm individual badgers.</p>					

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Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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BIO-3h: Pre-construction surveys for kit fox dens shall be conducted no more than 30 days prior to any construction-related activities. A qualified biologist shall conduct pre-construction kit fox surveys on the project site, and in areas of off-site temporary or permanent project impacts. The primary objective is to identify kit fox habitat features (potential dens and refugia) on the project site and evaluate use by kit fox. If an active kit fox den is detected within (or immediately adjacent to) the area of work, the USFWS shall be contacted immediately to determine the best course of action. The project sponsor will implement all measures specified by the USFWS and CDFW in the Biological Opinion and 2081 permit. All potential dens shall be monitored prior to destruction according to the terms of the *Standardized Recommendations for Protection of the Kit Fox Prior to or During Ground Disturbance* (USFWS 1999). If no kit fox activity is detected during den monitoring and destruction then a written report shall be submitted to the USFWS within five days following completion of the surveys. The project sponsor shall follow the *Standardized Recommendations for Protection of the Kit Fox Prior to or During Ground Disturbance* developed by the U.S. Fish and Wildlife Service (1999).³⁹ The recommendations include the following:

- Preconstruction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the San Joaquin kit fox.
- All construction-related activities shall be preceded by a tail-gate session, the primary purpose of which is to describe the importance of implementing construction related activities that would minimize potential construction related impacts to kit foxes.
- Project-related vehicles shall observe a 20-mph speed limit in all project areas, except on city or county roads; this is particularly important at night when kit foxes are most active. To the extent possible, night-time construction and traffic should be avoided. Off-road traffic outside of designated project areas should be prohibited.
- To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2-foot deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. In addition, these structures shall be thoroughly inspected by properly trained construction personnel each morning for kit fox or other species. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.
- All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected by properly trained construction personnel for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in anyway. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity.
- All food related trash items such as wrappers, cans, bottles, food scraps shall be disposed of in a closed container and removed at least once a week from a construction or project site and signs shall be placed at the construction site that prohibit feeding wildlife.
- Firearms shall not be allowed on the project site.
- To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, pets shall not be permitted on project sites.
- Use of rodenticides and herbicides in project areas shall be restricted.
- A representative shall be appointed by the project sponsor who would be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual (the representative's name and address shall be provided to the USFWS).

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

A72

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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- Upon completion of the project, all areas subject to temporary ground disturbance, including storage and staging areas, temporary roads, pipeline corridors, etc., shall be re-contoured if necessary, and revegetated to promote restoration of the area to pre-project conditions.
- In the case of trapped animals, escape ramps or structures shall be installed immediately to allow the animal(s) to escape, or the USFWS should be contacted for advice.
- Any contractor, employee(s), or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. The representative shall contact the CDFW immediately in the case of a dead, injured or entrapped kit fox. The CDFW contact for immediate assistance is State Dispatch at (916)445-0045.
- The Sacramento Field Office of the USFWS and CDFW shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal and any other pertinent information. (LTS)

BIO-4a: A qualified biologist shall conduct a pre-construction survey for nesting special-status raptors and loggerhead shrikes within 30 days prior to the commencement of tree trimming, site preparation, or construction related activities on the project site or at off-site project areas. The survey shall include all impacted areas within 250 feet of riparian vegetation along Sand Creek or within 250 feet of trees occurring in the area south of the creek, if this disturbance is to occur during the breeding season (February 1 to August 31). If nesting birds are detected, an appropriate fenced construction buffer shall be established around the nest. The actual size of the buffer shall be determined by the biologist in consultation with CDFW and would depend on the species, topography, and type of construction activity that would occur in the vicinity of the nest. The fenced construction buffers shall be monitored weekly by the biologist and shall remain in effect until the young have fledged from the nest and are foraging independently or the nest is no longer active. Construction activity, staging, or parking shall not be allowed with the buffer zones until the young have fledged from the nest and are foraging independently or the nest is no longer active. Preconstruction surveys shall be repeated at 30 day intervals until construction activities are initiated.

BIO-4b: A qualified biologist shall conduct pre-construction surveys for nesting tricolored blackbirds within the manmade detention channel within 30 days prior to the commencement of any activities occurring within or within 100 feet of the detention channel or within the grasslands of the site, if this disturbance would occur during the passerine (songbird) breeding season, March 1 to August 31. If nesting tricolored blackbirds are detected, an appropriate fenced construction buffer shall be established around the nest. The actual size of the buffer shall be determined by the biologist in consultation with CDFW depending on the species, topography, and type of construction activity that would occur in the vicinity of the nest. The fenced construction buffers shall be monitored weekly by the biologist and shall remain in effect until the young have fledged the nest and are foraging independently or the nest is no longer active. Preconstruction surveys shall be repeated at 30-day intervals until construction activities are initiated.

BIO-4c: A qualified biologist shall conduct pre-construction surveys for nesting northern harriers, and nesting or roosting burrowing owls, 30 days prior to the commencement of ground disturbance activities in all grassland habitats occurring within 250 feet of such disturbance. If nesting birds are detected, an appropriate fenced construction buffer shall be established around the nest. The actual size of the buffer shall be determined by the biologist in consultation with CDFW and would depend on the species, topography, and type of construction activity that would occur in the vicinity of the nest. The fenced construction buffers shall be monitored weekly by the biologist and shall remain in effect until the young have fledged the nest and are foraging independently or the nest is no longer active. No construction activity, staging, or parking shall be allowed with the buffer zones until the young have fledged from the nest and are foraging independently or the nest is no longer active. Preconstruction surveys shall be repeated at 30 day intervals until construction

A73

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
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activities are initiated. If roosting burrowing owls occur on the site outside of the raptor breeding season (i.e. outside of the period from February 1 to August 31), the project proponent may proceed with a passive eviction as discussed in Mitigation Measure BIO-3f.

BIO-4d: The project sponsor shall consult with the CDFW regarding impacts to Swainson's hawk from the current project. The project sponsor shall obtain the appropriate take authorization (2081 permit) from the CDFW prior to initiation of construction activities. The project sponsor shall comply with all terms of the endangered species permits including any mitigation requirements and provide proof of compliance to the City prior to issuance of a grading permit. Implementation of Mitigation Measures BIO-4a, 4b, 4c, and 4d would reduce impacts as a result of destruction or abandonment of special-status bird nests to a less-than-significant level. (LTS)

BIO-5a: To mitigate for the loss of 0.17 acres of jurisdictional Waters of the U.S., 0.40 acres of jurisdictional Waters of the State, and approximately 0.03 acres of riparian areas under CDFW jurisdiction on the project site, the project sponsor shall preserve approximately 0.61 acres of jurisdictional tributary waters within the Sand Creek channel on-site, as well as preserve and create jurisdictional seasonal wetland habitat off-site on the 166.6-acre Ralph mitigation property. Although formal delineation has not been conducted on the Ralph property, the site supports an estimated 30 acres of combined vernal pool, seasonal wetland channel, and seasonal alkali wetland habitats that would be preserved in perpetuity on the site. Additionally, the project sponsor shall create 0.91 acres of seasonal wetland habitat on the Ralph site to mitigate at a 1:2.8 (loss:creation) ratio the loss of 0.32 acres of seasonal wetland habitat on the project site.

BIO-5b: Prior to issuing a grading permit, the project sponsor shall obtain the appropriate State and federal permits authorizing the fill of wetlands that are waters of the State and U.S. The project sponsor shall provide proof to the City of compliance with the terms and conditions of the permits, including all mitigation requirements, prior to issuance of the grading permit. (LTS)

BIO-6: If grading or construction begins within the breeding season for passerines (songbirds) and other common bird species (March – August), a qualified biologist shall conduct surveys of the grassland, ruderal and riparian habitats on-site and in all off-site impact areas to identify any bird species that are nesting in these areas. The surveys shall be carried out no sooner than two weeks prior to the start of construction. Impacts to active nests shall be avoided by establishing a fenced exclusion zone around all active nests, within which construction-related activities shall be prohibited until nesting birds have been determined to have fledged and be foraging independently or the until the nest is no longer active. Preconstruction surveys shall be repeated at 30-day intervals until construction activities are initiated. (LTS)

BIO-7: A formal tree survey shall be conducted by a qualified arborist or botanist to determine the sizes, locations, and species of all trees that would be impacted by the pipeline installation. Trees covered under the tree ordinance that would be removed as a result of pipeline construction shall be replaced at a 3:1 mitigation to loss ratio for "mature trees" and at a 2:1 mitigation to loss ratio for "established trees" to offset the temporal loss of these mature trees on the site. All mitigation trees shall consist of native trees indigenous to the region. Trees planted as mitigation can be incorporated into the landscape plans and/or the Riparian Enhancement Plan for the project site. (LTS)

Special Mitigation Measures: None required.

A74

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
J. Public Services					
(1) Police services.	LS (p. 289)	No	No	No	<p>The 2008 EIR determined that the proposed age-restricted project would have less-than-significant impacts to police services.</p> <p>The Antioch PD is responsible for providing law enforcement services within the City of Antioch. The Antioch PD operates out of the police headquarters at 300 L Street, and is currently budgeted for 124 sworn and 59 non-sworn employees, however, actual staffing levels are lower.⁴⁰ As noted previously, Policy 3.5.3.1 states that the City strives to maintain a force level within a range of 1.2 to 1.5 officers, including community service officers assigned to community policing and prisoner custody details, per 1,000 population. The City of Antioch's current population is 107,100,⁴¹ which results in a current staffing ratio for the Antioch PD of approximately 1.0 per 1,000 residents. According to the current Antioch General Plan EIR, population growth has created an increased demand for police-related services, and consequently a need for additional Antioch PD staff. The General Plan EIR identified that without new funding sources the changes in the staffing ratio is unlikely; however, as population increases, additional officers would be hired to maintain the required ratio.⁴² Measure O was passed by the voters in 2014 which provides additional funding for police services.</p> <p>The proposed change to a non-age-restricted project with the same number of dwelling units would not be expected to increase the demand for police services above and beyond that which was predicted for the 2008 age-restricted project. As a result, the 2008 EIR conclusion remains valid for the current project and no new impacts would be generated.</p> <p>Similar to the 2008 Aviano Adult Community Project, the current project</p>
(2) Fire protection.	LS	No	No	No	

⁴⁰ City of Antioch. About Antioch Police Department. Available at: http://www.ci.antioch.ca.us/CityGov/Police/about_apd.htm. Accessed on March 9, 2015.

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

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

A75

Aviano Project Environmental Impacts Comparison

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

A76

Aviano Project Environmental Impacts Comparison

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

A77

Aviano Project Environmental Impacts Comparison

	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>Impact</p> <p>(4) Libraries.</p>	<p>LS (p. 290)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>The current project would add approximately 1,723 new residents to southeast Antioch, thereby increasing demand for library services. However, according to page 190 of the 2008 EIR, the demand for library services would be met by existing and planned library facilities. Similar to the 2008 Aviano Adult Community Project, the current project would not itself require the construction of new library facilities and would not cause or accelerate the physical deterioration of existing library facilities. Therefore, a <i>less-than-significant</i> impact would result, similar to the 2008 Aviano Adult Community Project.</p>
<p>(5) Schools.</p>	<p>N/A</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>Because the 2008 Aviano Farms Adult Community was an age-restricted development, the 2008 EIR did not include a discussion of school impacts. Using the Antioch Unified School District's student generation rates, the proposed project's single-family dwelling units would generate an estimated 166 new elementary school students, 80 new middle school students, and 112 new high school students for a total of 358 new students.⁴³ The new students generated by the proposed project would add additional students to schools capacity. It should be noted that the Antioch Unified School District currently owns property within the Sand Creek Focus Area for the development of a future school.</p> <p>The applicant is required to pay school impact fees. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "[...] legislative or adjudicative act...involving ...the planning, use, or development of real property" (Government Code 65996(b)). Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed to be "full and complete mitigation." Therefore, the project would have a <i>less-than-significant</i> impact regarding the need for the construction of new school facilities which could cause significant environmental impacts.</p>

⁴³ Antioch Unified School District, 2008.

A78

Aviano Project Environmental Impacts Comparison

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

K. Utilities and Infrastructure

⁴⁴ West Yost Associates. *Water Supply Assessment for Aviano Farms*. January 2015.

779

Aviano Project Environmental Impacts Comparison

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

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

ABO

Aviano Project Environmental Impacts Comparison

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

AB1

Aviano Project Environmental Impacts Comparison

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

ABZ

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
2008 EIR Mitigation Measures: None required.					design. Therefore, a <i>less-than-significant</i> impact would occur, similar to the 2008 Aviano Adult Community Project.

2008 EIR Mitigation Measures: None required.

Special Mitigation Measures: None required.

L. Visual Resources

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

⁴⁶ California Department of Transportation, 2007. California Scenic Highway Program. Website: www.dot.ca.gov/hq/LandArch/scenic/schw.html. April 9.

A83

Aviano Project Environmental Impacts Comparison

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

AB4

Aviano Project Environmental Impacts Comparison

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

2008 EIR Mitigation Measures:

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

Special Mitigation Measures: None required.

M. Agricultural and Mineral Resources

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

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

A85

Aviano Project Environmental Impacts Comparison

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

AB6

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<p>2008 EIR Mitigation Measures: AG-1: Under the direction and approval of the City, the project sponsor shall consult with adjacent property owners regarding construction of the sewer line extension through adjacent agriculturally productive parcels. Upon completion of the sewer line extension, the project sponsor shall re-fill disturbed areas to restore the field to previous conditions. This shall occur prior to issuance of a certificate of occupancy for the current project. (LTS)</p> <p>Special Mitigation Measures: None required.</p>					
<p>M. Global Climate Change</p>					
<p>(1) Impacts to the current project from global climate change.</p>	<p>LS (p. 338)</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Local temperatures could increase in time as a result of global climate change, with or without development as envisioned by the project. Based on the analysis contained in Section IV.G, Hydrology and Storm Drainage, of the 2008 EIR, the project site is not located in an area that would be subject to coastal or other flooding resulting from climate change. The current project site boundaries are the same as the 2008 Aviano Adult Community Project. Therefore, the potential effects of climate change (e.g., effects of flooding on the project site due to sea level rise) on the current project would be <i>less than significant</i>, similar to the 2008 Aviano Adult Community Project.</p>
<p>(2) Implementation of the project could result in greenhouse gas emission levels that would conflict with implementation of the greenhouse gas reduction goals under AB 32 or other State regulations.</p>	<p>LSM (p. 339)</p>	<p>No</p>	<p>No</p>	<p>Yes (analysis shows that original environmental conclusion of LSM remains the same)</p>	<p><i>It should be noted that an updated greenhouse gas emissions (GHG) analysis was prepared for the non-age restricted project by Ramey Planning & Management, Inc. in July 2014. This GHG analysis was based upon BAAQMD methodology and thresholds of significance.</i></p> <p>GHG emissions generated by the current project would predominantly consist of CO₂. In comparison to criteria air pollutants (see Section IV.C, Air Quality), such as ozone and PM₁₀, CO₂ emissions persist in the atmosphere for a substantially longer period of time. While emissions of other GHGs, such as CH₄, are important with respect to global climate change, emission levels of other GHGs are less dependent on the land use and circulation patterns associated with the proposed land use development project than are levels of CO₂.</p> <p><i>Construction Impacts:</i> Construction activities produce combustion emissions</p>

A87

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>from various sources such as site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, asphalt paving, and motor vehicles transporting the construction crew. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.</p> <p>Development of the project site is anticipated to require site grading and preparation. Construction is anticipated to begin in 2015 and be completed in 2017. The only GHG with well-studied emissions characteristics and published emissions factors for construction equipment is CO₂.</p> <p>According to the 2014 CalEEMod results, construction of the current project would result in the generation of 18.86 MTCO₂e/yr. The total construction emissions were amortized over the anticipated 25-year lifetime of the project (471.44 MTCO₂e / 25 years = 18.86 MTCO₂e/yr). The project would be required to implement the construction exhaust control measures listed in Mitigation Measure AIR-1 of Section IV.C, including minimization of construction equipment idling, proper engine tuning and exhaust controls, and the use of alternatively powered construction equipment when feasible. All of these measures would reduce GHG emissions during the construction period. The 2008 EIR required Mitigation Measure GCC-1a to further reduce GHG emissions impacts, specifically those associated with construction waste generation and vehicle miles traveled for delivery of materials and products to the project site.</p> <p>It should be noted that the construction emissions for the 2008 Aviano Adult Community Project were quantified using the URBEMIS 2007 model. According to page 340 of the 2008 EIR, the average daily CO₂ emissions associated with construction equipment exhaust for the 2008 Aviano Adult Community Project would be approximately 900 tons per year, with total project construction-related CO₂ emissions of 1,821 tons. Because the site plan, site conditions, and construction activities of the current project would</p>

A88

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>be similar to the 2008 Aviano Adult Community Project, impacts related to construction GHGs would be similar for the current project as the 2008 Aviano Adult Community Project. Although the construction emissions quantified using CalEEMod are below the emissions quantified in 2008 using the URBEMIS model, Mitigation Measure GCC-1a would further reduce the construction emission resulting from the current project.</p> <p><i>Operational Impacts.</i> Long-term operation of the current project would generate GHG emissions from area and mobile sources, and indirect emissions from stationary sources associated with energy consumption.</p> <p>The current project's emissions were quantified using the CalEEMod software version 2013.2.2. Results of the CalEEMod modeling are expressed in lbs/day for construction and operational emissions, and in tons/yr for cumulative emissions, which allows for comparison between the model results and the BAAQMD significance thresholds. Analysis of the current project's operational GHG emissions included estimations of CO₂, N₂O, and CH₄ emissions and was conducted by Raney Planning & Management in 2014 using CalEEMod. According to the CalEEMod results, the current project would result in estimated unmitigated operational GHG emissions of 6,901.70 MTCO₂eq/yr. However, applying the City's 3,222 persons per household statistic to the current project's 535 units, the current project would result in a service population of 1,723 persons. Accordingly, the current project's operational GHG emissions would be 4.3 MTCO₂eq/SP/yr, which would be below BAAQMD's applicable GHG threshold of significance of 4.6 MTCO₂eq/SP/yr. The current project's GHG emissions were calculated using CalEEMod and are presented in Table 4 below.</p> <p>It should be noted that the 2008 Aviano Adult Community Project EIR quantified the long-term project operational emissions of GHG in terms of CO₂eq. According to page 341 of the 2008 EIR, the 2008 Aviano Adult Community Project would result in approximately 8,100 tons of CO₂eq per year (or 7,348 MTCO₂eq/yr). As shown in Table 4, the current project would</p>

A89

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
					<p>result in 6,967.8 MTCO₂eq/yr. As such, the current project would result in 380.2 MTCO₂eq fewer annually. Nevertheless, mitigation measures included in the 2008 EIR would decrease the GHG emissions for the current project even further.</p>

Table 4

Unmitigated Project (2020) GHG Emissions	
Emission Source	Annual GHG Emissions (MTCO ₂ e/yr)
Construction Emissions ¹	66.10
Operational Emissions	6,901.70
Area	46.46
Energy	2,118.50
Mobile	4,323.66
Waste	292.33
Water	120.75
TOTAL ANNUAL GHG EMISSIONS	6,967.80

¹ Amortized total construction emissions (1,652.61 MTCO₂e) over the anticipated 25-year lifetime of the project (1,652.61 MTCO₂e / 25 years = 66.10 MTCO₂e/yr).
 Source: CalEEMod, July 2014.

In addition, consistent with the 2008 EIR, the project would also be subject to Mitigation Measures GCC-1 and GCC-1b, which would further reduce GHG emissions attributable to the current project. Therefore, Mitigation Measures GCC-1a and 1b remain adequate in order to ensure impacts related to the incremental contribution to global climate change are *less than significant*.

2008 EIR Mitigation Measures:

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

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

A90

Aviano Project Environmental Impacts Comparison

Impact	2008 EIR Conclusion	Do Proposed Changes Involve New or More Severe Impacts?	Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Discussion
<ul style="list-style-type: none"> Reuse and/or recycle at least 50 percent (as calculated by weight or volume) of non-hazardous construction debris (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard); Use building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site, unless use of such products are demonstrated to the satisfaction of the City to be infeasible. <p>GCC-1b: To the extent feasible and to the satisfaction of the City, the following measures shall be incorporated into the design and construction of the project:</p> <p><i>Energy Efficiency Measures</i></p> <ul style="list-style-type: none"> Design all project buildings to exceed California Building Code's Title 24 energy standard, including, but not limited to any combination of the following: <ul style="list-style-type: none"> Increase insulation to exceed minimum code requirements so that heat transfer and thermal bridging is minimized; Construct all units to achieve the Home Energy Rating System (HERS) certification to minimize energy consumption by constructing "tight" building envelopes and HVAC systems; Install only EnergyStar™ or better rated space heating and cooling equipment, appliances or other applicable electrical equipment; Install EnergyStar™ approved lighting and lighting control systems and use daylight as an integral part of lighting systems in buildings; and Install only EnergyStar™ approved or better Low-E windows. Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping; Install light colored "cool" roofs and pavements; Install solar powered or light emitting diodes (LED) outdoor lighting systems. <p><i>Water Conservation and Efficiency Measures</i></p> <ul style="list-style-type: none"> Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include the following, plus other appropriate innovative measures: <ul style="list-style-type: none"> Create water-efficient landscapes within the development (i.e., through the use of drought tolerant vegetation); Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls; Use reclaimed water for landscape irrigation within the project. Install the infrastructure to deliver and use reclaimed water; Install water-efficient fixtures and appliances including low-flow faucets and shower heads and dual-flush toilets in all buildings; and Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. <p><i>Solid Waste Measures</i></p> <ul style="list-style-type: none"> Provide adequate recycling containers in all public areas of the project. <p><i>Transportation and Motor Vehicle Measures</i></p> <ul style="list-style-type: none"> Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters); Provide bicycle lanes and/or paths, incorporated into the proposed street systems and connected to a community-wide network; Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network; Size parking capacity to not exceed the City's zoning requirements; and 					

AG 1

Aviano Project Environmental Impacts Comparison

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

A92

ATTACHMENT "B"

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ANTIOCH AND AVIANO FARMS, LLC FOR THE AVIANO FARMS PROJECT

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

Section 1. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, *et. seq.* of the Government Code, with authorizes the City of Antioch ("City") to enter into an agreement with any person having a legal or equitable interest in real property providing for the development of such property in order to establish certainty in the development process.

Section 2. The City of Antioch previously adopted an implementing ordinance (Article 32 of the Zoning Ordinance) authorizing and regulating the use of Development Agreements.

Section 3. The Planning Commission conducted a duly noticed public hearing on August 5, 2015 at which it recommended to the City Council that the Development Agreement be approved. The City Council held a duly noticed public hearing on August 25, 2015 at which all interested persons were allowed to address the Council on the Development Agreement.

Section 4. The City Council finds that the Development Agreement is consistent with the City's General Plan as well as all provisions of the City's Zoning Ordinance and Municipal Code. The City Council finds that the Development Agreement implements General Plan objectives by providing housing opportunities and needed infrastructure. The Development Agreement will not be detrimental to the health, safety and general welfare and will not adversely affect the orderly development of property or the preservation of property values. The City Council has considered the effect of the Development Agreement on the housing needs of the region in which the City is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources by requiring a HOA to maintain certain improvements and formation of a revenue generating mechanism to fund police services.

Section 5. An addendum to the Aviano Adult Community Project EIR was adopted for the proposed project. The City Council has concluded that there have been no substantial changes to the project through the Development Agreement and there are no new significant environmental effects or an increase in previously identified effects. In addition, there is no new information of substantial importance which was not known and could not have been known which shows new significant environmental effects.

Therefore, no subsequent or supplemental environmental review is required under CEQA Guidelines Section 15162.

Section 6. The Development Agreement included as Exhibit A is hereby approved, subject to minor and clarifying revisions approved by the City Manager and City Attorney, and the City Manager is authorized and directed to sign it on behalf of 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 August, 2015, and passed and adopted at a regular meeting thereof, held on the ___ day of ____, 2015.

AYES:

NOES:

ABSENT:

MAYOR OF THE CITY OF ANTIOCH

ATTEST:

CITY CLERK OF THE CITY OF ANTIOCH

EXHIBIT A

REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Antioch
200 H Street
Antioch, CA 94509
Attention: City Clerk

(Space Above This Line Reserved For Recorder's Use)

DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ANTIOCH AND AVIANO FARMS, LLC

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

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

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

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

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

1. Environmental Impact Report. Pursuant to the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines, the City Council certified a final environmental impact report for the Del Webb Project (SCH No. 2006072027) pursuant to Resolution No. 2009/54 (“EIR”).

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

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

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

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

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

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

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

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

J. Aviano Farms and the City desire to enter into this Agreement to extend the term of the Project Approvals and to vest Aviano Farms with the right to develop the Property consistent with the Project Approvals. In exchange for the covenants contained in this

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

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

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

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

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

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

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

AGREEMENT

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

ARTICLE 1 TERM AND APPLICABLE LAW

The term of this Agreement shall commence as of the Effective Date and continue to and including _____, 2029. The expiration of the term of this Agreement shall not be interpreted to, and shall not affect, terminate or waive any additional rights that Aviano Farms may have that exist independently of this Agreement and derive from common law vesting or other laws or regulations of the State or the City.

ARTICLE 2 COVENANTS OF AVIANO FARMS

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

2.2 Applicable Law. The rules, regulations, and official policies governing permitted uses of the Property, density and improvement requirements applicable to development of the Property shall be the ordinances, rules, regulations, and official policies in force on the Effective Date (collectively, the “**City Regulations**”), except as otherwise expressly provided in the Project Approvals or this Agreement. The law applicable to the Project shall be (a) the City Regulations, (b) the Project Approvals and (c) this Agreement (collectively, the “**Applicable Law**”). If there is a conflict between this Agreement and the City Regulations or Project Approvals, this Agreement shall control. If there is a conflict between the Project Approvals and the City Regulations, the Project Approvals shall control.

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

In addition, Aviano Farms shall pay processing fees and charges of every kind and nature imposed by City, including planning processing deposits, to cover the actual costs to City of processing applications for Subsequent Approvals or for monitoring compliance with and review submittals for any Subsequent Approvals, as such fees and charges are adjusted from time to time. The foregoing notwithstanding, no fees other than processing fees shall be due before approval of the final map, unless earlier payment is expressly required by the Project Approvals.

2.4 Construction and Timing of Improvements. Aviano Farms shall construct the improvements required by, and more particularly described in, the conditions of approval contained in Exhibit B. Aviano Farms shall perform the work in accordance with the standards

and specifications established by Applicable Law. To the extent there are no such standards or specifications, the work shall be performed in accordance with industry standards and in good and workmanlike manner, as approved by the City Engineer.

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

2.5 Subdivision and Other Agreements; Multiple Final Maps. Aviano Farms shall execute and perform its obligations as set forth in any Subdivision Improvement Agreements required or permitted by Applicable Law to obtain approval of final maps. Aviano Farms may file multiple final maps in accordance with 3.5 below.

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

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

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

2.9 Parks, Trail Improvements and Landscaped Areas. . Aviano Farms shall, at its cost and expense, design, construct and dedicate to the City, Parcel L, as an expansion to the existing Chaparral Park as more particularly described in the conditions of approval attached in Exhibit B ("**Parcel L Park**"). Upon acceptance by the City, the Parcel L Park shall be owned by the City and maintained by the Lighting and Landscaping District. Aviano Farms shall also construct the Sand Creek Regional Trail as more particularly described in the conditions of approval attached in Exhibit B ("**Trail Improvements**"). Upon acceptance by the City, the Trail Improvements shall be maintained by the City. Aviano Farms shall, at its cost expense, design and construct other park and landscaped areas as more particularly described in the conditions of approval attached in Exhibit B. The park identified on Parcel P shall also be designed and

landscaped by Aviano Farms and may either be: 1) dedicated to and maintained by the Homeowners Association, or 2) dedicated to the City and maintained by the City through the Lighting and Landscape District (“**Parcel P Park**”). The City shall take into consideration Aviano Farm’s construction and dedication of the Parcel L Park, Trail Improvements and Park P Park (and other applicable park/landscaped areas) in determining credits against the park fees applicable to the Project.

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

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

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

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

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

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

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

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

2.13 Police Services Funding.

2.13.1 Formation of a Financing Mechanism. In order to assist the City in meeting a police force level within a range of 1.2 to 1.5 officers per 1,000 residents as set forth in Performance Standard 3.5.3.1 of the General Plan, at the direction of the City, Aviano Farms shall create on the Property, a land based financing mechanism in the form of a community facilities district or other means ("Financing Mechanism"). The City and Aviano Farms shall work cooperatively in forming the Financing Mechanism. The costs for forming the Financing Mechanism, including consultant costs, shall be paid by Aviano Farms ("Formation Costs"). It is the intent of the City to require other properties, as they develop, to annex into this Financing Mechanism. For those properties that will be required to annex into the Financing Mechanism, the City shall require, by imposing a condition of approval, inserting a requirement in a development agreement or otherwise, an obligation on that property owner to reimburse Aviano Farms for that property owner's fair share of the Formation Costs. The City shall require this reimbursement obligation to occur at the earlier of the filing of a final map or issuance of a building permit on the effected property. The City shall collect the reimbursement amount on behalf of Aviano Farms and distribute that amount to Aviano Farms. Aviano Farms shall provide the Formation Costs, with supporting documentation, to the City.

2.13.2 Financial Obligation for Aviano Farms. The amount of the financial obligation through the Financing Mechanism for the Project Property shall not exceed an initial amount of \$445.00 per lot (calculated as 1.35 officers per 1,000 resident under Performance Standard 3.5.3.1 of the General Plan), with annual increases beginning one year after the Effective Date based on the Consumer Price Index for the San Francisco Bay Area. The requirements of this Section 2.13 shall be waived if the City imposes a special tax or other form of revenue generation on all City residents dedicated specifically for the purpose of funding police services, which shall not include the business license tax approved by voters in 2014 (Measure O) or any additional sales tax or extension of such sales tax.

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

ARTICLE 3 COVENANTS OF THE CITY

3.1 Obligations of City Generally. The City shall act in good faith to accomplish the intent of this Agreement, to protect Aviano Farm's vested rights provided by this Agreement, and to ensure this Agreement remains in full force and effect. City shall cooperate with Aviano Farms so that it receives the benefits of and the rights vested by this Agreement, including prompt and timely action and assistance in (a) forming a Communities Facilities District(s) or

other appropriate financing district(s) or mechanisms, and (b) obtaining from other governmental entities necessary or desirable permits or other approvals for the Project.

3.2 Eminent Domain. Aviano Farms shall purchase any and all real property interests necessary to allow it to construct the public improvements required by the Project Approvals (including access and other permanent improvements for the School) and Subsequent Approvals. In the event that an affected property owner has rejected an offer by Aviano Farms, based upon fair market value as determined by an appraisal prepared by a City-approved appraiser in cooperation with City, Aviano Farms may request City assistance. Provided that Aviano Farms provides adequate funding and enters into an agreement with the City setting forth the terms of City's obligations, in a form approved by City in its reasonable discretion, City shall promptly and timely negotiate and seek the purchase of the necessary property, including the possible consideration of City's use of its power of eminent domain to acquire such real property interests. Aviano Farms shall pay all costs associated with such acquisition or condemnation proceedings. Nothing herein is intended to or shall prejudice or commit City regarding any findings and determinations required to be made in connection with adoption of a resolution of necessity.

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

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

3.5 Life of Vesting Tentative Subdivision Map. By approval of this Agreement, City extends and vests the term of the Revised Vesting Tentative Map approved by Resolution No. 2015/ _____ for the term of this Agreement (including any subsequent extensions). The term of this Agreement and of the Revised Vesting Tentative Map shall be extended automatically by a time period equal to the sum of any periods of time during which a development moratorium, as defined in Section 66452.6(f) of the Subdivision Map Act (the "Map Act"), is in effect. The term of each Project Approval and any other permit issued by City in conjunction with the Revised Vesting Tentative Map as provided in Section 66452.12 of the Map Act shall expire no sooner than (a) the Revised Vesting Tentative Map or (b) the term otherwise applicable to the Project Approval or permit if this Agreement were not in effect, whichever occurs later. The City shall not require Aviano Farms to enter into any subdivision or other agreement that is inconsistent with this Agreement or the Project Approvals or that requires more work than is required by them, provided however that the Parties agree and understand that Aviano Farms will be required to enter into subdivision improvement agreements as set forth in 2.5 above. The City shall allow Aviano Farms to file multiple final maps, if Aviano Farms desires, in accordance with Section 66456.1 of the Map Act.

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

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

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

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

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

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

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

ARTICLE 4 AMENDMENT

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

4.1.1 Administrative Project Amendments. Upon the written request of Aviano Farms for an amendment or modification to an Approval, the Director of Community Development, or his/her designee (collectively “**Authorized Official**”) shall determine: (i) whether the requested amendment or modification is minor when considered in light of the Project Approvals as a whole; and (ii) whether the requested amendment or modification is substantially consistent with Applicable Law. If the Authorized Official finds that the proposed amendment or modification is minor, substantially consistent with Applicable Law, and will result in no new significant environmental impacts, the amendment shall be determined to be an “**Administrative Project Amendment**” and the Authorized Official may, except to the extent otherwise required by law, approve the Administrative Project Amendment, following consultation with other relevant City staff, without notice and public hearing. Without limiting the generality of the foregoing, lot line adjustments, non-substantial reductions in the density, intensity, scale or scope of the Project, minor alterations in vehicle circulation patterns or vehicle access points, substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan, variations in the design and location of structures that do not substantially alter the design concepts of the Project, variations in the location or installation of utilities and other infrastructure connections or facilities that do not substantially alter the design concepts of the Project Approvals, and minor adjustments to the Property diagram or Property legal description shall be treated as Administrative Project Amendments.

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

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

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

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

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

ARTICLE 5
ASSIGNMENT, TRANSFER AND MORTGAGEE PROTECTION

5.1 Assignment of Interests, Rights and Obligations. Nothing herein limits the right of Aviano Farms to freely alienate or transfer all or any portion of the Property. However, Aviano Farms may only transfer or assign all or any portion of its interests, rights or obligations under this Agreement or the Project Approvals, including any amendments thereto (a “**Transfer**”), subject to the requirements for City’s consent set forth in this ARTICLE 5, to a third party who acquires an interest or estate in the Property or any portion thereof including, without limitation, purchasers or ground lessees of lots, parcels or improvements (a “**Transferee**”).

5.2 Transfer Agreements.

5.2.1 Written Agreement. In connection with a Transfer by Aviano Farms (other than a Transfer by Aviano Farms to an Affiliated Party (as defined below), to a Mortgagee (as defined below in 5.4) or to a Home Purchaser (as defined below in 5.3)), Aviano Farms and the Transferee shall enter into a written agreement (a “**Transfer Agreement**”), with City’s consent in writing to the Transfer, regarding the respective interests, rights and obligations of Aviano Farms and the Transferee in and under the Agreement and the Project Approvals. Such Transfer Agreement may (i) release Aviano Farms from obligations under the Agreement or the Project Approvals that pertain to that portion of the Project being transferred, as described in the Transfer Agreement, provided that the Transferee expressly assumes such obligations, (ii) transfer to the Transferee vested rights to improve and use that portion of the Project being transferred, and (iii) address any other matter deemed by Aviano Farms to be necessary or appropriate in connection with the transfer or assignment. Aviano Farms shall notify the City in writing that it plans to execute a Transfer Agreement at least 60 days in advance of the execution date and provide City with such information as may be required by City to demonstrate the Transferee’s qualifications and financial ability to complete the Project. City shall have 30 days from the date of such notice to review the information and provide a determination to Aviano Farms. City may withhold its consent if the City reasonably determines that the Transferee, or an entity with similar or related ownership or control as Transferee, has been a party to litigation filed against the City or if the Transferee lacks the financial ability to complete the Project. If City consents to the Transfer, Aviano Farms shall be released from its obligations as provided in the Transfer Agreement. If City does not consent to the Transfer, City shall provide its reasons in writing and shall meet with Aviano Farms in good faith to determine what additional information may be necessary for City to provide its consent. An “**Affiliated Party**” is defined as any corporation, limited liability company, partnership or other entity which is controlling of, controlled by, or under common control with Aviano Farms, and “**control**,” for purposes of this definition, means effective management and control of the other entity, subject only to major events requiring the consent or approval of the other owners of such entity.

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

5.3 Home Purchaser. The burdens, obligations and duties of Aviano Farms under this Agreement shall terminate with respect to, and neither a Transfer Agreement nor the City's consent shall be required in connection with, any single-family residence conveyed to a purchaser or leased for a period in excess of one year. The Transferee in such a transaction and its successors ("**Home Purchaser**") shall be deemed to have no obligations under this Agreement.

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

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

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

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

6.1 Indemnity and Cooperation. Aviano Farms shall defend, indemnify, and hold harmless the City from any legal action brought by any third party concerning: (i) the validity, legality, or constitutionality of any term, condition, obligation, fee, dedication, or exaction required or imposed by this Agreement; (ii) the procedures utilized in or the sufficiency of the environmental review associated with this Agreement; and (iii) the implementation of this Agreement through such further actions, measures, procedures, and approvals as are necessary to satisfy the Agreement's requirements. Aviano Farms shall defend the City with qualified legal counsel

subject to the approval of the City Attorney, which approval shall not unreasonably be withheld. Aviano Farms shall be exclusively responsible for paying all costs, damages, attorney fees, and other court-ordered compensation awarded to any third party (whether awarded against the City, Aviano Farms, or any other party) in any legal action in which its Aviano Farms' duties to defend, indemnify, and hold the City harmless arise under this Paragraph. City shall promptly notify Aviano Farms of any action filed and tThe Parties shall cooperate fully in the defense of any such action.

The parties expressly recognize that the obligations stated in this Paragraph do not require or contemplate that Aviano Farms shall indemnify or hold harmless or be responsible for any error, omission, ~~tortious act,~~intentional act, negligent act, or default of, or any injury caused by, any homeowners association or any City department or dependent special district that is formed by, or that receives funding, as a result of any term or condition of this Agreement

6.2 Waiver and Release. In entering into this Agreement, Aviano Farms expressly recognizes that its sole right to sue the City concerning this Agreement shall arise, if at all, for default of the Agreement as provided in Article 7 below. Aviano Farms releases and waives all claims it may have against the City, whether known or unknown, and whether contingent or otherwise, concerning any claim, obligation, or right that existed against the City on the Effective Date of this Agreement.

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

ARTICLE 7 DEFAULT; TERMINATION; ANNUAL REVIEW

7.1 Default.

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

declaratory relief or writ of mandate the obligations and rights of the Parties. As noted above, in no event shall either Party be liable for any damages. Any legal action to interpret or enforce the provisions of this Agreement shall be brought in the Superior Court for Contra Costa County, California.

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

7.1.3 Procedure for Default by Aviano Farms. If Aviano Farms is alleged to be in default hereunder by City then after notice and expiration of the cure period specified above and the dispute resolution process set forth in ARTICLE 8 below, City may institute legal proceedings against Aviano Farms pursuant to this Agreement, and/or give notice of intent to terminate or modify this Agreement to Aviano Farms pursuant to California Government Code Section 65868. Following notice of intent to terminate or modify this Agreement as provided above, the matter shall be scheduled for consideration and review at a duly noticed and conducted public hearing in the manner set forth in Government Code Sections 65865, 65867 and 65868 by the City Council within 60 calendar days following the date of delivery of such notice (the “**Default Hearing**”). Aviano Farms shall have the right to offer written and oral testimony prior to or at the time of said public hearing. If the City Council determines that a default has occurred and is continuing, and elects to terminate the Agreement, City shall give written notice of termination of the Agreement to Aviano Farms by certified mail and the Agreement shall thereby be terminated 30 days thereafter; provided, however, that if Aviano Farms files an action to challenge City’s termination of the Agreement within such 30-day period, then the Agreement shall remain in full force and effect until a trial court has affirmed City’s termination of the Agreement and all appeals have been exhausted (or the time for requesting any and all appellate review has expired). This Section shall not be interpreted to constitute a waiver of section 65865.1 of the Government Code, but merely to provide a procedure by which the Parties may take the actions set forth in Section 65865.1.

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

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

7.3 Annual Review. Throughout the term of this Agreement, at least once every 12 months, Aviano Farms shall provide City with a written report demonstrating its good-faith compliance with the terms of this Agreement (the "**Written Report**"). City's City Manager and City Attorney shall review the Written Report to determine whether Aviano Farms is in good-faith compliance with the terms of the Agreement and, if they have concerns about Aviano Farms' compliance, shall schedule a review before the City Council (the "**Periodic Review**"). At least 10 days prior to the Periodic Review, the City shall provide to Aviano Farms a copy of any staff reports and documents to be used or relied upon in conducting the review (and, to the extent practical, related exhibits) concerning Aviano Farms' performance. Aviano Farms shall be permitted an opportunity to respond to the City's evaluation of Aviano Farms' performance, either orally at a public hearing or in a written statement, at Aviano Farms' election. If before the public hearing, such response shall be directed to the Community Development Director. At the conclusion of the Periodic Review, the City Council shall make written findings and determinations, on the basis of substantial evidence, as to whether or not Aviano Farms has complied in good faith with the terms and conditions of this Agreement. If the City Council finds and determines, based on substantial evidence, that Aviano Farms has not complied with such terms and conditions, the City Council may initiate proceedings to terminate or modify this Agreement, in accordance with Government Code Section 65865.1, by giving notice of its intention to do so, in the manner set forth in Government Code Sections 65867 and 65868. If after receipt of the Written Report, the City does not (a) schedule a Periodic Review within two months, or (b) notify Aviano Farms in writing of the City's determination after a Periodic Review, then it shall be conclusively presumed that Aviano Farms has complied in good faith with the terms and conditions of this Agreement during the year covered under the Written Report.

7.4 Notice of Compliance. Within 30 days following any written request which Aviano Farms or a Mortgagee may make from time to time, the City shall execute and deliver to the requesting party (or to any other party identified by the requesting party) a written "**Notice of Compliance**", in recordable form, duly executed and acknowledged by the City, that certifies: (a) this Agreement is unmodified and in full force and effect, or if there have been modifications,

that this Agreement is in full force and effect as modified and stating the date and nature of the modifications; (b) there are no current uncured defaults under this Agreement or specifying the dates and nature of any default; and (c) any other information reasonably requested by Aviano Farms or the Mortgagee. The failure to deliver such a statement within such time shall constitute a conclusive presumption against the City that this Agreement is in full force and effect without modification except as may be represented by Aviano Farms and that there are no uncured defaults in the performance of Aviano Farms, except as may be represented by Aviano Farms. Aviano Farms shall have the right, in its sole discretion, to record the Notice of Compliance.

ARTICLE 8 DISPUTE RESOLUTION

8.1 Dispute; Confidentiality. Any controversy or dispute arising out of or related to this Agreement, or the development of the Project (a “**Dispute**”), shall be subject to private negotiation among the Parties, and if then not resolved shall be subject to non-binding mediation followed by litigation, if necessary, as set forth below. Each Party agrees that any Dispute, and all matters concerning any Dispute, will be considered confidential and will not be disclosed to any third-party except (a) disclosures to a Party’s attorneys, accountants, and other consultants who assist the Party in the resolution of the Dispute, (b) as provided below with respect to the mediation, and (c) as otherwise required by law, including without limitation, the California Public Records Act.

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

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

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

**ARTICLE 9
MISCELLANEOUS**

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

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

9.3 Other Necessary Acts. Each Party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out the Project Approvals, Subsequent Approvals or this Agreement and to provide and secure to the other Party the full and complete enjoyment of its rights and privileges under this Agreement.

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

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

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

copy to:

Attention: Patricia E. Curtin
1111 Broadway, 24th Floor
Oakland, CA 94607-4036
Telephone: (510) 834-6600
Facsimile: (510) 808-4730

In this Agreement "City business days" means days that the Antioch City Hall is open for business and does not currently include Fridays, Saturdays, Sundays, and federal and state legal holidays. Either Party may change its address by written notice to the other on five business days' prior notice in the manner set forth above. Receipt of communication by facsimile shall be sufficiently evidenced by a machine-generated confirmation of transmission without notation of error. In the case of illegible or otherwise unreadable facsimile transmissions, the receiving Party shall promptly notify the transmitting Party of any transmission problem and the transmitting Party shall promptly resend any affected pages.

9.10 Entire Agreement and Exhibits. This Agreement constitutes in full, the final and exclusive understanding and agreement of the Parties and supersedes all negotiations or previous agreements of the Parties with respect to all or any part of the subject matter of this Agreement. No oral statements or prior written matter not specifically incorporated in this Agreement shall be of any force and effect. No amendment of, supplement to or waiver of any obligations under this Agreement will be enforceable or admissible unless set forth in a writing approved by the City and Aviano Farms. The following exhibits are attached to this Agreement and incorporated for all purposes:

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

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

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

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

CITY:

City of Antioch, a municipal corporation

AVIANO FARMS:

Aviano Farms, LLC, a California limited liability company

By: _____,

By: _____
Dave Sanson, President

APPROVED AS TO FORM:

By: _____

Special Counsel to City

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

ATTEST:

By: _____

Attorneys for Aviano Farms

By: _____

City Clerk

EXHIBIT A

AUGUST 14, 2015
JOB NO.: 514-072

**LEGAL DESCRIPTION
AVIANO PROPERTY
ANTIOCH, CALIFORNIA**

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 2 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM, THE FOLLOWING DESCRIBED PARCELS OF LAND:

1. THAT PARCEL OF LAND DESCRIBED IN THE DEED FROM MARY A. SHANNON, ET AL, TO R.T. WHITEHOUSE DATED SEPTEMBER 29, 1888 AND RECORDED OCTOBER 5, 1888 IN VOLUME 52 OF DEEDS AT PAGE 273, AS FOLLOWS:

"A NARROW STRIP OF LAND CONTAINING ABOUT ONE-HALF ACRE MORE OR LESS AND SITUATED SOUTH OF AND ADJACENT TO THE LINE OF DIVISION FENCE BETWEEN THE LANDS OF THE PARTIES HERETO AND BEING ON THE SOUTHWEST QUARTER OF SECTION NINE, TOWNSHIP ONE NORTH OF RANGE TWO EAST, MOUNT DIABLO MERIDIAN."

2. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED JUNE 2, 1995 AS INSTRUMENT NO. 1995-87820 OF OFFICIAL RECORDS.

3. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED APRIL 1, 1996 AS INSTRUMENT NO. 1996-58288 OF OFFICIAL RECORDS.

4. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO ANTIOCH UNIFIED SCHOOL DISTRICT, RECORDED MAY 11, 2006, INSTRUMENT NO. 2006-148904 OF OFFICIAL RECORDS.

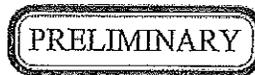
5. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, RECORDED SEPTEMBER 14, 2007, INSTRUMENT NO. 2007-0260377 OF OFFICIAL RECORDS.

6. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA RECORDED OCTOBER 11, 2011, INSTRUMENT NO. 2011-210349 OF OFFICIAL RECORDS.

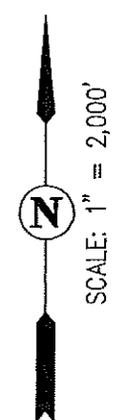
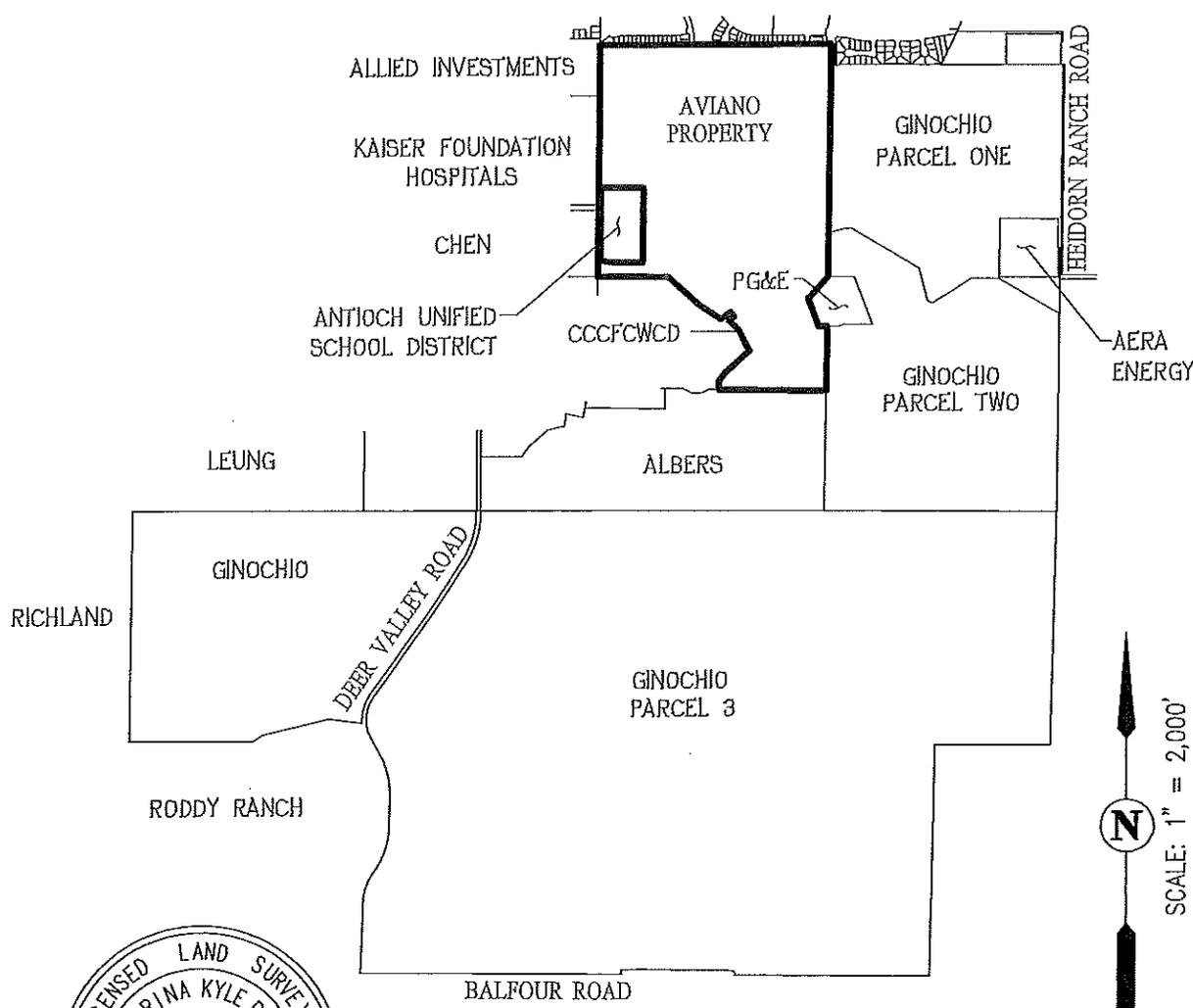
7. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA RECORDED JULY 19, 2011, INSTRUMENT NO. 2011-142295 OF OFFICIAL RECORDS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



SABRINA KYLE PACK, P.L.S.
L.S. NO. 8164



PRELIMINARY

**EXHIBIT B
PLAT TO ACCOMPANY LEGAL DESCRIPTION**

AVIANO PROPERTY
ANTIOCH, CALIFORNIA

AUGUST 12, 2015

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA, (925) 866-0322

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Exhibit B

Aviano Farms Project Approvals described in Recital G

EXHIBIT C

Ordinance approving this Agreement described in Recital P

ATTACHMENT "C"

RESOLUTION NO. 2015/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A GENERAL PLAN AMENDMENT FOR PURPOSES OF AMENDING THE SAND CREEK FOCUS AREA TEXT TO ALLOW SMALL-LOT SINGLE FAMILY RESIDENTIAL USES ON-SITE FOR THE AVIANO FARMS, LLC PROJECT

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

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

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

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

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

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

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

WHEREAS, the Planning Commission duly gave notice of a public hearing as required by law, and on August 5, 2015, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and recommended approval of the General Plan Amendment to the City Council.

NOW, THEREFORE BE IT RESOLVED, that the City Council does hereby make the following findings for approval of the General Plan Amendment:

1. The proposed project conforms to the provisions and standards of the General Plan in that the proposed amendment is internally consistent with all

RESOLUTION NO. 2015/**

September 8, 2015

Page 2

other provisions of the General Plan and does not conflict with any of the previously adopted Goals, Policies, and Programs of the General Plan; and

2. The proposed Amendment is necessary to implement the goals and objectives of the General Plan in that it will further implement the City of Antioch Housing Element; and
3. The proposed Amendment will not be detrimental to the public interest, convenience, and general welfare of the City in that the Amendment will result in a logical placement of land uses consistent with the overall intent of the General Plan; and
4. The proposed project will not cause environmental damage in that the project is within the scope of the certified Aviano Adult Community Project EIR which included findings of fact for significant impacts and a statement of overriding considerations for significant and unavoidable impacts. An Addendum has been prepared for the project determining that the project does not result in any impacts beyond those identified in the Aviano Adult Community Project EIR; and
5. The proposed General Plan Amendment will not require changes to or modifications of any other plans that the City Council adopted before the date of this resolution.

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

* * * * *

I **HEREBY CERTIFY** that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 8th day of September, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

ATTACHMENT "D"

ORDINANCE NO. _____

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

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

Section 1: The City Council determined on September 8, 2015 that, pursuant to Section 15164 of the Guidelines of the California Environmental Quality Act, that the appropriate environmental document for the project is an Addendum to the Environmental Impact Report for the Aviano Adult Community Project.

Section 2: At its regular meeting of August 5, 2015, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property to modify the Planned Development District (PD) development standards.

Section 3: The real property described in Exhibit A, attached hereto, is hereby rezoned to modify the Planned Development District (PD) design standards.

Section 4: The development standards, as defined below, for the subject property (APNs 057-050-022, 057-030-005), known as the Aviano Farms Project, are herein incorporated into this ordinance, and are binding upon said property.

Development Standards for the Proposed Aviano Farms Planned Development District (PD-14-01)

Standard	Standard R-4 Zoning	Proposed PD Zoning
Maximum Density	4 dwelling units per gross developable acre	3.14 dwelling units per gross developable acre
Maximum Number of Units	802	533
Minimum Lot Size	6,000 sq. ft.	5,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet	All lots shall have a minimum width of 45 feet at a distance of 20 feet from the right-of-way
Minimum Front Yard Setbacks	20 ft (reserved for landscaping only, excluding driveways)	15 ft (reserved for landscaping only, excluding driveways)
Minimum Side Yard Setbacks	Interior lot: 5 feet Corner lot: 10 feet (reserved for landscaping only) For at least 25% of the lots in a	Interior lot: 5 feet Corner lot: 10 feet (reserved for landscaping only)

Standard	Standard R-4 Zoning	Proposed PD Zoning
	given subdivision, one side yard of an interior lot shall be 10 feet in width and the other side yard can be five feet. The 10 foot side yard area shall remain as unrestricted open area. This shall also apply to 100% of the two-story single-family residential lots.	
Minimum Rear Yard Setbacks	20 feet	15 feet
Accessory Structure Setbacks	Interior lot: side yard and rear yard setback is zero (unless double frontage lot). Corner lot: street side yard is 20 feet and rear /interior side yard is zero Double frontage lot: 10-foot rear yard.	Interior lot: side yard and rear yard setback is zero (unless double frontage lot). Corner lot: street side yard is 20 feet and rear /interior side yard is zero Double frontage lot: 10-foot rear yard.
Maximum Building Height	35 feet	35 feet with the exception of the recreation center
Maximum Lot Coverage	40%	50%
Parking and Driveways	20-foot setback to garage provides off-street parking (at least two spaces). One on-street parking space must be provided in front of each house (at least 20 feet of vertical curb with exceptions for cul de sacs).	20-foot setback to garage. One 20' long on-street parking space must be provided in front of each house with the exception of corner lots with less than 65 feet in width where a 20 foot parking space may be constructed on the street side yard.
Landscape Requirements	30-foot landscaped setback on arterial streets (Hillcrest Ave., Sand Creek Road)	The landscaped setbacks from arterial streets (Hillcrest Avenue and Sand Creek Road) shall be as shown on the project's tentative map dated July 13, 2015.

Section 5: The City Council finds that the public necessity requires the proposed zone change modifying the development standards, that the subject property is suitable to the use permitted in the proposed zone change, that said permitted use is not detrimental to

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the surrounding property, and that the proposed zone change modifying the development standards is in conformance with the Antioch General Plan.

Section 6: This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 8th day of September, 2015. and passed and adopted at a regular meeting thereof, held on the ____ day of _____, 2015.

AYES:

NOES:

ABSENT:

MAYOR OF THE CITY OF ANTIOCH

ATTEST:

CITY CLERK OF THE CITY OF ANTIOCH

EXHIBIT A

AUGUST 14, 2015
JOB NO.: 514-072

**LEGAL DESCRIPTION
AVIANO PROPERTY
ANTIOCH, CALIFORNIA**

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 1 NORTH, RANGE 2 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM, THE FOLLOWING DESCRIBED PARCELS OF LAND:

1. THAT PARCEL OF LAND DESCRIBED IN THE DEED FROM MARY A. SHANNON, ET AL, TO R.T. WHITEHOUSE DATED SEPTEMBER 29, 1888 AND RECORDED OCTOBER 5, 1888 IN VOLUME 52 OF DEEDS AT PAGE 273, AS FOLLOWS:

"A NARROW STRIP OF LAND CONTAINING ABOUT ONE-HALF ACRE MORE OR LESS AND SITUATED SOUTH OF AND ADJACENT TO THE LINE OF DIVISION FENCE BETWEEN THE LANDS OF THE PARTIES HERETO AND BEING ON THE SOUTHWEST QUARTER OF SECTION NINE, TOWNSHIP ONE NORTH OF RANGE TWO EAST, MOUNT DIABLO MERIDIAN."

2. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED JUNE 2, 1995 AS INSTRUMENT NO. 1995-87820 OF OFFICIAL RECORDS.

3. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED APRIL 1, 1996 AS INSTRUMENT NO. 1996-58288 OF OFFICIAL RECORDS.

4. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO ANTIOCH UNIFIED SCHOOL DISTRICT, RECORDED MAY 11, 2006, INSTRUMENT NO. 2006-148904 OF OFFICIAL RECORDS.

5. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, RECORDED SEPTEMBER 14, 2007, INSTRUMENT NO. 2007-0260377 OF OFFICIAL RECORDS.

6. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA RECORDED OCTOBER 11, 2011, INSTRUMENT NO. 2011-210349 OF OFFICIAL RECORDS.

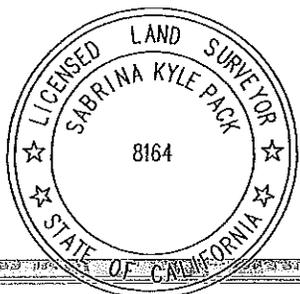
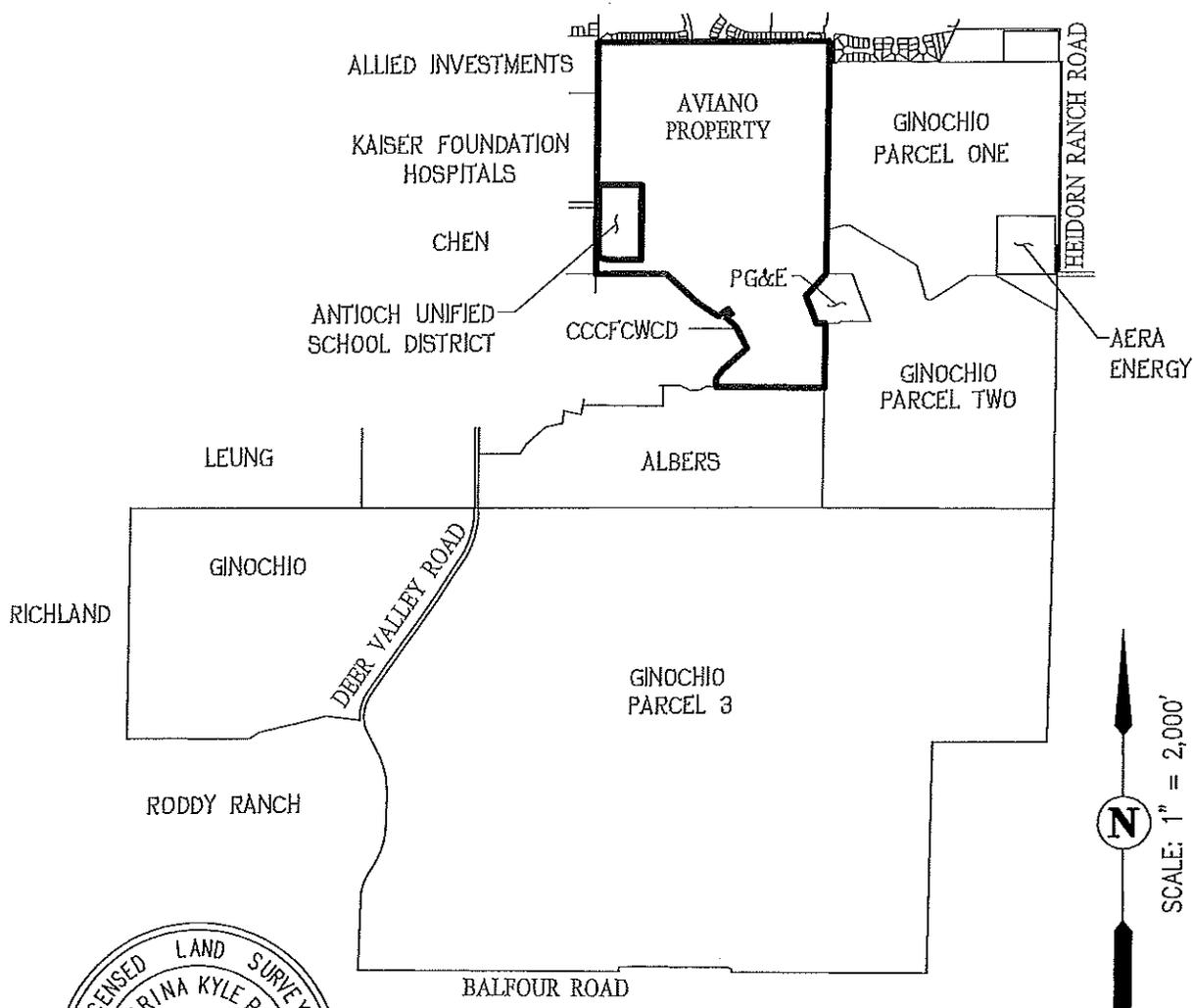
7. THAT PARCEL OF LAND DESCRIBED IN THE DEED TO CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA RECORDED JULY 19, 2011, INSTRUMENT NO. 2011-142295 OF OFFICIAL RECORDS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION

PRELIMINARY

SABRINA KYLE PACK, P.L.S.
L.S. NO. 8164



PRELIMINARY

**EXHIBIT B
PLAT TO ACCOMPANY LEGAL DESCRIPTION**

AVIANO PROPERTY
ANTIOCH, CALIFORNIA
AUGUST 12, 2015

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA, (925) 866-0322

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ATTACHMENT "E"

RESOLUTION NO. 2015/**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A VESTING TENTATIVE MAP/FINAL DEVELOPMENT PLAN AND USE PERMIT FOR THE AVIANO FARMS PROJECT

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

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

WHEREAS, on August 5, 2015, the Planning Commission recommended adoption of an Addendum to the Aviano Adult Community Project EIR, recommended approval of a General Plan Amendment to allow small lot development on this site, recommended approval of a rezone to modify the Planned Development District (PD) development standards, and recommended approval of a tentative map/final development plan and use permit; and

WHEREAS, on September 8, 2015, the City Council adopted a resolution approving an Addendum to the Aviano Adult Community Project Environmental Impact Report (EIR); and

WHEREAS, on September 8, 2015, the City Council adopted a resolution approving a General Plan Amendment to allow small lot development on land designated Low Density Residential on this site within the Sand Creek Focus Area, introduced an ordinance approving a development agreement between the City of Antioch and Aviano Farms, LLC, introduced an ordinance rezoning the site to modify the Planned Development District development standards; and

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

WHEREAS, on September 8, 2015, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

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

RESOLUTION NO. 2015/**

September 8, 2015

Page 2

1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each parcel has its own independent parking and access. The uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to the General Plan designations for the project site and the requirement to establish a Planned Development Zoning District and receive approval for a Final Development Plan for each project in the Sand Creek Focus Area in the General Plan;
2. The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development because the project will be constructing all the required streets and utilities to serve the project and the ultimate design, location and size of these improvements will be subject to the approval of the City Engineer;
3. Any commercial component of the project is justified. There are no commercial components of the Project;
4. Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted. The project is substantially in conformance with the standard zoning requirements for residential development and the Planned Development District development standards established for the project site;
5. The area surrounding the PD district can be planned and zoned in coordination and substantial compatibility with the proposed development because the proposed development is consistent with the General Plan and the area around the Project will also be required to develop according to the General Plan policies for the Sand Creek Focus Area and to comply with the requirements of the alternate planning process established for the Focus Area; and,
6. The Project and the PD District conform to the General Plan of the City in that the small lot single family residential, park/trail and undeveloped open space uses are consistent with the General Plan designations of Low Density Residential, Public/Quasi Public and Open Space for those portions of the project site, as approved in the General Plan Amendment for the proposed project.

E2

RESOLUTION NO. 2015/**

September 8, 2015

Page 3

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

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

1. That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations. The site is designated Low Density Residential, Multiple Family Residential, Public/Quasi Public and Open Space and is zoned Planned Development and the subdivision will accommodate uses that are consistent with the General Plan on each of the lots created by the subdivision; and,
2. That the subdivision proposed by the Vesting Tentative Map complies with the rules, regulations, standards and criteria of the City's Subdivision Regulations. The proposed subdivision meets the City's criteria for the map. The City's Planning and Engineering staff have reviewed the Vesting Tentative Map and evaluated the effects of the subdivision proposed and have determined that the Vesting Tentative Map as conditioned complies with and conforms to all the applicable rules, regulations, standards, and criteria of the City's Subdivision Regulations.
3. The Conditions of approval protect the public safety, health and general welfare of the users of the project and surrounding area. In addition, the conditions ensure the project is consistent with City standards.

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

1. The granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity because the project has been designed to comply with the City of Antioch Municipal Code requirements.
2. The use applied at the location indicated is properly one for which a use permit is authorized because the City of Antioch Zoning Ordinance requires a use permit for all Planned Development District (PD) applications.
3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood. The site plan complies with the Planned Development standards established for the project's Planned Development District.

E3

RESOLUTION NO. 2015/**

September 8, 2015

Page 4

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use. The project site will construct an extension of Hillcrest Avenue and Sand Creek Road to serve the project site. The street extensions are designed to meet City standards for adequate width and pavement.
5. That the granting of such use permit will not adversely affect the comprehensive General Plan because the proposed uses and design are consistent with the General Plan. The General Plan designation for the northern portion of the project site is Low Density Residential, which allows for the type of active adult community being developed by the project. The General Plan designations for the southern portion of the project site are Hillside, Estate and Executive Residential and Open Space, Public/Quasi Public and Multiple Family Residential. The proposed Sand Creek Regional Trail, dedicated open space parcels are consistent with the General Plan designations and the need for habitat preservation on the site.
6. The Conditions of approval protect the public safety, health and general welfare of the users of the project and surrounding area. In addition, the conditions ensure the project is consistent with City standards.

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

A. GENERAL CONDITIONS

1. The development shall comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto, or is otherwise modified in these conditions or in the development agreement.
2. Concurrent with the first submittal of grading or improvement plans, the applicant shall submit a site plan exhibit showing the site plan as modified by conditions and approvals.
3. Prior to the issuance of building permits architecture, sound walls, fencing, mailboxes, lighting, any accent paving, addressing, and landscaping for the entire project shall be subject to review and approval by the Planning Commission.

RESOLUTION NO. 2015/**

September 8, 2015

Page 5

4. Sound wall locations and elevations for each phase of the project shall be included on the grading plan(s).
5. This approval expires two years from the date of approval (Expires _____, 2017) or alternate date as identified in the Development Agreement.
6. The applicant shall defend, indemnify, and hold harmless the City in any action brought challenging any land use approval or environmental review for the Project. In addition, applicant shall pay any and all costs associated with any challenge to the land use approval or environmental review for the Project, including, without limitation, the costs associated with any election challenging the Project.
7. A final and unchallenged approval of this project supersedes previous approvals that have been granted for this site.
8. Permits or approvals, whether discretionary or ministerial, will not be considered if the applicant is not current on fees, reimbursement and/or other payments that are due the City.
9. All required easements or rights-of-way for improvements shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or, if required from easement holders, for any work done within such property or easements.
10. All easements of record that are no longer required and affect individual lots or parcels within this project shall be removed prior to or concurrently with the recordation of the final map or subsequent separate document as approved by City Engineer.
11. The applicant shall establish a Home Owners Association (HOA) for this project in conformance with the regulations set forth by the State Bureau of Real Estate. The HOA shall be responsible for maintaining:
 - Landscaping in rights of way not adjacent to front-on or side-on lots and HOA owned parcels north of the northerly curb line of Sand Creek Road and west of the westerly curb line of Hillcrest Avenue.
 - Storm drain pipes leading into basin 1A and 2A (from the nearest catch basin or manhole).
 - All C.3 infrastructure north of the northerly curb line of Sand Creek Road and west of the westerly curb line of Hillcrest Avenue which may include, but is not limited to engineered soil, gravel, cleanouts, pipes, overflows, and flow control orifices.
 - Parcel R, unless retained by applicant.

E5

RESOLUTION NO. 2015/**

September 8, 2015

Page 6

- The City shall be reimbursed if it maintains landscape or C.3 areas that are not maintained by the HOA to an acceptable City level.
 - Parcel F Park, unless dedicated as a City owned park.
12. Subject to approval by the State, the CC&Rs shall include a provision indicating that the City of Antioch is named as a third-party beneficiary with the right, but not the obligation, to enforce the provisions of the CC&Rs relating to the maintenance and repair of the property and improvements, including but not limited to landscaping, parking, open space, storm water facilities and the prohibition of nuisances. The City shall have the same rights and remedies as the Association, Manager or Owners are afforded under the CC&Rs, including but not limited to rights of entry. This right of enforcement is in addition to all other legal and equitable remedies available to the City, including the right to refuse to issue building permits for any building or structure that is not in compliance with applicable federal, state or local laws, regulations, permits or approvals. Neither action nor inaction by the City shall constitute a waiver or relinquishment of any rights or remedies. In addition, the CC&Rs shall include a provision that any design approvals required by the CC&RS for construction, reconstruction and remodeling are in addition to any approvals needed from the City as well. Further, the CC&Rs cannot be terminated or amended materially without the prior written consent of the Community Development Director and City Attorney of the City of Antioch. Material changes are those that would change the fundamental purpose of the development including but not limited to:
- City approvals of uses or external modifications.
 - Property ownership or maintenance obligations including, but not limited to, common areas, storm water and landscaping.

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

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

EL6

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

B. TENTATIVE MAP CONDITIONS

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

C. CONSTRUCTION CONDITIONS

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

D. SITE AND PROJECT DESIGN

1. Provisions for mail delivery in the subdivision area shall be reviewed and approved by staff prior to the approval of the final map. Applicant shall install mail box facilities as required by the City Engineer.
2. Any conversion of the homes to allow for a second unit shall be subject to a use permit for such a conversion, in conformance with the City's "Second Unit" provisions of the Zoning Ordinance.
3. Prior to the approval of the grading plan(s), the City Engineer shall determine if it is necessary to engage soils and structural engineers, as well as any other professionals, deemed necessary to review and verify the adequacy of the building plans submitted for this project. If deemed

RESOLUTION NO. 2015/**

September 8, 2015

Page 8

necessary by the City Engineer, this condition may include field inspections by such professionals to verify implementation of the plans. Costs for these services shall be borne by the applicant.

4. All proposed improvements shall be constructed to City standards or as approved by the City Engineer. The applicant, at its sole discretion, may use a land based financing mechanism such as an assessment district, and/or a community facilities district, statewide community infrastructure program, and/or other financing district or program to fund acquisition and/or construction of master infrastructure improvements and/or prepayment of development fees. The City shall act in good faith and cooperate with applicant in forming and implementing a land based financing mechanism.
5. All public streets shall intersect at approximately 90 degrees or as approved by the City Engineer.
6. All driveways shall be perpendicular to the street centerline, or as approved by the City Engineer.
7. All driveways shall be a minimum of five feet from curb return.
8. Monolithic sidewalks with beveled curb shall be 6" thick and reinforced as approved by the City Engineer. Detached sidewalks that will be crossed by vehicles at driveway locations shall be 6" thick and reinforced as approved by the City Engineer. Minimum sidewalk widths shall be as follows:
 - Adjacent to beveled curb, 4 feet excluding curb (bevel curb to be 12" deep by 3" high with ½" lip and 18" gutter).
 - Adjacent to vertical curb, 4.5 feet excluding curb.
 - Detached sidewalk, 5 feet.
9. A minimum of a 20 foot tangent shall extend beyond the return at intersections, or as approved by the City Engineer.
10. All lot sidelines shall be perpendicular or radial to the fronting street centerline, or as approved by the City Engineer.
11. Sight distance triangles shall be maintained per 9-5.1101, Site Obstructions at Intersections of the Antioch Municipal Code or as approved by the City Engineer.
12. Rear and side yard fencing shall be provided for all units. All fences shall be located at the top of slope, or as approved by the City Engineer.

RESOLUTION NO. 2015/**

September 8, 2015

Page 9

13. In cases where a fence is to be built in conjunction with a retaining wall, and the wall face is exposed to a side street, the fence shall be setback a minimum of three feet (3') behind the retaining wall per 9-5.1603 or as approved by the City Engineer.
14. The applicant shall install streetlights within the project area at no cost to the City. Streetlights will be owned by the City and maintained as part of the LLD.
15. The proposed street names approved by Planning Commission shall be utilized in the development. Changes to street names not included in the staff report will require Planning Commission review and approval.
16. The applicant shall provide a "checklist" of universal design accessibility features to home buyers as required by Section 17959.6 of the Health and Safety Code.
17. All improvements for each lot (water meters, sewer cleanouts, etc.) shall be contained outside of the driveway and within the lot and the projection of its sidelines, or as approved by the City Engineer.
18. Cul-de-sac parking shall be provided as required by the City Engineer.
19. One on-street parking space per lot shall be located within close proximity to the unit served as approved by the City Engineer.
20. The applicant and then the HOA, once the CC&Rs are operative, shall maintain all undeveloped areas within this subdivision in an attractive manner, which shall also ensure fire safety.
21. All fencing adjacent to open space (trails and basins), shall be wrought iron, black vinyl clad chain link, or other material as approved by the City Engineer.
22. Masonry sound walls shall be constructed along the lots adjoining or adjacent to Sand Creek Road (Parcels D & G), Hillcrest Avenue (Parcels A & D), 'A' Street (Parcels B & C), 'B' Street (Parcel F), Dozier-Libbey Medical High School, and the western boundary of lots 423-444. Sound walls shall be a minimum of six (6) foot high and in conformance to the sound study.
23. That all two-car garages be a minimum of 20 feet by 20 feet clear inside dimensions or as approved by the Community Development Director.
24. Phasing of the project shall be in general conformance with the Preliminary Phasing Plan dated July 13, 2015 (PPP) or as approved by

EQ

RESOLUTION NO. 2015/**

September 8, 2015

Page 10

the City Engineer. If the City Engineer approves changes to the phasing of the project from that in the PPP in a manner that impacts the timing for the construction of improvements as set forth herein, the City Engineer has the authority to change the timing for those improvements to be consistent with the modified PPP. Such changes will not require an amendment to these conditions or to the project approvals.

25. Concurrent with the construction of the adjacent roadways, the applicant shall construct bus turnouts, benches, and shelters at the following locations or as approved by the City Engineer:
 - South side of Sand Creek Road east of the intersection of Dozier-Libbey Road.
 - South side of Sand Creek Road east of 'B' Street.
 - North side of Sand Creek Road west of 'B' Street.
 - West side of Hillcrest Avenue south of 'A' Street.
26. Prior to the issuance of any building permits for the lots on "E" Street or "E" Court, the applicant shall construct a wall across the end of Equestrian Way at the project boundary as approved by the City Engineer.
27. Prior to the issuance of the 1st model building permit, Hillcrest Avenue shall be constructed with west side curb and gutter and west side median curb and gutter, utilities to be placed under the west half of the roadway, and asphalt for the southbound bike, turn, and travel lanes from the existing stub of Hillcrest Avenue to the south curb returns of 'A' Street. Hillcrest Avenue shall remain closed to the general public until Condition of Approval D.28 is implemented.
28. Prior to opening the model complex to the public and prior to issuance of the 1st production building permit, Hillcrest Avenue shall be constructed to the interim configuration with two 12 foot lanes and an 8 foot bike lane southbound and one 12 foot lane and a 4 foot shoulder northbound (or as required by the fire district), landscaped median and western right of way and Parcel A, street lights, turn pockets and other appurtenances, and all utilities, including interconnect conduit and pull boxes, from the existing stub of Hillcrest Avenue to the south curb returns of 'A' Street. Improvements shall include conduits and pull boxes for a traffic signal at Hillcrest Avenue and 'A' Street, all as approved by the City Engineer. The existing asphalt on Hillcrest Avenue south of the southerly curb returns of Prewett Ranch Drive shall be ground down and receive a grind and overlay. Should development occur simultaneous with the Vineyards at Sand Creek development, full improvements shall be constructed with each developer paying their fair share of the improvements as approved by the City Engineer.

E10

RESOLUTION NO. 2015/**

September 8, 2015

Page 11

29. Design of Parcel L (Park) shall be approved by the Planning Commission and completed (signed by the City) prior to the issuance of the 188th building permit. Construction of Parcel L (Park) shall be completed prior to the issuance of the 225th building permit. Parcel L (approximately 1.9 acres) shall be dedicated to the City at no cost to the City.
30. Design of Parcel P (Park) shall be approved by the Planning Commission and completed (signed by the City) prior to the issuance of the 282nd building permit. Construction of Parcel P (park) shall be completed prior to the issuance of the 319th building permit.
31. The Candlewood Way connection shall be completed prior to the issuance of any building permits on 'U' Street. This connection or an approved alternative 2nd access to the development shall be provided prior to the issuance of the 250th building permit.
32. Hillcrest Avenue shall be constructed at the interim configuration with two 12 foot lanes and an 8 foot bike lane southbound and one 12 foot lane and an 4 foot shoulder northbound (or as required by the fire district), landscaped medians, street lights, turn pockets and other appurtenances, and all utilities, including interconnect conduit and pull boxes, from 'A' Street to an asphalt dike constructed across Sand Creek Road from the extension of the its southerly face of curb prior one of the following:
 - The issuance of the 355th or any subsequent building permit if the extension of Sand Creek Road between the SR4 interchange and Hillcrest Avenue is completed (by others).
 - The issuance of the 400th building permit.

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

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

E11

RESOLUTION NO. 2015/**

September 8, 2015

Page 12

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

34. Sand Creek Road shall be constructed to its ultimate width of 80 foot curb to curb and 112 foot right-of-way from the intersection of Dozier-Libby Road to 'B' Street with two 12 foot lanes and an 8 foot bike lane westbound and two 12 foot lanes and an 8 foot bike lane eastbound with landscape medians, street lights, turn pockets and other appurtenances, and all utilities prior to one of the following:
 - The issuance of the 400th or any subsequent building permit if the extension of Sand Creek Road between the Deer Valley Road and Dozier-Libbey Road is completed (by others).
 - The issuance of the 450th building permit.

35. As shown on the tentative map, Dozier-Libbey Road shall be constructed from the Sand Creek Road to the temporary access road to Deer Valley Road with landscape median, street lights, turn pockets and other appurtenances, and all utilities prior to one of the following:
 - The issuance of the 400th or any subsequent building permit if the extension of Sand Creek Road between the Deer Valley Road and Dozier-Libbey Road is completed (by others).
 - The issuance of the 450th building permit.

36. The applicant shall construct full traffic signals with interconnect at the following:
 - Sand Creek Road and Dozier-Libbey Road.
 - Sand Creek Road and 'B' Street.
 - Sand Creek Road and Hillcrest Avenue.
 - Hillcrest Avenue and 'A' Street.

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

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

E12

RESOLUTION NO. 2015/**

September 8, 2015

Page 13

Avenue be constructed by the Vineyards at Sand Creek development, the applicant shall pay ½ of the cost of the design and construction to the City for reimbursement to the Vineyards at Sand Creek development prior to the issuance of the building permit that would have triggered the traffic signal construction.

37. Trails shall be constructed as shown on the Revised Tentative Map and as approved by the City Engineer. All trails adjacent to basins shall be constructed and landscaped in conjunction with the construction of the adjacent basin.
38. Parcel N trail and landscaping shall be constructed prior to the issuance of 9th building permit on lots 284 thru 292 and lots 250 thru 259 and prior to the issuance of the certificate of occupancy for any home on lots 284 through 292 or lots 250 through 259.
39. As shown on the tentative map, the applicant shall construct the multi-use Sand Creek Regional Trail prior to issuance of the 400th building permit. If allowed by the resource agencies, the Regional Trail shall be unfenced (on the Sand Creek side) and the surface shall be as required by the City Engineer. A portion of the maintenance roads/trails around Basin 3 and Basin East as shown on the tentative map may be incorporated into the Sand Creek Regional Trail if, in the opinion of the City Engineer, they meet the intent of the Regional Trail and the requirements of this condition. The trail shall extend along the Creek from the east boundary of the project to the west boundary of the project. The applicant shall discuss with the Vineyard at Sand Creek development and the Contra Costa County Flood Control District for the location and elevation of connection points. The final location of the Trail will be approved by the City Engineer. The last segment of the Trail (westerly segment) will be constructed at the 400th building permit if the Flood Control District connection is determined or at the 500th building permit if no connection is determined.
40. The sidewalk elevation on the south side of Sand Creek Road adjacent to the Sand Creek Flood Control Basin is to be constructed with a minimum elevation of 195.0 or as directed by the City Engineer.
41. A 60 foot wide, approximately 2.5 acre, irrevocable offer of dedication be offered to the City south of the intersection of Sand Creek Road and 'B' Street, south through Parcels Q and R to the Albers property boundary. The City does not intend to accept the offer of dedication until such time as the access road is constructed by Albers.

E13

RESOLUTION NO. 2015/**

September 8, 2015

Page 14

E. UTILITIES

1. Public utilities shall be constructed to their ultimate size and configuration with the road construction in which they are to be located.
2. All existing and proposed utilities shall be undergrounded (e.g. transformers and PMH boxes) and subsurface in accordance with the Antioch Municipal Code, except the existing PG&E towers or as approved by the City Engineer.
3. Underground utilities shall be designed to flow approximately parallel to the centerline of the street, or as approved by the City Engineer.
4. All sewage shall flow by gravity to the intersecting street sewer main.
5. All public utilities shall be installed in streets, avoiding between lot locations unless approved by the City Engineer. Provide minimum 15' wide HOA maintained parcel with a trail and landscaping to accommodate the storm drain line shown between lots 243 and 244. Trail and landscaping shall be constructed prior to the issuance of building permits on lots 243 or 244.
6. Prior to the recordation of the first final map, the applicant shall submit hydrology and hydraulic analyses with a storm water control plan to the City for review and approval and to Contra Costa County Flood Control for review at no cost to the City as directed by the City Engineer.
7. The applicant shall provide adequate water pressure and volume to serve this development. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi or as approved by the City Engineer. See Fire Requirements 3.c. for additional water flow conditions.
8. The houses shall contain rain gutters and downspouts that direct water away from the foundation as approved by the City Engineer.
9. Recycled water mains shall be constructed in arterial roadways and internal streets with significant right of way, park, or other landscaping as approved by the City Engineer. This development is subject to State Laws which may require recycled water to all landscaped area.
10. Prior to recordation of the first final map, the applicant shall complete the sewer study for the Sand Creek Focus Area to the approval of the City Engineer. The applicant shall extend the existing sanitary sewer main trunk line from the stub in Heidorn Ranch Road at no cost to the City. Construction of some or all of the background infrastructure (including the

E14

RESOLUTION NO. 2015/**

September 8, 2015

Page 15

sanitary sewer main) may be reimbursed through the formation of a land based financing mechanism or other benefit district as reflected in the final sewer study and as approved by the City Engineer.

11. Prior to issuance of any building permit for a lot with the existing temporary water or sewer line serving Dozier-Libbey Medical High School, an alternate water and sewer line shall be constructed and the existing temporary water and sewer lines shall be removed. A temporary water connection to the lines in 'U' Street is acceptable or other method as approved by the City Engineer. A temporary sewer connection may be constructed, as approved by the City Engineer, should there be a mechanism in place, acceptable to the City Engineer, requiring the applicant to cover all or a portion of the expenses incurred by AUSD for maintenance of the temporary sewer facilities. The Dozier-Libbey Medical High School shall be connected to the water and sewer lines in Sand Creek Road when such lines are constructed and all temporary piping and appurtenances, if any, shall be removed.

F. LANDSCAPING

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

E15

RESOLUTION NO. 2015/**

September 8, 2015

Page 16

7. Based on drought conditions, the City Engineer has the authority to delay some or all of the landscape Conditions of Approval.

G. FIRE REQUIREMENTS

1. All weather access roads and a water supply shall be provided prior to commencing any combustible construction, as required by the Fire Chief.
2. Street widths shall be subject to approval by the Contra Costa County Fire Protection District and the City Engineer.
3. The applicant shall comply with the following conditions provided by the Contra Costa County Fire Protection District:
 - a. Access roadways of less than 28-foot unobstructed width shall have NO PARKING – FIRE LANE signs posted or curbs painted red with the words NO PARKING – FIRE LANE clearly marked, per 22500.1 CVC.
 - b. The cul-de-sacs or turnarounds shall have an outside turning radius of a minimum of a 45' or as approved by the City Engineer. Should the sidewalk be included in the turning radius, it shall be clear of street lights, fire hydrants and other obstructions.
 - c. The applicant shall provide an adequate reliable water supply for fire protection with a minimum fire flow of 1750 GPM. Required flow shall be delivered from not more than one hydrant flowing simultaneously for the duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (508.1), (B105) CFC
 - d. The applicant shall provide hydrants of the East Bay type, which shall be maintained by the City. Approximate hydrant locations will be determined by the Fire District and approved by the City Engineer.
 - e. Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC. Gravel roads are not considered all-weather roadways for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum sub base materials and capable of supporting the designated gross vehicle weight specified above.
 - f. Premises identification shall be provided. Such numbers shall contrast with their background and be a minimum of four inches high with ½-inch stroke or larger as required to be readily visible from the street. (505.1) CFC, (501.2) CBC

E16

RESOLUTION NO. 2015/**

September 8, 2015

Page 17

- g. Plan review and inspection fees shall be submitted at the time of plan review submittal. Checks may be made payable to Contra Costa County Fire Protection District (CCCFPD).
- h. Submit plans to: Contra Costa County Fire Protection District, 2010 Geary Road, Pleasant Hill, CA 94523.

H. FEES

- 1. The applicant shall pay all City fees which have been established by the City Council and as required by the Antioch Municipal Code. Fees include but are not limited to:
 - Any acreage and utility connection fees which have been established by the City Council prior to the filing of the final map and as required by the Antioch Municipal Code.
 - Park in lieu fees.
- 2. The applicant shall pay all pass through fees. Fees include but are not limited to:
 - East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Fee in effect at the time of building permit issuance.
 - Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance. (See G.3.g.)
 - Contra Costa County Map Maintenance Fee in affect at the time of recordation of the final map(s) (currently \$50 per lot or parcel).
 - Contra Costa County Flood Control District.
 - School Impact Fees.
 - Delta Diablo Sanitation Sewer Fees.
 - Contra Costa Water District Fees.

I. MODEL HOMES

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

E17

J. GRADING

1. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
2. Prior to any grading on the site, the applicant shall provide written confirmation from PG&E that the construction of basins in the easement is acceptable.
3. All lots and slopes shall drain to approved drainage facilities as approved by the City Engineer.
4. All grading shall be accomplished in a manner that precludes surface water drainage across any property line.
5. All lots shall be graded to drain positively from the rear to the street or as approved by the City Engineer.
6. The swales adjacent to the house structure shall have a minimum of a one (1) percent slope or as directed by the City Engineer.
7. All off-site grading is subject to the coordination and approval of the affected property owners and the City Engineer. The applicant shall submit written authorization to "access, enter, or grade" adjacent properties prior to performing any work.
8. Any sale of a portion (or portions) of this project to multiple developers shall include the necessary agreement and/or grading easements to assure that project-wide grading conforms to the approved map and conditions of this resolution.
9. The grading plan for this development shall be approved by the City Engineer.
10. All elevations shown on the improvement plans shall be on the USGS 1929 sea level datum or as approved by the City Engineer.
11. Retaining walls shall not be constructed in City right-of-way or other City maintained parcels unless approved by the City Engineer.
12. All retaining walls shall be of masonry construction.

RESOLUTION NO. 2015/**

September 8, 2015

Page 19

13. All retaining walls shall be reduced in height to the maximum extent practicable and the walls shall meet the height requirements in the front yard setback and sight distance triangles as required by the City Engineer.
14. The back to back or side to side grading transitions from lot to lot shall have a maximum slope of 2:1, and shall be accommodated entirely on the lower lot or as approved by the City Engineer.
15. The minimum concrete gutter flow slope shall be 0.75%.
16. All property lines shall be located at the top of slope.

K. CONSERVATION/NPDES

1. Water conservation measures, including low volume toilets, flow restrictors in showers and the use of drought tolerant landscaping, shall be used.
2. The Project shall meet or exceed Tier 1 of the CALGreen Building Code.
3. The project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). (Note: Per State Regulations, NPDES Requirements are those in affect at the time of the Final Discretionary Approval.) Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the project include storm water treatment and source control measures, as well run-off flow controls, so that post-project runoff does not exceed estimated pre-project runoff. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved The SWCP shall be submitted simultaneously with the project plans. For the treatment and flow-controls identified in the approved SWCP, a separate Operation and Maintenance Plan (O&M) shall be submitted and approved before the Building Department will issue Certificate of Occupancy permits. Both the approved SWCP and O&M plans shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs. Already stated in COAs below, 5.c and 5.h.w.
4. The applicant shall comply with the Storm Water Treatment Plan dated _____.

E19

RESOLUTION NO. 2015/**

September 8, 2015

Page 20

5. The following requirements of the federally mandated NPDES program (National Pollutant Discharge Elimination System) shall be complied with as appropriate, or as required by the City Engineer:
 - a. Prior to issuance of permits for building, site improvements, or landscaping, the applicant shall submit a permit application consistent with the applicant's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.
 - b. The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).
 - c. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for review and approval by the City, a final Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&M plan shall incorporate City comments on the draft O&M plan and any revisions resulting from changes made during construction. The O&M plan shall be incorporated into the CC&Rs for the Project.
 - d. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute and record any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
 - e. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
 - f. Collect and convey all storm water entering, and/or originating from, the site to an adequate downstream drainage facility without diversion of the watershed. Submit hydrologic and hydraulic calculations with

EZO

RESOLUTION NO. 2015/**

September 8, 2015

Page 21

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.

EZ1

- n. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered.
 - o. Clean all on-site storm drain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by City Inspectors and/or City Engineer.
6. Per State Regulations, all impervious surfaces including off-site roadways to be constructed as part of the project, are subject to C.3 requirements.

L. FINAL EIR AND MITIGATION MONITORING AND REPORTING PROGRAM

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

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch, at a regular meeting thereof, held on the 8th day of September, 2015 by following vote:

AYES:

NOES:

ABSTAIN:

ARNE SIMONSEN
CITY CLERK OF THE CITY OF ANTIOCH

EZZ

ATTACHMENT "F"

CITY OF ANTIOCH PLANNING COMMISSION

Regular Meeting
6:30 p.m.

August 5, 2015
City Council Chambers

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

Contract Planner Gnos presented the staff report dated August 5, 2015 recommending the Planning Commission take the following actions.

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

Commissioner Hinojosa requested clarification as to why the lot sizes were smaller than the required designation.

Contract Planner Gnos explained a determination was made in 2008 that the General Plan/Sand Creek Focus Area would allow flexibility in lot sizes for senior development. She clarified with the proposed density and overall change in the Sand Creek Focus area, and added that a variety of lot sizes and housing types were supported in the housing element. She further noted the Sand Creek focus area specifically provided for age restricted housing in any residential designation within the area.

Commissioner Hinojosa stated mitigation in the Environmental Impact Report (EIR) for police services discussed one additional police officer for the area with funding provided

by the General Fund and now the Development Agreement (DA) proposed passing that cost on to the homeowner. She further noted this had always been a general plan goal and questioned why the City had not implemented it.

Contract Planner Gnos, responded that at the time the 2008 EIR was drafted, the City did not have severe budget restrictions or decreased police staffing levels and it was not an issue. She stated there were conditions of approval and Development Agreements with similar provision on other projects; however, they were more general.

In response to Commissioner Hinojosa, Contract Planner Gnos stated the direction given now was more specific and residents were only being asked to pay for their impacts.

Assistant City Engineer Filson reviewed the spreadsheet outlining the methodology used to determine the Police Services Fee. She noted every year there would be a review of the budget and the assessment would increase or decrease to reflect actual costs.

Interim City Attorney Galstan reported the Development Agreement required the developer to establish a funding mechanism and staff did not want to dictate which mechanism was chosen as long as it was approved by the City. He stated Police Services, Mello Roos, and Community Services Districts all accomplished the same goal. He pointed out that the cities of Oakley and Brentwood had always had a police services district and for the first time a project in Antioch would be paying their share to supplement the foreseen shortfall of the cost to provide adequate police services.

Commissioner Hinojosa stated through research she determined the cost of providing an officer with benefits was approximately \$152,000. She questioned why the information given this evening was nearly double that amount.

Assistant City Engineer Filson responded the cost estimates included benefits, salary, equipment, and support services for the officer.

Acting Senior Planner Morris added the Antioch Police Department felt it was important to also include dispatch support for the officer.

Assistant City Engineer Filson explained the number of parcels to assess was staff's best guess with regards to how many parcels could come online.

Commissioner Hinojosa questioned what the mechanism was for requiring a police services fee. She cited the public services section of the Addendum to the EIR (E11) in the staff report.

Contract Planner Gnos clarified it was addressed in the land use section of the Addendum to the EIR. She explained when the 2008 EIR was written, there was

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sufficient staffing to meet the levels and now they could no longer find consistency with that policy.

Commissioner Hinojosa stated it remained confusing.

Chair Motts questioned if the methodology used would be applied to future development projects.

Contract Planner Gnos responded that it would set the tone for future development.

In response to Vice Chair Westerman, Contract Planner Gnos clarified Council had expressed an interest in exploring whether the number of rental units could be restricted in a particular development. She noted they were looking at a mechanism through the Homeowners Association (HOA) to help insure a level of homeowner occupancy; however, final resolution on that issue had not been accomplished.

Interim City Attorney Galstan added there was a provision in the DA that an HOA would be created and one of the requirements of the Covenants Codes and Restrictions (CC&Rs) would be that at least 70% of the units be owner occupied.

Commissioner Hinojosa stated she did not know how the City could require an HOA to enforce an owner occupancy requirement.

Interim City Attorney Galstan stated they had done research on this issue and approximately 40% of the HOAs in the United States had such a provision. He noted the Planning Commission did not need to focus on this issue because there was no policy in place at this time. He further noted the provision was a request of the City Council who would be deciding the issue. He reported the developer and the City were currently negotiating the point.

Commissioner Parsons questioned how the provision would be policed.

Interim City Attorney Galstan responded that typically the HOA had a requirement that the property owner inform them if they had a rental unit and that there was a waiting list if there was already 30% rental units. He noted code enforcement issues were typically addressed on a complaint basis.

Commissioner Parsons expressed concern that the provision would be an additional burden on an understaffed Code Enforcement Department.

Interim City Attorney Galstan stated the expectation would be that the HOA would recognize the value of the provision. He noted studies had shown with a higher percentage of owners, there was better maintenance and care of the property. He explained generally the HOA Board of Directors police themselves and any resident could enforce it because it was part of the CC&Rs recorded on the property. He added this process was typical of what was already occurring in existing HOAs.

In response to Commissioner Mason, Contract Planner Gnos explained that according to the new traffic model from the Contra Costa Transit Authority (CCTA) and the current methodology, the volumes on the roadways were less. She noted based on that the sound walls were lowered to 6 feet.

Acting Senior Planner Morris added the typical maximum height of sound walls was 6 feet.

In response to Commissioner Mason, Contract Planner Gnos stated typically rear yard maintenance was not covered by the HOA or developer.

Acting Senior Planner Morris explained the reduction in setback was based on the type of homes the applicant wanted to develop.

Contract Planner Gnos explained the project would be coming back to the Planning Commission for design review.

In response to Commissioner Hinojosa, staff indicated that they wanted to present the Development Agreement in its current form to Council.

Chair Motts opened the public hearing.

Michael Evans, Denova Homes, introduced the Development Team who would be making the presentation this evening and requested that he be allowed time for rebuttal at the end of the public hearing. He presented booklets of the presentation to the Planning Commission and staff.

Mike Serpa, Aviano Farms, provided a history of the project and their partnership with the Antioch Unified School District for the development of Dozier-Libbey Medical High School. He gave an overhead presentation of the Illustrative Land Plan, Lifestyle Hub and Sports Zone, Streetscape and Civil Engineering for their project.

In response to Commissioner Hinojosa, Mr. Serpa responded that typical HOA fees run in the \$100.00 - \$175.00 range. He explained the smaller lots would reduce maintenance and water demand for homeowners.

Tim Forrester, Assistant Superintendent for the Antioch Unified School District, gave a history of the creation of Dozier-Libbey Medical High School and the project's contributions. He noted this development would be building infrastructure needed for the School, current and future development.

In response to Commissioner Mason, Mr. Forrester stated the sewer and gas would be brought to the school with the second phase, which was tied into the agreement.

Patricia Curtin, Land Use Attorney on behalf of the applicant, stated they were not in agreement with the limitation on rental units and noted they had crafted a provision that there would be a requirement in the CC&Rs that front yards for both owners and renters were required to be maintained. Additionally, she stated they could not impose the provision requiring the HOA to pay for police services if a resident failed to do so. She noted the indemnification was overly broad in the DA; however, they were in agreement with project specific condition #6 that spoke to this issue. She stated they agreed in concept that there would be additional police funding; however, they were concerned for the methodology and more time was needed to discuss the issues. Speaking to a previous statement that if the DA with police funding did not move forward there would have to be further environmental review; for the record, she disagreed as police funding was not a physical impact and did not result in an impact to the environment and therefore it could not be related to CEQA.

Debra Fogarty, Williamson Ranch subdivision, stated she was not opposed to the original adult development; however, she had concerns for changing it to a family community. She stated the proposed development would have more traffic and school impacts. Additionally, she stated she was concerned that this project would be paying for public services and other communities were not, which would create a division in the community.

Chair Motts closed the public hearing.

To allow for the applicant to have a rebuttal and at the request of Commissioner Parsons, Chair Motts reopened the public hearing.

REBUTTAL

Michael Evans, clarified the first phase of the project was 127 lots. He noted the original plans were for homes with two bedrooms and with a den and now they were attempting to provide as many single story units as possible and enlarge them; therefore, they were requesting a larger footprint by taking out some of the front and rear yards.

Commissioner Parsons stated she was pleased to finally see this project moving forward. She questioned if a Project Labor Agreement (PLA) was still included. She spoke in support of changing it from a senior only development as she felt blending communities brought vitality to the area. She requested more documentation with regards to what was included in the per officer cost estimates.

Mr. Evans responded they were currently working with the unions on the PLA issue.

Vice Chair Westerman requested the applicant provide input with regards to the capacity impact of this project to the Antioch Unified School District.

Michael Evans explained there was a funding mechanism in place to add capacity and school facilities.

Tim Forrester added this project would generate approximately 350-370 students K-12 and the District had the capacity to accommodate them. Additionally, he noted this project was in Mello Roos (CFC 2004-1) which would provide funding to assist with additions and/or expansions.

In response to Commissioner Miller, Mr. Forrester explained with the learning academy approach, students at the High School level could choose which school they wanted to attend by what they wished to learn.

In response to Commissioner Mason, Mr. Evans stated they would be installing drought tolerant landscaping and AB1881 reduced water consumption and prohibited watering on rainy days. He noted all houses would be compliant with title 24 which mandated wiring solar panels.

Chair Motts closed the public hearing.

Chair Motts reminded the Planning Commission that the vote taken this evening would be a recommendation to City Council. He proposed voting on the recommendations individually.

Commissioner Hinojosa agreed to take separate action on each recommendation. She stated she had no concerns with the environmental document.

RESOLUTION NO. 2015-12

On motion by Commissioner Hinojosa, seconded by Commissioner Parsons, the Planning Commission approved the resolution recommending approval of the Addendum to the Aviano Project Final Environmental Impact Report. The motion carried the following vote:

- AYES:** Parsons, Mason, Miller, Hinojosa, Westerman, Motts
- NOES:** None
- ABSTAIN:** None
- ABSENT:** Zacharatos

Commissioner Hinojosa stated she did not take requests for amendments to the General Plan lightly and she did not like the fact that the Planning Commission had been asked on numerous occasions to make exceptions. She stated in consideration of the density, the lot size met the threshold and she could support an exception in this case. She agreed larger lots were more maintenance and with a major drought she did not feel they were as marketable. Also, she did not believe the site was originally age restricted and with the provision to allow that product type in the entire Sand Creek focus area she would support an age restricted project in the future.

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Chair Motts agreed with Commissioner Hinojosa.

RESOLUTION NO. 2015-13

On motion by Commissioner Parsons, seconded by Commissioner Mason the Planning Commission approved the resolution recommending approval of a General Plan Amendment for purposes of amending the Sand Creek Focus Area text to allow small-lot single family residential uses on-site (GP-15-02).

AYES: Parsons, Mason, Miller, Hinojosa, Westerman, Motts
NOES: None
ABSTAIN: None
ABSENT: Zacharatos

Commissioner Hinojosa stated she understood with a constrained budget the City wanted to move forward with implementing policies and goals to meet the police staffing ratios to population; however, she was concerned with how it was proposed in the Development Agreement. She expressed concern that they had not been provided the funding matrix until today and it was difficult to understand. She stated HOA, Mello Roos and Police Services fees would be a large burden on the people living in this community. She noted with the concerns raised by the applicant she was not ready to recommend approval of the Development Agreement. She stated she was confused that the Planning Commission was not being asked to take up the issue of the rental restriction and instead send it to the City Council. She questioned what the Planning Commissions function was and asked if they were just a bureaucracy for projects to move through. She stated she took her position seriously and she wanted to be appreciated and be provided information that was complete, fully vetted and understandable. She noted she did not believe that product had been presented to the Planning Commission and she took extreme issue with that. Additionally, she stated she did not support project by project policy making. She stated she would not recommend approval of the development agreement and she would like the City and Developer to discuss the outstanding issues and a complete product come back before the Planning Commission prior to it going before City Council.

Interim City Attorney Galstan explained the Planning Commission's comments about the rental restriction provision could be carried forward to Council in the minutes; however, he would not recommend voting to delete it when it was motivated by the City Council.

Director of Community Development Ebbs stated he shared concerns regarding the project by project policy decisions; however, they did not have the benefit of a comprehensive planning document to solve these issues in advance. He explained that police services were a challenge, very expensive to fund and the economics of single family development were not the same as prior to proposition 13. In addition, he noted that in a recovering housing market it would take a long time before a typical single

family home carried its weight. He further noted service delivery had increased in price and staffing had decreased. He commented that they attempted to provide a reasonable level of police service and the City could not presume property tax, after it filtered through the State, would be sufficient to do so. He stated the City needed to close that gap and this was a way to accomplish that goal. He explained it was a budget issue the City Council was best positioned to address. He added that he appreciated the concern that the Planning Commission had been provided items and asked to defer; however, on this matter it was appropriate. He stated he would pass on the concerns expressed this evening to the City Council and he would encourage them to listen to this hearing and take it under consideration.

Commissioner Parsons questioned if other developers agreed to the police services fees being proposed this evening.

Director of Community Development Ebbs stated the feedback he had received was that it was a reasonable approach and he expected the City Council's conversation would answer that question.

Chair Motts stated he concurred with Commissioner Hinojosa on the project by project nature of proposals. He noted it was not a comprehensive approach or a view of what the City actually desired to see and because of that they were asked to approve amendments and make exceptions to the General Plan. He encouraged staff to improve the process. Speaking to the Development Agreement, he stated he could support it with staff's explanation as to why it was presented this way.

Commissioner Parsons stated she agreed that the project by project approach was not ideal. She stated she did not want to see this development delayed and the Planning Commission perceived as a barrier to it moving forward.

Chair Motts added that all projects were not equal which was why they desired a more comprehensive approach. He stated an exception for this project may be worthwhile.

Commissioner Hinojosa suggested after this meeting, issues raised could be considered and refinements to the DA could be made. She expressed concern that the developer had stated they did not agree with the rental restriction provision. She stated she did not want to give the impression she was attempting to slow development or make the process harder. She stated she was uncomfortable with the way it was proposed and with a request to move this item forward when all the information had not been finalized.

A motion by Commissioner Hinojosa, seconded by Commissioner Westerman, to recommend the City Council NOT enter into the Development Agreement failed by the following vote:

AYES: Hinojosa, Westerman
NOES: Parsons, Mason, Miller, Motts

ABSTAIN: None
ABSENT: Zacharatos

RESOLUTION NO. 2015-14

On motion by Commissioner Miller, seconded by Commissioner Parsons, the Planning Commission approved the resolution recommending approval of a Development Agreement between the City of Antioch and Aviano Farms LLC. The motion carried the following vote:

AYES: Parsons, Mason, Miller, Westerman
NOES: Hinojosa, Motts
ABSTAIN: None
ABSENT: Zacharatos

For the record, Director of Community Development Ebbs stated this deliberation would be forwarded to the City Council and they would be encouraged to hear all comments.

RESOLUTION NO. 2015-15

On motion by Commissioner Parsons, seconded by Commissioner Miller, the Planning Commission approved the resolution recommending approval of a rezone to modify the current Aviano Adult Community Planned Development zone standards (PD-14-01).

AYES: Parsons, Mason, Miller, Hinojosa, Westerman, Motts
NOES: None
ABSTAIN: None
ABSENT: Zacharatos

RESOLUTION NO. 2015-16

On motion by Commissioner Parsons, seconded by Commissioner Miller, the Planning Commission approved the resolution recommending approval of a Vesting Tentative Map/Final Development Plan (PW-676), and a Use Permit for Phase 1 (UP-14-15).

AYES: Parsons, Mason, Miller, Hinojosa, Westerman, Motts
NOES: None
ABSTAIN: None
ABSENT: Zacharatos

ORAL COMMUNICATIONS

Chair Motts stated he would be forwarding parliamentary procedures and Roberts Rules of Order to Commission members via email.

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WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Chair Motts reported on his attendance at TRANSPLAN on July 9, 2015.

ADJOURNMENT

Chair Motts adjourned the Planning Commission at 8:43 P.M. to the next regularly scheduled meeting to be held on August 19, 2015.

Respectfully Submitted,
Kitty Eiden

DRAFT

ATTACHMENT "G"

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

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

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

Date: August 5, 2015

Subject: Aviano Farms Project

RECOMMENDATION

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

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

ENTITLEMENTS

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

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

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

BACKGROUND

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

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

ENVIRONMENTAL REVIEW

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

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

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

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

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

A. Statement of Findings

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

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

B. Evidence Supporting Findings

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

Air Quality and Global Climate Change

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

Noise

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

Traffic

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

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

Police Services

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

Conclusion

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

ANALYSIS

Issue #1: Project Overview

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

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

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

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

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

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

Issue #2: General Plan Consistency

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

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

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

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

Issue #3: Vesting Tentative Map/Development Plan

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

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

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

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

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

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

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

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

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

Development Standards for the Proposed Aviano Adult Community Planned Development District

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

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

Issue #5: Infrastructure and Off-Site Improvements

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

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

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

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

Issue #6: Use Permit

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

Issue #7: Development Agreement

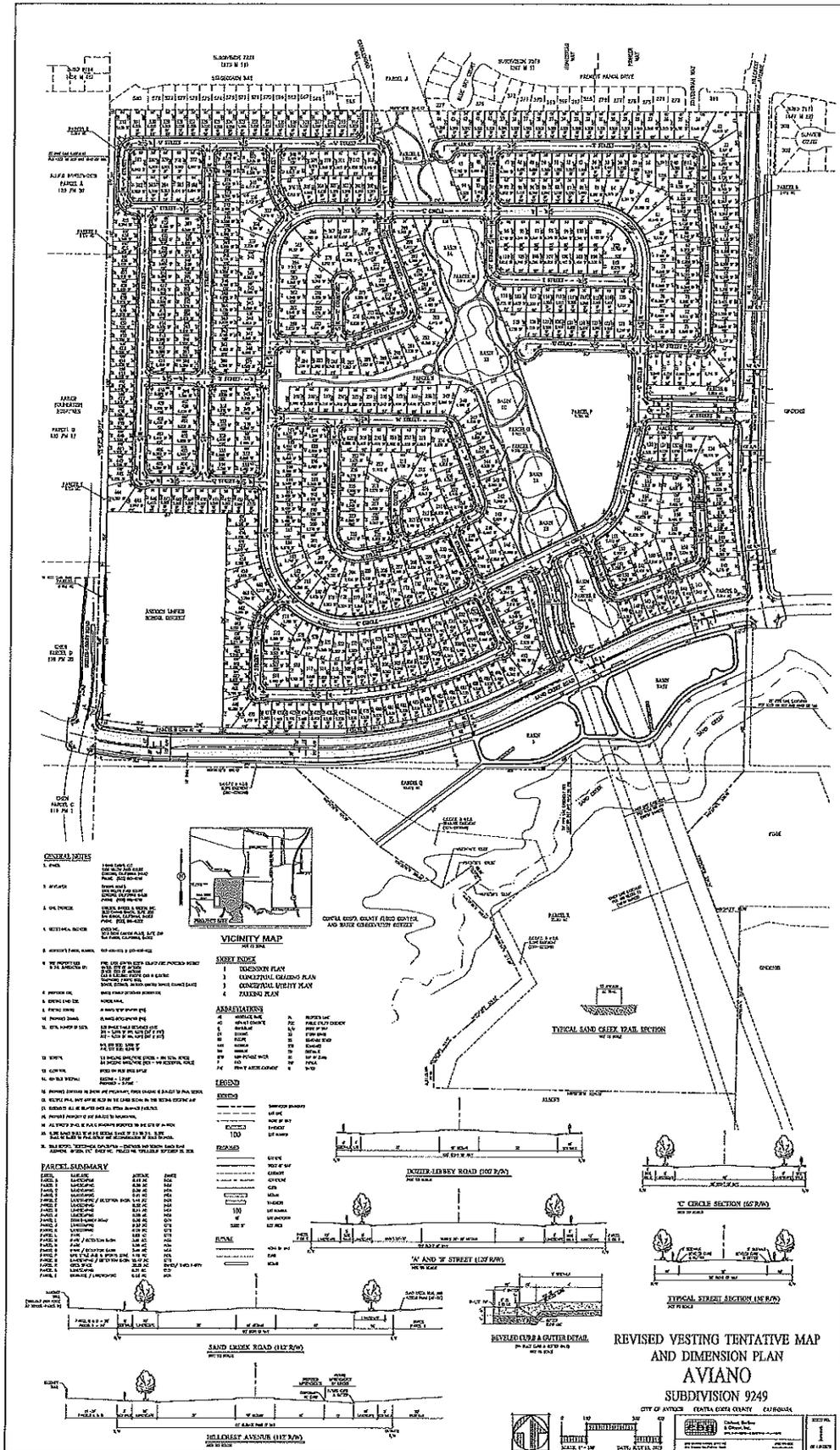
The approval of the Aviano Adult Community Project included a Development Agreement between Del Webb and the City of Antioch. The Del Webb Development Agreement was not assigned to or assumed by Aviano Farms, LLC. A new Development Agreement has been prepared between the City and Aviano Farms, with two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

ATTACHMENTS

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

ATTACHMENT "H"

Vesting Tentative Map



- GENERAL NOTES**
1. THIS MAP IS A TENTATIVE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF TITLE OR A WARRANTY OF ANY KIND.
 2. THE LOTS SHOWN ON THIS MAP ARE SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND OTHER INTERESTS OF RECORD.
 3. THE LOTS SHOWN ON THIS MAP ARE SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND OTHER INTERESTS OF RECORD.
 4. THE LOTS SHOWN ON THIS MAP ARE SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND OTHER INTERESTS OF RECORD.
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 19. THE LOTS SHOWN ON THIS MAP ARE SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND OTHER INTERESTS OF RECORD.
 20. THE LOTS SHOWN ON THIS MAP ARE SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND OTHER INTERESTS OF RECORD.



STREET INDEX

STREET NAME	SECTION
AVIANO AVENUE	1
BIRCH AVENUE	1
CHERRY AVENUE	1
ELM AVENUE	1
HILLCREST AVENUE	1
MAPLE AVENUE	1
PINE AVENUE	1
SAND CREEK ROAD	1
WILLOW AVENUE	1

LEGEND

SYMBOL	DESCRIPTION
(Symbol)	10' SETBACK
(Symbol)	20' SETBACK
(Symbol)	30' SETBACK
(Symbol)	40' SETBACK
(Symbol)	50' SETBACK
(Symbol)	60' SETBACK
(Symbol)	70' SETBACK
(Symbol)	80' SETBACK
(Symbol)	90' SETBACK
(Symbol)	100' SETBACK
(Symbol)	150' SETBACK
(Symbol)	200' SETBACK
(Symbol)	300' SETBACK
(Symbol)	400' SETBACK
(Symbol)	500' SETBACK
(Symbol)	600' SETBACK
(Symbol)	700' SETBACK
(Symbol)	800' SETBACK
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(Symbol)	1000' SETBACK

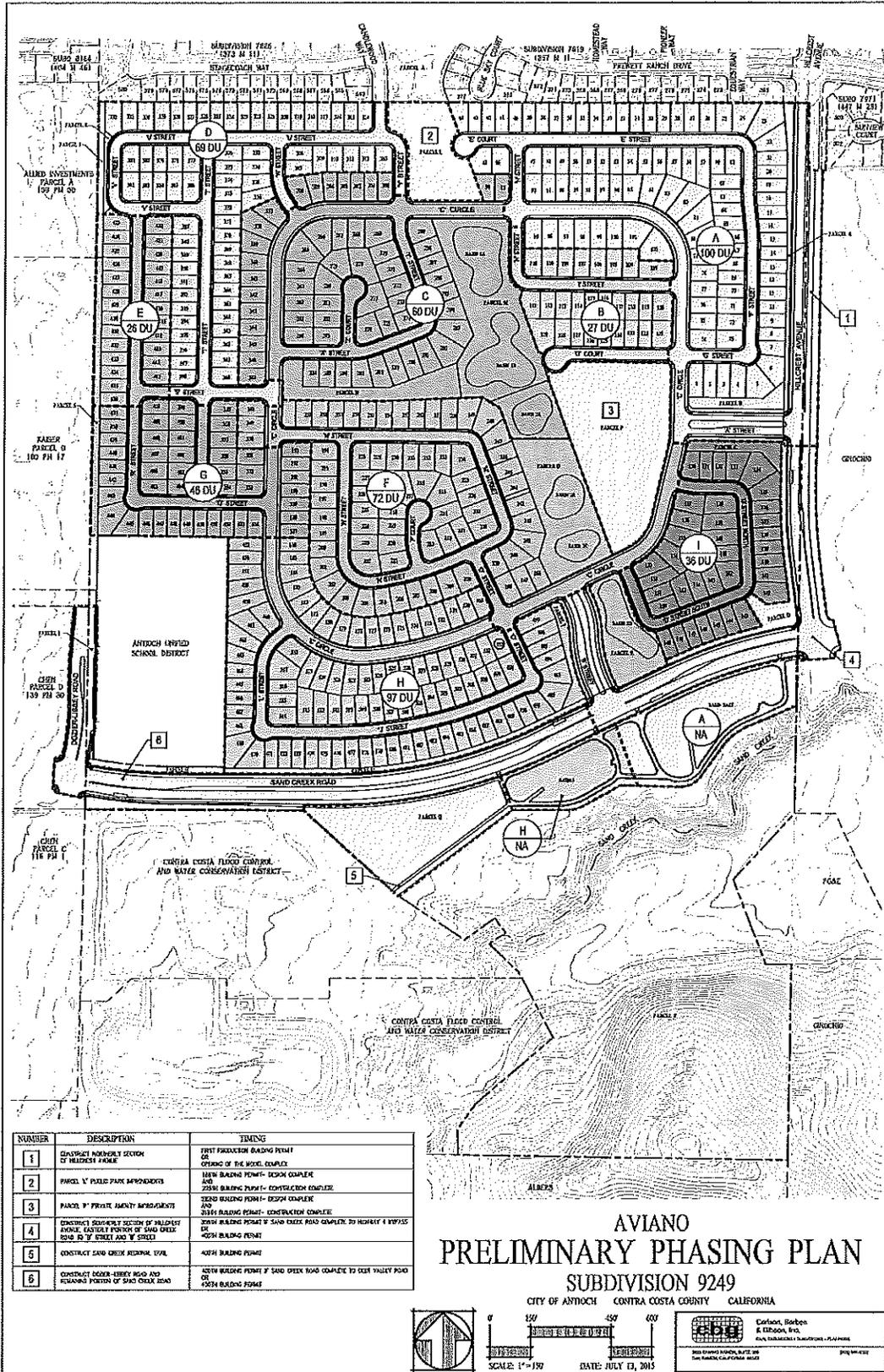
PARCEL SUMMARY

PARCEL NO.	AREA (SQ. FT.)	AREA (AC.)
1	10,000	0.23
2	10,000	0.23
3	10,000	0.23
4	10,000	0.23
5	10,000	0.23
6	10,000	0.23
7	10,000	0.23
8	10,000	0.23
9	10,000	0.23
10	10,000	0.23
11	10,000	0.23
12	10,000	0.23
13	10,000	0.23
14	10,000	0.23
15	10,000	0.23
16	10,000	0.23
17	10,000	0.23
18	10,000	0.23
19	10,000	0.23
20	10,000	0.23

REVISED VESTING TENTATIVE MAP AND DIMENSION PLAN AVIANO SUBDIVISION 9249
 CITY OF AVIANO, CENTRA COUNTY, CALIFORNIA

HI

ATTACHMENT "I" PHASING PLAN





STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 8, 2015

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Ahmed Abu-Aly, Associate Engineer, Capital Improvements Division

APPROVED BY: Ron Bernal, Public Works Director/City Engineer *REB*

SUBJECT: Final Acceptance of Cavallo Road/Country Hills Drive Pavement Rehabilitation, P.W. 392-29

RECOMMENDED ACTION

It is recommended that the City Council adopt a resolution authorizing the Director of Finance to increase the existing contract with MCK Services, Inc. for this project in the amount of \$216,480.39 for a total of \$1,653,410.39, accepting work and authorizing the Public Works Director/City Engineer to File a Notice of Completion.

STRATEGIC PURPOSE

This item supports Strategy K-1 in the Strategic Plan by ensuring well maintained public facilities and continuing to comply with regulatory requirements of state and federal agencies.

FISCAL IMPACT

The CIP budget for FY 14/15 includes \$1,800,000 from the Gas Tax fund for this project. This action increases the contract amount by \$216,480.39, from \$1,436,930 to \$1,653,410.39, which is the final construction contract price for this project.

DISCUSSION

On April 14, 2015, the City Council awarded a contract to MCK Services, Inc. in the amount of \$1,436,930. The project included grinding existing pavement and repaving of approximately 4.5 miles of travel lanes, which produced substantial extension in the service life of the roads, and improvement to the pavement condition and ride quality. The work was completed on August 28, 2015. The increase in the final construction cost was due to thickening of the pavement sections from 5" to 6" of asphalt to mitigate poor roadway subgrade conditions on Country Hills Drive, increase of the pavement overlay thickness on Cavallo Road to provide additional structural strength and improved street drainage, and for additional paving on Cavallo Road after an emergency water leak repair. The field conditions that necessitated the increase in final construction costs were discovered after grinding of the existing top pavement layer and could not be foreseen during project design and prior to the bid. This is typical in these types of pavement rehabilitation projects where the contractor must bid on a defined scope of work where the pavement subgrade field conditions are impossible to know prior to construction.

ATTACHMENTS

- A: Resolution Accepting Work
- B: Notice of Completion

ATTACHMENT "A"

RESOLUTION NO. 2015/
RESOLUTION ACCEPTING WORK AND DIRECTING
THE PUBLIC WORKS DIRECTOR/CITY ENGINEER
TO FILE A NOTICE OF COMPLETION FOR THE CAVALLO ROAD/COUNTRY HILLS
DRIVE PAVEMENT REHABILITATION
P.W. 392-29**

WHEREAS, the Public Works Director/City Engineer, has certified the completion of all work provided to be done under and pursuant to the contract between the City of Antioch and MCK Services, Inc. and;

WHEREAS, it appears to the satisfaction of this City Council that said work under said contract has been fully completed and done as provided in said contract and the plans and specifications therein referred to;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Antioch, that:

1. The above-described work is hereby accepted.
2. The Public Works Director/City Engineer is directed to execute and file for record with the County Recorder, County of Contra Costa, a Notice of Completion thereof.
3. The Director of Finance is hereby directed to increase the contract with MCK Services, Inc. by \$216,480.39, from \$1,436,930.00 for a total of \$1,653,410.39.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof held on the 8th day of September, 2015 by the following vote:

AYES:

NOES:

ABSENT:

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

ATTACHMENT "B"

Recorded at the request
of and for the benefit
of the City of Antioch

When recorded, return
to City of Antioch
Capital Improvements Department
P.O. Box 5007
Antioch, CA 94531-5007

NOTICE OF COMPLETION

FOR

**CAVALLO ROAD/COUNTRY HILLS DRIVE PAVEMENT REHABILITATION
IN THE CITY OF ANTIOCH
P.W. 392-29**

NOTICE IS HEREBY GIVEN that the work and improvements hereinafter described, the contract for which was entered into by and between the City of Antioch and MCK Services, Inc. was completed on August 28, 2015.

The surety for said project was Fidelity and Deposit Company of Maryland.

The subject project consisted of pavement grind and overlay, base repair, storm water pollution control, pavement striping, and replacing traffic signals loops on Cavallo Road, Country Hills Drive, and Verne Roberts Circle in Antioch, California.

**THE UNDERSIGNED STATES UNDER PENALTY OF
PERJURY THAT THE ABOVE IS TRUE AND CORRECT**

Date

RON BERNAL, P.E.
Public Works Director/City Engineer



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 8, 2015

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Michelle Fitzner, Administrative Services Director *M Fitzner*

SUBJECT: League of California Cities Annual Conference Resolution Packet

RECOMMENDED ACTION

It is recommended that the City Council review and discuss the League of California Cities annual conference resolution packet and provide direction to the voting delegate (Mayor Pro Tem Ogorchock).

STRATEGIC PURPOSE

Long Term Goal L: Provide exemplary City administration. In order to be good administrators and leaders within our Community and the region, it is essential that we participate in regional activities and event such as the League of California Cities annual conference. The conference is focused on information and legislation of importance to local governments statewide.

FISCAL IMPACT

There is no fiscal impact.

DISCUSSION

At the June 23rd meeting, Council appointed Mayor Pro Tem Ogorchock as our 2015 voting delegate for the League of California Cities annual conference. The Mayor Pro Tem will be representing Antioch's vote on four (4) resolutions before the League General Assembly. This is the opportunity for Council to discuss the resolutions and provide direction to Mayor Pro Tem Ogorchock as to the City's intended vote. The resolutions are:

1. Resolution Relating to League Bylaws Amendments Regarding Succession of League Offices to Fill Vacancies.
2. Resolution of the League of California Cities Calling for Legislation to Preserve Therapeutic Environments for Group Homes and Avoid Impacts of Overconcentration of Alcohol and Drug Abuse Recovery and Treatment Facilities in Residential Neighborhoods.

3. Resolution of the League of California Cities Supporting SB 593 (McGuire) and Continued Local Flexibility for Cities as They Address Neighborhood and Fiscal Impacts of Temporary Rentals of Residential Units.
4. Resolution Calling Upon the Governor and the Legislature to Work With the League of California Cities to Enact Legislation or to Otherwise Compel Southern California Edison to Create a Program to Automatically Provide Direct Compensation to its Customers Affected by Prolonged Electrical Power Outages Under Specified Circumstances.

The background and analysis for each of these resolutions is included in the attached packet.

ATTACHMENTS

- A. League of California Cities Annual Conference Resolutions Packet



RECEIVED

*Annual Conference
Resolutions Packet*

SEP 1 2015

CITY OF ANTIOCH
CITY CLERK

2015 Annual Conference Resolutions



San Jose

September 30 – October 2

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, four resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: Four policy committees will meet at the Annual Conference to consider and take action on the resolution referred to them. The committees are Administrative Services; Environmental Quality; Housing, Community and Economic Development; and Revenue and Taxation. These committees will meet on Wednesday, September 30, 2015, at the Hilton San Jose. The sponsors of the resolutions have been notified of the time and location of the meetings.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 1, at the San Jose Convention Center, to consider the reports of the four policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, October 2, at the San Jose Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (47 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, October 1. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, September 30

Hilton San Jose

300 Almaden Boulevard, San Jose

9:00 a.m. – 10:30 a.m.: Environmental Quality
Housing, Community & Economic Development

10:30 a.m. – Noon: Administrative Services
Revenue and Taxation

General Resolutions Committee

Thursday, October 1, 1:00 p.m.

San Jose Convention Center

150 West San Carlos Street, San Jose

Annual Business Meeting and General Assembly Luncheon

Friday, October 2, 12:00 p.m.

San Jose Convention Center

150 West San Carlos Street, San Jose

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation
to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

ADMINISTRATIVE SERVICES POLICY COMMITTEE

		1	2	3
1	League Bylaw Amendment			

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
4	Compensation for Prolonged Electrical Power Outages			

HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
2	Overconcentration of Alcohol & Drug Treatment Facilities			
3	Residential Rentals, Support for SB 593 (McGuire)			

REVENUE AND TAXATION POLICY COMMITTEE

		1	2	3
3	Residential Rentals, Support for SB 593 (McGuire)			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- A Approve
D Disapprove
N No Action
R Refer to appropriate policy committee for study

ACTION FOOTNOTES

- * Subject matter covered in another resolution
** Existing League policy
*** Local authority presently exists

- a Amend+
Aa Approve as amended+
Aaa Approve with additional amendment(s)+
Ra Refer as amended to appropriate policy committee for study+
Raa Additional amendments and refer+
Da Amend (for clarity or brevity) and Disapprove+
Na Amend (for clarity or brevity) and take No Action+
W Withdrawn by Sponsor

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

2015 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO ADMINISTRATIVE SERVICES POLICY COMMITTEE

1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS REGARDING SUCCESSION OF LEAGUE OFFICES TO FILL VACANCIES

Source: League Board of Directors
Referred to: Administrative Services Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, the League of California Cities® is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, on two occasions in recent years when vacancies arose in office of President of the Board of Directors after disappointing reelection results, the vacancy was filled in accordance with the League Bylaws by the First Vice President becoming President at the next Board meeting. This left a vacancy in the office of First Vice President that was filled by the Board by advancing the Second Vice President. This required recruiting a new Second Vice President that the Board chose, as provided in the Bylaws, from the ranks of the Board itself; and

WHEREAS, in September 2014 the Board chose a new Second Vice President as usual and also a new First Vice President who had not previously served as Second Vice President because the prior Second Vice President was elected to county office and was no longer eligible. When the President was not reelected in November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President; and

WHEREAS, the Board of Directors believe this confluence of events twice in recent years demonstrates a weakness in the succession of League offices required by the League Bylaws because the accelerated advancement of officers in the event of a vacancy in the office of President may deprive the junior officers and the League of adequate time to serve and develop expertise and relationships in the offices of Second and First Vice President; and

WHEREAS, it is the unanimous recommendation of the League Board that the League membership amend article VIII, section 4, of the League bylaws to allow the Immediate Past President to fill an unexpected vacancy in the office of President for the unexpired term if the Immediate Past President agrees. If not, the current succession process would occur; and now, therefore, be it,

RESOLVED, by the General Assembly of the League of California Cities assembled in Annual Conference in San Jose, October 2, 2015, that article VIII, section 4 of the League bylaws be amended to read as follows:

Article VIII: Officers

Section 1: Identity.

The officers of the League are a President, a First Vice-President, a Second Vice-President/Treasurer, an Immediate Past President, and an Executive Director.

Section 2: Duties of League Officers.

- (a) **President.** The President presides at all League Board meetings and all General Assemblies. The President has such other powers and duties as may be prescribed by these bylaws or the League Board.
- (b) **First Vice-President.** The First Vice-President carries on the duties of the President in the President's temporary absence or incapacity. The First Vice-President has such other powers and duties as may be prescribed by these bylaws or the League Board.
- (c) **Second Vice-President/Treasurer.** The Second Vice-President/Treasurer carries on the duties of the President in the President's and First Vice-President's temporary absence or incapacity. The Second Vice-President/Treasurer has such other powers and duties as may be prescribed by these bylaws or the League Board.

Section 3: Election.

The League Board elects the League's President, First Vice-President and Second Vice-President for terms of one year. The election occurs at the League Board's meeting at the Annual Conference.

Section 4: Vacancies.

A vacancy in the office of President is filled ~~at the next meeting of the League Board~~ by the *Immediate Past President who shall serve for the unexpired term of office and, upon election of a new President at the next Annual Conference, shall subsequently serve a full term as Immediate Past President. In the event the Immediate Past President is not available to fill the vacancy in the office of the President, or declines in writing, it shall be filled by the* succession of the First Vice-President to that office. A vacancy in the office of First Vice-President, or Second Vice-President/Treasurer, is filled for the un-expired term by appointment *by the League Board* of a member of the League Board. A vacancy in the office of the Immediate Past President is filled for the un-expired term by the last Past President continuing to hold a city office.

//////////

Background Information on Resolution No. 1

Source: League Board of Directors

Background:

In 2010 and again recently in 2014 the city official elected League President at the Annual Conference in September was not returned to office by the voters of their city. This development triggered a series of steps laid out in the order of succession in the League Bylaws that mandates that the First Vice President advance to the office of President at the next Board meeting and that the Board fill the vacancy in the office of First Vice President for the remainder of the term.

When the Board filled the League offices in September 2014, the Second Vice President could not advance to First Vice President since she had been elected to the office of county supervisor and was ineligible to serve. Consequently the Board selected two directors to fill both the offices of First Vice President and Second Vice President. Neither had previously served as a League officer.

When the vacancy in the office of President occurred after the November general election, the First Vice President advanced to the office of President after having served only two months as a League officer in contrast to the normal advancement process of twenty-four months. The Second Vice President was advanced to the office of First Vice President after having served only two months as a League officer. The Board also chose a new Second Vice President.

At the February, 2015 meeting of the League Board of Directors, the Executive Committee recommended unanimously an amendment to the order of succession in Art. VIII, Sec. 4 of the League Bylaws. The proposed amendment would allow the most experienced member of the Executive Committee, the Immediate Past President, to fill out the remainder of the term of office of a President who leaves the office before its term is completed if the Immediate Past President is willing and able to do so. This arrangement would allow the First Vice President to continue serving and to advance to the office of President on the schedule envisioned by the League Bylaws. If the Immediate Past President were unable or unwilling to serve, the existing order of succession would occur.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Alicia Lewis
Committee: Administrative Services Policy Committee

Summary:

This resolution seeks to streamline the succession process when filling a vacancy for the office of President of the Board of Directors. It would allow for the League bylaws to be amended, allowing the Immediate Past President to fill an unexpected vacancy in the office of President for the remainder of the vacating President's term. Changes to League bylaws require a 2/3 vote of the General Assembly.

Background:

The past few years have yielded several occasions where the succession line for Board of Directors leadership was disrupted due to disappointing election results and officers taking office outside of city government.

In September 2014 the Board chose a new First and Second Vice President. The First Vice President had not previously served as Second Vice President because the prior member was elected to county office and therefore no longer eligible. When the President was not reelected in the November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President. This transition far outpaced the normal process for advancing as an officer on the Board of Directors.

Fiscal Impact:

This impact of this resolution would have no fiscal impact.

Comments:

The nature of this resolution is to ensure that there is a smooth succession process in place and that current Vice-Presidents (First and Second) have ample time to prepare for their role as President. By

allowing the Immediate Past President to finish out the term of a vacated presidency the Board would ensure there is minimal disruption to the workflow and goals of the association.

**RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT
POLICY COMMITTEE**

**2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR
LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES
AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE
RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS**

Source: City of Malibu

Concurrence of five or more cities/city officials: Cities: Artesia; Duarte; La Canada Flintridge; Lakewood; Lomita; and Pico Rivera. City Officials: Los Angeles Council Member Mitchell Englander

Referred to: Housing, Community and Economic Development Policy Committee

Recommendation to General Resolutions Committee:

WHEREAS, residential group home facilities provide valuable rehabilitation and support services for those who live in them, which benefits the greater society; and

WHEREAS, state departments license these facilities through several state agencies, and operators are required to meet various state statutory requirements; and

WHEREAS, in addition to residents, these facilities often include live-in managers and other staff, who provide a variety of services to residents which may include meals, workshops, training, counseling and other services. These uses and services may also require frequent deliveries to be made to the facility, shuttle van service provided to residents, and additional automobile traffic due to shift changes, visiting hours, and other activities. Collectively, these uses often generate more noise and activity than expected from a traditional single-family home; and

WHEREAS, the overconcentration of residential group homes changes the character of neighborhoods as they become centers for the delivery of various services. This environment not only creates a disruption to long-time residents, it can also diminish the quality of the residential treatment experience for group home residents as the neighborhood assumes a more institutional setting; and

WHEREAS, the State and local governments operate in partnership regarding the location of these residential care facilities in residential neighborhoods in order to carry out the policy of the State to prevent overconcentration of such facilities in these neighborhoods; and

WHEREAS, the state has adopted a 300 foot separation requirement between facilities licensed by the Department of Social Services,¹ but these siting standards have not been extended to apply to facilities licensed by other state agencies such as the Department of Health Care Services or other licensed or unlicensed facilities; and

WHEREAS, it is the policy of the State that each county and city permit and encourage development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need;² and

¹ Health & Safety Code Section 1520.5

² Health & Safety Code Section 11834.20

WHEREAS, the California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law;³ and

WHEREAS, the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability;⁴ and

WHEREAS, there is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities; and

WHEREAS, many community concerns could be addressed if State agencies communicated and collaborated more with local governments; and

WHEREAS, the League of California Cities is committed to working in partnership with the Legislature and Administration to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations established by State and federal law.

RESOLVED, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to address the following issues:

1. Explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.
2. Avoid the creation of institutional settings when multiple facilities are concentrated in a single location, while also reducing noise, congestion and other concerns often raised by residents in residential neighborhoods.
3. Determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

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Background Information on Resolution No. 2

Source: City of Malibu

Background:

State law preempts local zoning regulation for licensed drug and alcohol treatment facilities. State and federal anti-discrimination laws require cities to treat facilities that function as single housekeeping units the same as any other “family.” In many areas of the state, these facilities are impacting residential neighborhoods because their concentration in certain neighborhoods tends to change the character of the area from a residential neighborhood to more like a hospital and institutional zone in terms of the land use impacts.

In order to avoid overconcentration in residential neighborhoods, most state-licensed group homes are required by state law to meet certain distancing requirements from other licensed group homes. Alcohol

³ Government Code 12955(l)

⁴ 42 U.S.C. Section 12134

and drug programs are treated differently under state law in this respect and no distancing requirements apply. In fact, the state licensing agency does not impose any restrictions on the number of facilities in the vicinity of one another and have been allowing licensees to obtain two licenses on one lot and to operate integrated multi-structure facilities under the guise of multiple single-family residential licenses. Similarly, state law currently requires private foster family agencies operating in residential zones to be organized and operated on a nonprofit basis, while drug and alcohol programs and sober living homes are permitted to operate as a for-profit business in residential zones. The addiction recovery industry has become big business. There are now thousands of treatment facilities and sober living homes in California and the number is rapidly increasing.

State policy sought integration of group homes into residential neighborhoods, not disintegration of the residential character of the neighborhoods. A course correction is required to advance state policy. Through zoning authority, cities can preserve the very neighborhoods that the community-care model depends on to provide the therapeutic environment of a residential neighborhood. Distancing requirements both respond to the biggest concern of local government (over concentration that impairs neighborhood character) and advances state policy. In addition, limiting the zoning preemption to non-profit programs will also assist in preserving the integrity of residential neighborhoods.

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League of California Cities Staff Analysis on Resolution No. 2

Staff: Dan Carrigg
Committee: Housing, Community and Economic Development

Summary:

This Resolution calls for the Governor and the Legislature to work with the League and other stakeholders to explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities, avoid the creation of institutional settings when multiple facilities are concentrated in a single location, and determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

Background:

The City of Malibu is sponsoring this resolution as a way of highlighting an issue that continues to create zoning and land use problems in single-family neighborhoods. While this is not a new issue for the League and its cities, and the League has existing policy in this area, the sponsors view the passage of this resolution as helpful in restarting conversations with the Legislature and the Governor's Administration that can hopefully lead to productive solutions.

HCED Committee member and Malibu Council Member Lou La Monte raised this issue at the Committee's June meeting, where he presented a resolution that had recently been adopted by the California Contract Cities Association on May 15. The Committee encouraged him to work with League staff in his effort to draft a measure to be presented at the League's annual conference. League staff worked with Mr. La Monte in this regard, mostly in helping ensure that the various "whereas clauses" appropriately reflect the important legal rights of patients and obligations of public entities that Legislators will expect to be balanced in any solutions to local land use issues.

Resolved Clauses from Recent CCCA Resolution:

NOW THEREFORE, the Members of the California Contract Cities Association hereby re-affirms its commitment to cooperation among units of government that serve the people of California and urges the

California state legislature to enact legislation that empowers local government to preserve the residential character of neighborhoods necessary to effect state policy regarding group homes as follows:

- 1. Amend the state law to provide the same distancing and notice requirements for ADP facilities as it does for Community Care Act facilities;*
- 2. Enact legislation providing standards that prevent overconcentration of unlicensed sober living homes to maintain residential character of neighborhoods which has therapeutic benefit for the occupants; and*
- 3. Restrict the zoning preemption for licensed ADP facilities to those owned and operated by non-profit organizations.*

Fiscal Impact:

Minor, if any.

Comment:

- 1) The League has significant existing policy in this area. In the past the League has had internal task forces and sponsored and supported various legislative proposals.
- 2) Making significant progress in this area has been difficult in the Capitol. Federal and state fair housing and anti-discrimination laws and various court decisions have bearing on local authority in this area. Patient advocacy groups and sympathetic legislators have been suspicious of any solutions that they see as limiting patient access. Thus, any effort to develop solutions to address local land use concerns must also remain sensitive to these issues and the perspective of legislators that sit on committees with jurisdiction in these areas.

Existing League Policy:

Related to this Resolution, existing policy provides:

- The League supports permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building and safety standards. State and county licensing agencies should be required to confer with the city's planning agency in determining whether to grant a license to a community care facility. The League recognizes that better review and regulation of residential care facilities will protect both the community surrounding a facility and the residents within a facility from a poorly managed facility or the absence of state oversight.
- The League supports state legislation to require a minimum distance of 300 feet between all new and existing residential care facilities. The League supports notification of cities about conditional release participants residing in group homes.

RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT AND REVENUE & TAXATION POLICY COMMITTEES

3. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS

Source: City of West Hollywood

Concurrence of five or more cities/city officials: Cities of Healdsburg, Mammoth Lakes, Napa, Piedmont, Santa Cruz, Santa Monica, Sonoma

Referred to: Housing, Community & Economic Development; Revenue & Taxation Policy Committees

Recommendation to General Resolutions Committee:

WHEREAS, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use is a developing part of the sharing economy; and

WHEREAS, while these rentals provide additional options to the traveling public, and income to affected property owners or tenants, it is also important that such rentals comply with local laws, regulations and ordinances; and

WHEREAS, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use can present numerous challenges to neighborhoods and adjacent property owners and create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows; and

WHEREAS, where temporary rental of residential units for tourist or transient use is allowed in conformance with local laws, regulations and ordinances, the applicable transient occupancy tax (TOT) should also be collected. The temporary rental of residential units for tourist or transient use is in direct competition with hotels, motels and other accommodations where guests pay the local TOT, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor; and

WHEREAS, the Thriving Communities and Sharing Economy Act, introduced as SB 593 by Senator Mike McGuire (D-2, Healdsburg), prohibits the operators of transient residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law within the applicable city or county that opts into its provisions, and requires the confidential quarterly reporting to the city or county of the following information (if the City or County adopts an ordinance requiring the reporting of the data):

1. The address of each residential unit that was occupied for tourist or transient use during the quarterly period.
2. The total number of nights the residential unit was occupied for tourist or transient use.
3. The amounts paid for the occupancy of the residential unit for tourist or transient use.

WHEREAS, the provisions of SB 593 bolster existing local authority to enforce local ordinances and collect revenue associated with the temporary rental of residential units by allowing local agencies access to the data necessary to enforce their ordinances and requiring short-term rental hosting platforms to collect local TOT and remit it to the appropriate jurisdiction if short-term rentals are allowed in that jurisdiction; and

WHEREAS, the provisions of SB 593 provide a helpful regulatory framework that cities and counties may choose in lieu of exercising their existing authority; and

WHEREAS, the League of California Cities supports SB 593 because it recognizes and preserves local flexibility to address the temporary rental of residential units in the manner that best fits with the unique issues and conditions found in each local jurisdiction; and

WHEREAS, SB 593 provides local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; and

WHEREAS, SB 593 provides local jurisdictions with the data and framework necessary to enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals; and

WHEREAS, despite any existing challenges faced by cities in regulating or collecting revenue from the temporary rental of residential units, cities would oppose any effort to undermine their existing local authority to regulate land use or collect local TOT revenue.

RESOLVED, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, as follows:

1. Land use regulation and local tax collection are best overseen and implemented locally.
2. While temporary rental of residential units can offer innovative opportunities for travelers and property owners within the developing sharing economy, cities must retain flexibility to address any problems raised by such uses in a manner that reflects the unique issues and conditions in their communities.
3. Cities have existing legal authority and tools to regulate and collect revenue from the temporary rental of residential units, and SB 593 provides the data and framework that supports and bolsters such local efforts.
4. The League encourages cities to support SB 593.

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Background Information on Resolution No. 3

Source: City of West Hollywood

Background:

The sharing economy has quickly become common place in the everyday life of many individuals, whether they participate in ride-sharing, have rented a short-term residential unit, or live in a community where either is prevalent. The sharing economy has provided benefits to many, but also includes many issues that must be addressed in order to allow these sharing practices to effectively incorporate into our communities. Specifically, the short-term rental of residential units has grown exponentially within the last several years throughout the State, and its impacts need to be addressed.

Presently, many cities and counties prohibit the renting of residences for less than 30 days. However, these prohibitions are frequently ignored by Online Vacation Rental Businesses (“OVRBs”), causing unwanted burdens on cities while reducing TOT collection from sanctioned hotels. The short-term rental of residential properties presents numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows. The rentals facilitated by OVRB’s in these cities and counties go against the expressed wishes of the residents.

For the cities and counties that do allow short-term residential rentals, most require hosts to register and that transient occupancy taxes be paid. However, registration and payment of TOT in these cities and counties are based on the owners of the short terms residential units voluntarily reporting their rental activity. However, there has been a severe under-registration of hosts and underpayment of TOT. Only 10% of hosts in San Francisco have followed the city ordinance to register. Sonoma County has had to spend in excess of \$200,000 in an attempt to track down those rentals that are not paying the required TOT under the ordinance. And Los Angeles is currently experiencing a rental housing shortage due in part to the recent popularity of OVRBs.

Cities and counties have been unable to obtain this information due to the fact that OVRB's pass their responsibility to individual homeowners. This lack of oversight and enforcement presents a gap in accountability, and as a result, local laws and regulations are not being followed.

Sen. Mike McGuire's Thriving Communities and Sharing Economy Act (SB 593) will provide local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; or conversely, the data necessary to help cities enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals, if those rental are not allowed.

Specifically, SB 593 would: 1) Prohibit the operators of short-term residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law, within the applicable city that opts into the bill's provisions; 2) Require short-term rental housing platforms to collect and remit applicable transient occupancy tax (if short-term rentals are allowed in the city and the collection of TOT is required by the city); and 3) Require the confidential quarterly reporting of the address of each residential unit that was occupied for tourist or transient use during the quarterly period, the total number of nights the residential unit was occupied for tourist or transient use, and the amounts paid for the occupancy of the residential unit for tourist or transient use.

The premise of SB 593 is simple: reinforce local laws already on the books. Where vacation rentals are legal, the bill will assist local jurisdictions in their regulation and collection of Transient Occupancy Taxes, (TOT) as more than 430 cities and 56 counties impose a TOT. Where vacation rentals are illegal by local ordinance, the bill will prohibit online vacation rental businesses from making a rental.

The Thriving Communities and Sharing Economies Act will empower local control, provide desperately needed funding for parks, local roads, fire and police services, and promote safe neighborhoods. SB 593 will require online vacation rental businesses to disclose information to cities and counties and/or collect and disperse Transient Occupancy Tax dollars – projected to be in the hundreds of millions of dollars statewide.

The emerging short term rental industry is an important segment of the state economic fabric and an issue of statewide importance. SB 593 would assist in facilitating a shared economy that will be beneficial to California's cities and their residents.

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League of California Cities Staff Analysis on Resolution No. 3

Staff: Dan Carrigg
Committees: Housing, Community & Economic Development; Revenue & Taxation

Summary:

This Resolution seeks to highlight and increase support for SB 593 (McGuire), which is pending in the Legislature. SB 593, titled the Thriving Communities and Sharing Economy Act, seeks to bolster local efforts to regulate and collect transient occupancy taxes from the temporary rental of residential houses, condominiums, rooms, and apartments for tourists and transient use. The League is currently in support of this legislation.

Background:

The City of West Hollywood and other cities are sponsoring the resolution in an effort to expand awareness of the issue among cities and encourage additional support for SB 593. They view the

legislation as helpful in bolstering local efforts to appropriately regulate a growing vacation rental industry.

The author introduced SB 593 based upon his past experience as both former Mayor of Healdsburg and a Sonoma County Supervisor. These areas are popular with tourists, and the affected communities are facing increasing land use and revenue collection issues. SB 593 is currently on the Senate Floor and is considered a “two-year bill,” meaning that it cannot move until January 2016.

In addition to the League, SB 593 has a broad range of support:

Support: American Federation of State, County, and Municipal Employees, AFL-CIO; American Hotel and Lodging Association; Asian American Hotel Owners Association; American Insurance Association; Association of California Insurance Companies; Andaz West Hollywood General Manager Lin Schatz; Association for Los Angeles Deputy Sheriffs; City of Big Bear Lake; Borrego Springs Chamber of Commerce & Visitors Bureau; California Apartment Association; California Association of Boutique and Breakfast Inns; California Association of County Treasurers and Tax Collectors; California Apartment Association; California Association of Code Enforcement Officers; California College and University Police Chiefs Association; California Narcotics Officers Association; California Police Chiefs Association; California Hotel and Lodging Association; California Labor Federation; California Professional Firefighters; California State Association of Counties; California Teamsters Public Affairs Council; Contra Cost County Treasurer-Tax Collector Russell Watts; Paul Desterman, Mindy Desterman; El Dorado County Treasurer-Tax Collector C.L. Raffety; Douglas Engmann; Fairmont San Jose General Manager Kelley Cosgrove; Hilton Los Angeles/Universal City General Manager Mark Davis; Hotel Association of Los Angeles; Hotel Council of San Francisco; Humboldt County Convention and Visitors Bureau; International Faith Based Coalition; League of California Cities; Long Beach Firefighter Association; Los Angeles Alliance for a New Economy; Los Angeles Police Protective League; Town of Mammoth Lakes; Marin County Council of Mayors and Councilmembers; Marriot Courtyard in Larkspur General Manager Sam Pahlavan; Denise McNicol; Mendocino County Board of Supervisors; Mendocino County Treasurer-Tax Collector Shari Schapmire; Mono County Board of Supervisors; Ashok Mukherje; National Association of Mutual Insurance Companies; Neighbors for Overnight Oversight; Jenny Oaks; Pacific Association of Domestic Insurance Companies; Riverside Sheriffs Association; Rural County Representatives of California; Sacramento Hotel Association; San Diego County Hotel-Motel Association; San Franciscans for Reasonable Growth; San Luis Obispo County Auditor-Controller-Treasurer-Tax Collector James Erb; San Mateo County Central Labor Council; Santa Cruz County Convention and Visitors Council; Service Employees International Union; ShareBetter San Francisco; Sierra County Auditor-Treasurer-Tax Collector Van Maddox; Siskiyou County Treasurer-Tax Collector Wayne Hammar; Sonoma County Auditor-Controller-Tax Collector David Sundstrom; Sonoma County Board of Supervisors; City of Thousand Oaks; Tulare County Auditor-Controller-Treasurer-Tax Collector Rita Woodard; Tuolumne County Treasurer-Tax Collector Shelley Piech; UNITE-HERE, AFL-CIO; United Firefighter of Los Angeles City, Local #112; Natasha Yankoffski.

Opposition: Airbnb; Consumer Watchdog; Internet Association, TechNet.

Fiscal Impact:

Transient Occupancy Taxes are a significant source of local revenue. Many cities and counties are encountering challenges identifying units in their community that are being used as vacation rentals and collecting associated revenue. Where vacation rentals are permitted by local ordinance, the passage of SB 593 can assist local efforts, thereby increasing local revenues to support local services.

Comment:

- 3) Earlier this year the League’s Housing Community and Economic Development Committee and Revenue and Taxation Committee reviewed an earlier version of SB 593 and initially adopted a

Support, If Amended position, which was concurred with by the League board. The author later incorporated the League's amendments into the bill and the League issued a support letter on the current version of the bill.

- 4) Local governments already have extensive authority to regulate land use and collect local taxes. While vacation rentals may be an increasingly popular option for the traveling public, local ordinances are beginning to adjust. The League supports SB 593 because it is crafted in a way that supports local authority in dealing with this emerging issue. Local agencies can either opt in to its provisions or continue to address issues differently under their existing local authority.

Existing League Policy:

Related to this Resolution, existing policy provides:

HCED Policy: The League believes that local zoning is a primary function of cities and is an essential component of home rule.

Rev. & Tax Policy: Additional revenue is required in the state/local revenue structure. There is not enough money generated by the current system or allocated to the local level by the current system to meet the requirements of a growing population and deteriorating services and facilities.

RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

4. **RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES TO ENACT LEGISLATION OR TO OTHERWISE COMPEL SOUTHERN CALIFORNIA EDISON TO CREATE A PROGRAM TO AUTOMATICALLY PROVIDE DIRECT COMPENSATION TO ITS CUSTOMERS AFFECTED BY PROLONGED ELECTRICAL POWER OUTAGES UNDER SPECIFIED CIRCUMSTANCES.**

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials: Cities of Hermosa Beach, Lomita, Palos Verdes Estates, Rolling Hills and Rolling Hills Estates

Referred to: Environmental Quality Policy Committee

Recommendations to General Resolutions Committee:

WHEREAS, local governments in California are often reliant upon investor-owned private utility companies for the provision of electrical power to their citizens, businesses and institutions; and,

WHEREAS, the reliability and consistency of electrical supply and transmission is critically important to local governments to ensure the protection of the public safety, health and general welfare of communities; and,

WHEREAS, prolonged disruptions in electrical service can jeopardize the health of citizens who have a variety of physical challenges and rely on a constant source of power for medical devices; the safety of senior citizens who are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and the financial well-being of citizens, businesses and institutions that suffer from the loss of food, medication and other perishable items during prolonged power outages; and,

WHEREAS, Southern California Edison (SCE), an investor-owned utility serving 15 million customers in Southern and Central California, experiences frequent and prolonged service disruptions due to both planned and unplanned outages, equipment failures and weather-related events, which adversely affect local governments within its service area; and,

WHEREAS, SCE has been fined by the California Public Utilities Commission in the past due to prolonged service disruptions, most recently being levied a \$24.5 million penalty as a result of a prolonged outage that resulted from a wind storm in 2011; and,

WHEREAS, although SCE provides a claim process by which its customers may seek compensation for financial losses incurred as a result of prolonged service disruptions, SCE appears to reject most such claims; which places an unreasonable burden upon its customers and creates a false impression that customers will be compensated for their losses; and,

WHEREAS, at least one other investor-owned utility in California, Pacific Gas and Electric (PG&E) in Northern and Central California, has existing programs and procedures in place (“Safety Net” and “Service Guarantee”) that automatically and directly compensate its customers when they are affected by prolonged service disruptions, including disruptions due to weather events and other causes, without the need for customers to seek compensation through a claim process; and,

WHEREAS, these PG&E programs provide for “Storm Inconvenience Payments” of \$25 to \$100 for weather-related service disruptions of forty-eight (48) hours or more; as well as \$30 service credits in instances of where the customer’s electrical service is not restored within four (4) hours, or the customer is not provided with a time for service restoration within four (4) hours; the customer is without electrical service for twenty-four (24) hours or more in the event of unplanned service disruptions (unless the cause of the disruption is completely beyond the utility’s control); and the customer is without electrical service as a result of a planned service interruption where less than seventy-two (72) hours’ notice is provided to the customer; and,

WHEREAS, local governments within SCE’s service area believe that requiring SCE to implement automatic and direct compensation programs for prolonged service disruptions, similar to those implemented by PG&E, will provide tangible relief to citizens, businesses and institutions that are adversely affected by prolonged outages, and will incentivize SCE to improve the reliability of its equipment and service; and now therefore let it be,

RESOLVED by the General Assembly of the League of California Cities, assembled in San Jose on October 2, 2015, that the League calls for the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances; and let it be,

FURTHER RESOLVED that such program shall be modeled upon PG&E’s “Safety Net” and “Service Guarantee” programs, and shall cover weather-related events and planned and unplanned service disruptions.

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Background Information on Resolution No. 4

Source: City of Rancho Palos Verdes

Background:

The City of Rancho Palos Verdes and other cities in the South Bay region of Los Angeles County have longstanding concerns regarding the ineffective process by which Southern California Edison (SCE) addresses residents’ claims, and desires to obtain the League’s assistance in correcting that process. On the Palos Verdes Peninsula, SCE’s aged infrastructure has caused fires and repeated, prolonged power

outages. The prolonged power outages are the focus of this request, because they adversely affect residents in a variety of ways, particularly:

- Residents who have a variety of physical challenges and rely on a constant source of power for medical devices;
- Residents who are senior citizens and are particularly susceptible to injury if power outages persist for a long period of time into the evening hours; and,
- Residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

The California Public Utilities Commission (CPUC) has the authority to impose penalties on utilities, including for prolonged power outages, and did so in connection with an extreme wind event that occurred in the Los Angeles area in 2011. However, the CPUC is not authorized to award claims to residents for prolonged electrical power outages. If a resident has a claim he or she wishes to pursue, the resident must file a claim with SCE, along with documentation of the financial loss that was incurred. If the claim is rejected, the resident then must file a lawsuit against SCE (probably in small claims court). Most residents will not want to spend the time and effort to pursue small claims for monetary damages arising from extended power outages.

SCE only awards claims for damages caused by its own negligence. This means that if an extended power outage is caused by a weather-related event, the claim will be denied. The SCE website also states that it will not cover claims for power surges. Since SCE often moves power from one line to another to enable repairs and maintenance, SCE can be the cause of the power surge, but residents still will not receive compensation for those claims.

Proposed Legislation

The proposed resolution calls upon the Governor and Legislature to enact legislation (or take other action) that will provide rebates in flat amounts to SCE customers for extended power outages under specified conditions. The proposed legislation could be modeled on the "Safety Net" and "Service Guarantee" programs offered by Pacific Gas and Electric (PG&E), another California-based investor-owned utility, which provides specific rebates to its customers based upon the type, cause and duration of service interruptions. These penalties are designed to provide direct compensation to SCE's customers who are adversely affected by prolonged power outages, and to incentivize SCE to restore the power as quickly as possible. They also will eliminate the frustration that SCE's customers experience as a result of SCE's existing claim process.

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League of California Cities Staff Analysis on Resolution No. 4

Staff: Jason Rhine
Committee: Environmental Quality

Summary:

Resolution No. 4 calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison (SCE) to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage under specified circumstances.

Background:

City of Rancho Palos Verdes asserts that the South Bay region of Los Angeles County has longstanding concern regarding the ineffective process by which SCE addresses residents' claims associated with

prolonged electrical power outages. The City believes that SCE's aged infrastructure has caused fires and repeated, prolonged electrical power outages. Prolonged electrical power outages can adversely affect residents who have physical challenges and rely on a constant source of power for medical devices; residents who are senior citizens and are particularly susceptible to injury if electrical power outages persist for a long period of time into the evening hours; and, residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged electrical power outages.

According to information provided by SCE, SCE has the following customer compensation program:

Service Guarantee Program

SCE shall provide the following four service guarantees to its electric customers and provide a \$30 credit when these service guarantees are not met. Unless otherwise stated below, the four service standards apply only to active service accounts served under the Residential, General Service and Industrial, or Agricultural and Pumping rate schedules.

- **Restoration of Service Within 24 Hours:** SCE will restore electrical service within 24 hours of when SCE first becomes aware of a power outage. The first credit will be applied if the outage exceeds 24 hours. Additional credits will be applied for each succeeding 24-hour period that the customer is without service. Partial credits will not be paid for outage periods less than a full 24-hour increment. *Power outages associated with a moderate, severe, or catastrophic storm condition are exempt from the program.*
- **Missed Appointments:** When an appointment for a field service visit is made with a customer for a specific appointment time, and the customer's presence is required for establishing new service, a billing inquiry, or meter installation, SCE will arrive at the agreed upon appointment within 30 minutes before or after the scheduled time.
- **Notification of Planned Outages:** SCE will provide customers with notification of a planned outage at least three calendar days prior to the event. SCE will notify customers either by US Postal Service mail, by phone, in-person or door-to-door through door hangers, or by e-mail if SCE has the customer's e-mail address on file. If a planned outage is rescheduled to a new date not specified in the original notice to the customer, SCE will provide a new notice at least three calendar days in advance of the rescheduled planned outage.
- **Timely and Accurate First Bill:** SCE will issue an accurate first bill to a new customer of record within 60 days of establishing service. The bill and bill accuracy is defined according to the terms and conditions of SCE's Rule 9 (Rendering and Payment of Bills) and Rule 17 Section A (Adjustment of Bills and Meter Tests Usage) and Section D (Adjustment of Bills for Billing Error). The service guarantee credit process will be initiated once SCE is aware that the first bill was either inaccurate or issued beyond sixty days of establishing service. The first bill for any given customer account is eligible for only one service guarantee credit regardless of whether the bill is late, inaccurate, or both.

According to PG&E's website, PG&E offers the following customer compensation programs:

Compensation for Extended Outages

STORMS MESSAGE: If you are a residential customer and have gone without power for at least 48 hours due to severe storm conditions, you may qualify for a payment under PG&E's Safety Net Program. This program provides for the automatic payment of \$25 - \$100, which is paid about 60 days following the storm outage. In some cases, processing may take 90-120 days (heavy storm season).

Safety Net Program

We understand how inconvenient it is for customers who go without power for 48 hours or longer due to severe events, such as a storm. That is why PG&E created the following:

- PG&E will provide payments to residential customers we determine were without power for more than 48 hours due to a severe storm.
- The payments will range from \$25 up to \$100, depending on the length of the outage.

Eligibility

- The Storm Inconvenience Payment provision of the Safety Net Program applies to residential customers only (rate schedules E-1, E-6, E-7, E-8, E-9, EM, ES, ESR, ET, and EV); customers also may be enrolled in programs such as CARE and medical baseline.
- Businesses, agricultural accounts, multi-family building common areas, streetlights, and all other customers other than residential customers are ineligible for Storm Inconvenience Payments.
- Storm Inconvenience Payments will not be issued to customers in areas where access to PG&E's electric facilities was blocked (mud slides, road closures or other access issues). Also, if customer equipment prevented restoral or extended customer outage (ex. weatherhead, service drop, etc.).
- The outage must have occurred during a major weather-related event that caused significant damage to PG&E's electric distribution system.
- The outage must have lasted more than 48 hours.
- Storm Inconvenience Payments are in increments of \$25 (\$100 maximum per event). Payment levels are based on the length of the customer's outage:
 - 48 to 72 hours \$25
 - 72 to 96 hours \$50
 - 96 to 120 hours \$75
 - 120 hours or more \$100
- Both bundled-service and direct-access residential customers qualify for Storm Inconvenience Payments.
- Storm Inconvenience Payments will be issued to the customer of record.
- A customer with multiple residential services such as a primary residence and a vacation home is eligible for Storm Inconvenience Payments at each location where there was a storm-related outage of more than 48 hours.
- Customers must have an open account (service agreement) in good standing at the time of the outage and at the time payment is issued (generally 45 to 60 days after the event).
- For master-metered accounts such as mobile home parks, the customer of record will receive the Storm Inconvenience Payment for the master meter only.

Service Guarantee Program

Gas and electricity are essential to keep your life running smoothly, safely and efficiently. When your service is interrupted or in need of repair, you expect a reasonable and timely response. To ensure that we provide this to you, PG&E has implemented service guarantees, which spell out our commitment to prompt customer service for our customers:

- **Guarantee 1: Missed Appointments:** PG&E will meet the agreed upon appointment time set with our customer during contact with our Call Center or automatically credit your account \$30.
- **Guarantee 2: Non-Emergency Investigations:** PG&E will investigate non-emergency situations (check meter) and communicate results to a customer within seven days of a customer's request. Check-meter appointments between October 15 and December 15 of each year will be scheduled within 10 workdays. If an off-site meter test is required, PG&E will communicate the results to the customer within 30 days. If access is required to the customer's premises, then an appointment is necessary. Failure to meet the service guarantee will result in a \$30 credit to the customer's account. An automatic credit to the customer's account would apply only if PG&E misses a scheduled appointment date. If

the appointment is scheduled beyond five workdays, the customer must notify PG&E to receive the credit. If PG&E's records show that such scheduling was at the customer's request, the credit does not apply.

- **Guarantee 3: Emergency:** The Emergency Service Guarantee is not currently in effect.
- **Guarantee 4: Complaint Resolution:** PG&E will decide on a course of action to resolve a complaint and communicate it to the customer within three working days. PG&E will communicate the complaints resolution to the customer within 10 working days, or 30 working days when an off-site meter test is required or an on-site home audit is requested. Failure to meet the service guarantee will result in a \$30 credit to the customer's account.
- **Guarantee 5: New Meter Installations:** PG&E will meet the agreed upon date for new service meter installations and service turn-ons or automatically credit your account \$50.
- **Guarantee 6: Electric Service Disruptions:** PG&E will respond to customer calls reporting electric service interruptions within four hours by restoring service; or by informing the customer, upon request, when service restoration is expected; or automatically credit your account \$30.
- **Guarantee 7: Electric Service Restoration:** PG&E will restore electric service within 24 hours, unless the cause is absolutely beyond our control, or we will automatically credit your account \$30 for each 24-hour period you are without service.
- **Guarantee 8: Commencing Bills:** PG&E will issue an accurate commencing bill to a new customer account within 60 days of service initiation, or we will automatically credit your account \$30.
- **Guarantee 9: Planned Interruptions:** PG&E shall provide at least three days' notice of a planned interruption in service. Failure to meet the service guarantee will result in a \$30 credit to the customer's account. This guarantee will require a customer call and PG&E investigation to determine if PG&E's commitment to notify customers 72 hours in advance of planned interruptions was missed. Customers notified of planned service interruptions 72 hours in advance may have their service interrupted on multiple occasions on the date(s).
- **Guarantee 10: Service Termination in Error:** Impacted customers will be eligible for a \$100 credit adjustment if PG&E terminates service in error.

Fiscal Impact:

No Impact on City Funds. Compelling SCE to create automatic direct compensation programs modeled on PG&E's "Safety Net" and "Service Guarantee" programs would have no direct fiscal impact on cities because the "Safety Net" program is limited to residential customers and the "Service Guarantee" program is very similar to SCE's existing program. However, residential customers would receive direct payments in specified circumstances for prolonged electrical power outages.

Comment:

- The City of Rancho Palos Verdes, in sponsoring this resolution, does not believe that SCE has an effective process to address customer damage claims associated with prolonged electrical power outages. According to the resolution, the City of Rancho Palos Verdes would like to compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances. Additionally, the program would be modeled upon PG&E "Safety Net" and "Service Guarantee" programs, and shall cover weather-related events and planned and unplanned service disruptions.
- *What is SCE's process to provide relief to customers that have experienced a prolonged electrical power outage?* As part of SCE's four point service guarantee program, customers experiencing an electrical power outages exceeding 24 hours, may qualify for a \$30 credit under specific conditions. However, prolonged electrical power outages

caused by a moderate, severe, or catastrophic storm condition are exempt from the program.

- *How does PG&E provide relief to customers that have experienced a prolonged electrical power outage?* Like SCE, PG&E has a multi-point service guarantee program that provides customer credits that range from \$30 -\$100 for a wide range of activities. In addition, PG&E has a specific, weather related program, the “Safety Net” program, which provides automatic, direct payment to customers experiencing electrical power outages, in excess of 48 hours.
- *What type of customer compensation program does the Resolution call for?* The Resolution calls for a customer compensation program that expands beyond PG&E’s two existing programs. Under the Resolution, the City of Rancho Palos Verdes would like to compel SCE to adopt a program based on PG&E’s “Safety Net” and “Service Guarantee” programs, and also cover weather-related events and planned and unplanned service disruptions.
- *Do these programs really provide funds to residential customers?* While the Resolution holds PG&E’s programs in high esteem, after hearing from a number of city officials in PG&E’s service territory, it seems that there is a great deal of skepticism around the effectiveness and utilization of their residential compensation programs. Is PG&E’s program really working as described?
- *What about California’s other Investor Owned Utilities (IOU) and municipal utilities?* The Resolution is directed at SCE. However, the committee may want to consider the implications of the Resolution on the other investor owned utilities and municipal utilities.
- *Is legislation the best approach?* The Resolution calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage. Given that the California Public Utilities Commission regulates all of the investor owned utilities, it may be more appropriate to seek a regulatory change rather than a legislative proposal.
- *More information to come.* The Resolution could have broader implications beyond SCE and PG&E. Prior to the Environmental Quality Policy Committee and General Resolutions Committee meeting at Annual Conference, League staff will provide additional background information on the following:
 - Other IOU electrical power outage compensation programs.
 - Municipal utility electrical power outage compensation programs.
 - Role of the California Public Utilities Commission.

Existing League Policy:

In response to the energy crisis of 2001, the League of California Cities established extensive policy and guiding principles related to the electric industry. However, there is no existing policy that pertains to prolonged power outages or compensating customers for damages incurred during a prolonged power outage.

LETTERS OF CONCURRENCE

Resolution No. 2

Overconcentration of Alcohol & Drug Treatment Facilities



"Service Builds Tomorrow's Progress"

THE CITY OF ARTESIA, CALIFORNIA

18747 CLARKDALE AVENUE, ARTESIA, CALIFORNIA 90701

Telephone 562 / 865-6262

FAX 562 / 865-6240

July 15, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar,

I, Mayor Pro Tem Victor Manalo, City of Artesia wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

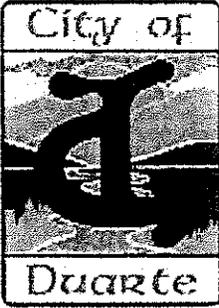
In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victor Manalo', with a long horizontal flourish extending to the right.

Victor Manalo
Mayor Pro Tem
City of Artesia



City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
Tel 626-357-7931 FAX 626-358-0018 www.accessduarte.com

July 22, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Mayor
Tzeitel Paras-Caracci
Mayor Pro Tem
Samuel Kang
Council Members
John Fossana
Margaret E. Finlay
Liz Reilly
City Manager
Dannell George

Re: A Resolution of the League of California Cities calling for legislation to preserve therapeutic environments for group homes, and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods

The City of Duarte wishes to support the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods, to be adopted on October 2, 2015, at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning, and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law. The Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods, or the overconcentration of these facilities, as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if State agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting, and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Tzeitel Paras-Caracci
Mayor



City Council
David A. Spence, Mayor
Jonathan C. Curtis, Mayor Pro Tem
Michael T. Davitt
Leonard Pieroni
Terry Walker

July 15, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar:

I am a City Council member of the City of La Cañada Flintridge and wish to express my support of the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. Said resolution is scheduled for consideration on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, I believe the Governor and Legislature should respect individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government.

Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. Davitt".

Michael T. Davitt
Council Member
CCCA Executive Board Member

Ren Piazza
Vice Mayor

CITY OF LAKEWOOD

Todd Rogers
Council Member

Steve Croft
Council Member

Dean Hutton
Council Member

CALIFORNIA

Jeff Wood
Mayor

July 21, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, California 95814

Re: Resolution for Legislation to Preserve Therapeutic Environments for Group Homes and Avoid Impacts of Overconcentration of Alcohol and Drug Abuse Recovery and Treatment Facilities in Residential Neighborhoods

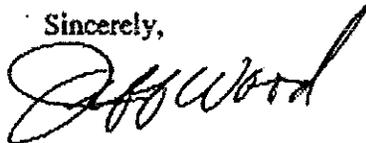
Dear President Aguilar:

The City of Lakewood supports the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. We support that this resolution be adopted at the Annual League of California Cities Conference on October 2, 2015 in San Jose, California.

Lakewood recognizes that residential group home facilities provide valuable services for those who live in them. However, we also recognize that these facilities often generate more noise and activity than expected from a traditional single-family home, and that overconcentration of these homes can change the character of the neighborhoods where they are situated. Overconcentration can occur because state agencies that oversee these homes have different siting standards (facilities licensed by the state Department of Social Services require a 300 foot separation between facilities, but those facilities licensed by other state agencies, such as the Department of Alcohol and Drugs Programs, do not have such a requirement). This resolution will seek to address, via legislation, overconcentration of alcohol and drug treatment prevention facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.

Thank you for your consideration, support and adoption of this important resolution at the League Annual Conference.

Sincerely,



Jeff Wood
Mayor

Lakewood



MITCHELL ENGLANDER

LOS ANGELES CITY COUNCILMEMBER, TWELFTH DISTRICT

July 24, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

**Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR
LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND
AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE
RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS**

Dear President Aguilar,

I, Los Angeles City Councilmember Mitchell Englander, wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

MITCHELL ENGLANDER
President Pro Tempore,
Chair, City of Los Angeles Public Safety Committee



CITY COUNCIL

HENRY SANCHEZ JR.
JIM GAZELEY
MICHAEL G. SAVIDAN
BEN TRAINA
MARK WARONEK



ADMINISTRATION

MICHAEL ROCK
CITY MANAGER

CITY OF LOMITA

July 23, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar:

I, Mayor Henry Sanchez, Jr., City of Lomita, wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

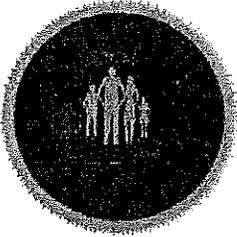
This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Henry Sanchez, Jr.
Mayor, City of Lomita

cc: Kelli Lofing, California Contract Cities Association, kelli@contractcities.org

CITY HALL OFFICES • P.O. BOX 339 • 24300 NARBONNE AVENUE, LOMITA • CALIFORNIA 90717
(310) 325-7110 • FAX (310) 325-4024 • www.lomita.com/cityhall



City of Pico Rivera
OFFICE OF THE CITY COUNCIL

6615 Passons Boulevard · Pico Rivera, California 90660 · (562) 801-4371
web: www.pico-rivera.org · e-mail: spena@pico-rivera.org

GREGORY SALCIDO
Mayor

July 15, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

**Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR
LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP
HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL
AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN
RESIDENTIAL NEIGHBORHOODS**

Dear President Aguilar,

I, Gregory Salcido, Mayor of the City of Pico Rivera wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

Stephany Aguilar, President
League of California Cities
Legislation to Preserve Therapeutic Environments
for Group Homes
Page 2

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,



Gregory Salcido
Mayor

GS:BC:sp

LETTERS OF CONCURRENCE

Resolution No. 3

Residential Rentals, Support for SB 593 (McGuire)



CITY OF HEALDSBURG ADMINISTRATION

401 Grove Street
Healdsburg, CA 95448-4723

Phone: (707) 431-3317
Fax: (707) 431-3321

Visit us at www.ci.healdsburg.ca.us

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)
AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD
AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST
OR TRANSIENT USES

Dear President Aguilar:

The City of Healdsburg supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

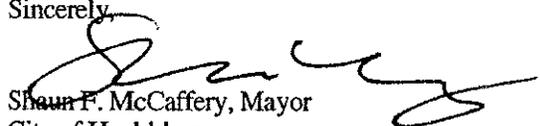
The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Healdsburg believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, the City of Healdsburg supports the League's Resolution.

Sincerely,


Shaun F. McCaffery, Mayor
City of Healdsburg

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org



Mammoth Lakes Town Council

P.O. Box 1609, Mammoth Lakes, CA, 93546

(760) 934-8989

www.townofmammothlakes.ca.gov

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

**RE: LETTER IN SUPPORT OF A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES
SUPPORTING SB 593 (MCGUIRE)**

Dear President Aguilar:

The Town of Mammoth Lakes supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015. The Town of Mammoth Lakes is a small, rural community in the Eastern Sierra Region of about 8,000 full-time residents. Mammoth Lakes is a tourist destination, servicing hundreds of thousands of visitors each year. We are geographically isolated from populated areas by several hundred miles and are supported by our one primary industry – tourism.

The League's proposed resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, and decrease available housing stock. In Mammoth Lakes, with a limited police force that is not staffed 24-hours a day and a code enforcement staff of one, enforcement of these types of issues can be very challenging.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all transient rentals should be subject to the same tax. The revenues generated support local services, including but not limited to, public safety, snow removal, maintenance of public parks and facilities, road maintenance, and recreation programs, which directly affect local quality of life and the attraction of the community for a visitor.

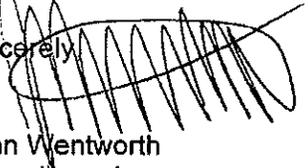
This proposal will make it much easier for communities such as Mammoth Lakes that depend on revenue from TOT to enforce existing rules and regulations and collect TOT as specified in our Municipal Code. Mammoth Lakes relies heavily on TOT collection to operate the Town government; nearly 65% of the Town's operating budget is funded by the collection of TOT.

Collection of TOT is so important to the Town that we have three full-time employees dedicated its enforcement. This includes making sure that people remit their taxes on time, but more importantly it is tracking down violators who are renting their units without an approved permit, renting units in locations where the zoning does not permit it, and/or not remitting their taxes to the Town. Enforcement is made much more difficult by the use of online vacation rental business (OVRB) websites where unit numbers and addresses are typically not listed and often owners do not require the payment of TOT. The data proposed to be collected and provided to us by OVRBs will be of great value as we manage transient rentals in our community.

The Town of Mammoth Lakes believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For all of these reasons, the Town of Mammoth Lakes supports the League California Cities' Resolution.

Sincerely,



John Wentworth
Councilmember
Town of Mammoth Lakes

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org



MAYOR AND CITY COUNCIL

July 27, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

**RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)
AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND
FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR
TRANSIENT USES**

The City of Napa supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

The City of Napa's zoning ordinance defines a "Rental Housing Shortage" as a vacancy rate less than 5%. A vacancy rate of less than 2% is defined as "Severe". We are currently at severe levels. The City's vacancy rates have continued to decline from 4% in 2009 to less than 2% today. Our Housing Element recognizes the issue of rising housing costs in Napa and its impact on the goal of maintaining Napa's quality of life by balancing the availability of housing with other environmental considerations. Maintaining and protecting our housing stock is of utmost importance to the City of Napa.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Napa believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations

regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For the reasons as stated above, the City of Napa supports the proposed Resolution.

Sincerely,

A handwritten signature in black ink that reads "Jill Techel". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

Jill Techel
Mayor
CITY OF NAPA

JT/dr

cc: City of Napa City Councilmembers
Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org
City Manager Mike Parness
Community Development Director Rick Tooker

CITY OF PIEDMONT
CALIFORNIA



July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

Dear President Aguilar:

The City of Piedmont supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Piedmont believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and

a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, the City of Piedmont supports the Resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Benoit". The signature is fluid and cursive, with the first name "Paul" and last name "Benoit" clearly distinguishable.

Paul Benoit
City Administrator
City of Piedmont

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org



MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@cityofsantacruz.com

July 27, 2015

Ms. Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (McGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

Dear President Aguilar:

As Mayor of the City of Santa Cruz, I am writing in support of the proposed resolution related to the Thriving Communities and Sharing Economy Act and concur in the submission of the resolution for consideration by the League of California Cities (LOCC) General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging “shared economy.”

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. Such rental situations may create additional noise, traffic, parking, and privacy and public safety issues; subvert local rent control laws; decrease available housing stock; and, in some cases, turn residential neighborhoods into de facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated Transient Occupancy Tax (TOT) should also be collected. These units are in direct competition with hotels, motels, and other accommodations where guests pay the local TOT, so all such uses should be subject

Ms. Stephany Aguilar, President

July 27, 2015

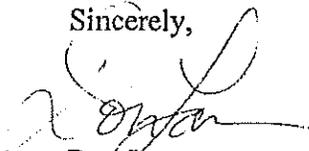
Page 2

to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash collection, park maintenance, and other local public services which directly affect local quality of life and make the community attractive to a visitor.

I believe SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, I support the proposed resolution and hope that the LOCC will consider adoption of this resolution at its October conference.

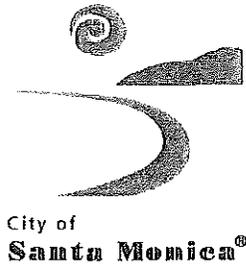
Sincerely,



Don Lane
Mayor

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org

John Leonard, City of West Hollywood, jleonard@weho.org



City of
Santa Monica®

July 24, 2015

Mayor Kevin McKeown
Mayor Pro Tempore Tony Vazquez

Councilmembers
Gleam Davis
Sue Himmelrich
Pam O'Connor
Terry O'Day
Ted Winterer

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

The City of Santa Monica supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Santa Monica believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

In Santa Monica, a city of just over 90,000 residents, passage of SB 593 in concurrence with our local ordinance, will generate estimated annual revenues of approximately \$138,500 in Transient Occupancy Tax and would return approximately 1,000 units to the housing market.

For these reasons, the City of Santa Monica supports the City's Resolution.

Sincerely,

Kevin McKeown
Mayor

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

City of Sonoma

No. 1 The Plaza
Sonoma California 95476-6690
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org



July 27, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

The City of Sonoma supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

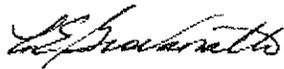
The City of Sonoma believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

The City of Sonoma is a tourist destination and the proliferation of vacation rentals is a top priority for City staff. The workload in monitoring and attempting to ensure compliance with local

regulations is over-burdening our small staff. In addition, the sale of available housing has become a market for out of town investors to purchase and create new vacation rentals. Without legislative intervention, vacation rentals become an epidemic in a desirable destination location and the local residents "pay the price".

For these reasons, the City of Sonoma supports the League's Resolution.

Sincerely,



Carol E. Giovanatto
City Manager
For and on behalf of the City of Sonoma

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

LETTERS OF CONCURRENCE

Resolution No. 4

Compensation for Prolonged Electrical Power Outages



City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Hermosa Beach supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact Andrew Brozyna at (310) 318-0238 or abrozyna@hermosabch.org if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Bakaly".

Tom Bakaly
City Manager

CITY COUNCIL

HENRY SANCHEZ JR.
JIM GAZELEY
MICHAEL G. SAVIDAN
BEN TRAINA
MARK WARONEK



CITY OF LOMITA

July 28, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Lomita supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact Laura Vander Neut, Management Analyst at (310) 325-7110, ext. 151 or l.vanderneut@lomitacity.com if you have any questions.

Sincerely,

Henry Sanchez, Jr.
Mayor, City of Lomita

cc: Kit Fox, Senior Administrative Analyst, City of Rancho Palos Verdes, KitF@rpvca.gov



CITY OF

Palos Verdes Estates

OFFICE OF
THE MAYOR

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' proposed resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our City values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact City Manager Anton Dahlerbruch at 310.378.0383 or adahlerbruch@pvestates.org if you have any questions.

Sincerely,

James F. Goodhart
Mayor

Enclosure: Rancho Palos Verdes Proposed League Resolution

c: Palos Verdes Estates City Council
Rancho Palos Verdes City Council
Doug Willmore, Rancho Palos Verdes City Manager
Jeff Kiernan, League of California Cities Regional Public Affairs Manager (via email)
Post Office Box 1086, Palos Verdes Estates, California 90274-0283



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Aguilar,

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San Jose.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to me at (310) 377-1521 or rcruz@cityofrh.net if you have any questions.

Sincerely,

Raymond R. Cruz
City Manager

RC:hl 07-30-15RPV_League_ResolutionConcurrence_SCE

c: Mayor and City Council

JOHN C. ADDLEMAN
Mayor
STEVEN ZUCKERMAN
Mayor Pro Tem
BRITT HUFF
Council Member
JUDY MITCHELL
Council Member
FRANK ZERUNYAN
Council Member
DOUGLAS R. PRICHARD
City Manager



CITY OF
ROLLING HILLS ESTATES

4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274
TELEPHONE 310.377.1577 FAX 310.377.4468
www.ci.Rolling-Hills-Estates.ca.us

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Aguilar:

As Mayor of the City of Rolling Hills Estates, I support the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San Jose.

The proposed resolution seeks to require reasonable compensation to Southern California Edison (SCE) customers for losses incurred due to prolonged service disruptions which jeopardize the safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of these outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

I urge the League to place this matter before the General Assembly for consideration. Please feel free to contact me if you have any questions.

Sincerely,



John C. Addleman
Mayor

JCA:hn