

STAFF REPORT TO THE PLANNING COMMISSION

DATE: Regular Meeting of May 15, 2024

SUBMITTED BY: Kevin Scudero, Acting Community Development Director

SUBJECT: Extension of Final Development Plan, Use Permit & Design Review Approvals for Acorn Business Park (PD-18-02, UP-18-09, AR-18-09)

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt a resolution approving a two-year extension of the Final Development Plan, Use Permit and Design Review approvals for the Acorn Business Park project (Attachment A).

ENVIRONMENTAL REVIEW

On May 28, 2019 the City Council adopted an Initial Study (IS) and Mitigated Negative Declaration (MND) with a Mitigation Monitoring and Reporting Program (MMRP) for this project in conformance with the California Environmental Quality Act (CEQA). Potentially significant impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, traffic and transportation, and tribal cultural resources were identified in the IS/MND. All impacts would be reduced to a less than significant level with the implementation of mitigation measures. A subsequent environmental document does not need to be prepared because 1) no changes to the project are proposed requiring revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence or at the time the previous MND was adopted.

DISCUSSION

On May 28, 2019 the City Council adopted resolution No. 2019/86 approving a Tentative Map, Rezone to Planned Development, Final Development Plan, Use Permit and Design Review for the Acorn Business Park project. The original approval was for two years with an expiration date of May 28, 2021. Per the conditions of approval for the project, the Zoning Administrator granted a one-year extension of the project approvals on March 24, 2021. On May 18, 2022 the Planning Commission granted a two-year extension to May 28, 2024.

If approved, the new expiration date will be May 28, 2026. The previously approved Conditions of Approval will be carried forward without any change and as originally approved by the City Council in May 2019. The applicant has applied for building permits for the project and is diligently pursuing the project. The applicant has requested this extension as added insurance in case the building permit process takes longer than expected.

ATTACHMENTS

- A. Resolution Extending the Project Approvals
- B. Resolution 2019/86

ATTACHMENT "A"

PLANNING COMMISSION RESOLUTION NO. 2024 -

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH APPROVING A TWO-YEAR EXTENSION FOR THE ACORN BUSINESS PARK APPROVALS (PD-18-02, UP-18-09, AR-18-09)

WHEREAS, the City of Antioch received a written request from Jim Moita for a two-year extension of the project approvals for the Acorn Business Park Project. The extension would extend the expiration date of the approvals for the Final Development Plan, Use Permit and Design Review;

WHEREAS, a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program was prepared and adopted by the City Council on May 28, 2019 in conformance with CEQA;

WHEREAS, a subsequent environmental document does not need to be prepared because 1) no changes to the project are proposed requiring revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence or at the time the previous MND was adopted.

WHEREAS, on May 28, 2019, the City Council duly held a public meeting, received and considered evidence, both oral and documentary and approved the Final Development, Use Permit and Design Review;

WHEREAS, on March 24, 2021 the Zoning Administrator approved an extension of the Final Development Plan, Use Permit and Design Review approvals for one year, expiring May 28, 2022;

WHEREAS, on May 18, 2022 the Planning Commission approved an extension of the Final Development Plan, Use Permit and Design Review approvals for two years, expiring May 28, 2024;

WHEREAS, the Planning Commission held a public meeting on May 15, 2024 and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and,

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Antioch does hereby approve an extension to the project approvals for the Acorn Business Park Project to May 28, 2026.

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I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 15th day of May 2024.

AYES:

NOES:

ABSTAIN:

ABSENT:

**KEVIN SCUDERO
SECRETARY TO THE PLANNING COMMISSION**

ATTACHMENT "B"

RESOLUTION NO. 2019/86

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A VESTING TENTATIVE MAP (PW-357-301-19), FINAL DEVELOPMENT PLAN (PD-18-02), USE PERMIT FOR SUBSECTION B (UP-18-09), AND DESIGN REVIEW (AR-18-09) FOR THE ACORN BUSINESS PARK PROJECT

WHEREAS, the City received an application from Jim Moita, for approval of an Initial Study / Mitigated Negative Declaration, a rezone to Planned Development District, a Final Development Plan/Vesting Tentative Map, Use Permit for Subsection B, and Design Review for Subsection B for the development of a business park consisting of commercial, self-storage, and light industrial uses on 19.75 acres (**PD-18-02, UP-18-09, AR-18-09, PW-357-301-19**).

WHEREAS, the project site is located directly northwest of the intersection of East Eighteenth Street and Drive-in Way (APNs 051-052-112 and 051-052-113);

WHEREAS, an Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Errata was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15070, and considered by the Planning Commission on May 15, 2019;

WHEREAS, on May 15, 2019, the Planning Commission held a duly noticed public hearing and recommended adoption of the Initial Study / Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and Errata to the City Council;

WHEREAS, on May 15, 2019, the Planning Commission held a duly noticed public hearing and recommended approval of a rezone to Planned Development District (PD-18-02) to the City Council;

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

WHEREAS, on May 28, 2019, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary;

WHEREAS, on May 28, 2019, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary, and adopted the mitigated negative declaration, MMRP and Errata; and

WHEREAS, on May 28, 2019, the City Council introduced an ordinance to rezone the subject property to Planned Development District (PD-18-02).

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

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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 Regional Commercial and Business Park in the General Plan 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 Parcel 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 parcel 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 complies with and conforms to all the applicable rules, regulations, standards, and criteria of the City's Subdivision Regulations.
3. The Project's 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 all applicable City standards.

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

1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present or potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district;
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. The Project will be required to pay for all improvements to the site as well as its fair share of impacts to all public services. The project has been reviewed and no significant impacts on utilities or services has been identified;
3. The commercial components of the Project are justified economically at the location proposed;
4. There are no residential components of the project;

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5. The industrial component conforms to applicable desirable standards and will constitute an efficient, well organized development with adequate provisions for truck access and necessary storage and will not adversely affect adjacent or surrounding development;
6. Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted. The project is substantially in conformance with zoning requirements for commercial and light industrial development and the Planned Development District development standards established for the project site;
7. The area surrounding the P-D District can be planned and zoned in coordination and substantial compatibility with the proposed development; because the proposed development is surrounded by properties developed with commercial uses that are consistent with the proposed project and the undeveloped area around the Project will also be required to develop according to the General Plan policies;
8. The Project and the PD District conform to the General Plan of the City in that the commercial, self-storage and light industrial uses are consistent with the General Plan designation and policies of Regional Commercial and Business Park established for the project site.

BE IT FURTHER RESOLVED, that the City Council does hereby make the following findings for approval of a use permit for Subsection B of the final development plan:

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.

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4. That the site abuts streets adequate in width and pavement type to carry the kind of traffic generated by the proposed use. The project site is located at the intersection of East Eighteenth Street and Drive-In Way. Both streets are adequate in width and pavement type to carry the traffic generated by the proposed use.
5. That the granting of such use permit will not adversely affect the comprehensive General Plan because the proposed uses are consistent with the General Plan designations of Regional Commercial and Business Park.
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.

BE IT FURTHER RESOLVED that the City Council of the City of Antioch does hereby **APPROVE** a Vesting Tentative Map, Final Development Plan, Use Permit, and Design Review for the development of a business park consisting of commercial, self-storage, and light industrial uses on 19.75 acres (PD-18-02, UP-18-09, AR-18-09, PW-357-301-19). The project site is located directly northwest of the intersection of East 18th Street and Drive-in Way (APNs 051-052-112 and 051-052-113) subject to the following conditions:

A. GENERAL CONDITIONS

1. This approval expires two years from the date of approval by the City Council (May 28, 2021), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one one-year extension shall be granted.
2. The development and all proposed improvements shall comply with the City of Antioch Municipal Code and City Standards, unless a specific exception is granted thereto or approved by the City Engineer.
3. All required easements or rights-of-way shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
4. City staff shall inspect the site for compliance with conditions of approval prior to final inspection approval.

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5. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way or easement, and peak commute-hour traffic shall not be impeded by construction-related activity.
6. All existing easements shall be identified on the site plan and all plans that encroach into existing easements shall be submitted to the easement holder for review and approval, and advance written permission shall be obtained from any property owner or easement holder for any work done within such property or easement.

B. MAP CONDITIONS

1. Approval of this tentative parcel map ("tentative map") is subject to the City of Antioch Municipal Code and the time lines established in the State of California Subdivision Map Act.
2. Approval of this tentative map shall not constitute approval of any improvements shown on the tentative map.
3. Approval of this tentative map shall not be construed as a guarantee of future extension or re-approvals of this or similar maps, nor is it an indication of future availability of water or sewer facilities or permission to develop beyond the capacities of these facilities.
4. The applicant shall record the parcel map prior to issuance of a building permit.
5. Prior to or concurrent with recordation of the parcel map a mutual access and parking agreement shall be recorded between the parcels in each subsection, as approved by the City Engineer. Mutual access and parking agreements are not required across subsections.
6. Prior to recordation of the parcel map, the applicant shall annex into Street Light and Landscape Maintenance District 2A Zone 3 and accept a level of annual assessments sufficient to maintain street lights and landscaping adjacent to the project. The annual assessment shall cover the actual annual cost of maintenance as described in the Engineer's Report.
7. Prior to issuance of a certificate of occupancy for the self-storage facility or the business park, the applicant shall design and construct a traffic signal and interconnect to adjacent signal(s) (including conduits, wire, and pull boxes) at the intersection of E. 18th Street and Drive-In Way, as approved by the City Engineer. The City will require future developers of adjoining properties to pay their fair share of the traffic signal improvements. The City will cooperate with the developer in establishing a financing mechanism or reimbursement agreement for the traffic

signal improvement so reimbursement is provided when adjacent properties develop. Should an adjacent developer construct the traffic signal first, the applicant shall pay 50% (as determined by the traffic impact analysis and approved by the City Engineer) of the cost of design and construction of the traffic signal to the City of Antioch for reimbursement to the adjacent developer(s). The applicant shall acquire and dedicate right-of-way or easements to the City of Antioch for the traffic signal at no cost to the City and to the satisfaction of the City Engineer.

C. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall be as outlined in the Antioch Municipal Code § 5-17.05. Requests for alternative days/times may be submitted in writing to the City Manager for consideration.
2. The project shall comply with and supply all the necessary documentation for AMC § 6-3.2: Construction and Demolition Debris Recycling.
3. Standard dust control methods shall be used to stabilize the dust generated by construction activities. The developer shall post dust control signage with the contact number of the Developer, the Bay Area Air Quality Management District and the City.
4. Driveway access to neighboring properties shall be maintained at all times during construction.

D. UTILITIES

1. All existing and proposed utilities (e.g. transformers and PMH boxes) shall be undergrounded and subsurface in accordance with the Antioch Municipal Code, except existing P.G.& E. towers, if any, or as approved by the City Engineer.
2. Prior to issuance of a building permit, the applicant shall submit hydrologic and hydraulic calculations for review to the City for design and construction of storm drain facilities that adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or natural watercourse, without diversion of watershed.
3. All storm water flows shall be collected onsite and discharged into an approved public storm drain system.
4. Trash enclosures shall drain to sanitary sewer, subject to the requirements of Contra Costa County Environmental Health and shall incorporate methods to contain runoff at the front-gate and pedestrian access point to prevent storm water from entering the enclosure.

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5. The sewer collection system shall be constructed to function as a gravity system.
6. A reduced pressure backflow preventer assembly shall be installed on all City water meter services.
7. All onsite utilities outside a public utility easement or as determined by the City Engineer shall be privately owned and maintained and connected to public facilities in accordance with City Standards.
8. Double detector check valve backflow assemblies shall be installed at each end of the private fire line and enclosed within easements granted to the City.
9. The developer shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
10. The applicant shall install all infrastructure to serve the site. Infrastructure for access to the site (sewer, water, storm, joint trench, and surface improvements) shall be completed prior to issuance of a certificate of occupancy for the site.
11. All proposed drainage facilities, including open ditches, shall be constructed of Portland Concrete Cement or as approved by the City Engineer.

E. LANDSCAPING

1. Sight distance triangles shall be maintained per AMC § 9-5.1101, Site Obstructions at Intersections, or as approved by the City Engineer. Landscaping and signage shall not create a sight distance problem.
2. Detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.
3. Landscaping for the project shall be designed to comply with the applicable requirements of City of Antioch Ordinance No. 2162-C-S The State Model Water Efficient Landscape Ordinance (MWELo). Prior to issuance of a building permit, the applicant shall demonstrate compliance with the applicable requirements of the MWELo in the landscape and irrigation plans submitted to the City.
4. Landscape shall show immediate results. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary.

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Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans.

5. All trees shall be a minimum 15-gallon size and all shrubs shall be a minimum 5-gallon size.

F. FIRE REQUIREMENTS

1. Provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-foot unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per fire district standard. (503) CFC
2. Aerial Fire Apparatus Access is required where the vertical distance between grade plane and the highest roof surface exceeds 30 feet as measured in accordance with Appendix D, Section 105 of the 2016 CFC. Aerial access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. At least one of the required routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and building.
3. Access roadways of less than 28 feet unobstructed width shall have signs posted or curbs painted red with the words **NO PARKING-FIRE LANE** clearly marked. (22500.1) CVC, (503.3) CFC
4. Access roadways of 28 feet or greater, but less than 36-foot unobstructed width shall have **NO PARKING-FIRE LANE** signs posted, allowing for parking on one side only or curbs painted red with the words **NO PARKING-FIRE LANE** clearly marked. Parking is permitted only on the side of the road that does not have hydrants. (22500.1) CVC, (503.3) CFC
5. Provide emergency escape and rescue openings in Group R occupancies. Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening. Landscaping, signage and other obstructions must not hinder the positioning of firefighting ground ladders to the rescue windows.

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6. Provide a drawing for areas under emergency escape and rescue openings showing clear space under these openings that allow for the placement of ground ladders at a climbing angle of 70 to 75 degrees and a minimum of 18" clearance from the base of the ladder to any obstruction.
7. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the interior of the building. The building owner shall have the testing conducted and the results submitted to the Fire District prior to the building final. (510.1) CFC
8. For the self-storage facility – A minimum size of 2"x2" means of viewing each sprinkler head shall be installed in each unit to allow for quarterly, annual and five-year inspection of the fire sprinkler system when units are secured.
9. Provide a striping and signing plan.
10. Access gates for Fire District apparatus shall be a minimum of 20-feet wide. Access gates shall slide horizontally or swing inward and shall be located a minimum of 30 feet from the street. Electrically operated gates shall be equipped with a Knox Company key-operated switch. Manually operated gates shall be equipped with a non-casehardened lock or approved Fire District Lock. Contact the Fire District for information on ordering key-operated switch. (D103.5) CFC
11. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 4000 GPM. Required flow must be delivered from not more than 4 hydrants flowing simultaneously for a duration of 240 minutes while maintaining 20-pounds residual pressure in the main. (507.1), (B105) CFC
12. The developer shall provide hydrants of the East Bay Type. (C103.1) CFC
13. The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating all existing or proposed hydrant locations, fire apparatus access, elevations of building, size of building and type of construction for review and approval prior to obtaining a building permit. Final placement of hydrants shall be determined by the Fire District. (501.3) CFC
14. Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC
 - Note: A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall

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be installed as the minimum roadway material and must be engineered to support the designated gross weight of 37 tons.

15. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC
16. Flammable or combustible liquid storage tanks shall not be located on the site without obtaining approval and necessary permits from the Fire District. (3401.4) CFC
17. The developer shall submit a minimum of two (2) complete sets of building plans and specifications of the subject project, including plans for any of the following required deferred submittals, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (901.2) CFC, (107) CBC
 - Private underground fire service water mains
 - Fire Sprinklers
 - Standpipe
 - Fire Alarm
 - High-pile storage
 - Aboveground/underground flammable/combustible liquid storage tanks
 - Commercial kitchen hood extinguishing systems
 - Special suppression systems
 - Photo-voltaic
 - Provide safety during construction (Ch.33) CFC

G. FEES

1. The developer shall pay all City fees which have been established by the City Council and as required by the Antioch Municipal Code.
2. The developer 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 effect at the time of building permit issuance.
 - Development Impact Fee
 - Traffic Signal Fees
 - Gravity Flow Sewer Assessment Fee
 - School Impact Fees

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- Delta Diablo Sewer Fee
- Contra Costa Water District Fee

3. Prior to recordation of the parcel map the developer shall pay the Contra Costa County Flood Control District Drainage Area fee in effect at the time of the filing and per the letter dated October 23, 2018, and the Contra Costa County map maintenance fee.

H. GRADING

1. The grading operation shall take place at a time and in a manner so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
2. The final grading plan for this development shall be approved by the City Engineer and signed by a California licensed civil engineer. No grading is allowed without a grading permit issued by the Building Department.
3. All elevations shown on the grading and improvement plans shall be on the USGS 1929 sea level datum or NAVD 88 with conversion information, or as approved by the City Engineer.
4. All slopes shall drain to approved drainage facilities as approved by the City Engineer.
5. Wall and fence locations and elevations shall be included on the grading plan.
6. Any existing wells or septic systems on the property shall be properly abandoned under permit from the Contra Costa County Environmental Health Department.
7. All grading shall be accomplished in a manner that precludes surface water drainage across any property line.
8. Swales adjacent to structures shall have a minimum of a 1% slope or as directed by the City Engineer.
9. All off-site grading is subject to the coordination and approval of the affected property owners and the City Engineer. The developer shall submit written authorization to “access, enter, or grade” adjacent properties prior to performing any work.

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10. Retaining walls shall be of masonry construction and shall not be constructed in City right-of-way or other City maintained parcels unless approved by the City Engineer.
11. All retaining walls shall be reduced in height to the maximum extent practicable and any walls or signage shall meet the height requirements in the setback and sight distance triangles as required by the City Engineer.

I. 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. That 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 developer shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
3. 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 developer shall submit a permit application consistent with the developer's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.

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- b. The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).
- c. Prior to building permit final and issuance of a Certificate of Occupancy, the developer 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.
- d. Prior to building permit final and issuance of a Certificate of Occupancy, the developer 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 drive aisles 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 the Improvement Plans to Engineering Services for review and approval.
- g. Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge Identification Number (WDID#) issued from the Regional Water Quality Control Board.
- h. Submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for review to the Engineering Department prior to issuance of a building and/or grading permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.

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- i. Install appropriate clean water devices at all private storm drain locations immediately prior to entering the public storm drain system. Implement Best Management Practices (BMP's) at all times.
- j. Install "No Dumping, Drains to River" decal buttons on all catch basins.
- 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 developer shall be responsible for ensuring that all contractors and subcontractors are aware of and implement such measures.
- m. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually.
- n. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered.
- o. Clean all on-site storm drain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by City Inspectors and/or City Engineer.
- p. Install full trash capture device(s) in storm water catch basins that collect water from the project site. A "full trash capture device" is defined as any device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate resulting from a one-year, one-hour, storm in the tributary drainage catchment area. Selected devices must be detailed on the building permit plan submittal and approved by Public Works prior to installation.

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4. All impervious surfaces to be constructed as part of the project, including off-site roadways, are subject to C.3 requirements per State Regulations.

J. PROPERTY MAINTENANCE

1. The following requirements shall be the responsibility of the property owners of all parcels within the development:
 - a. Maintenance of the storm water detention basin per the requirements of the O&M plan.
 - b. Compliance with all City Codes regarding property maintenance.
 - c. Maintenance of all slopes to property line.
 - d. Maintenance of all onsite and frontage landscaping.
2. A parking lot sweeping program shall be implemented on all parcels within the development that, at a minimum, provides for sweeping immediately prior to the storm season and prior to each storm event.
3. The project shall comply with AMC § 5-1.204. No final landscape and irrigation plans shall be considered complete without an approved maintenance agreement reflective of standards contained in AMC § 5-1.204(G). The approved maintenance agreement shall cover all of the parcels within the development.
4. The property maintenance agreement shall be recorded on all future parcels in the development.
5. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

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

1. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program.
2. The applicant shall mitigate any impacts on wildlife, including State and Federally listed threatened and endangered species, and their habitat by compliance with one of the following:
 - a. Implementing, or making enforceable commitments to implement, all applicable mitigation measures in the project environmental documents, as well as any additional measures as may be required by the California Department of Fish & Wildlife (CDFW) or the U.S. Fish & Wildlife Service (FWS), and obtaining a letter(s) from CDFW and FWS stating that the project has fulfilled the requirements of applicable State and Federal wildlife protection laws and regulations; or

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- b. Complying with applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or
- c. Complying with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and FWS have approved the conservation plan.

L. PROJECT SPECIFIC CONDITIONS

- 1. This vesting tentative map, final development plan, use permit and design review approval applies to the development of Acorn Business Park with commercial, self-storage and light industrial business park uses as depicted on the project plans submitted to the Community Development Department dated September 14, 2018. The use permit and design review approval only applies to Subsection B of the development plan. Future phases are required to obtain use permit and design review approval prior to development.
- 2. The three proposed driveways along the E. 18th Street frontage shall be designated for "right-in/right-out" access only. The applicant shall remove existing merge arrows and striping along the E. 18th Street project frontage and install a continuous right turn lane and dashed centerline to denote two westbound travel lanes. The applicant shall stripe a buffer between the proposed driveways and right turn pockets, and after the westernmost driveway, to direct vehicles to the two travel lanes. The applicant shall install a bike lane between the two travel lanes and the right turn pockets with skip striping for the bike lane in the transition area between the striped buffer and right turn pockets, as approved by the City Engineer.
- 3. Prior to building permit, the applicant shall submit a detailed plan of the entry gates for review and approval by the City Engineer. The design shall allow for adequate vehicle storage and turnaround. Gated entrances to the site shall include rapid access technology for Fire, Police and other emergency responders.
- 4. The applicant shall install City standard six-foot (6') wide sidewalk along the Drive-In Way and Sakurai Street frontages, as directed by the City Engineer.
- 5. All on-site curbs, gutters and sidewalks shall be constructed of Portland cement concrete.
- 6. Asphalt paving shall be designed for a minimum traffic index (TI) of 6.5 (due to anticipated truck traffic) or as determined during the engineering design process, and shall have a minimum slope of 2%, concrete paving shall have a minimum

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- slope of 0.75%, and asphalt paving for identified accessible parking stalls and access routes may have a minimum slope of 1.5% and a maximum 2% slope, or as approved by the City Engineer.
7. All access drive aisles shall be constructed per current ADA and City standards, subject to review and approval by the City Engineer.
 8. The applicant shall install and maintain parking lot and pathway lights and landscaping within the project area at no cost to the City.
 9. The parking lot striping and signing plan shall be approved by the City Engineer.
 10. All parking spaces shall be double-striped, and all parking lot dimensions shall meet minimum City of Antioch Municipal Code requirements.
 11. The applicant shall show a turning template on the site plan verifying that trucks can safely ingress, egress, and successfully maneuver throughout the site.
 12. All cracked, broken or damaged concrete curb, gutter and/or sidewalks along 18th Street (in the public right-of-way along the project frontage) shall be removed and replaced as required by the City Engineer and at no cost to the City.
 13. The future buildings on Subsections A and C will require use permit and design review approval prior to construction.
 14. The approved signage only applies to the self-storage facility and freeway-oriented monument sign. A revised sign program detailing the letters, panel materials, building signage and illumination shall be submitted for Zoning Administrator approval prior to issuance of building permits for the sign.
 15. The sections of self-storage buildings C, J and G that are adjacent to the property line shall have a similar architectural treatment as building H. A revised elevation shall be submitted with the building permit submittal and shall be subject to the approval of the Community Development Director.
 16. The conifer and eucalyptus trees shown on the landscape plan shall be replaced with drought tolerant trees consistent with the Citywide Design Guidelines plant palette and subject to the approval of the Community Development Director. A revised landscape plan shall be submitted with the building permit submittal.

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I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch, at a regular meeting thereof, held on the 28th day of May 2019 by following vote:

AYES: Council Members Wilson, Motts, Thorpe, Ogorchock and Mayor Wright

NOES: None

ABSTAIN: None

ABSENT: None



ARNE SIMONSEN, CMC
CITY CLERK OF THE CITY OF ANTIOCH