CITY OF PITTSBURG
AMENDED AGENDA

OCTOBER 07, 2024

CITY HALL COUNCIL CHAMBER
65 CIVIC AVENUE, PITTSBURG, CA

CLOSED SESSION
6:00 P.M.

REGULAR MEETING
7:00 P.M.

CITY COUNCIL
PITTSBURG ARTS AND COMMUNITY FOUNDATION
PITTSBURG POWER COMPANY
SOUTHWEST PITTSBURG GEOLOGIC HAZARD ABATEMENT DISTRICT II
SUCCESSOR AGENCY

PRESIDING

Juan Antonio Banales, Mayor/Chair
Jelani Killings, Vice- Mayor/Chair
Dionne Adams, Council Member/Board Member
Angelica Lopez, Council Member/Board Member
Shanelle Scales-Preston, Council Member/Board Member

FOR HOUSING AUTHORITY:
S.L. Floyd, Housing Authority Member
Annie Hill Herring, Housing Authority Member

Pittsburg City Council regular meetings are held the first and third Mondays of each month at 7:00 p.m. The Housing Authority meets in conjunction with the City Council on the third Monday of each month. The Pittsburg City Council meets regularly in the Council Chamber at 65 Civic Avenue, unless otherwise noted above. The City Council also sits as the Board of Directors of several other City agencies. The stipends for all agency members conform to state statutes governing compensation amounts. All other Agencies meet on an as needed basis and will be listed above if applicable. Copies of the open session agenda packets, which are distributed to the City Council, are on file in the office of the City Clerk, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning 72 hours in advance, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except from noon to 1:00 p.m. and City holidays). The agenda and reports are also located on the City's website at www.pittsburgca.gov. Additionally, if any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports and documents will also be available for public inspection in the City Clerk's Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

AUDIENCE REMARKS

The Audience Remarks period is for the public to comment on any items scheduled to be heard during the Closed Session portion of the meeting, if applicable.

6:00 PM - CONVENE IN CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
   Initiation of litigation pursuant to Section 54956.9(d)(4)
   Number of cases: two

7:00 PM - CONVENE IN OPEN SESSION FOR REGULAR MEETING

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PRESENTATIONS

2. Police Department Update

PROCLAMATIONS

3. National Breast Cancer Awareness Month

4. National Arts and Humanities Month

CITY MANAGER REPORTS/REMARKS

The City Manager may make brief announcements or informal comments at this time and brief the Council on items of interest. (No Action Required)

PUBLIC COMMENTS

Members of the audience who wish to address the City Council or Agency Boards on issues that are not scheduled for the agenda and on any items listed as part of the Consent Calendar should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given three minutes to address the Council unless additional time is allowed as provided for spokespersons. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. (No Action Required)

COMMITTEE REPORTS

Council Members may make a report on their committee assignments at this time. (see attached list of adhoc committees and other public agencies in which Council members participate). (No Action Required)

PUBLIC HEARING

5. Adoption of a Resolution Certifying the Final Program Environmental Impact Report, Adopting CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program, and Approving a Vesting Tentative Map; and Introduction and Waive First Reading of an Ordinance Assigning Zoning of Planned Development District to Properties Located Within the Pittsburg Technology Park Specific Plan Area and Adopting the Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)

This item will be continued to the November 4, 2024, regular meeting of the City Council.

CONSIDERATION

6. Adoption of a City Council Minute Order to Discuss Proposition 36

Proposition 36 on the November 5, 2024 ballot is proposing to increase punishment for repeat retail theft and drug offenders whilst encouraging more individuals to participate in and complete drug treatment programs. This minute order will allow the City Council to discuss the proposition and potentially take a position on the measure.

CONFLICT OF INTEREST STATEMENT

City Council/Agency Members may make any conflict of interest declarations pertaining to Consent Calendar items at this time.

COMBINED CITY COUNCIL, PITTSBURG ARTS AND COMMUNITY FOUNDATION, PITTSBURG POWER COMPANY, SOUTHWEST PITTSBURG GHAD II AND SUCCESSOR AGENCY CONSENT CALENDAR

7. Minutes of September 16, 2024

8. Adoption of a City Council Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Fehr & Peers, Inc., to Finalize the City of Pittsburg Transportation Impact Analysis Guidelines and Thresholds to Evaluate Transportation Impacts Under the California Environmental Quality Act (Senate Bill 743)

The First Amendment to the Consulting Services Agreement with Fehr & Peers, Inc. is to increase the compensation for additional planning services to finalize the City of Pittsburg Transportation Impact Analysis Guidelines consistent with Senate Bill 743 (2013) - (SB 743) and the California Environmental Quality Act (CEQA).

9. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Purchase Agreement for Water and Sewer Supplies with Core & Main

The Public Works Department maintains the City's water distribution and sewer collection systems. To maintain and repair these systems, each fiscal year Public Works solicits bids for water maintenance tools and supplies. If approved, the

resolution will authorize a purchase contract with vendor Core & Main of Oakley, CA to provide these necessary tools and supplies in the amount of $240,000.

10. Adoption of a City Council Resolution Authorizing the Execution of a First Amendment to an Agreement with Contra Costa County for Project 2608 Kirker Pass Road Surface Treatment

    Project 2608 Kirker Pass Road Surface Treatment is for pavement maintenance on Kirker Pass Road from Buchanan Road to the south city limits. Contra Costa County (County) offered to combine the scope of the City's project with one of their own, thereby providing the City with a cost benefit, while reducing the impact to the motoring public. An amendment to the Agreement is needed due to additional costs associated with the required surface treatment.

11. Adoption of a City Council Resolution Authorizing Expenditure of Supplemental Law Enforcement Services Account (SLESA) Annual Allocations

    The Pittsburg Police Department is seeking City Council authorization to accept and appropriate Fiscal Year 2024/25 funds and future annual allocations though Fiscal Year 2029/30 received from the Supplemental Law Enforcement Services Account.

12. Adoption of a City Council Resolution Authorizing the Acceptance and Appropriation of the State of California Cannabis Tax Fund Grant for DUI-Drug Enforcement

    The Pittsburg Police Department is seeking City Council authorization to accept and appropriate grant funds from the State of California Office of the Highway Patrol. The $52,000.00 grant will provide resources to fund various traffic enforcement and safety programs.

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Council Members may request items to be considered for future agendas. An item will only be brought forward with a majority vote and will appear on a future agenda with staff recommendations for further Council consideration.

COUNCIL MEMBER REMARKS

Council Members may make brief announcements or informal comments at this time. (No Action Required)

ADJOURNMENT TO OCTOBER 21, 2024

NOTICE TO PUBLIC

GENERAL INFORMATION

Copies of the open session agenda packets, as distributed to the City Council, are on file in the office of the City Clerk, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning 72 hours in advance, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except City holidays). Full agenda packets are also located on the City's website at www.pittsburgca.gov. If any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports or documents will be available for public inspection in the City Clerk's Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

SPEAKER'S CARD

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PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency.

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled residents. Upon request, an agenda for any meeting shall be made available in appropriate alternative formats. The Council Chamber is equipped with sound amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the sound amplifier from the City Clerk for personal use during Council meetings. If you need special assistance to participate in this meeting, or are requesting a specially formatted agenda, please contact the City Clerk at (925) 252-4850. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format. (28 CFR 35.102-35.104 ADA Title II)

DISRUPTIVE CONDUCT

The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and electronic devices, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

LIVE MEDIA BROADCASTING ADVISEMENT

City Council meetings are webcast live on the City's website at www.pittsburgca.gov on the Agendas and Live Meetings page. Past meetings and approved minutes are also archived on that webpage. Watch the live meeting via the City's webcast (www.pittsburgca.gov - Agendas and Live Meetings), on Comcast Channel 24 Delta TV, AT&T U-Verse Channel 99 Delta TV. Contact the City Clerk's office at (925) 252-4850 for more information

City Council Agency/Liaison/Subcommittee Assignments as of June 17, 2024

OUTSIDE AGENCY BOARDS	COUNCIL MEMBER(S)	TYPE	MEETS	TIME	STAFF
ABAG	Dionne Adams / Jelani Killings Alternate	Standing	Annual		G. Evans
Delta Diablo*	Juan Banales / Shanelle Scales-Preston Alternate	Standing	2nd Wednesday	4:30 PM	J. Samuelson
East Co. Co. County Habitat Conservancy	Angelica Lopez / Juan Banales Alternate	Standing	4th Monday Bi-Monthly	2:00 PM	J. Davis
East County Water Management	Juan Banales / Jelani Killings Alternate	Standing	Annual		J. Samuelson
MCE Clean Energy Board	Shanelle Scales-Preston / Angelica Lopez Alternate	Standing	Quarterly	7:00 PM	D. Buchanan
TRANSPLAN / ECCRFFA	Shanelle Scales-Preston / Juan Banales Alternate	Standing	2nd Thursday	6:30 PM	J. Samuelson
Tri-Delta Transit (2 reps)**	Shanelle Scales-Preston & Dionne Adams / Jelani Killings Alternate	Standing	4th Wednesday	4:00 PM	J. Samuelson

LIAISON TO	COUNCIL MEMBER(S)	TYPE	MEETS	TIME	STAFF
East Bay League of California Cities	Shanelle Scales-Preston / Jelani Killings Alternate	Standing	3rd Thursday		G. Evans
Los Medanos Health Advisory Committee	Shanelle Scales-Preston & Jelani Killings	Ad Hoc	As needed		M. Aliotti
Mayor's Conference	Juan Banales / Jelani Killings Alternate	Standing	1st Thursday	6:30 PM	G. Evans
Pittsburg Police Activities League (PAL)	Shanelle Scales-Preston & Angelica Lopez / Dionne Adams Alternate	Standing	Monthly		S. Albanese
School Districts Committee (2x2)	Jelani Killings & Angelica Lopez / Dionne Adams Alternate	Standing	Quarterly		M. Aliotti

SUBCOMMITTEES	COUNCIL MEMBER(S)	TYPE	MEETS	TIME	STAFF
Budget Sustainability	Juan Banales & Jelani Killings	Ad Hoc	As needed		G. Evans
Community and Economic Development	Jelani Killings & Dionne Adams / Juan Banales Alternate	Standing	2nd Wednesday	5:00 PM	J. Davis
Facilities Rental and Usage	Jelani Killings & Dionne Adams	Ad Hoc	As needed		G. Evans
Finance Management	Juan Banales & Jelani Killings / Shanelle Scales-Preston Alternate	Standing	3rd Friday	4:00 PM	P. Rodrigues
Government Performance	Juan Banales & Jelani Killings	Ad Hoc	4th Friday	4:00 PM	J. Brizel
Green Empowerment Zone	Dionne Adams/ Jelani Killings Alternate	Standing	3rd Friday Bi-monthly	9:30 AM	J. Davis
Infrastructure and Transportation	Shanelle Scales-Preston & Dionne Adams / Juan Banales Alternate	Standing	4th Thursday	5:30 PM	J. Samuelson
Life Enrichment	Dionne Adams & Angelica Lopez / Shanelle Scales-Preston Alternate	Standing	3rd Wednesday	5:30 PM	K. Simonton
Pittsburg Arts and Community Foundation	Shanelle Scales-Preston & Jelani Killings	Standing	As needed		K. Simonton
Public Safety	Shanelle Scales-Preston & Angelica Lopez / Jelani Killings Alternate	Standing	1st Wednesday	5:30 PM	S. Albanese
Tobacco, Cannabis, Alcohol Policy Review	Shanelle Scales-Preston & Jelani Killings	Ad Hoc	As needed		G. Evans

*Stipend of $170 per month
**Stipend of $100 per month

City of Pittsburg
65 Civic Avenue
Pittsburg, California 94565-3814

Proclamation

NATIONAL BREAST CANCER AWARENESS MONTH
OCTOBER 2024

WHEREAS, Breast Cancer Awareness month is an international health campaign that is held every October; and

WHEREAS, the month aims to promote screening and prevention of the disease which affects 2.3 million women worldwide; and

WHEREAS, known best for its pink theme color, the month features a number of campaigns and programs conducted by groups ranging from breast cancer advocacy organizations to local community organizations to major retailers; and

WHEREAS, within the month of October, there are also specified dates designed to raise awareness of specific groups with the breast cancer community; and

WHEREAS, October 13 is nationally recognized in the U.S. as Metastatic Breast Cancer Awareness Day. About 168,000 women in the U.S. are estimated to have metastatic breast cancer which is cancer that spreads beyond the breast to other parts of the body; and

WHEREAS, although breast cancer is much more common in women, breast cancer affects men too. In 2021, President Joe Biden designated October 17 to October 23 Men's Breast Cancer Awareness Week. According to the American Cancer Society, 2,790 men in the U.S. will be diagnosed with breast cancer in 2024 and about 530 are expected to die from the disease. But lack of awareness and stigma can be barriers to detection and care.

NOW, THEREFORE, I, Juan Antonio Banales, on behalf of the City Council of the City of Pittsburg, do hereby proclaim October 2024 as National Breast Cancer Awareness Month in the City of Pittsburg and encourage the community to be proactive by scheduling screenings that can lead to early detection and preservation.

Juan Antonio Banales, Mayor

Alice E. Evenson, City Clerk

City of Pittsburg
65 Civic Avenue
Pittsburg, California 94565-3814

Proclamation

NATIONAL ARTS AND HUMANITIES MONTH
OCTOBER 2024

***WHEREAS,** every October, organizations and communities across the county celebrate National Arts and Humanities Month (NAHM) to recognize the importance of culture in America; and*

***WHEREAS,** NAHM was launched by Americans for the Arts more than 30 years ago as National Arts Week in honor of the twentieth anniversary of the National Endowment for the Arts and National Endowment for the Humanities. In 1993, it was reestablished by Americans for the arts and national arts partners as a month-long celebration; and*

***WHEREAS,** the goal was to focus on equitable access to the arts at local, state, and national levels; encourage individuals, organizations, and diverse communities to participate in the arts; allow governments and businesses to show their support of the arts; and to raise public awareness about the positive impact of the arts and humanities in our communities and lives; and*

***WHEREAS,** the arts is a national asset and should be available everywhere to everyone and this month encourages everyone to appreciate art and explore rich cultures around us; and*

***WHEREAS,** we commit to promote the crucial role of the arts and humanities in achieving individual well-being, addressing trauma, connecting cultures, highlighting inequities, and making our communities healthier and stronger.*

***NOW, THEREFORE,** I, Juan Antonio Banales, on behalf of the City Council of the City of Pittsburg, do hereby proclaim October 2024 as National Arts and Humanities Month in Pittsburg and call upon our residents to celebrate and get involved by promoting the arts and humanities of our nation.*

Juan Antonio Banales, Mayor

Alice E. Evenson, City Clerk

OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a Resolution Certifying the Final Program Environmental Impact Report, Adopting CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program, and Approving a Vesting Tentative Map; and Introduction and Waive First Reading of an Ordinance Assigning Zoning of Planned Development District to Properties Located Within the Pittsburg Technology Park Specific Plan Area and Adopting the Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)

MEETING DATE: October 7, 2024

EXECUTIVE SUMMARY

This item will be continued to the November 4, 2024, regular meeting of the City Council.

FISCAL IMPACT

One-time revenues related to construction permits and other development fees and exactions, as well as sales tax from construction, are anticipated with this proposal. There is no impact to the General Fund if this project is approved.

The City's share of property tax expected from Phase I of the proposal is estimated to be approximately $1.4 million (based on a 1.125 percent property tax rate of a building with an estimated value of $800,000,000). The City's share of sales tax expected from Phase I of the proposal is estimated to be approximately $3 million (based on a 9.25 percent sales tax rate of an estimated $18,500,000 in tax revenue). Additionally, the Pittsburg Unified School District would receive approximately $2.5 million annually from the project. If Phase I is constructed, the project would be annexed into and contribute annually to the City's Community Facilities Districts (CFDs) for public safety, fire safety, and emergency services. The City would also receive a share of sales tax from equipment replacement from the project.

RECOMMENDATION

City Council open the public hearing; take public comment; close the public hearing and take the following actions:

1. Adopt a resolution (Attachment 1) certifying the Final Program Environmental Impact Report for the Pittsburg Technology Park Specific Plan, adopting the associated CEQA Findings of Fact and Mitigation Monitoring and Reporting Program (MMRP) and approving a Vesting Tentative Map for a 12-Lot Major Subdivision; and

2. Introduce, waive further reading, and pass to second reading, an ordinance (Attachment 2) assigning zoning of PD (Planned Development) District to properties located within the Pittsburg Technology Park Specific Plan Area and adopting the Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR).

Please note: A condition of approval for the project has been included making approval of the Vesting Tentative Map for a Major Subdivision contingent upon City Council adoption of the ordinance assigning PD zoning to properties located within the Plan Area.

BACKGROUND

On March 1, 2018, the 175-acre Delta View Golf Course ceased operations and closed.

On March 19, 2018, the City Council directed staff to explore the possible uses suggested by the public for the site, and to bring options back for further consideration.

On May 7, 2018, the City Council held a public meeting related to potential options available for reuse of the site. At the conclusion of that meeting, direction was provided to pursue both economic development and multi-purpose recreational opportunities, with the idea that economic development would help generate the funds needed to develop new diverse recreational opportunities for the community.

The City subsequently entered into an Option Agreement with a developer for a conceptual technology park development on a portion of the former Delta View Golf Course which led to informational meetings in 2019 with the Land Use Subcommittee, Planning Commission and local residents.

On March 22, 2024, Pittsburg Data Hub, LLC, filed Planning Application No. AP-24-0028 (PD, SUBD, EIR) for the proposed Pittsburg Technology Park Specific Plan, Vesting Tentative Map for a 12-lot Major Subdivision and associated Environmental Impact Report.

PROJECT DESCRIPTION:

A Specific Plan is a planning document that effectively establishes a link between implementing policies of the General Plan and the individual development proposals in a defined area. The Specific Plan contains a customized regulatory framework made up of detailed development standards and implementation measures to which future projects located within the specified geographic area must adhere. All Specific Plans must comply with California Government Code Sections 65450-65457. These provisions require that a

Specific Plan be consistent with the adopted General Plan of the jurisdiction within which it is located. Per California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 et seq.) the Specific Plan acts as a regulatory document which is required to be adopted by ordinance.

OBJECTIVES:

The intended purpose of the proposed Specific Plan is to establish a direct connection between the City of Pittsburg's 2040 General Plan (*2040 General Plan)* and opportunities for economic development. An overall goal of the proposed Specific Plan is to foster economic opportunities within the community by expanding the variety of technology-focused business park uses. The proposed Specific Plan would serve as the overarching policy document for the Plan Area and provide the necessary zoning and development standards for the development of a technology park on a portion of the former Delta View Golf Course. The following objectives have been established to achieve the purpose of the proposed project:

- Develop a comprehensive buildout plan for the Plan Area that provides for technology park uses while incorporating essential infrastructure facilities.

- Foster economic and employment opportunities within the community by expanding the variety of industrial, office, and technology park uses.

- Enable the construction of industrial or office buildings that will be attractively incorporated into the landscape, while minimizing impacts to the surrounding natural environment and sensitive resources.

- Identify and facilitate the installation and ongoing maintenance of water, sewer, drainage, and road infrastructure in connection with development projects in the Specific Plan Area.

- Establish guidelines and standards for building and site development aesthetics that create a distinctive and cohesive identity for the Plan Area.

PLAN AREA:

The Specific Plan Area is bisected by the Contra Costa Canal, which is maintained by the Contra Costa Water District and is composed of two major project areas divided by the canal. The area north of the canal is 22.05 acres. The area south of the canal is 54.33 acres. The proposed Specific Plan is based on a concept for development of the Plan Area in three phases.

Phase I, north of the Contra Costa Canal, is assumed to be developed as a data center project or other permitted use allowed by the proposed Specific Plan. The Pittsburg Data Hub (PDH) is one potential project that could be developed in Phase I. Phases II and III, covering land south of the canal, would allow for the further development of the Plan Area as a dynamic employment hub and light industrial uses.

EXISTING CONDITIONS:

The Plan Area is approximately 76.38 acres, including areas formerly developed as the Delta View Golf Club, as well as undeveloped grassland hill slopes to the south and southeast. The Plan Area is located along the southern edge of the City and consists of rolling hills along the lower slopes of the eastern Los Medanos Hills.

The land is vacant, and a majority of the site is undeveloped. There are some dilapidated former golf cart paths, existing structures, and a run-down parking lot from the previous Delta View Golf Course. The Contra Costa Canal crosses from the northwest to the southeast through the Plan Area. A bridge covers a portion of the canal. Elevations within the Plan Area range from approximately 68 feet to 290 feet above sea level, trending upward in elevation from the northeast to the southwest and the existing topography generally drains from the south to the north of the site (elevations ranging from 253 to 72). 3.2 percent of the land in the Plan Area is existing impervious surface.

SURROUNDING LAND USES:

The property just west of the Plan Area consists of other portions of the former golf course as well as the City of Pittsburg's Stoneman Park, while lands to the south are owned by the Keller Canyon Landfill Company, and lands to the southeast are owned by Pacific Gas and Electric (PG&E).

Land uses north of the Plan Area are primarily designated as "Low Density Residential" in addition to parcels within one-half mile of the Plan Area that are designated "Public/Institutional" where Rancho Medanos Junior High School and Los Medanos Elementary School are located. The neighborhoods north of the Plan Area are mostly built on a gridded street network but are bound by State Route 4 (SR 4) and railroad tracks. Land uses west of the Plan Area are primarily designated "Low Density Residential" and "Park". This area is primarily served by West Leland Road.

Land uses east of and neighboring the Plan Area are utilized by powerlines that interrupt and limit connectivity and are designated as a PG&E Corridor Conversion Overlay. The land use designations east of the powerlines are mostly “Low Density Residential” and “Institutional” until Railroad Avenue, which is mostly designated as “Community Commercial.” The land use designations south of the Plan Area are primarily “Open Space” and unincorporated Contra Costa County.

PROPOSED PROJECT:

The proposed Specific Plan provides the framework for future development of the Plan Area and is intended to strengthen the existing economic opportunities in the City. The proposed Specific Plan does not authorize any specific development proposal; rather, it is a framework document intended to guide future development in the Plan Area in a manner that is consistent with the vision, goals, and policies of the *2040 General Plan*. Future development proposals within the Plan Area would be reviewed by the Zoning Administrator for consistency with the proposed Specific Plan land uses, policies, and design guidelines.

See Exhibit B of Attachment 2 (Ordinance) for the proposed Pittsburg Technology Park Specific Plan.

A Draft Program Environmental Impact Report (PEIR) was prepared for the proposed project and released with the Draft Specific Plan for concurrent 45-day comment periods, that extended from July 3, 2024, to August 19, 2024. Written comments were accepted throughout the comment period and two public meetings were held on July 25, 2024. Further discussion on the PEIR and the environmental impacts associated with the proposed project are discussed under the Environmental Review heading of this staff report beginning on page 16.

Permitted Uses.

The proposed Specific Plan includes a list of Permitted Land Uses within the Plan Area for future development proposals. The permitted land uses are based on the “Employment Center Industrial (ECI)” land use designation in the *2040 General Plan* and the IL-O Zoning District Overlay for the Plan Area. There are no conditionally permitted uses. All permitted uses would be subject to development standards and design guidelines, and land use entitlement procedures and actions outlined in the proposed Specific Plan.

Permitted uses within the Plan Area include the following:

- Administrative, business, and professional offices
- Data center
- Energy
- Financial offices
- Government/public offices
- Medical offices and medical testing
- Research and development services and production
- Manufacturing (custom and limited)
- Warehouse and distribution (interior and exterior storage)

See page 9 of the proposed Specific Plan for a use type description of each permitted land use.

Phasing and Buildout.

The proposed Specific Plan is based on a concept for development of the Plan Area in three phases. Phase I is assumed to be a data center project (or other land use(s) allowed by the proposed Specific Plan) on the 22.05-acre portion of the Plan Area north of the Contra Costa Canal.

See Attachment 3 for the Phase I Site Plan Concept.

Because the list of permitted uses within the Plan Area allows for a variety of development types, and no specific projects are presumed for Phases II and III, future development assumptions were made for the purposes of future development projections and buildout, i.e., 80 percent of Phases II and III would be manufacturing/industrial development and 20 percent would be office development.

	Size (Acres)	Development Capacity (Sq. Ft.)
Phase I	22.05	347,740
Phase II	29.29	368,551
Phase III	25.04	392,567
Total	76.38	1,108,858

Projected future development and buildout assumptions are based on consistency with the *2040 General Plan* Land Use Map and policies as well as on existing conditions, flexible market demands, and site constraints.

See Exhibit A of Attachment 1 (Resolution) for the proposed Vesting Tentative Map.

Site Design and Development Standards.

Site design within the Plan Area is intended to help ensure well-functioning and safe circulation and establish aesthetically pleasing developments. The proposed Specific Plan encourages the following throughout the Plan Area: controlled truck site ingress and egress, services areas located at the rear of buildings or screened from public view, articulated building façades and integrated landscape treatments. The proposed Specific Plan provides the following development regulations for all future development projects within the Plan Area:

Property Development Regulations	Feet
Minimum lot area (sq. ft.)	5,000
Minimum lot width	70
Minimum yards	–
Minimum Front Setback	10
Minimum Side Setback	10

Minimum Side Setback (adjacent to an R or residential PD district)	10
Minimum Corner side Setback	10
Minimum Rear Setback	10
Minimum Rear Setback (adjacent to an R or residential PD district)	10
Maximum height* of structure(s)	99
Minimum height of structure(s)	–
Maximum lot coverage	60%
Maximum FAR**	0.5
Minimum site landscaping	7%

*Height shall be calculated from the proposed finished grade to top of roof membrane.
This excludes screening and architectural facades, i.e., parapet.
**Facilities owned and operated by a public utility shall not be included in FAR calculation.

Design Guidelines.

Future development in the Plan Area would be required to demonstrate consistency with design standards outlined in the proposed Specific Plan that would consider materials, colors, textures, building size and proportions to blend into the natural character of the area. The proposed Specific Plan ensures adequate buffers and screening would be implemented between the Plan Area and residential areas that compliment building facades to maintain the existing surrounding character. Landscape design would also be used to soften the appearance of buildings and provide a buffer with open areas and the roadway to minimize the impacts on surrounding uses and residents.

Building Form/Massing

The proposed Specific Plan requires all future development proposals within the Plan Area, with buildings visible from a public viewing area, to include the following design elements:

- Articulated building facades as well as varying colors and materials to reduce the visual bulk of the building.
- Accentuated entrances through projected or recessed massing or features such as an overhang.
- Variation in roof lines or parapet heights. Note: Height shall be calculated from the proposed finished grade to top of roof membrane.
- Architectural accents such as cornices, trim around windows, grooves in walls, and accent bands can be used to create visual variation along building facades.

Materials, Colors and Textures

The proposed Specific Plan requires the materials, colors and textures of all future buildings within the Plan Area to demonstrate consistency with the following guidelines:

- Exterior building materials should include one or more of the following: smooth concrete, textured concrete, masonry block with textured or sandblasted finishes, glass and curtainwall glazing systems, natural and/or manufactured stone, or limited metal panel systems.
- Primary exterior building colors are encouraged to be light and warm tones. Darker and more intense colors should be utilized for accents and to accentuate entrances.
- Materials changes should occur at intersecting planes, preferably at the corners of wall plane changes or where architectural elements intersect. Material changes can also occur elsewhere within wall planes.
- Materials or color applications should terminate at a logical point in relation to architectural features or massing.
- Multiple buildings in a development should have complementary materials and color palettes.
- Should creating defensible space prove challenging to achieve, then structures must be constructed using fire-resistant materials (see Fire Prevention section in the proposed Specific Plan).

Functional Elements

The proposed Specific Plan allows future development projects to:

- Install 8-feet-tall (or taller in some cases) security fencing along the perimeter property line of each development project.
- Where incorporated in landscape design, install walls and fences, if designed to complement building materials and colors where feasible.
- Construct guard stations at the entrances to private drives.

Buffering and Screening

The proposed Specific Plan requires:

- All rooftop, ground equipment, and truck docks within the Plan Area would be required to be screened from the view of adjacent residential districts.
- Screening materials would be required to demonstrate consistency with building facades and may include fencing landscaping.

Lighting

The proposed Specific Plan requires all future development projects within the Plan Area to comply with the following lighting guidelines:

- Using fixtures that comply with dark sky principles and minimizing light pollution by preserving natural night sky will help maintain dark sky conditions.
- All lighting used in the Plan Area is required to be directed and/or shielded to prevent the light from adversely affecting adjacent properties, and no structures or features that create adverse glare effects are permitted.
- The maximum permitted height of luminaires shall not exceed a height of 14 feet when there is no cutoff involved. If a ninety degree or greater cutoff is enacted, the

maximum height shall not exceed that of 24 feet. Anything less than ninety degrees of cutoff, the maximum height of luminaire shall be 30 feet.
- All parking facilities developed shall be provided with nighttime security lighting and designed to confine emitted light to the parking areas per PMC 18.78.050(F).
- Incorporation of motion sensors or smart lighting in rest areas or areas that have more infrequent usage to optimize energy efficiency. Inclusion of emergency lighting at key points such as areas with potential hazards.

Landscape Design

Landscaping is a required component of each future development application within the Plan Area. Landscape design would be used to enhance site development and cultivate a vibrant and inviting environment throughout the Plan Area, green spaces for passive use.

The proposed Specific Plan would require landscape designs of future development projects within the Plan Area to:

- Soften the appearance of buildings and provide a buffer between open areas and the roadway.
- Blend with the natural environment.
- Include planting selections that follow City requirements and consist of predominantly drought-tolerant plants (reference City of Pittsburg Master Plant List).
- Be integrated into storm water management including any required onsite detention.
- Include ground cover that is designed to have 100 percent coverage within one year.
- Demonstrate compliance with PMC provisions related to Tree Protection and Tree Replacement.

See Attachment 4 for the Phase I Landscape Concept Design.

Fire Prevention

The proposed Specific Plan would require all future development projects (and associated landscaping) to be designed, installed, and maintained in accordance with Chapter 15.20 of PMC, an amended version of the 2022 California Fire Code (CFC). All future development within the Plan Area will be required to incorporate fire prevention measures based on fire hazard severity.

Future development projects located within a Local Responsibility Area (LRA) and classified as a High Fire Hazard Severity Zone (FHSZ) will be required to incorporate additional measures, including maintaining defensible space zones, landscaping using native, fire-resistant plants and fire-resistant materials, abating weeds, and, where feasible, harden structures and infrastructure against fires. Should the designated defensible space distances prove challenging to achieve, then structures within the FHSZ will be required to be constructed using fire-resistant materials and practices to mitigate potential fire risks.

The proposed Specific Plan also states that future development projects may be mandated to incorporate additional fire safety measures, such as fire-resistant roof construction, secure attachments, and other precautions, as part of the project's review by the Contra Costa County Fire Protection District (CCCFPD) during future discretionary development applications and Building Permit review processes.

Circulation and Mobility.

The Plan Area is accessible by way of vehicular travel. The north side of the Plan Area is accessible via Golf Club Road, a local street. The west side of the Plan Area is accessible via John Henry Johnson Parkway, a local street.

The north side of the Plan Area is less than 1,000 feet away from the Delta De Anza Regional Trail, a multiuse hiking, bicycling, and equestrian trail, which can be accessed at Golf Club Road.

The City of Pittsburg is serviced by local and regional transit services provided by Tri-Delta, Bay Area Rapid Transit (BART), and County Connection. The Plan Area is accessible through Routes 388 and 390 and is served by bus stops at the intersection of Leland Road and Golf Club Road serviced by Tri-Delta Transit.

The Plan Area also has access to the regional transit services provided by BART through the Yellow Line served by the Pittsburg Center station, which is approximately a mile away. Lastly, the Plan Area has access to the regional transit services provided by County Connection through the Express Route 93X bus route served by two bus stops at the intersection of Kirker Pass Road and Castlewood Drive, which is approximately one and a half miles away.

Transportation Impact Analysis

Under the City's Transportation Impact Analysis (TIA) Guidelines, future development projects in the Plan Area may need to prepare a TIA as part of the project approval process. The purpose of the analysis is to assess the potential transportation impacts of proposed development projects, for purposes of both the CEQA and non-CEQA transportation evaluations.

Trip generation rates were prepared for the former Delta View Golf Course, and it was expected that the Golf Course produced approximately 752 average daily trips. As future specific land-uses are proposed for development on the site, a level of service (LOS) analysis shall be performed in accordance with the City's TIA Guidelines. Mitigation Measures in the Draft PEIR state that if violations of the LOS policies in the *2040 General Plan* are identified in the TIA, improvement measures shall be developed and proposed to eliminate those violations. Furthermore, maintenance of the circulation system would be supported through transportation impact development fees at rates set by the City.

Parking Standards

Parking Minimums - Phase I includes a potential data center with an adjacent substation and should therefore require minimal parking, as data centers require few on-site staff. There is no required minimum of parking spaces for this proposed use.

Future development projects within Phases II & III of the Plan Area would be required to provide one off-street parking space per 500 square feet of floor area. Data centers are

excluded from this requirement. The Zoning Administrator or their designee may allow a reduction in the minimum number of parking spaces at their discretion.

Parking Design Standards - Future development projects within the Plan Area would be subject to PMC section 18.78.050 for parking facility design standards. Additionally, future development projects would be required to comply with the current, at the time of the application, California Building Code for certain design standards and procedures, including accessible parking space requirements and alternative parking programs. Additionally, future development projects would be required to comply with the current, at the time of application, California Green Building Standards Code "CalGreen" Tier 2 standards under the Bay Area Air Quality Management District (BAAQMD) guidelines, and any other applicable State guidelines in effect at the time of application, regarding electric vehicle charging infrastructure.

Pedestrian Circulation

Future development projects within the Plan Area would be required to construct pedestrian paths from Golf Club Road to the main entrance of at least one building in each development project. Sidewalks would be required on the west side of Golf Club Drive to improve safety and the pedestrian experience and provide additional connectivity. Sidewalks would be required to be a minimum of six-feet wide, constructed of concrete, and installed in conjunction with adjacent roadway improvements.

Bicycle Parking

Future development projects would be required to provide permanent, fixed bicycle racks or lockers on-site wherever off-street parking spaces are required for commercial and industrial use classifications pursuant to PMC section 18.78.040, at the ratios indicated in the table below. Required bicycle stalls required by this section may be covered by a shelter.

Off-Street Parking Spaces Required	Number of Stalls for Bicycles Provided in Rack or Locker
0-4	0
5-10	1
11-20	4
21-50	6
51-100	8
101-200	10
201 or more	1 per 10 required automobile parking spaces

Emergency Access

Fire protection for the City of Pittsburg is provided by the CCCFPD. Two Emergency Vehicle Access (EVA) roads are proposed in the Vesting Tentative Map for the Plan Area as shown in Attachment 3 - Phase I Site Plan Concept. The Phase I EVA would provide direct access from the potential data center building to West Leland Road. The Phase II & III EVA would provide additional access from Golf Club Road to West Leland Road.

Fire access within the Plan Area would be required to abide by the CCCFPD's Fire Prevention Standards. The Fire Apparatus Access Road Requirements state the following:

"Fire apparatus access roadways shall be provided for every facility, building, or portion of a building constructed or moved into or within this jurisdiction. Fire apparatus access shall extend to within 150 feet off all portions of the facility and all portions of the exterior walls of the first story of a building as measured along an approved route around the exterior of the building or facility. All newly proposed buildings, including single-family homes and accessory structures, shall be reviewed for fire apparatus access requirements by the Fire District prior to project approval."

Utilities and Infrastructure.

Recycled Water

The City supplies its recycled water through the Delta Diablo Sanitation District's Recycled Water Facility. The recycled water is regulated by the State Water Resources Control Board, overseeing production, conveyance, quality control, and proper use of the recycled water. Recycled water lines service the Plan Area. Recycled water use at future developments within the Plan Area would reduce domestic water demand. Requirements for service for all future development projects within the Plan Area would be evaluated at the entitlements stage.

Fire Flow

Static pressures are noted in the domestic water system above. Additional fire flow tests and modeling would be required to be completed at the entitlement stage of future development projects to confirm improvements necessary to meet development needs. Subsequent projects within the Plan Area would be required to complete infrastructure studies for all new domestic and recycled water and wastewater lines. Furthermore, all subsequent development projects would be reviewed by the City for adequate flows and pressure. Site-specific analyses would confirm the adequacy of water and wastewater system infrastructure, pressure, and flows.

Electrical

There are existing transmission lines adjacent to the eastern perimeter of the Plan Area. Phase I could include future development of a data center and corresponding PG&E and/or Pittsburg Power Company (PPC) substation. Future development projects will require the addition of electric infrastructure to be installed within the right-of-way with service lines connecting to the proposed buildings of the development. As part of the design review process, future development projects would be required to implement the following design concepts and best management practices to the extent feasible:

- Incorporate energy-efficient features through design concepts, including but not limited to, techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access.

- Incorporate construction standards that promote energy conservation, including but not limited to, window placement, building eaves, and roof overhangs.

- Incorporate enhanced energy conservation measures and other methods of reducing energy usage and greenhouse gas emissions.

- Large energy consuming development projects would be required to develop and implement an energy conservation plan to meet the operation's full power demand. The energy conservation plan would be required to also include a monitoring program to ensure compliance with and effectiveness of that plan.

Utility Power

The assumed Phase I data center would include an emergency backup generating facility with a generation capacity of up to 92 megawatts (MW) to support the need for the data center to provide uninterruptible power supply for its tenant's servers. The Pittsburg Back-up Generating Facility (PBGF) would consist of 37, three MW diesel-fired backup generators arranged in a generation yard located on the west side of the data center. A total of 36 generators would be dedicated to replacing the electricity needs of the data center in case of a loss of utility power, and one additional generator would be used to support general office loads along with building and life safety services. An application for a Small Power Plan Exemption (SPPE) was submitted to the California Energy Commission (CEC) on February 28, 2024, for the PBGF (24-SPPE-1).

The proposed generators would be required to be fully shielded from public view and noise, use renewable diesel, and only be utilized in an emergency (if PPC and PG&E aren't available, which is unlikely to happen).

Easements

The proposed Specific Plan is accompanied by a tentative map that would subdivide the existing three parcels within the Plan Area into 12 new parcels for future phases of development. The tentative map includes easements for public utilities and emergency vehicle access.

The Contra Costa Canal is located within an easement that extends beyond its physical structure. Construction of the data center would not extend into the easement and would involve limited grading activities near the canal.

Noise.

Future applicants of development projects within the Plan Area would be required to demonstrate project level conformance with Table 3-1 (Maximum Allowable Noise Exposure from Mobile Noise Sources) in the *2040 General Plan*. A detailed construction mitigation plan accompanied by a construction noise analysis that incorporates specific mitigation techniques for site-specific noise reduction and attenuation would be required of future applicants of development projects which exceed the noise thresholds. Examples include limiting hours of construction, locating stationary noise sources (e.g., generators, compressors) away from sensitive receptors, using shrouds or temporary barriers for louder equipment (e.g., pile drivers), and using newer machinery.

Future applicants of development projects within the Plan Area would also be required to demonstrate project level conformance with Table 3.10-8 (Operational Performance

Standards for Compliance) in the Draft PEIR. A detailed operational mitigation plan accompanied by an operational noise analysis that incorporates specific mitigation techniques for site-specific noise reduction and attenuation would be required of future applicants of development projects which exceed the noise thresholds. Examples of operational noise mitigation include changes to a site layout to place noise sources further from sensitive receptors, using manufacturer-supplied or third-party noise mitigation (e.g., low-sound fan options, silencers, acoustical louvers), and installing sound barriers.

Implementation.

The Zoning Administrator would be responsible for administering the provisions of the proposed Specific Plan and would have authority to review and approve development projects within the Plan Area that have been determined to be consistent with the objectives and provisions in the proposed Specific Plan.

The proposed Specific Plan would not require a development application for the following types of projects:

1) New development that is less than 10,000 square feet total and consistent with permitted uses; and

2) Routine maintenance, minor repair work, and replacement of existing structures.

Future applicants of development projects within the Plan Area would be required to submit a development application to the Planning Department for review and conformity with the standards and design guidelines outlined in Chapter 3 of the proposed Specific Plan. The Zoning Administrator would review the package and provide a determination for consistency. Pursuant to PMC section 18.18.050, the decision of the Zoning Administrator could be appealed to the Planning Commission.

GENERAL PLAN/CODE COMPLIANCE:

City of Pittsburg 2040 General Plan:

The Plan Area is designated as "Employment Industrial Center (ECI)" in the *2040 General Plan* adopted by the Pittsburg City Council on May 6, 2024, under Resolution No. 24-14464.

The ECI land use designation is described in the *2040 General Plan* as "*fostering vibrant, diverse, and dynamic employment hubs that accommodate technology, advanced manufacturing, logistics, and other sectors that generate substantial employment opportunities; uses may include administrative, financial, business, professional, medical and public offices, business incubators, research and development, custom and light manufacturing, limited assembly, warehousing and distribution, data centers, technology and innovation, energy, hospitals and large-scale medical facilities, services, light and heavy automobile services, and supporting commercial uses*".

The *2040 General Plan* contains several goals, policies and actions applicable to the proposed Specific Plan. The proposed Specific Plan would guide development for a diverse employment center on a vacant portion of the former Delta View Golf Course. The proposed Specific Plan serves as a policy document with guidelines to develop a technology park.

The proposed Specific Plan would be consistent with the City's goal of providing a mix and distribution of uses and use of an under-utilized site consistent with General Plan Land Use Goals 2-1 and 2-4, Policies 2-P-3.1 and 2-P-4.1. The proposed Specific Plan specifically fulfills policies encouraging the development and intensification of employment centers, including high quality, professional office campuses, business parks, and industrial parks, located in areas fully served by public facilities and services, located along major arterials with easy freeway access and with access from public transit, and accessible to bicyclists and pedestrians (Policy 2-P-4.2). Improvements to the City's employment base through high-quality, well-paid jobs that attract the technology sector envisioned by the *2040 General Plan* would also be implemented through the proposed Specific Plan (Policy 2-P-4.5).

Consistent with General Plan Economic Development Goal G-6-2 and Policy 6-P-2.9, allowed uses within the Plan Area would facilitate economic development and employment in an area that is surrounded by supportive uses including residential and community commercial. The proposed Specific Plan would re-purpose and revitalize the former golf course, which has been closed for over six years (Policies 6-P-2.11 and 6-P-2.14).

A comprehensive list of General Plan goals and policies supporting the development of the Specific Plan is provided in Chapter 3 of the Final PEIR.

Zoning:

Chapter 18.48 of the PMC sets forth procedures for amendments to the Zoning Map and requires the Planning Commission to include written findings to support any recommendation it makes to the City Council to amend the Zoning Ordinance. The Planning Commission provided these findings with adoption of Resolution No. 10255 (Attachment 5) on September 10, 2024, recommending City Council approval of the proposal in its entirety.

The 76.38-acre Plan Area is currently within the IL-O (Limited Industrial with Limited Overlay) District. The proposed Zoning Map Amendment for the Plan Area includes a rezone to a PD (Planned Development) District. Pursuant to PMC section 18.62.010, the specific purpose of the PD District is to:

A. Establish a procedure for the development of large parcels of land in order to reduce or eliminate the rigidity, delay, and inequity that otherwise would result from application of zoning standards and procedures designed primarily for small parcels;

B. Ensure orderly and thorough planning and review procedures that will result in quality urban design;

C. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space and amenity;

D. Provide for flexibility, consistent with the general plan, from the rigid land use and development regulations found in base districts in order to take advantage of unique land use or site characteristics;

E. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it;

F. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended;

G. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

Pursuant to PMC section 18.62.060(A), adoption of a Specific Plan must be processed concurrently with a Zoning Map Amendment assigning PD District zoning to properties located within the Specific Plan Area.

See Exhibit A of Attachment 2 (Ordinance) for the proposed Plan Area Zoning Map Amendment.

Environmental Review:

The City of Pittsburg, as lead agency, determined that the proposed Specific Plan is a "project" within the meaning of CEQA. CEQA requires the preparation of an EIR prior to approving any project that may have a significant impact on the environment.

CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. Given the conceptual nature of future build out of the Plan Area described in the proposed Specific Plan, the EIR prepared for the proposed project is a Program EIR (“PEIR”), pursuant to the definition of Program EIR in CEQA Guidelines Section 15168.

From February 28, 2024, to March 29, 2024, the City, serving as the Lead Agency, distributed a Notice of Preparation (NOP) of an EIR for the Pittsburg Technology Park Specific Plan Project (SCH #2024030184). The City held a public scoping meeting on March 14, 2024, to provide an opportunity for the public and representatives of public agencies to address the scope of the PEIR. Based on feedback received during the NOP period, the PEIR was drafted to address potentially significant impacts associated with the following 15 environmental topic areas: aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology, greenhouse gas emissions and energy, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services and recreation, transportation, utilities and service systems, and wildfire.

Draft PEIR

On July 3, 2024, the City circulated a Notice of Availability (NOA) of the Draft PEIR for the proposed project for a 45-day public review period beginning July 3, 2024, and ending on August 19, 2024. City staff held a public meeting on July 25, 2024, to introduce the project and accept public comment on the Draft PEIR for the proposed project. Comments were accepted during the meeting and in advance of the meeting, via voice messages and email, as well as throughout the public comment period via U.S. mail and email.

See Attachment 6 for a link to the Draft PEIR.

As identified in the Draft PEIR, significance criteria thresholds in CEQA Guidelines Appendix G were addressed for each topic area identified in the NOP distributed at the start of the EIR process. All topic areas were found to have a less than significant environmental impact, seven areas with mitigation incorporated: Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Noise, Transportation and Circulation and Wildfires.

Comments on the Draft PEIR

The City received 12 comment letters during the 45-day review period for the Draft PEIR. In accordance with CEQA Guidelines Section 15088, the Final PEIR responds to the written comments received on the Draft PEIR.

No new significant environmental impacts or issues, beyond those already covered in the Draft PEIR for the proposed project, were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add "significant new information" that would require recirculation of the Draft PEIR pursuant to CEQA Guidelines Section 15088.5.

Project vs. Program EIR

Several comments received indicated a desire for the Draft PEIR to provide project-level detail pertaining to full buildout of Phase I of the Plan Area (assumed data center). The Final PEIR addresses this comment by highlighting the multiple types of EIRs including a "Project EIR" and a "Program EIR" in the CEQA Guidelines. A "Project EIR" is defined in Section 15161, and "examines the environmental impacts of a specific development project." In contrast, CEQA Guidelines Section 15168, defines a "Program EIR" as "…*an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically, (2) A logical parts in the chain of contemplated actions, (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways*."

Therefore, a Program EIR (PEIR) can be used as the basic general environmental assessment for an overall program of projects such as the Pittsburg Technology Park Specific Plan. A PEIR, such as the one prepared for the proposed Specific Plan, has several advantages. First, it provides a basic reference document to avoid unnecessary repetition of facts or analysis in subsequent project-specific assessments as needed. Second, it allows the lead agency to look at the broad, regional impacts of a program of actions before its adoption and eliminates redundant or contradictory approaches to the consideration of regional and cumulative effects. A Program-level EIR has less detail than a Project-level EIR by virtue of covering multiple future activities and not a specific development plan. Future activities would be studied at a Project-Level in conjunction with a specific development application to comply with CEQA, as applicable.

Water Demand

Comments received raised concerns about the water demand associated with a future data center project. The proposed Specific Plan is based on a concept for development of the area in three phases. Phase I is assumed to be a data center project (or other permitted

use(s) allowed by the proposed Specific Plan) north of the Contra Costa Canal. The Pittsburg Data Hub (PDH) is one potential project that could be developed in Phase I. Phases II and III cover land south of the canal and allow for the further development of the Plan Area as a dynamic employment center.

The comment concerns a project separate from the Pittsburg Technology Park Specific Plan and that is not part of the discretionary actions addressed in the Draft PEIR.

The potential PDH project includes an emergency backup generating facility with a generation capacity of up to 92 megawatts (MW) to support the need for the PDH to provide uninterruptible power supply for its tenant's servers. The Pittsburg Back-up Generating Facility (PBGF) would consist of 37, 3 MW diesel-fired backup generators arranged in a generation yard located on the west side of the PDH. A total of 36 generators would be dedicated to replacing the electricity needs of the data center in case of a loss of utility power, and one additional generator would be used to support general office loads along with building and life safety services.

An application for a Small Power Plant Exemption (SPPE) was submitted to the California Energy Commission (CEC) on February 28, 2024, for the PBGF (24-SPPE-1). The entirety of the SPPE application, including a detailed analysis of the potential PDH project impacts, is included as Appendix C to the Draft PEIR.

As disclosed in the Draft PEIR, the PDH project remains speculative because the project design and other details have not been finalized; the CEC may or may not approve the required SPPE; and depending on CEC feedback, market demand, economic conditions, site constraints, and other factors, the property owner may choose to proceed with a different or revised development concept for Phase I.

Accordingly, the proposed Specific Plan does not provide authorization for the PDH project, and the Draft PEIR provides a programmatic, rather than a project-level, environmental analysis for Phase I. Nevertheless, to provide the public and decisionmakers with as much information as possible, the Draft PEIR includes and incorporates the SPPE application as Appendix C, and it studies the environmental impacts of the PDH project as one potential alternative in Chapter 5 (Alternative C). Pursuant to Public Resources Code section 25519(c), the CEC must act as lead agency for the PDH project. If the CEC approves the SPPE, and the property owner applies to the City to develop the PDH project, then the City will evaluate that application pursuant to the review procedures in the proposed Specific Plan and conduct appropriate CEQA compliance.

<u>Air Quality and Greenhouse Gas (GHG) Emissions</u>

Various comments received expressed concern regarding the project's GHG emissions. The Bay Area Air Quality Management District (BAAQMD) adopted updated thresholds in 2022, which were used in the analysis of greenhouse gas emissions impacts. The BAAQMD CEQA Guidelines adopted two significance thresholds; one for land use development projects and the other for stationary sources. The commenters applied the stationary source significance threshold to the entire project instead of the appropriate land use significance threshold.

As described in Section 3.6.3 of the Draft PEIR, the BAAQMD has not developed a quantitative threshold of significance for GHG emissions for land use projects. The Lead Agency has the discretion in determining the significance threshold (CEQA Guidelines Section 15064.7(b)), where the BAAQMD, as the responsible agency has adopted CEQA Guidelines. BAAQMD encourages quantification and disclosure of GHG emissions that would occur during construction and operation. The BAAQMD recommends that cities and counties rely on a "fair share" analysis to look at how a new land use development project needs to be designed and built to ensure that it will be consistent with California's goal of carbon neutrality by 2045. To determine the "fair share," the analysis should therefore focus on the design elements that need to be incorporated into the proposed project in order to lay the foundation for achieving carbon neutrality by 2045. As GHG emissions from the land use sector come primarily from building energy use and from transportation, these are the areas that need to be evaluated to ensure that the proposed project can and will be carbon neutral. If a land use project being designed and built today incorporates the design elements necessary for the proposed project to be carbon neutral by 2045, then it will contribute its "fair share" to achieving the State's climate goals. A lead agency can therefore conclude that it will make a less-than-cumulatively-considerable climate impact.

The BAAQMD recommends that lead agencies use the design elements as the threshold of significance for land use development projects under the "fair share" approach discussed above. This can either be demonstrated through: 1) the checklist provided within the Guidelines; or 2) demonstrating consistency with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b). (The complete BAAQMD thresholds are included in Appendix D-1 of the Draft PEIR). The BAAQMD design features checklist was used for purposes of the GHG emissions analysis under Impact 3.6-1 in the Draft PEIR. Consistent with BAAQMD guidance, the Draft PEIR discloses emissions anticipated through buildout of the Plan Area and identifies project design features to mitigate those emissions, which are referenced in the proposed Specific Plan and the MMRP.

Transportation and Circulation

Comments received raised concerns about the Draft PEIR Mitigation Measure 3.13-1 related to Transportation Demand Management (TDM) Plan to reduce the project's daily home-based vehicle miles traveled (VMT) per employee by the amount needed to mitigate the project's impact. As discussed in the Draft PEIR section 3.13, in the Cumulative with Project scenario, the project's forecast daily home-work VMT per employee is 13.1. This is 1.6 percent above the relevant standard of significance, which is 85 percent of the countywide average (12.9 daily home-work VMT per employee). Thus, to be effective, the mitigation measure must reduce the project's daily home-work VMT per employee by 1.6 percent or greater. Based on available evidence and published data, the proposed mitigation measure—the development and implementation of a TDM plan—will reduce the project's VMT by an amount greater than 1.6 percent. As detailed in Mitigation Measure 3.13-1, future phases of Specific Plan development must develop, implement, monitor, and enforce a Transportation Demand Management (TDM) Plan to reduce the project's daily home-work VMT per worker. The TDM Plan shall identify trip reduction strategies and mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. As described in Section 3.13.4 of the Draft PEIR, the implementation of a robust TDM program with enforcement and monitoring is expected to result in a decrease in daily home-work VMT per employee of 1.6 percent or greater. This level of reduction is necessary

to lower the expected daily home-work VMT per employee to a degree sufficient to bring it below the threshold (less than 85 percent than the countywide average).

Another comment received was related to the quantity of VMT generated by the proposed project operations in that the industrial/warehouse uses involve high rates of truck/trailer/delivery van VMT. CEQA Guidelines Section 15064.3 "describes specific considerations for evaluating a project's transportation impacts. Generally, VMT is the most appropriate measure of transportation impacts. For the purposes of this section, VMT refers to the amount and distance of automobile travel attributable to a project." Pursuant to Section 15064.3, a land use project may have a significant effect on the environment if it would result in additional VMT.

While the proposed Specific Plan does include warehouse uses as a permitted land use within the Plan Area, the exact nature and type of development that could occur is unknown at this time. Phasing and buildout assumptions for purposes of the analysis are described in Section 2.4 of the Draft PEIR. Since the list of permitted uses within the Plan Area allows for a variety of development types and no specific projects are presumed, future development assumptions were made in the Draft PEIR. The analyses in the Draft PEIR assume 80 percent of Phases II and III would be manufacturing/industrial development, while the remaining 20 percent would be office development. Because of the unique nature of warehousing and logistics uses, those were not explicitly modeled for purposes of the impact analysis and should development applications be proposed for those uses in the future, the Draft PEIR includes a mitigation framework, including subsequent studies and potential CEQA review, that would be required to evaluate impacts.

For purposes of the buildout assumptions discussed in Section 2.4, the Draft PEIR Air Quality and GHG emissions analyses in CalEEMod (California Emissions Estimator Model) assumed a fleet mix derived from the California Air Resources Board's Emission Factors (EMFAC) model, that's specific to the projected year and region. The vehicle assumptions are diverse and include several truck types, with the top three being LDA (passenger cars), LDT2 (light-duty trucks), MDV (medium-duty trucks). Ultimately, because truck trips are non-discretionary trips under CEQA, they are not included in the VMT metric as defined under CEQA Guidelines Section 15064.3.

Vegetation Removal/Wetlands

One comment addresses concerns that vegetation removal and wetland filling could be key sources of GHG emissions, due to the loss of above- and below-ground carbon storage. Per Section 3.3.1 of the Draft PEIR, the biological study area analyzed is approximately 151.8 acres, which includes the entire Pittsburg Technology Park Specific Plan Area as well as a 250-foot buffer. The study area is primarily composed of the former Delta View Golf Course, and accordingly consists of formerly managed turf, as well as smaller areas of trees, wetlands, and paved areas. In total, of the 151.8 acres, 143.38 acres are upland habitat, including 125.17 acres of annual grassland. This is by far the largest habitat onsite as it comprises over 82 percent of the Plan Area and associated buffer. The Plan Area also includes approximately 2.44 acres of riparian habitat on-site, 3.248 total acres of potentially jurisdictional waters, including wetlands and aquatic habitats, and 2.357 acres of artificially constructed aquatic features, such as landscaping ponds and detention basins.

While there are some wetlands and natural aquatic habitats within the Plan Area, the building envelopes shown in Figure 2-3 in the Draft PEIR were specifically planned to exclude the majority of these wetland areas, as identified in Figure 3.3-2 of the Draft PEIR. Accordingly, there is no intent to fill these wetlands as part of future development projects. However, if future development projects interfere with wetlands, any impacts are expected to be de minimis and would be subject to compensatory mitigation of at least 1:1.

As discussed in Section 3.3.2 of the Draft PEIR, the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) provides for regional conservation and development guidelines to protect natural resources while improving and streamlining the permit process for endangered species and wetland regulations. The Plan Area is subject to the HCP/NCCP and its associated Regional General Permit (RGP). The Plan Area contains a limited amount of sensitive biological resources, including potentially jurisdictional Waters of the U.S./Waters of the State of California, and potential habitat for Endangered Species Act (ESA) and California Endangered Species Act (CESA) listed species.

Typically, these resources can require extended permitting and mitigation processes. In the case of the Plan Area, however, a streamlined Army Corps of Engineers (ACOE) permitting, and mitigation process is available through the HCP/NCCP.

Future applicants of development projects within the Plan Area would be required to adhere to HCP/NCCP requirements. This includes preconstruction surveys for Golden Eagle, Burrowing Owl, Swainson's Hawk, and San Joaquin kit fox. Future applicants of development projects within the Plan Area would also be required to conduct preconstruction surveys by a qualified entomologist for several special-status species including candidate bumble bee, monarch butterfly, western pond turtle, candidate nesting birds, bald eagle, candidate bats, San Joaquin pocket mouse, and American badger.

The Draft PEIR outlines several mitigation measures, including MM 3.3-3, which ensure that future project applicants will comply with conservation measures listed in the HCP/NCCP, which are designed to minimize and avoid impacts to wetlands, ponds, and streams.

The proposed Specific Plan project also intends to limit impacts to on-site trees. As discussed on page 3.3-25 of the Draft PEIR, in the event that that a protected tree does have to be removed, replacement planting is required as part of tree removal permits pursuant to Article XIX in Chapter 18.84 PMC (Tree Preservation and Protection). This section of the PMC states that for every one tree removed, four 24-inch box trees or twelve 15-gallon trees must be planted in its place. Again, this measure serves to reduce the impacts to on-site vegetation as much as possible.

Final PEIR

The comments on the Draft PEIR and responses to those comments are contained within the Final PEIR document, together with edits to the Draft EIR resulting from public comments and staff-identified corrections.

The Draft PEIR and Final PEIR combined constitute the complete Pittsburg Technology Park Specific Plan PEIR. The City Council is the approval body for certification of the PEIR.

See Attachment 7 for a link to the Final PEIR.

Note: Additional environmental review under CEQA may be required for future development projects and would be generally based on the project's consistency with the Specific Plan and the analysis in the PEIR, as required under CEQA. It may be determined that some future projects or infrastructure improvements may be exempt from environmental review. When individual subsequent projects or activities under the Specific Plan are proposed, the City, as the Lead Agency, will examine the projects or activities to determine whether their effects were adequately analyzed in the PEIR. If the projects or activities would have no effects beyond those disclosed in the PEIR, no further CEQA compliance would be required.

CEQA Findings of Fact

Section 15091 of CEQA requires the City to make written findings when it approves a project for which an EIR was certified. For this reason, the Final PEIR document for the proposed Pittsburg Technology Park Specific Plan is accompanied by CEQA Findings of Fact. These findings explain how the City approached the potentially significant impacts identified in the Draft PEIR prepared for the proposed project. As required under CEQA, the Final PEIR describes the proposed project, potential significant environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts.

See Exhibit B of Attachment 1 (Resolution) for the CEQA Findings of Fact.

Mitigation Monitoring and Reporting Program

Section 15097 of CEQA requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption specified environmental findings (CEQA Findings of Fact) related to EIRs.

A Mitigation Monitoring and Reporting Program (MMRP) for the proposed project has been developed. The intent of the MMRP is to ensure implementation of the mitigation measures identified within the Final PEIR during the design, permitting and construction phases of future development within the Plan Area. The MMRP provides for design measures that will be implemented during final engineering and confirmed during plan check for each phase of development within the Plan Aera. The MMRP also will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Pittsburg. The MMRP is recommended to be adopted by the City Council as part of certification of the Final PEIR.

See Exhibit C of Attachment 1 (Resolution) for the Mitigation Monitoring and Reporting Program.

Required Findings – Zoning Map Amendment: In order to approve zoning changes, the City Council must determine, in accordance with PMC section 18.48.030, that:

A. the change proposed is consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable specific plan;

B. in the case of a base district, overlay district or general land use regulation, the change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed;

C. a community need is demonstrated for the change proposed; and

D. its adoption would be in conformity with public convenience, general welfare and good zoning practice.

Required Findings – Vesting Tentative Map for a Major Subdivision: In order to approve a Vesting Tentative Map for a Major Subdivision, the City Council must determine, in accordance with PMC section 17.20.060(c), that:

A. the proposed map is consistent with the general plan and any applicable specific plan, or other applicable provision of PMC;

B. the site is physically suitable for the type of development;

C. the site is physically suitable for the proposed density of development;

D. the design of the subdivision or the proposed improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

E. the design of the subdivision or the type of improvements would not cause serious public health problems; and

F. the design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

A full analysis of how the proposed project meets the required Vesting Tentative Map for a Major Subdivision findings is provided in Section 4 (Findings) of the Resolution (Attachment 1). A full analysis of how the proposed project meets the required findings for a Zoning Map Amendment is provided in Section 1 (Findings) of the Ordinance (Attachment 2).

Public Notice: On or prior to Friday, September 27, 2024, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020, a “Notice of Public Hearing,” for the October 7, 2024, public hearing on this item was published in the East County Times; was posted at City Hall, the Pittsburg Library, and on the “Public Notices” section of the City’s website. The City also mailed the notice via U.S. mail to owners of property located within 500 feet of the Plan Area, sent the notice to local service agencies whose services might be affected by the proposed project, and to individuals who had previously filed a written request for such notice. Lastly, a copy of the notice was posted on www.nextdoor.com (“Nextdoor”) and was sent directly to all subscribed residents in the Nextdoor neighborhoods adjacent to the project site.

See Attachment 8 for the Notice of Public Hearing.

SUBCOMMITTEE FINDINGS

This item was not reviewed by a subcommittee.

STAFF ANALYSIS

Planning Commission Consideration: On September 10, 2024, the Planning Commission held a duly noticed public hearing to consider a request for a recommendation to the City Council for adoption of the Pittsburg Technology Park Specific Plan, approval of the Vesting Tentative Map for a Major Subdivision, certification of the Final PEIR and adoption of CEQA Findings of Fact and the MMRP for the Pittsburg Technology Park Specific Plan Project. Prior to the hearing, staff received two additional comment letters from the Center for Biological Diversity and the Golden State Environmental Justice Alliance. Also, the following individual speakers provided oral testimony at the public hearing:

- Nancy Parent, Resident
- Bruce Ohlson, Bicycle Advocate
- Jason Lindsey, Building Trades Council
- Frances Tinney, Center for Biological Diversity
- Tom Hansen, Building Trades Council
- Anthony Viscuso, Building Trades Council

The written and oral testimony received at the public hearing reiterated concerns the City had received during the Draft PEIR comment period and subsequently addressed in the Final PEIR. After hearing staff's responses and considering all oral and written public testimony, the Planning Commission voted to recommend the City Council approve the proposal in its entirety (Attachment 5).

Conclusion

Staff believes that the City Council can make the required findings to approve of the requested Zoning Map Amendment and Vesting Tentative Map for a Major Subdivision. The staff-recommended findings are provided in Section 4 (Findings) of Attachment 1 (Resolution) and Section 1 (Findings) of Attachment 2 (Ordinance) and summarized below.

Staff believes that adoption of the proposed Specific Plan would be in the public interest by supporting economic development and job growth on a vacant portion of the former Delta View Golf Course. Allowed uses under the proposed Specific Plan would generate employment in various industries, specifically in emerging sectors such as technology and innovation. Other employment opportunities include administrative offices, research and development, manufacturing, warehouse and distribution, energy, and automobile services, which are generally high-wage sectors.

Future buildout and development in the Plan Area would also adhere to design standards outlined in the proposed Specific Plan that would consider materials, colors, textures, building size and proportions to blend into the natural character of the area. The proposed Specific Plan ensures adequate buffers and screening would be implemented between the

Plan Area and residential areas that compliment building facades to maintain the existing surrounding character. Landscape design would also be used to soften the appearance of buildings and provide a buffer with open areas and the roadway to minimize the impacts on surrounding uses.

The Plan Area is currently served by utilities and would require extensions of the existing public water main line along the extension of Golf Club Road. The Plan Area is served by regional access from State Route 4 and local access from West Leland Road and Golf Club Road. Transit services are provided in the vicinity of the Plan Area, including bus and fixed rail transit. Bicycle and pedestrian facilities in the vicinity of the Plan Area include Class II bicycle facilities, sidewalks, crosswalks, pedestrian signals, and multi-use trails.

As identified in the Draft PEIR, significance criteria thresholds were addressed for each relevant topic area identified in CEQA Guidelines Appendix G. All topic areas were found to have a less than significant environmental impact, seven areas with mitigation incorporated: Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Noise, Transportation and Circulation and Wildfires. The Final PEIR contains a Mitigation and Monitoring Reporting Program (MMRP) for the proposed Specific Plan. The intent of the MMRP is to ensure implementation of the mitigation measures identified within the Final PEIR for the project. These mitigation measures will be included as an appendix to the proposed Specific Plan.

The Plan Area is designated as “Employment Center Industrial (ECI)” in the 2040 General Plan. This land use designation is described in the 2040 General Plan as “fostering vibrant, diverse, and dynamic employment hubs that accommodate technology, advanced manufacturing, logistics, and other sectors that generate substantial employment opportunities; uses may include administrative, financial, business, professional, medical and public offices, business incubators, research and development, custom and light manufacturing, limited assembly, warehousing and distribution, data centers, technology and innovation, energy, hospitals and large-scale medical facilities, services, light and heavy automobile services, and supporting commercial uses”.

Permitted land uses within the Plan Area are based on the “Employment Center Industrial (ECI)” land use designation. Each permitted use, such as, administrative, business and professional offices, financial offices, government/public offices and medical offices would be subject to the development standards and design guidelines and land use entitlement procedures and actions outlined in the proposed Specific Plan.

Development standards contained within the proposed Specific Plan would be implemented through the proposed PD (Planned Development) zoning, thereby ensuring consistency between the 2040 General Plan, proposed Specific Plan and current zoning standards. Furthermore, to implement the overall objectives of the 2040 General Plan for the project area, the proposed Specific Plan contains development standards such as requirements for building form/massing, materials, colors and textures, buffering and screening, landscape design, fire prevention, signage and lighting.

Staff believes that there is a community need demonstrated for the changes proposed to the former golf course and that the repurposing would allow for uses within the proposed Specific Plan that would generate employment in emerging sectors, including technology, energy, and industrial sectors, and create new economic development opportunities for the City.

As such, adoption of the proposed Specific Plan is in conformity with public convenience, general welfare and good zoning practice in that the proposed Specific Plan is intended to be a long-range planning document that provides a framework for future buildout and development.

Finally, the proposed Specific Plan is consistent with the 2040 General Plan land use element and economic development element, as it would provide needed job opportunities in close proximity to housing while preserving hillside open space, sensitive habitats, such as drainages (outside of building envelopes), and necessary transportation infrastructure to support the Plan Area.

ATTACHMENTS:

1. Resolution
    a. Exhibit A – Vesting Tentative Map
    b. Exhibit B – CEQA Findings of Fact
    c. Exhibit C – Mitigation Monitoring and Reporting Program
    d. Exhibit D – Conditions of Approval
2. Ordinance
    a. Exhibit A – Plan Area Zoning Map Amendment
    b. Exhibit B – Pittsburg Technology Park Specific Plan
3. Phase I Site Plan Concept
4. Phase I Landscape Concept Design
5. Planning Commission Resolution No. 10225
6. Draft Program Environmental Impact Report (Digital copy to Council Only)
7. Final Program Environmental Impact Report (Digital copy Council Only)
8. Public Hearing Notice

Prepared by: Alison Spells, Associate Planner

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Certifying the Final Program Environmental Impact Report and Adopting CEQA Findings Of Fact and a Mitigation Monitoring and Reporting Program and Approving a Vesting Tentative Map for a Major Subdivision for the "Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)"	)))))))	RESOLUTION NO. 24-

WHEREAS, on March 1, 2018, the 175-acre Delta View Golf Course ceased operations and closed; and

WHEREAS, on March 19, 2018, the City Council directed staff to explore the possible uses suggested by the public for the site, and to bring options back for further consideration; and

WHEREAS, on May 7, 2018, the City Council held a public meeting related to potential options available for reuse of the site. At the conclusion of that meeting, direction was provided to pursue both economic development and multi-purpose recreational opportunities, with the idea that economic development would help generate the funds needed to develop new diverse recreational opportunities for the community; and

WHEREAS, the City subsequently entered into an Option Agreement with a developer for a conceptual technology park development on a portion of the former Delta View Golf Course which led to informational meetings in 2019 with the Land Use Subcommittee, Planning Commission and local residents; and

WHEREAS, on November 13, 2023, a Neighborhood Meeting was held at 2201 Golf Club Road for immediate neighbors adjacent to the proposed Pittsburg Technology Park Specific Plan Area (Plan Area) to ask questions and provide input on the proposal; and

WHEREAS, on March 22, 2024, Pittsburg Data Hub, LLC, filed Planning Application No. AP-24-0028 (PD, SUBD, EIR) requesting: 1) adoption of a Specific Plan for the Pittsburg Technology Park, 2) assignment of Planned Development (PD) District zoning to properties located within the Pittsburg Technology Park Specific Plan Area, 3) adoption of a Vesting Tentative Map for a Major Subdivision within the Plan Area, and 4) certification of an Environmental Impact Report for the project and adoption of associated findings and a Mitigation Monitoring Reporting Program (MMRP); and

WHEREAS, the Pittsburg Technology Park Specific Plan Area is located on the eastern half of the former Delta View Golf Course, south of West Leland Road, at 2222 Golf Club Road in the IL-O (Limited Industrial with Limited Overlay) District. The Plan Area consists of three individual parcels totaling approximately 76.38 acres. Assessor Parcel Numbers (APNs): 095-160-001, 095-160-002 and 094-080-046; and

WHEREAS, all Specific Plans must comply with California Government Code Sections 65450-65457. These provisions require that a Specific Plan be consistent with the adopted General Plan of the jurisdiction within which it is located. Per California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 et seq.) the Specific Plan acts as a regulatory document which is required to be adopted by ordinance; and

WHEREAS, the intended purpose of the Pittsburg Technology Park Specific Plan (Specific Plan) is to establish a direct connection between the City of Pittsburg's 2040 General Plan and opportunities for economic development. An overall goal of the proposed Specific Plan is to foster economic opportunities within the community by expanding the variety of technology-focused business park uses. The Specific Plan would serve as the overarching policy document for the Plan Area and provide the necessary zoning and development standards for the development of a technology park on a portion of the former Delta View Golf Course; and

WHEREAS, objectives of the Specific Plan are to: 1) Develop a comprehensive buildout plan for the Plan Area that provides for technology park uses while incorporating essential infrastructure facilities, 2) Foster economic and employment opportunities within the community by expanding the variety of industrial, office, and technology park uses, 3) Enable the construction of industrial or office buildings that will be attractively incorporated into the landscape, while minimizing impacts to the surrounding natural environment and sensitive resources, 4) Identify and facilitate the installation and ongoing maintenance of water, sewer, drainage, and road infrastructure in connection with development projects in the Specific Plan Area, and 5) Establish guidelines and standards for building and site development aesthetics that create a distinctive and cohesive identity for the Plan Area; and

WHEREAS, the City, serving as lead agency, determined that the Pittsburg Technology Park Specific Plan Project is a "project" within the meaning of the California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000, et seq.). CEQA requires the preparation of an EIR prior to approving any project that may have a significant impact on the environment; and

WHEREAS, on February 28, 2024, the City issued a Notice of Preparation (NOP) that an EIR would be prepared for the Pittsburg Technology Park Specific Plan (State Clearinghouse No. 2024030184) in accordance with CEQA Guidelines section 15082. The NOP response period extended for 30 days from the date of release, and the NOP was submitted to city, county and state agencies, other agencies and organizations having jurisdiction or interest in environmental resources and/or conditions within the project area, and all individuals who had previously attended public workshops and/or requested to be added to the mailing list for the Specific Plan project. The NOP also advertised a public scoping meeting for the project, which was held on March 14, 2024; and

WHEREAS, based on feedback received during the NOP period, it was determined that the Environmental Impact Report for the project would be drafted to address potentially significant impacts associated with the following 15 environmental topic areas: aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology, greenhouse gas emissions and energy, hazards and hazardous materials, hydrology and water quality, land use

and planning, noise, population and housing, public services and recreation, transportation, utilities and service systems, and wildfire; and

WHEREAS, CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. Given the conceptual nature of future build out of the Plan Area described in the Specific Plan, the EIR prepared for the Pittsburg Technology Park is a Program EIR ("PEIR"), pursuant to the definition of Program EIR in CEQA Guidelines Section 15168; and

WHEREAS, on July 3, 2024, the City circulated a Notice of Availability (NOA) of the Draft PEIR for the proposed project for a 45-day public review period beginning July 3, 2024, and ending on August 19, 2024. Staff held a public meeting on July 25, 2024, to introduce the project and accept public comment on the Draft PEIR for the proposed project. Comments were accepted during the meeting and in advance of the meeting, via voice messages and email, as well as throughout the public comment period via U.S. mail and email. As identified in the Draft PEIR, significance criteria thresholds in and arising from CEQA Guidelines Appendix G were addressed for each topic area identified in the NOP distributed at the start of the EIR process. All topic areas were found to have a less than significant environmental impact, seven areas with mitigation incorporated: Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Noise, Transportation and Circulation and Wildfires; and

WHEREAS, the City received 12 comment letters during the 45-day review period for the Draft PEIR. In accordance with CEQA Guidelines Section 15088, the Final PEIR responds to the written comments received on the Draft PEIR. No new significant environmental impacts or issues, beyond those already covered in the Draft PEIR for the project, were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add "significant new information" that would require recirculation of the Draft PEIR pursuant to CEQA Guidelines Section 15088.5; and

WHEREAS, the City prepared a Final PEIR for the Pittsburg Technology Park Specific Plan project, dated September 2024, which includes the Draft PEIR, comments on the Draft PEIR, responses to comments on the Draft PEIR, and all revisions to the Draft PEIR for the Specific Plan project. The Final PEIR reflects the City's independent judgment and analysis on the potential environmental impacts of the Specific Plan project; and

WHEREAS, the Final PEIR identifies the potential for significant effects on the environment from implementation of the Pittsburg Technology Park Specific Plan, all of which can be substantially reduced to less than significant through the mitigation measures identified in the Final PEIR; therefore, approval of the Specific Plan project must include findings (CEQA Findings) as set forth in Section 2 below; and

WHEREAS, the City caused to be prepared CEQA Findings related to the Specific Plan project, as required by CEQA, attached as Exhibit B to this resolution and incorporated herein by reference. The Findings provide the written analysis and conclusions of the City Council regarding the proposed Specific Plan's anticipated environmental impacts, mitigation measures, and alternatives; and

WHEREAS, a MMRP, as required by CEQA, is attached as Exhibit C to this Resolution and incorporated herein by reference. The MMRP identifies the potential impacts of the project, corresponding mitigation, designation of responsibility for mitigation implementation and the agency responsible for the monitoring action. In the case of the adoption of a plan, policy or regulation such as a Specific Plan, mitigation measures shall be incorporated directly into the plan, policy or regulation as policies or programs to ensure implementation of the mitigation measures (CEQA Guidelines section 15126(a)(2)); and

WHEREAS, additional environmental review under CEQA may be required for future development projects and would be generally based on the project's consistency with the Specific Plan and the analysis in the PEIR, as required under CEQA. When individual subsequent projects or activities under the Specific Plan are proposed, the City, as the Lead Agency, would examine each proposal in light of the PEIR to determine whether additional environmental impacts would occur, in accordance with CEQA Guidelines section 15168(c). Future development projects may be subject to project-specific environmental review and mitigation, if necessary; and

WHEREAS, pursuant to Pittsburg Municipal Code (PMC) section 17.20.060(c), the City Council, upon recommendation of the Planning Commission, may approve a tentative map if it finds that: a) the proposed map is consistent with the General Plan and any applicable specific plan, or other applicable provision of the PMC; b) the site is physically suitable for the type of development; c) the site is physically suitable for the proposed density of development; d) the design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; e) the design of the subdivision or the proposed improvements will not cause serious health problems; and f) the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision; and

WHEREAS, on September 10, 2024, after conducting a duly noticed public hearing, the Planning Commission adopted Resolution No. 10255, recommending the City Council: 1) assign zoning of PD (Planned Development) District to properties located within the Pittsburg Technology Park Specific Plan Area, 2) adopt the proposed Pittsburg Technology Park Specific Plan, 3) approve the Vesting Tentative Map for a 12-lot Major Subdivision, and 3) Certify the Final Program Environmental Impact Report and adopt CEQA Findings of Fact and a MMRP for the Pittsburg Technology Park Specific Plan Project, Planning Application No. 24-0028 (PD, SUBD, EIR); and

WHEREAS, on or prior to Friday, September 27, 2024, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020.A - D, a "Notice of Public Hearing," for the October 7, 2024, public hearing on this item was published in the East County Times; was posted at City Hall; and was posted on the "Public Notices" section of the City's website. The City also mailed the notice via U.S. mail to owners of property located within 500 feet of the Plan Area, sent the notice to local service agencies whose services might be affected by the proposed project, and sent it to individuals who had previously filed a written request for such notice. Lastly, a copy of the notice was posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the Nextdoor neighborhoods adjacent to the project site; and

WHEREAS, on October 7, 2024, the City Council held a duly-noticed public hearing to: 1) adopt this resolution certifying the Final Program Environmental Impact Report for the Pittsburg Technology Park Specific Plan and adopting the associated CEQA Findings of Fact and MMRP, and approving the Vesting Tentative Map for a Major Subdivision; and 2) introduce, waive further reading, and pass to second reading, an ordinance assigning zoning of PD (Planned Development) District to properties located within the Pittsburg Technology Park Specific Plan Area and adopting the Pittsburg Technology Park Specific Plan; at which time oral and/or written testimony was considered; and

WHEREAS, documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based are located at the City of Pittsburg Planning Division, located at 65 Civic Avenue in Pittsburg, in the custody of Alison Spells, Associate Planner.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburg hereby approves the following:

Section 1. Recitals and Authority

A. The recitals set forth above are true and correct statements, and they are hereby incorporated by reference, in their entirety, in these findings.

B. Article XI, Section 7 of the California Constitution confers on cities the authority to regulate land use within their jurisdictions under the police power and to make and enforce ordinances to protect the public health, safety and welfare. Aesthetic reasons alone justify exercise of the police power (Metromedia, Inc. vs. City of San Diego [1980] 264 C3d 848, 164 CR 510).

C. The General Plan is the single most important planning document and represents the most comprehensive statement of the city's interests and welfare (Government Code section 65300; Citizens of Goleta Valley vs. Board of Supervisors [1990] 52 CA3d 553, 276 CR 410). In general, all land use decisions must be consistent with the general plan. Consistency exists between a city's land use action and the general plan when a city has officially adopted such a plan, and the various land uses approved are compatible with the objectives, policies, general land uses and programs specified in the plan (Lesher Communications, Inc. vs. City of Walnut Creek [1990] 52 C3d 531, 277 CR1).

D. The Subdivision Map Act (Government Code section 66410, et seq.) vests in cities the power to regulate and control the design and improvement of subdivisions within their boundaries (Government Code section 66411). "Improvement" is broadly defined to include any specific improvement or type of improvement, the installation of which is necessary to ensure consistency with the general plan (Government Code section 66419[b]).

E. A city may not approve a tentative map unless it finds that the proposed subdivision, together with the provisions of its design and improvement, is consistent with the

General Plan (Government Code section 66473.5).

Section 2. Certification of the PEIR

A. The project was processed, including but not limited to all public notices, in the time and manner prescribed by state and local law, including CEQA and the State CEQA Guidelines. Responses to comments were provided to public agencies that submitted comments on the Draft PEIR at least 10 days prior to certification of the Final PEIR, as required by CEQA Guidelines section 15088(b).

B. The Final PEIR for the Specific Plan project, dated September 2024, consists of the Draft PEIR and all appendices thereto, comments on the Draft PEIR, responses to comments on the Draft PEIR, and all revisions to the Draft PEIR for the Specific Plan project.

C. Agencies and interested members of the public have been afforded ample notice and opportunity to comment on the project and the Draft PEIR. Prior to taking action, the City Council has heard, been presented with, reviewed, and considered the information and data in the administrative record, including oral and written testimony.

D. Based on the evidence and oral and written testimony presented at the public hearings, and based on all the information contained in the Planning Division's files on the project, including but not limited to, the Final PEIR for the project, and the City Council staff report entitled "Adoption of a Resolution Certifying the Final Program Environmental Impact Report, Adopting CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program, and Approving a Vesting Tentative Map; and Introduction and Waive First Reading of an Ordinance Assigning Zoning of Planned Development District to properties located within the Pittsburg Technology Park Specific Plan Area and Adopting the Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)," the City Council does hereby declare, find, and certify, in accordance with section 15090 of the State CEQA Guidelines, that:

1. The City Council has independently considered the administrative record before it; and

2. The Final PEIR for the project was prepared in compliance with Public Resources Code section 21000 et seq. and the State CEQA Guidelines section 15000 et seq. and fully analyzes and discloses the potential impacts of the proposed project, and that those impacts have been mitigated or avoided for the reasons set forth in the Exhibits hereto; and

3. The Final PEIR was presented to the City Council of the City of Pittsburg and the City Council has reviewed and considered the information contained in the Final PEIR prior to approving the project; and

4. The Final PEIR reflects the independent judgment and analysis of the City Council of the City of Pittsburg; and

5. Information presented in written and oral testimony does not constitute new information requiring recirculation of the Final PEIR under CEQA. None of the information has deprived the public of a meaningful opportunity to comment upon any potential environmental impact of the proposed project, any feasible mitigation, or any alternative that the City has declined to implement; and

6. The Final PEIR adequately describes the project, its environmental impacts, reasonable alternatives and appropriate mitigation measures; and

7. The Final PEIR is hereby certified as being in compliance with CEQA.

Section 3. Adoption of CEQA Findings and Mitigation Monitoring and Reporting Program

A. The City Council hereby adopts the CEQA Findings Pursuant to CEQA Guidelines section 15091, as set forth in Exhibit B to this resolution, which are incorporated herein by reference. The City Council further finds, pursuant to CEQA Guidelines section 15091(a), that as to all potential significant impacts, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR as supported by substantial evidence in the CEQA Findings and the Final PEIR.

B. The City Council hereby adopts the Mitigation Monitoring and Reporting Program, attached as Exhibit C to this resolution, which is incorporated herein by reference.

Section 4. Findings

A. Based on the City Council staff report entitled, "Adoption of a Resolution Certifying the Final Program Environmental Impact Report, Adopting CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program, and Approving a Vesting Tentative Map; and Introduction and Waive First Reading of an Ordinance Assigning Zoning of Planned Development District to properties located within the Pittsburg Technology Park Specific Plan Area and Adopting the Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)," dated October 7, 2024, and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the public hearing, the City Council finds that:

Vesting Tentative Map:

1. The Vesting Tentative Map for the proposed 12-Lot, Major Subdivision, attached as Exhibit C to this resolution, is consistent with the 2040 General Plan land use designation of Employment Industrial Center and the proposed Specific Plan.

2. The project site is physically suitable for the type of development proposed in that the site is vacant and undeveloped, the proposed building envelopes avoid sensitive habitat and the site is surrounded by existing infrastructure, minimizing the amount of work and investment needed to extend utilities and

services to the site.

3. The project site is physically suitable for the proposed density of development, in that lands south of the Plan Area are owned by the Keller Canyon Landfill Company, and land uses east of and neighboring the Plan Area are within a designated Pacific Gas & Electric Corridor Conversion Overlay. While properties north of the Plan Area are primarily designated as “Low Density Residential,” there are also “Public/Institutional” uses all served primarily by West Leland Road.

4. The design of the proposed subdivision and accompanying improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat, if the project is required to comply with all measures in the Mitigation Monitoring and Reporting Program attached as Exhibit B to this resolution.

5. The design of the subdivision and type of improvements proposed will not cause serious public health problems, in that the project site is not listed on the California Department of Toxic Substances Control Hazardous Waste and Substances Site List and conditions of approval will require all site improvements comply with all local, City, State and federal regulations.

6. The design of the subdivision and type of improvements proposed will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, in that there are no existing public access easements on the site. The proposed map identifies a new private roadway (with a public utility easement) that will connect the Plan Area to existing public roadways, and two options for emergency vehicle access into and around the site.

Section 5. Decision

Based on the findings and the authority set forth above, the City Council hereby takes the following actions:

A. Certifies the Final Program Environmental Impact Report for the Pittsburg Technology Park Specific Plan Project, a digital copy of which is provided as Attachment 7 to the Staff Report described in Section 2.B above; and

B. Adopts CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program (MMRP) for the Pittsburg Technology Park Specific Plan Project included, as substantially presented in Exhibits B and C of this resolution; and

C. Approves Vesting Tentative Subdivision Map - Tract No. 9700 (Exhibit A) subdividing the properties within the Specific Plan Area into 12 lots for future development pursuant to the Pittsburg Technology Park Specific Plan, subject to the conditions as substantially presented in Exhibit D of this resolution.

Section 6. Effective Date of Vesting Tentative Map for Major Subdivision

The Major Subdivision approved by this resolution shall become effective on the effective date of the applicable ordinance assigning zoning of PD (Planned Development) District to properties located within the Pittsburg Technology Park Specific Plan Area and adopting the Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR).

Section 7. Notice of Determination

The City Council hereby directs staff to file a Notice of Determination as set forth in Public Resources Code Section 21152.

Section 8. Adoption

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of October 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

Attachment 1 - Exhibit A

VESTING TENTATIVE SUBDIVISION MAP

TRACT NO. 9700

FOR

PITTSBURG TECHNOLOGY CENTER
2232 GOLF CLUB ROAD, PITTSBURG, CA 94565

PROJECT DATA

OWNER:	JOE HUBBARD AVAIO DIGITAL PARTNERS 107 ELM STREET, 5TH FLOOR SUITE 501 STAMFORD, CT 06902
APPLICANT:	JOE HUBBARD AVAIO DIGITAL PARTNERS 107 ELM STREET, 5TH FLOOR SUITE 501 STAMFORD, CT 06902
MAP PREPARED BY:	RYAN BERNAL, PE KIMLEY-HORN AND ASSOCIATES, INC. 2121 S EL CAMINO REAL, SUITE 550 SAN MATEO, CA 94403 (650) 285-2115 RYAN.BERNAL@KIMLEY-HORN.COM
EXISTING ZONING:	OS OPEN SPACE
PROPOSED ZONING:	ECI EMPLOYMENT CENTER INDUSTRIAL
EXISTING LAND USE:	FORMER GOLF COURSE, OPEN SPACE
PROPOSED LAND USE:	DATA CENTER

THIS TENTATIVE MAP WAS PREPARED FROM INFORMATION FURNISHED IN A PRELIMINARY TITLE REPORT FOR 2232 GOLF CLUB ROAD, PREPARED BY OLD REPUBLIC TITLE COMPANY DATED DECEMBER 26 TH, 2023 ORDER NUMBER 0114003191-1-SH, AND BY NO LIABILITY IS ASSUMED FOR MATTERS OF RECORD NOT STATED IN SAID REPORT THAT MAY AFFECT THE TITLE LINES, OR EXCEPTIONS, OR EASEMENTS OF THE PROPERTY

FLOOD ZONE NOTE:	THE SUBJECT PROPERTY IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR CONTRA COSTAL COUNTY, CALIFORNIA, AS BEING LOCATED IN FLOOD ZONE "X". ACCORDING TO FEMA, THE DEFINITION OF ZONE "X" IS : AREAS OF MINIMAL FLOOD HAZARD.
BENCHMARK:	NAVD 88 BASED ON OBSERVATIONS TO NGS MONUMENT HONKER BAY (PID-AA3823)
BASIS OF BEARINGS:	THE BASIS OF BEARINGS IS NAD83 CALIFORNIA COORDINATE SYSTEM ZONE 3, ESTABLISHED FROM OBSERVATIONS AND CALIBRATING TO FOUND NGS MONUMENTS (PID AA3823, PID JS1865 AND PID DE8493), THE DISTANCES SHOWN HEREON ARE GROUND MEASUREMENTS.

ADDITIONAL EASEMENTS MAY BE NECESSARY, ANY ADDITIONAL EASEMENT REQUIREMENTS WILL BE DETERMINED AS THE PROJECT EVOLVES.

EASEMENTS TO BE DEDICATED ON THE FINAL MAP OR BY SEPARATE INSTRUMENT.

SUBJECT TO PROJECT CC&RS TO BE RECORDED BY SEPARATE INSTRUMENT.

THE SITE IS CURRENTLY 5 LOTS AND WILL BE SUBDIVIDED INTO 17 LOTS. THE OWNER INTENDS TO FILE MULTIPLE FINAL MAPS.

THIS MAP SHOWS TWO OPTIONS, EITHER OPTION CAN BE SELECTED DURING DEVELOPMENT OF THE PROJECT PRIOR TO RECORDATION OF THE FINAL MAP FOR THE LAST PHASE OF THE PROJECT.

LEGEND

- CENTER LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- DEDICATION LINE

UTILITY PURVEYORS

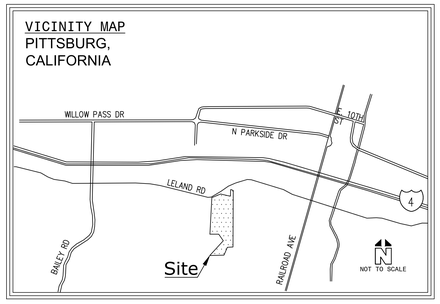
WATER
CITY OF PITTSBURG
65 CIVIC AVENUE,
PITTSBURG, CA 94565
(925)-252-4242

GAS
PACIFIC GAS AND ELECTRIC (PG&E)
2111 HILLCREST AVE,
ANTIOCH, CA 94509
(415) 973-1000

SEWER
CITY OF PITTSBURG
65 CIVIC AVENUE,
PITTSBURG, CA 94565
(925)-252-4242

ELECTRIC
PACIFIC GAS AND ELECTRIC (PG&E)
2111 HILLCREST AVE,
ANTIOCH, CA 94509
(415) 973-1000

AT&T
124 E EL CAMINO REAL
SUNNYVALE, CA 94087
(800) 944-0447



SHEET INDEX

SHEET NUMBER	SHEET TITLE
TM1.0	COVER SHEET
TM2.0	EXISTING CONDITIONS
TM3.0	SITE PLAN AND PARCELIZATION PLAN – OPTION 1
TM3.1	SITE PLAN AND PARCELIZATION PLAN – OPTION 2
TM4.0	CONCEPTUAL GRADING & STORMWATER MANAGEMENT PLAN – OPTION 1
TM4.1	CONCEPTUAL GRADING & STORMWATER MANAGEMENT PLAN – OPTION 2
TM5.0	CONCEPTUAL UTILITY PLAN – OPTION 1
TM5.1	CONCEPTUAL UTILITY PLAN – OPTION 2

LEGAL DESCRIPTION PER TITLE REPORT

TRACT ONE:

PARCEL A AS SHOWN ON PARCEL MAP MS 677-05 FILED JUNE 10, 2005, IN BOOK 193 OF PARCEL MAPS, PAGE 39, CONTRA COSTA, COUNTY RECORDS. APN: 095-150-032

TRACT TWO:

PARCEL ONE:
BEGINNING AT THE SOUTHWEST CORNER OF THE 13.92 ACRE PARCEL OF LAND DESCRIBED AND DESIGNATED PARCEL VI IN THE DEED FROM C.A. HOOPER & CO. TO PACIFIC GAS AND ELECTRIC COMPANY, DATED DECEMBER 27, 1951 AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF CONTRA COSTA IN BOOK 1872 OF OFFICIAL RECORDS AT PAGE 189 AN RUNNING THENCE NORTH 0° 10' EAST, ALONG THE WESTERLY BOUNDARY LINE OF SAID 13.92 ACRE PARCEL OF LAND (MISSING DISTANCE CALL ON TITLE REPORT); THENCE SOUTH 73° 11 1/2' EAST, ALONG THE NORTHERLY BOUNDARY LINE OF SAID 13.92 ACRE PARCEL OF LAND, 182.03 FEET; THENCE SOUTH 0° 19 1/2' WEST 718.40 FEET TO A POINT IN THE SOUTHERLY BOUNDARY LINE OF SAID 13.92 ACRE PARCEL OF LAND; THENCE SOUTH 89° 50' WEST, ALONG THE LAST MENTIONED BOUNDARY LINE, 172.41 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; BEING A PORTION OF RANCHO LAS MEDANOS.

PARCEL TWO:
A RIGHT OF WAY FOR A ROAD FOR INGRESS TO AND EGRESS FROM PARCEL ONE WITHIN THE STRIP OF LAND DESCRIBED AS FOLLOWS, TO WIT:

A STRIP OF LAND OF THE UNIFORM WIDTH OF 60 FEET EXTENDING FROM THE EASTERLY BOUNDARY LINE OF SAID 13.92 ACRE PARCEL OF LAND WESTERLY TO THE EASTERLY BOUNDARY LINE OF PARCEL ONE HEREIN BEFORE DESCRIBED, AND LYING EQUALLY ON EACH SIDE OF THE LINE WHICH BEGINS AT A POINT IN THE EASTERLY BOUNDARY LINE OF SAID 13.92 ACRE PARCEL OF LAND FROM WHICH THE SOUTHEAST CORNER OF SAID 13.92 ACRE PARCEL OF LAND BEARS SOUTH 0° 19 1/2' WEST 263.0 FEET DISTANT AND RUNS THENCE SOUTH 89° 50' WEST, PARALLEL WITH THE SOUTHERLY BOUNDARY LINE OF SAID 13.92 ACRE PARCEL OF LAND, 800 FEET, MORE OR LESS, TO THE EASTERLY BOUNDARY LINE.

APN: 095-160-001

TRACT THREE:
LOTS 1, 2 AND 3, AND THE SOUTHEAST 1/4 (ONE-FOURTH) OF THE NORTHWEST 1/4 (ONE-FOURTH) OF SECTION 19, TOWNSHIP 2 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM:
1. THAT PARCEL OF LAND CONTAINING 11.42 ACRES, MORE OR LESS, DESCRIBED IN THE DEED FROM JOHN FAHY, ET U, TO UNITED STATES OF AMERICA, DATED APRIL 26, 1938 AND RECORDED MAY 12, 1938 IN VOLUME 448 OF OFFICIAL RECORDS, AT PAGE 388, AS FOLLOWS:

"BEGINNING ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19, DISTANT THEREON NORTH 0° 16' EAT 975.7 FEET FROM GRANT CORNER NUMBER 5 OF THE RANCHO LOS MEDANOS AT THE CENTER OF SAID SECTION 19; THENCE FROM SAID POINT OF BEGINNING SOUTH 0° 16' WEST 63.3 FEET, ALONG SAID EAST LINE; THENCE NORTH 71° 11' WEST 1526.9 FEET; THENCE ON A CURVE TO THE RIGHT (TANGENT TO THE PRECEDING COURSE) WITH A RADIUS OF 180 FEET, A DISTANCE OF 169.2 FEET; THENCE NORTH 17° 19' WEST 462.4 FEET; THENCE ON A CURVE TO THE LEFT (TANGENT TO THE PRECEDING COURSE) WITH A RADIUS OF 60 FEET, A DISTANCE OF 54.8 FEET; THENCE NORTH 69° 36' WEST 486.3 FEET; THENCE SOUTH 89° 52' WEST 100.00 FEET; THENCE MORE OR LESS, TO THE MOUNT MERIDIAN, WHICH IS THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 19; THENCE NORTH 0° 08' WEST 365.8 FEET, MORE OR LESS, ALONG SAID MERIDIAN TO GRANT CORNER NUMBER 7 OF THE RANCHO LOS MEDANOS, WHICH IS THE NORTHWEST CORNER OF SAID SECTION 19; THENCE NORTH 89° 44' EAST 101.0 FEET, ALONG SAID LINE; THENCE SOUTH 0° 16' EAST 100.0 FEET; THENCE SOUTH 25° 44' EAST 135.6 FEET; THENCE SOUTH 52° 47' EAST 103.7 FEET; THENCE SOUTH 69° 36' EAST 457.8 FEET; THENCE SOUTH 17° 19' EAST 542.3 FEET; THENCE SOUTH 49° 04' EAST 106.2 FEET; THENCE SOUTH 71° 11' EAST 600.0 FEET; THENCE SOUTH 78° 02' EAST 503.6 FEET; THENCE SOUTH 66° 55' EAST 268.8 FEET; MORE OR LESS, TO THE EAST LIEN OF SAID NORTHWEST QUARTER OF SECTION 19; THENCE SOUTH 0° 16' WEST 126.6 FEET, MORE OR LESS, ALONG SAID LINE TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:
THAT PORTION THEREOF DESCRIBED IN THE DEED TO PACIFIC GAS AND ELECTRIC COMPANY RECORDED SEPTEMBER 19, 1952, BOOK 1994, PAGE 129

ALSO EXCEPTING THEREFROM:
THAT PORTION THEREOF DESCRIBED IN THE DEED TO THE CITY OF PITTSBURG RECORDED DECEMBER 8, 1960, BOOK 3759, OFFICIAL RECORDS, PAGE 1

ALSO EXCEPTING THEREFROM:
THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHEASTERLY BOUNDARY LINE OF THE CONTRA COSTA CANAL.
APN: 095-160-002

ALSO EXCEPTING THEREFROM:
THAT PORTION THEREOF DESCRIBED IN THE DEED TO THE CITY OF PITTSBURG RECORDED DECEMBER 8, 1960, BOOK 3759, OFFICIAL RECORDS, PAGE 1

ALSO EXCEPTING THEREFROM:
THAT PORTION THEREOF LYING SOUTHERLY OF THE NORTHEASTERLY BOUNDARY LINE OF THE CONTRA COSTA CANAL.
APN: 095-160-002

NOTE: TITLE REPORT REFLECTIVE OF CURRENT PARCELIZATION AND WILL BE UPDATED TO REFLECT MAP WAIVER FOR LOT LINE ADJUSTMENT PMW 24-01 (DOC 2024-0070057)

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

G:\DAY - JOBS\092523003 - Pittsburg mip\03-PLAN\Planning\Tentative Subdivision Map\TM1.0 COVER SHEET.dwg

BY | DATE | REVISIONS | No.

Kimley»Horn
2121 S EL CAMINO REAL, SUITE 550, SAN MATEO, CA 94403
PHONE: (650) 285-2115
WWW.KIMLEY-HORN.COM

KHA PROJECT
DATE 09/5/2024
SCALE AS SHOWN
DESIGNED BY: RNB
DRAWN BY: JRT
CHECKED BY: AV

VESTING TENTATIVE SUBDIVISION MAP
PITTSBURG TECHNOLOGY CENTER
TRACT NO. 9700

COVER SHEET

SHEET NUMBER
TM1.0

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- CENTER LINE
- EASEMENT LINE TO BE QUITCLAIMED
- EASEMENT LINE TO REMAIN
- RIGHT OF WAY
- EXISTING TREE, WITH TREE NUMBER, SEE TREE TABLE
- 200 EXISTING CONTOURS

ABBREVIATIONS

AC – ACRES
APN – ASSESSOR PARCEL NUMBER
L – LENGTH
℄ – PROPERTY LINE
SF – SQUARE FEET
R – RADIUS

TITLE REPORT EXCEPTIONS

(4) AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING INSTRUMENT: DEED. GRANTED TO: FEDERAL ENGINEERING COMPANY. FOR: A SINGLE LINE OF POLES FOR TELEGRAPH OR TELEPHONE LINES AND INCIDENTAL PURPOSES. RECORDED: DECEMBER 26, 1930 IN BOOK 257 OF OFFICIAL RECORDS, PAGE 216. AFFECTS: A PORTION OF THE PREMISES. AND AS MODIFIED BY AN INSTRUMENT, RECORDED AUGUST 24, 1939 IN BOOK 519 OF OFFICIAL RECORDS, PAGE 79. AND AS MODIFIED BY AN INSTRUMENT, RECORDED AUGUST 24, 1939 IN BOOK 519 OF OFFICIAL RECORDS, PAGE 79.

(5) COVENANTS, CONDITIONS AND RESTRICTIONS WHICH DO NOT CONTAIN EXPRESS PROVISION FOR FORFEITURE OR REVERSION OF TITLE IN THE EVENT OF VIOLATION, BUT OMITTING ANY COVENANTS OR RESTRICTION IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN UNLESS AND ONLY TO THE EXTENT THAT SAID COVENANT (A) IS EXEMPT UNDER TITLE 42, SECTION 3607 OF THE UNITED STATES CODE OR (B) RELATES TO HANDICAP BUT DOES NOT DISCRIMINATE AGAINST HANDICAPPED PERSONS, AS PROVIDED IN AN INSTRUMENT.

ENTITLED: QUITCLAIM DEED. EXECUTED BY: UNITED STATES OF AMERICA. RECORDED: DECEMBER 8, 1960 IN BOOK 3759 OF OFFICIAL RECORDS, PAGE 1. SAID COVENANTS, CONDITIONS AND RESTRICTIONS DO CONTAIN EXPRESS PROVISIONS FOR FORFEITURE OR REVERSION OF TITLE IN THE EVENT OF VIOLATION. AGREEMENT EXTENDING TERMS, CONDITIONS AND RESTRICTIONS OF DEED, RECORDED APRIL 28, 1975, BOOK 7485, PAGE 918, OFFICIAL RECORDS. AGREEMENT EXTENDING TERMS, CONDITIONS AND RESTRICTIONS OF DEED, RECORDED FEBRUARY 11, 1986, BOOK 12739, PAGE 247, OFFICIAL RECORDS.

(6) AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING: INSTRUMENT: DEED. GRANTED TO: HERBERT B. ELWORTHY, ET AL. FOR: ROAD PURPOSES. RECORDED: MAY 9, 1960 IN BOOK 3615 OF OFFICIAL RECORDS, PAGE 546. AFFECTS: A PORTION OF THE PREMISES.

(7) AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING INSTRUMENT : DEED. GRANTED TO: CITY OF PITTSBURG. FOR: ROAD PURPOSES. RECORDED: DECEMBER 8, 1960 IN BOOK 3759 OF OFFICIAL RECORDS, PAGE 1. AFFECTS : A PORTION OF THE PREMISES.

(13) AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING: INSTRUMENT: DEED. GRANTED TO: FEDERAL ENGINEERING COMPANY. FOR: A SINGLE LINE OF POLES FOR TELEGRAPH OR TELEPHONE LINES AND INCIDENTAL PURPOSES. RECORDED: DECEMBER 26, 1930 IN BOOK 257 OF OFFICIAL RECORDS, PAGE 216. AFFECTS: A PORTION OF THE PREMISES

(19) AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING: INSTRUMENT: INDENTURE. GRANTED TO: CITY OF PITTSBURG, A MUNICIPAL CORPORATION AND STANDARD PACIFIC GAS LINE INCORPORATED, A CORPORATION. FOR: SINGLE LINE OF POLES AND RIGHT OF WAY. DATED: JULY 6, 1953. RECORDED: IN BOOK 2261 OF OFFICIAL RECORDS, PAGE 564 UNDER RECORDER'S SERIAL NUMBER 4926. AFFECTS: PARCEL 5.

(26) COVENANTS, CONDITIONS AND RESTRICTIONS WHICH DO NOT CONTAIN EXPRESS PROVISION FOR FORFEITURE OR REVERSION OF TITLE IN THE EVENT OF VIOLATION, BUT OMITTING ANY COVENANTS OR RESTRICTION IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN UNLESS AND ONLY TO THE EXTENT THAT SAID COVENANT (A) IS EXEMPT UNDER TITLE 42, SECTION 3607 OF THE UNITED STATES CODE OR (B) RELATES TO HANDICAP BUT DOES NOT DISCRIMINATE AGAINST HANDICAPPED PERSONS, AS PROVIDED IN AN INSTRUMENT.
ENTITLED: QUITCLAIM DEED. EXECUTED BY : UNITED STATES OF AMERICA. RECORDED: DECEMBER 8, 1960 IN BOOK 3759 OF OFFICIAL RECORDS, PAGE 1. SAID COVENANTS, CONDITIONS AND RESTRICTIONS DO CONTAIN EXPRESS PROVISIONS FOR FORFEITURE OR REVERSION OF TITLE IN THE EVENT OF VIOLATION.AGREEMENT EXTENDING TERMS, CONDITIONS AND RESTRICTIONS OF DEED, RECORDED APRIL 28, 1975, BOOK 7485, PAGE 918, OFFICIAL RECORDS. AGREMENT EXTENDING TERMS, CONDITIONS AND RESTRICTIONS OF DEED, RECORDED FEBRUARY 11, 1986, BOOK 12739, PAGE 247, OFFICIAL RECORDS.

(27) AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING INSTRUMENT : DEED. GRANTED TO : CITY OF PITTSBURG. FOR: ROAD PURPOSES. RECORDED : DECEMBER 8, 1960 IN BOOK 3759 OF OFFICIAL RECORDS, PAGE 1. AFFECTS : A PORTION OF THE PREMISES.

NOTE

1. PARCELIZATION SHOWN IS REFLECTIVE OF PARCEL MAP WAIVER FOR LOT LINE ADJUSTMENT PMW 24–01 (DOC 2024–0070057)

TREE TABLE

Tree #	Common Name	Botanical Name	DBH (in.)
1	Balckwood Acacia	Acacia Melanoxylon	19.7
2	Mexican Fan Palm	Washingtonia robusta	17
3	Mexican Fan Palm	Washingtonia robusta	19
4	Italian Stone Pine	Pinus pinea	35[1]
5	Italian Stone Pine	Pinus pinea	47[1]
6	Mexican Fan Palm	Washingtonia robusta	25
7	Black Cottonwood	Populus trichocarpa	45[2]
8	Mexican Fan Palm	Washingtonia robusta	18.7
9	Aleppo Pine	Pinus halepensis	17.9
10	Aleppo Pine	Pinus halepensis	24.5[2]
11	Aleppo Pine	Pinus halepensis	19.7
12	Aleppo Pine	Pinus halepensis	18.8[1]
13	Italian Stone Pine	Pinus pinea	32.7
14	Italian Stone Pine	Pinus pinea	23.3, 13
15	Italian Stone Pine	Pinus pinea	19
16	Italian Stone Pine	Pinus pinea	32[1]
17	Italian Stone Pine	Pinus pinea	25
18	Italian Stone Pine	Pinus pinea	32
19	Silver Dollar Eucalyptus	Eucalyptus polyanthemos	14.8
20	Silver Dollar Eucalyptus	Eucalyptus polyanthemos	18.7
21	Silver Dollar Eucalyptus	Eucalyptus polyanthemos	21.2
22	Silver Dollar Eucalyptus	Eucalyptus polyanthemos	12.3, 15
23	Silver Dollar Eucalyptus	Eucalyptus polyanthemos	25.5
24	Stone Pine	Pinus pinea	31.3[1]
25	Silver Dollar Eucalyptus	Eucalyptus polyanthemos	Multi-stemmed

TREE TABLE

Tree #	Common Name	Botanical Name	DBH (in.)
26	Eucalyptus	Eucalyptus spp.	26
27	Eucalyptus	Eucalyptus spp.	19.3
28	Eucalyptus	Eucalyptus spp.	23.4
29	Eucalyptus	Eucalyptus spp.	14.3
30	Eucalyptus	Eucalyptus spp.	29.2
31	Peruvian Pepper	Schinus molle	16.5[3]
32	Peruvian Pepper	Schinus molle	14, 16.5[2]
33	Deodar Cedar	Cedrus deodara	19.2
34	Aleppo Pine	Pinus pinea	35.5[2]
35	Monterey Pine	Pinus radiata	26[1]
36	Fig	Ficus carica	Multi-stemmed
37	Canary Island Pine	Pinus canariensis	17.6
38	Aleppo Pine	Pinus halepensis	25.2
39	Aleppo Pine	Pinus halepensis	17
40	Valley Oak	Quercus lobata	17
41	Aleppo Pine	Pinus halepensis	21.7
42	Aleppo Pine	Pinus halepensis	16.5[1]
43	Aleppo Pine	Pinus halepensis	30[2]
44	Aleppo Pine	Pinus halepensis	18.3
45	Peruvian Pepper	Schinus molle	19.8
46	Shamel Ash	Fraxinus uhdei	22.5
47	Shamel Ash	Fraxinus uhdei	22
48	Aleppo Pine	Pinus halepensis	26.5
49	Peruvian Pepper	Schinus molle	23
50	Shamel Ash	Fraxinus uhdei	22

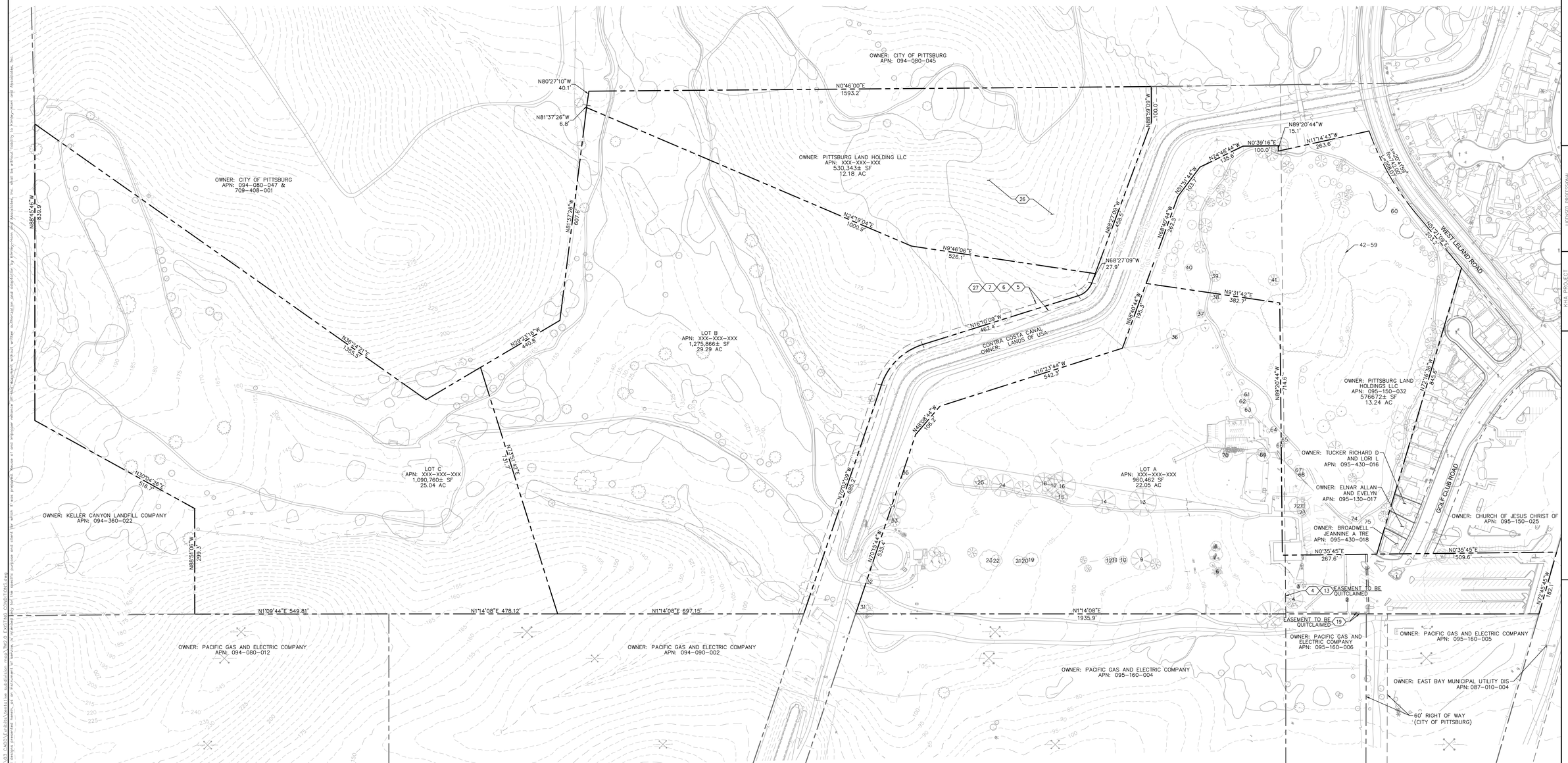
TREE TABLE

Tree #	Common Name	Botanical Name	DBH (in.)
51	Aleppo Pine	Pinus halepensis	30[1]
52	Peruvian Pepper	Schinus molle	27
53	Shamel Ash	Fraxinus uhdei	14
54	Peruvian Pepper	Schinus molle	27.3
55	Shamel Ash	Fraxinus uhdei	18.6
56	Shamel Ash	Fraxinus uhdei	15.6
57	Aleppo Pine	Pinus halepensis	16.1, 16.2
58	Aleppo Pine	Pinus halepensis	27.5[1]
59	Shamel Ash	Fraxinus uhdei	21.3
60	Eucalyptus	Eucalyptus spp.	16.5
61	Shamel Ash	Fraxinus uhdei	20.7
62	Shamel Ash	Fraxinus uhdei	21.2[4]
63	Shamel Ash	Fraxinus uhdei	20.9
64	Shamel Ash	Fraxinus uhdei	15.7
65	Shamel Ash	Fraxinus uhdei	15.8
66	Shamel Ash	Fraxinus uhdei	14.4
67	Ash	Fraxinus spp.	19.8
68	Ash	Fraxinus spp.	23.4
69	Black Cottonwood	Populus trichocarpa	48
70	Peruvian Pepper	Schinus molle	32[4]
71	Raywood Ash	Fraxinus angustifolia 'Raywood'	18.1
72	Raywood Ash	Fraxinus angustifolia 'Raywood'	18.1
73	Raywood Ash	Fraxinus angustifolia 'Raywood'	11.7
74	Shamel Ash	Fraxinus uhdei	20
75	Peruvian Pepper	Schinus molle	25.5

[1]: Measured at 36 inches above level grade.
[2]: Measured at 24 inches above level grade.
[3]: Measured at near grade.
[4]:Measured at 12 inches above level grade.

TREE REMOVALS

THE FOLLOWING TREES WILL BE REMOVED: 1 THROUGH 38, 42 THROUGH 64, 66, 69, 70.



Kimley»Horn
2121 S EL CAMINO REAL, SUITE 500, SAN MATEO, CA 94403
PHONE: (650) 539-3808
WWW.KIMLEY-HORN.COM

No.	REVISIONS	DATE	BY

LICENSED PROFESSIONAL
DATE:

KHA PROJECT
DATE 09/5/2024
SCALE AS SHOWN
DESIGNED BY: RKB
DRAWN BY: JRT
CHECKED BY: AV

VESTING TENTATIVE SUBDIVISION MAP
PITTSBURG TECHNOLOGY CENTER
TRACT NO. 9700

EXISTING CONDITIONS

SHEET NUMBER
TM2.0

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LEGEND

- CENTER LINE
- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED FENCE
- PROJECT PHASES
- (X) TITLE REPORT EXCEPTION, SEE EXISTING CONDITIONS PLAN TM2.0

ABBREVIATIONS

APN – ASSESSOR PARCEL NUMBER
EVA – EMERGENCY VEHICLE ACCESS
EVAE – EMERGENCY VEHICLE ACCESS EASEMENT
LS – LANDSCAPE
℄ – PROPERTY LINE
PUE – PUBLIC UTILITY EASEMENT
SF – SQUARE FEET
S/W – SIDEWALK
RW – RECYCLED WATER
R – RADIUS

NOTES

1. RIGHT–OF–WAY LIMITED TO EVA, WATER, COMMUNICATIONS, OTHER PUBLIC SERVICES, NO PUBLIC ACCESS.
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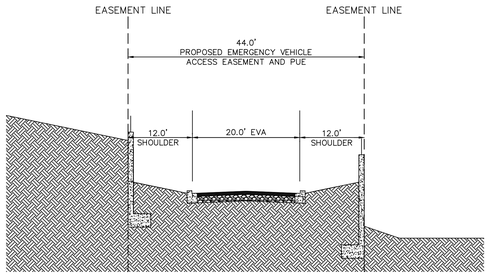
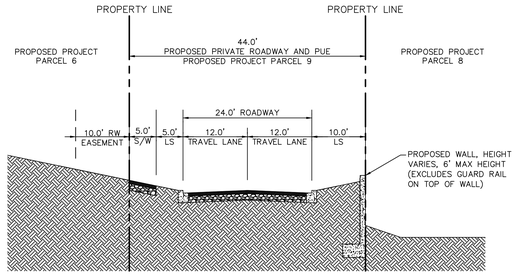
3. PUBLIC DRAINAGE EASEMENT BENEFITS CITY FOR RUN ON AND CONVEYANCE OF RUNOFF TO CITY DRAINAGE FACILITIES.



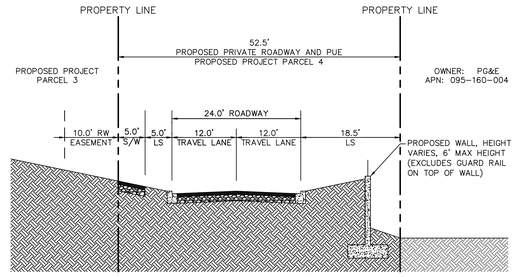
SECTION C: EVA ROAD

NOT TO SCALE



SECTION B: GOLF CLUB ROAD EXTENSION

NOT TO SCALE



SECTION A: GOLF CLUB ROAD EXTENSION

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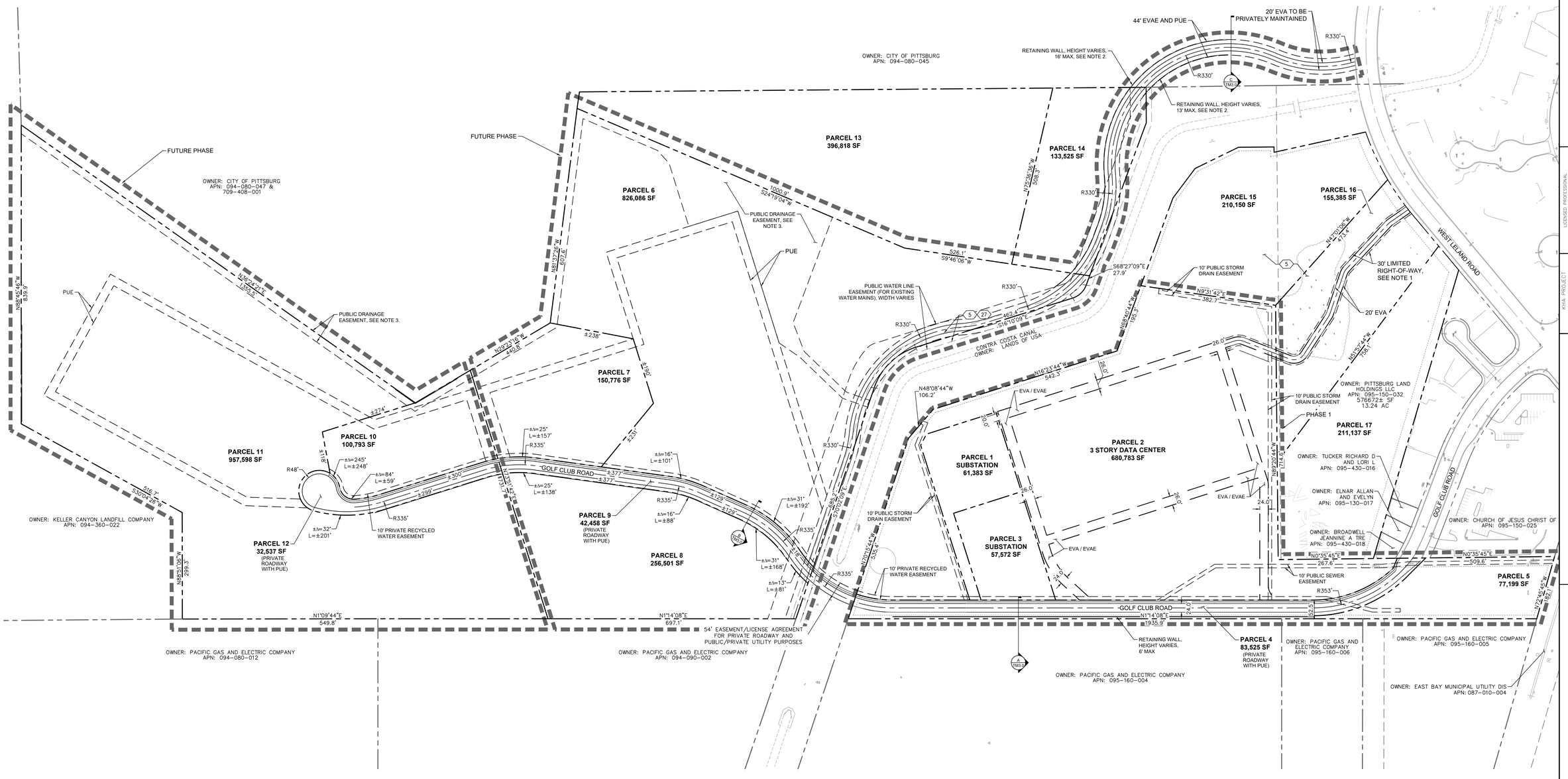

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Kimley»Horn
2121 S EL CAMINO REAL, SUITE 500, SAN MATEO, CA 94403
PHONE: (650) 539-3073
WWW.KIMLEY-HORN.COM

No.	REVISIONS	DATE	BY

LICENSED PROFESSIONAL

DATE:

KHA PROJECT

DATE 09/15/2024
SCALE AS SHOWN
DESIGNED BY: RKB
DRAWN BY: JRT
CHECKED BY: AV

VESTING TENTATIVE SUBDIVISION MAP
PITTSBURG TECHNOLOGY CENTER
TRACT NO. 9700

SITE PLAN AND PARCELIZATION PLAN - OPTION 1

SHEET NUMBER
TM3.0

LEGEND

- CENTER LINE
- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED FENCE
- PROJECT PHASES
- (X) TITLE REPORT EXCEPTION, SEE EXISTING CONDITIONS PLAN TM2.0

ABBREVIATIONS

APN – ASSESSOR PARCEL NUMBER
EVA – EMERGENCY VEHICLE ACCESS
EVAE – EMERGENCY VEHICLE ACCESS EASEMENT
LS – LANDSCAPE
P/L – PROPERTY LINE
PUE – PUBLIC UTILITY EASEMENT
SF – SQUARE FEET
S/W – SIDEWALK
RW – RECYCLED WATER
R – RADIUS

NOTES

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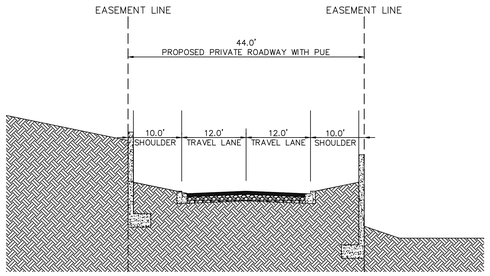
4. INTERSECTION OF PROPOSED ROADWAYS TO BE MOVED SOUTH TO ACCOMMODATE LARGE VEHICLES AS NECESSARY.



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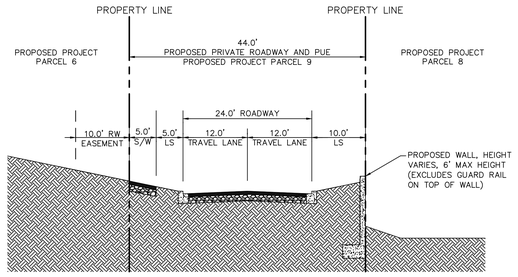

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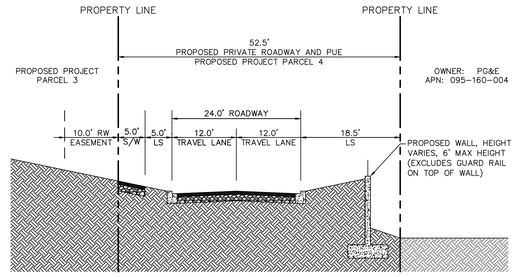

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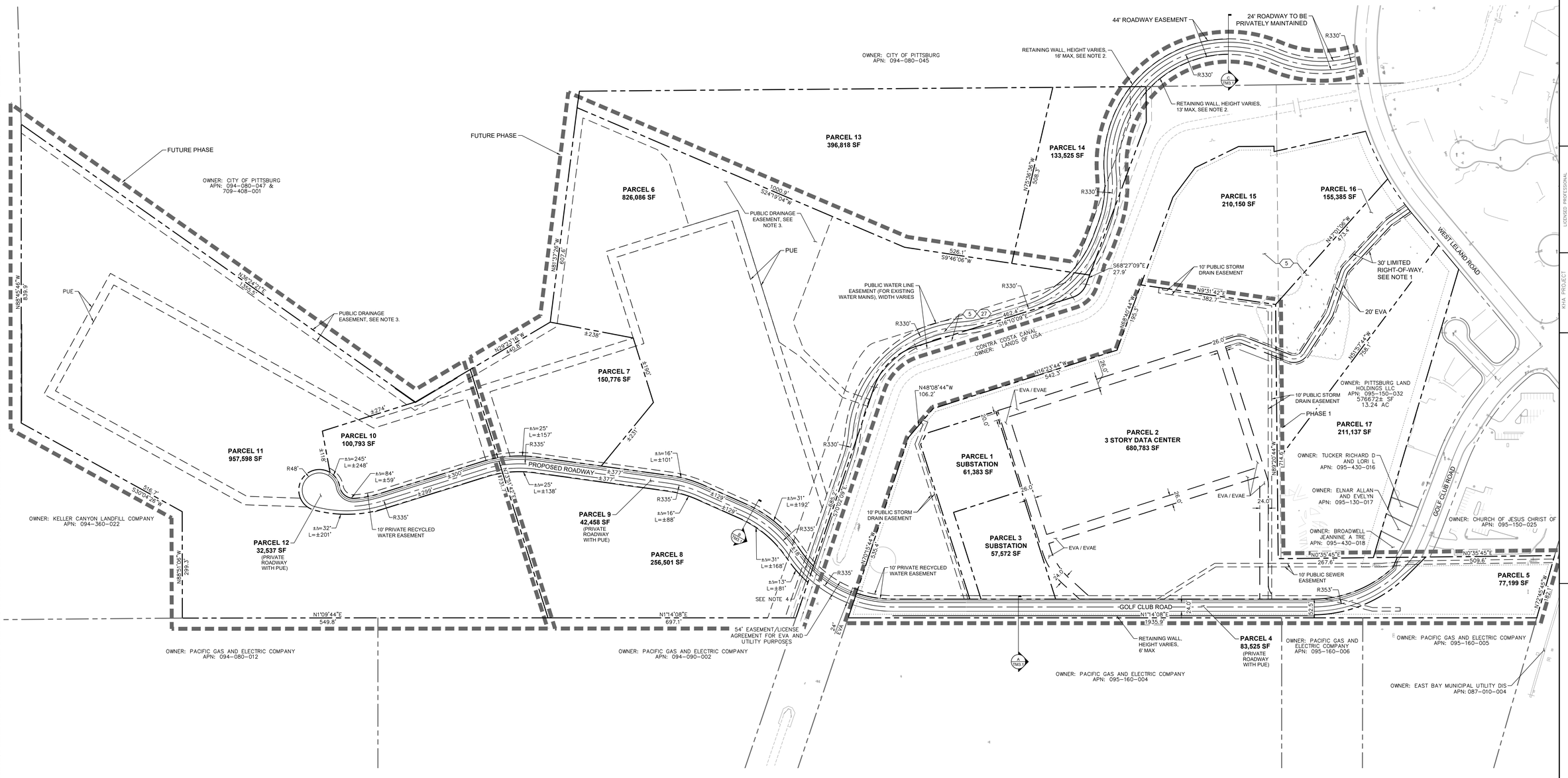

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2121 S EL CAMINO REAL, SUITE 500, SAN MATEO, CA 94403
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SITE PLAN AND PARCELIZATION PLAN - OPTION 2

SHEET NUMBER
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LEGEND

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- PROPERTY LINE
- PROJECT PHASES
- DRAINAGE AREA (DA)
- 90.50 TC / 90.00 FS — PROPOSED SPOT ELEVATION
- (89.50 TC) / (89.00 FS) — EXISTING SPOT ELEVATION
- 2.00% — PROPOSED FLOW (DIRECTION AND SLOPE)
- BIORETENTION AREA
- PROPOSED SURFACE FLOW DIRECTION
- PROPOSED STORM DRAIN PIPE FLOW DIRECTION
- DA WITH AREA IN ACRES

ABBREVIATIONS

FS: FINISHED SURFACE

HP: HIGH POINT

LP: LOW POINT

CY: CUBIC YARDS

TW: TOP OF WALL

BW: BOTTOM OF WALL

GB: GRADE BREAK

IMP: INDIVIDUAL MANAGEMENT PRACTICE (PER CONTRA COSTA COUNTY C.3 GUIDEBOOK)

ESTIMATED EARTHWORK QUANTITIES

CUT:	442,500 CY
FILL:	313,900 CY
NET:	128,600 CY (EXPORT)

NOTE

1. DESIGN IS NOT FINAL. PHASE 1 STORMWATER CONTROL DESIGN IS SHOWN, SUBJECT TO CHANGE. FUTURE PHASES SHOW DIAGRAMMATIC BIORETENTION PLANTERS FOR ILLUSTRATION PURPOSES, FUTURE PHASES WILL COMPLY WITH REQUIREMENTS.

GRADING AND DRAINAGE NOTES

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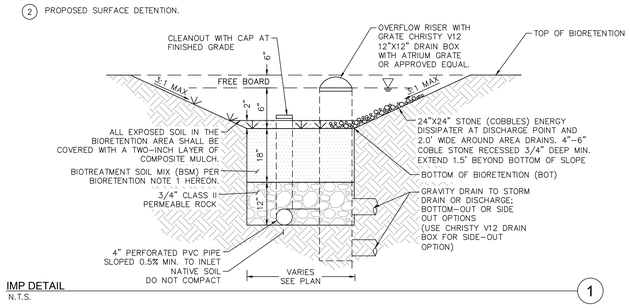
2. PROPOSED SURFACE DETENTION.

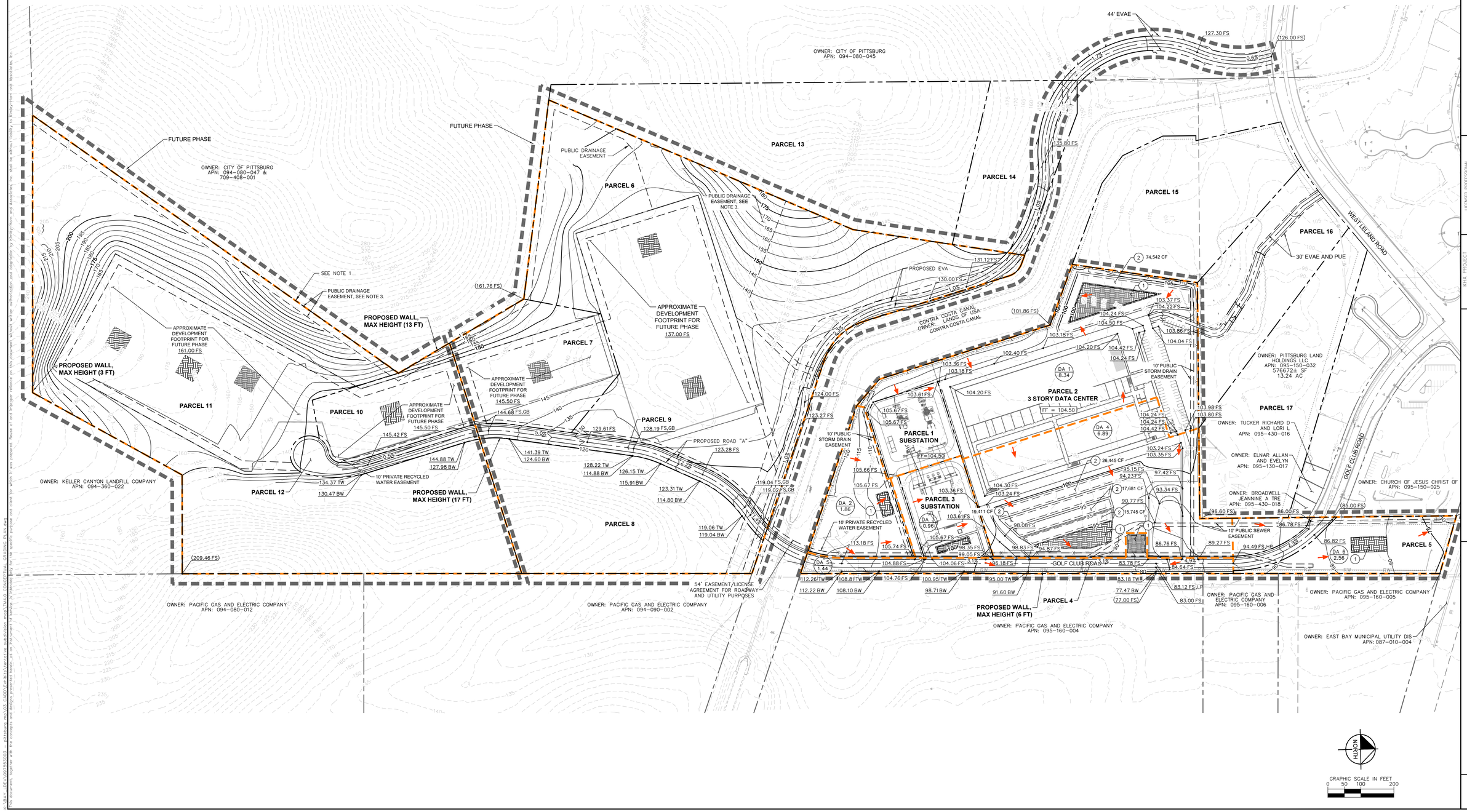


IMP DETAIL
N.T.S. — 1

STORMWATER MANAGEMENT COMPLIANCE SUMMARY TABLE

DA #	TOTAL DRAINAGE AREA (SF)	IMPERVIOUS AREA (SF)	PERVIOUS AREA (SF)	BMP PROVIDED	IMP AREA REQUIRED (SF)	IMP AREA PROVIDED (SF)	ORIFICE DIAMETER (IN.)
1	363,037	238,998	124,039	BIORETENTION	12,041	12,100	0.56
2	84,485	14008	70,477	BIORETENTION	1,970	2,000	0.74
3	41,906	41,906	0	BIORETENTION	1,676	1,700	0.56
4	300,363	138,028	162,335	BIORETENTION	8,768	8,800	1.40
5	58,968	53,604	5,364	BIORETENTION	2,251	2,300	0.61
6	111,551	11,550	100,041	BIORETENTION	4,039	4,100	1.10

NOTE: BIORETENTION AREAS SHOWN SUBJECT TO CHANGE.



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KHA PROJECT
DATE 09/5/2024
SCALE AS SHOWN
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DRAWN BY: ART
CHECKED BY: AV

VESTING TENTATIVE SUBDIVISION MAP
PITTSBURG TECHNOLOGY CENTER
TRACT NO. 9700

CONCEPTUAL GRADING & STORMWATER MANAGEMENT PLAN - OPTION 1

SHEET NUMBER
TM4.0

\\KHA-FSW\PROJECTS\... - Pittsburg and Oct\CAD\Exhibits\Vesting Subdivision Map\TM4.0 CONCEPTUAL GRADING PLAN.dwg
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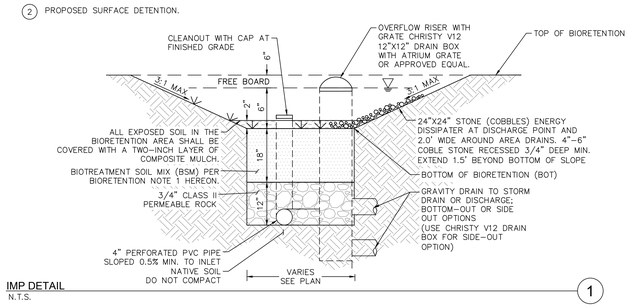

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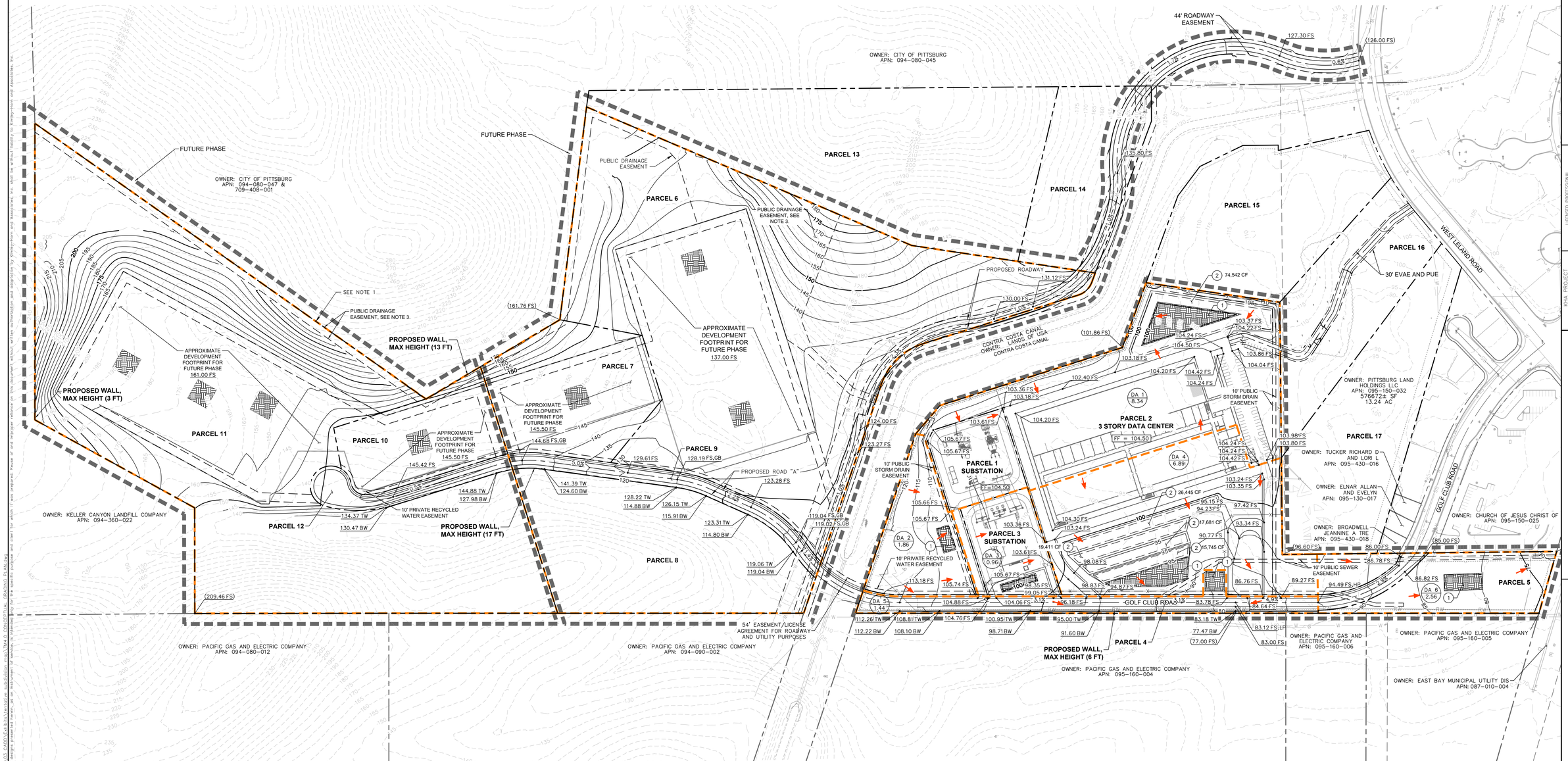

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KHA PROJECT

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SCALE AS SHOWN
DESIGNED BY: RKB
DRAWN BY: ART
CHECKED BY: AV

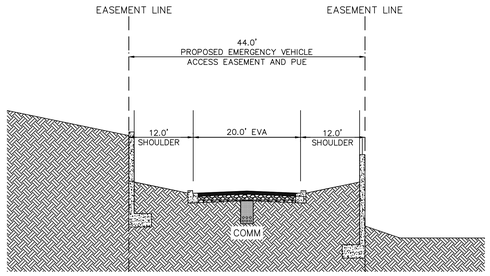
VESTING TENTATIVE SUBDIVISION MAP
PITTSBURG TECHNOLOGY CENTER
TRACT NO. 9700

CONCEPTUAL GRADING & STORMWATER MANAGEMENT PLAN - OPTION 2

SHEET NUMBER
TM4.1

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED FENCE
- PROJECT PHASES
- EXISTING WATER LINE
- EXISTING SANITARY SEWER LINE
- EXISTING RECYCLED WATER LINE
- EXISTING STORM DRAIN LINE
- PROPOSED WATER
- PROPOSED FIRE WATER
- PROPOSED SANITARY SEWER
- PROPOSED RECYCLED WATER (PRIVATE)
- PROPOSED STORM DRAIN LINE
- PROPOSED COMMUNICATION LINE
- PROPOSED OVERHEAD ELECTRIC LINE
- PROPOSED JOINT TRENCH LINE
- PROPOSED POINT OF CONNECTION



SECTION C: EVA ROAD

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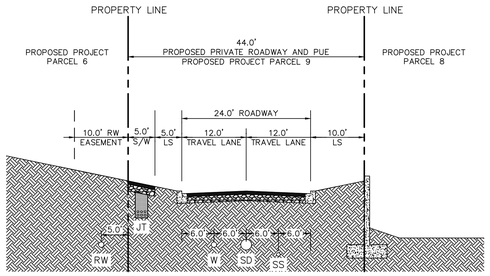

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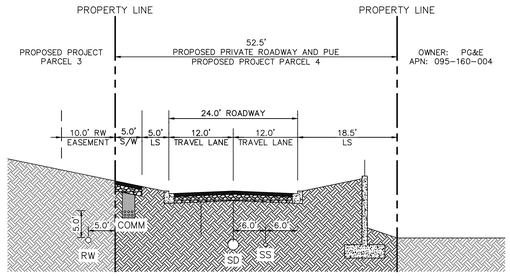

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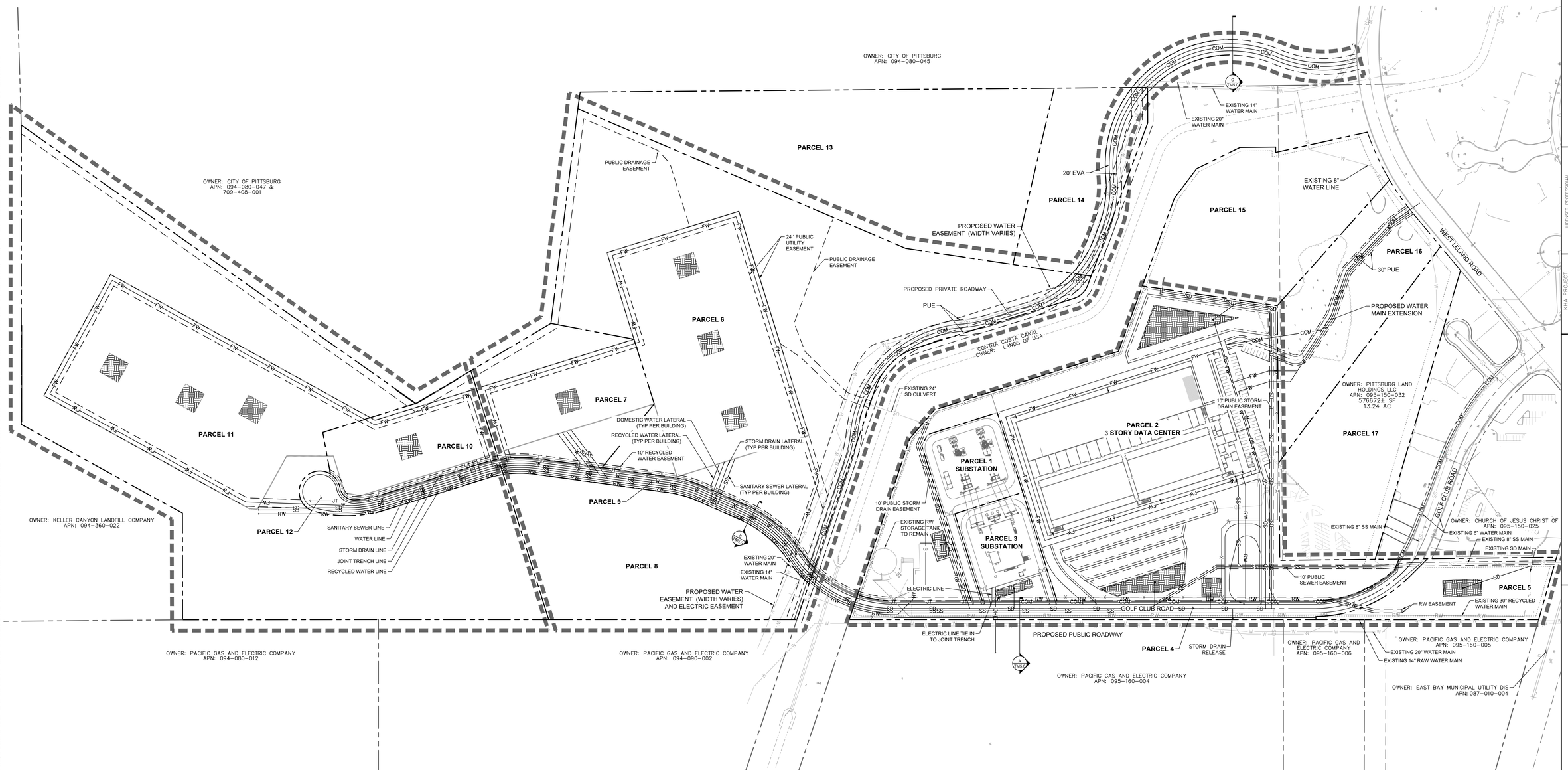

K:\BAY_DEV\029250003 - Pittsburg Mixed Use\Civil\Tentative Subdivision Map\TM5.0 CONCEPTUAL UTILITY PLAN.dwg

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PITTSBURG TECHNOLOGY CENTER
TRACT NO. 9700

CONCEPTUAL UTILITY PLAN - OPTION 1

SHEET NUMBER
TM5.0

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- X — PROPOSED FENCE
- PROJECT PHASES
- W — EXISTING WATER LINE
- SS — EXISTING SANITARY SEWER LINE
- RW — EXISTING RECYCLED WATER LINE
- SD — EXISTING STORM DRAIN LINE
- W — PROPOSED WATER
- FW — PROPOSED FIRE WATER
- SS — PROPOSED SANITARY SEWER
- RW — PROPOSED RECYCLED WATER (PRIVATE)
- SD — PROPOSED STORM DRAIN LINE
- COM — PROPOSED COMMUNICATION LINE
- OHE — PROPOSED OVERHEAD ELECTRIC LINE
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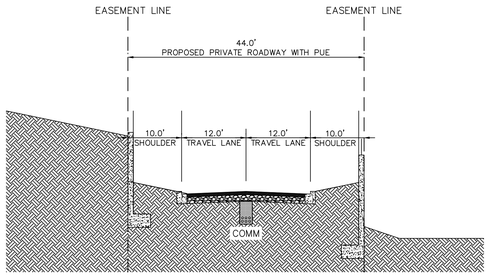

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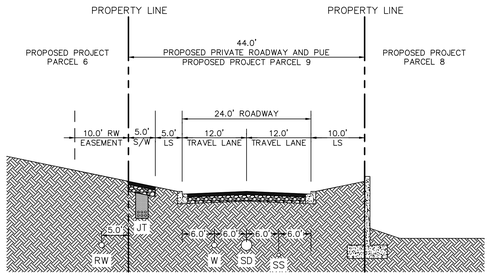

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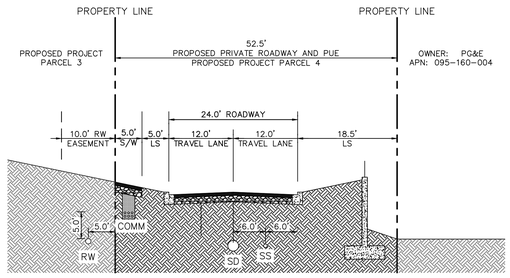

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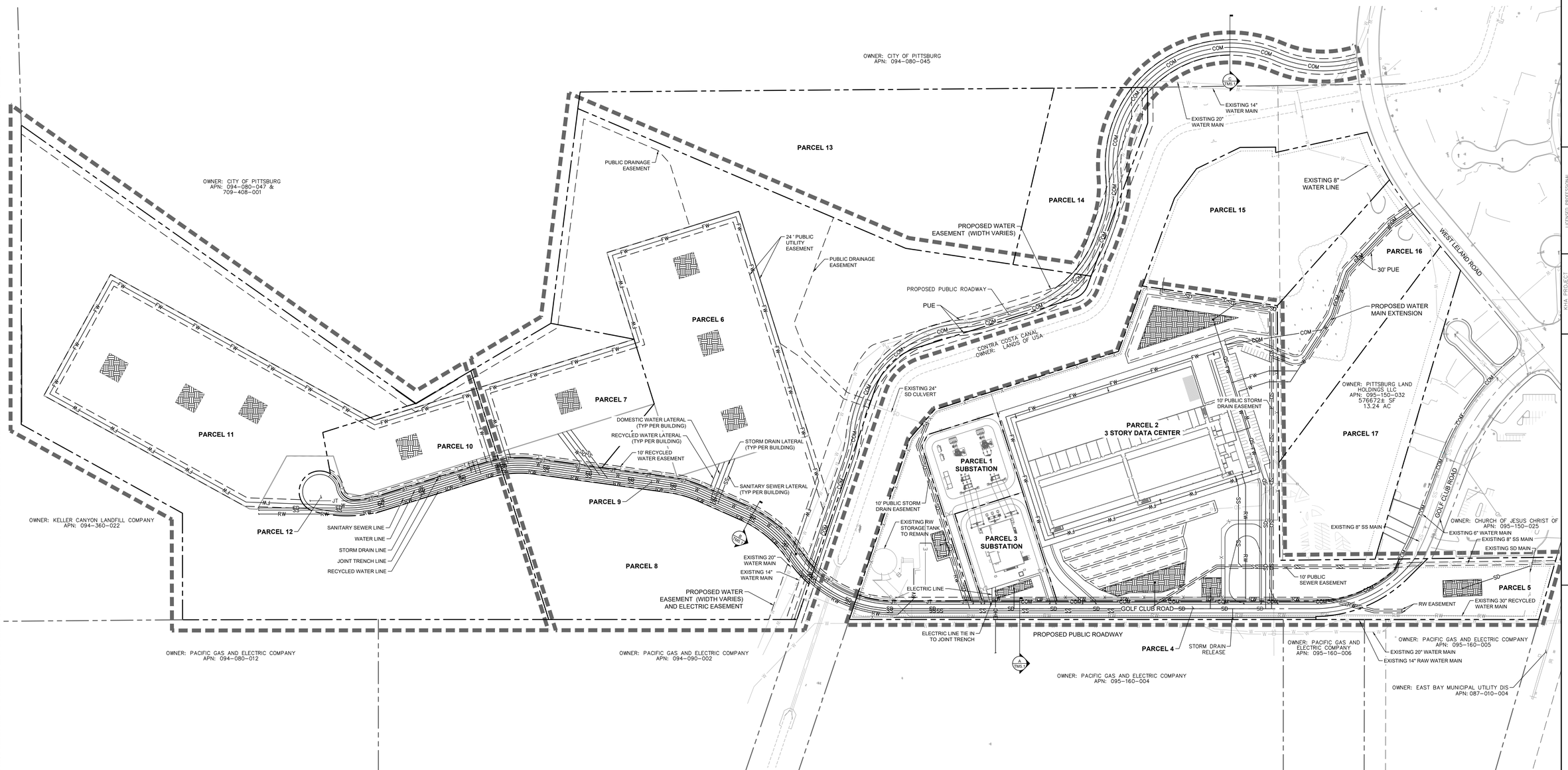

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CONCEPTUAL UTILITY PLAN - OPTION 2

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FINDINGS FOR THE

PITTSBURG TECHNOLOGY PARK SPECIFIC PLAN

PROGRAM ENVIRONMENTAL IMPACT REPORT

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, § 21000 et seq.)

I. INTRODUCTION

The California Environmental Quality Act ("CEQA") (Public Resources Code, §21000 et seq.) requires the City of Pittsburg (City), as the CEQA lead agency to make written findings when it approves a project for which an environmental impact report (EIR) was certified.

These findings explain how the City, as the lead agency, approached the potentially significant impacts identified in the Draft Program EIR (PEIR) prepared for the proposed Pittsburg Technology Park Specific Plan (proposed Specific Plan; proposed project). As required under CEQA, the Final PEIR describes the proposed project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts.

The Final PEIR (which includes the Draft PEIR, comments on the Draft PEIR, responses to comments on the Draft PEIR, and all revisions to the Draft PEIR) for the Project, examined several alternatives to the Project that were not chosen as part of the approved project (Alternative A: No Project/No Development Alternative, Alternative B: No Project/Adopted 2040 General Plan Alternative, Alternative C: Phase I Data Hub Development Only, and Alternative D: Limited Uses Alternative).

The Findings of Fact set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under CEQA and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the proposed Specific Plan. The Findings provide the written analysis and conclusions of the City Council regarding the proposed Specific Plan's anticipated environmental impacts, mitigation measures, and alternatives.

II. GENERAL FINDINGS AND OVERVIEW

In May 2024, the City of Pittsburg (City) completed a multi-year process and updated the City's General Plan as the blueprint for the future physical development of the City. To guide development at a more granular level than provided in the 2040 General Plan, the Pittsburg Technology Park Specific Plan provides

policy, zoning, development standards and guidelines, along with an implementation framework for the development of a technology park to generate employment opportunities within the City. The proposed Specific Plan acts as an intermediate level of guidance between the 2040 General Plan and individual development proposals within the proposed Specific Plan area (Plan Area).

A. Procedural Background

The City circulated a Notice of Preparation (NOP) of an PEIR for the proposed project on February 28, 2024, to trustee and responsible agencies, the State Clearinghouse, and the public. A public scoping meeting was held on March 14, 2024, via a web-based video meeting at 11:00 A.M. and in-person at 6:00 P.M. During the 30-day public review period for the NOP, which ended on March 29, 2024, 14 written comment letters were received on the NOP. The NOP and all comments received on the NOP are presented in Appendix A of the Draft PEIR.

On July 3, 2024, the City published a public Notice of Availability (NOA) for the Draft PEIR inviting comment from the general public, agencies, organizations, and other interested parties. A Notice of Completion (NOC) was filed, a Notice of Availability (NOA) was published, and a 45-day public review period was provided between July 3, 2024, and August 19, 2024, to receive public and agency comments on the adequacy of the environmental analysis contained in the Draft PEIR. A public meeting was held on July 25, 2024, via a web-based video meeting at 11:00 A.M. and in-person at 6:00 P.M.

The Draft PEIR contains a description of the project, description of the environmental setting, identification and analysis of project impacts, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft PEIR identifies issues determined to have no impact or a less than significant impact and provides detailed analysis of potentially significant impacts.

The City received 12 comment letters during the 45-day review period for the Draft PEIR. In accordance with CEQA Guidelines Section 15088, the Final PEIR responds to the written comments received on the Draft PEIR. The Final PEIR also contains minor edits to the Draft PEIR, which are included in Chapter 3.0 (Errata). The Final PEIR document and the Draft PEIR document, as amended by the Final PEIR, constitute the Final PEIR.

B. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

The NOP, comments received on the NOP, NOC, NOA, and all other public notices issued by the City in relation to the Pittsburg Technology Park Specific Plan PEIR.

The Pittsburg Technology Park Specific Plan Draft PEIR, associated appendices in the Draft PEIR, and technical materials cited in the Draft PEIR.

The Pittsburg Technology Park Specific Plan Final PEIR, including comment letters, responses to comments, and technical materials cited in the document.

All non-draft and/or non-confidential reports and memoranda prepared by the City of Pittsburg and consultants in relation to the PEIR.

Minutes and/or recordings of the discussions regarding the Pittsburg Technology Park Specific Plan and its components conducted at public hearings and meetings held by the City.

Staff reports associated with Planning Commission and City Council hearings on the Pittsburg Technology Park Specific Plan.

Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Pittsburg City Clerk's office at 65 Civic Avenue, Pittsburg, CA 94565.

D. Consideration of the Environmental Impact Report

In adopting these Findings, this Council finds that the Final PEIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final PEIR prior to approving the Pittsburg Technology Park Specific Plan. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final PEIR. The City Council finds that the Final PEIR was completed in compliance with CEQA. The Final PEIR represents the independent judgment and analysis of the City Council.

E. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Pittsburg General Plan, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS: PURSUANT TO CEQA GUIDELINES SECTION 15091(A)(3)

The Final PEIR concludes that implementation of the Pittsburg Technology Park Specific Plan would not result in significant unavoidable impacts.

IV. FINDINGS REGARDING IMPACTS MITIGATED TO LESS THAN SIGNIFICANT LEVELS: FINDINGS PURSUANT TO CEQA GUIDELINES SECTION 15091(A)(1)

A. Specific impacts within the following categories of environmental effects **were found to be less than significant with mitigation** as set forth in more detail in the Draft PEIR.

Air Quality

Air Quality Impact 3.2-2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard

Mitigation Measure 3.2-1: **Subsequent Construction Air Quality Analysis.**

Prior to approval of subsequent development applications by the Zoning Administrator, applicants shall provide a project-level construction air quality analysis to determine the significance of air quality impacts. Specific construction activities shall be compared to BAAQMD screening criteria to determine if a more detailed emissions analysis is required to determine significance. If a quantitative analysis of emissions during project construction is required, the estimated emissions shall be compared to BAAQMD significance thresholds. Mitigation measures necessary to reduce any significant impacts shall be developed in coordination with the BAAQMD and shall include BAAQMD's basic best management practices for construction-related fugitive dust emissions as follows:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution

Complaints number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure 3.2-2: **Use of USEPA Tier 4 Engines**

Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor shall ensure that all offroad heavy-duty diesel-powered equipment larger than 100 horsepower (e.g., rubber tired dozers, excavators, graders, scrapers, pavers, paving equipment, and cranes) to be used for each phase of construction of the project (i.e., owned, leased, and subcontractor vehicles) shall meet USEPA emissions standards for Tier 4 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer.

Mitigation Measure 3.2-3: **Enhanced Best Management Practices for Fugitive Dust**

To minimize emissions of fugitive dust, future development shall be required to implement the following enhanced best management practices, which shall be notated on grading plans prior to approval:

1. Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
2. Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
3. Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
4. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
5. Minimize the amount of excavated material or waste materials stored at the site.
6. Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.

Due to the potential for full project buildout to include land use types that generate diesel truck trips beyond what was estimated in the CalEEMod modeling analysis, the following conditional mitigation measure may be required.

Mitigation Measure 3.2-4: **Subsequent Operational Air Quality Analysis**

If a future development application includes a land use type that would generate diesel truck trips during project operation (such as logistics and warehousing), then prior to approval by the Zoning Administrator, a project-level air quality analysis shall be performed in conformance with General Plan Actions 2-A-4.b. and c. The analysis shall include, but not be limited to, quantification of operational criteria air pollutant emissions, a determination of operational air quality impacts, and identification of mitigation measures necessary to reduce any significant impacts.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring that steps would be taken

to reduce construction and/or operational criteria pollutant emissions to allowable thresholds (Draft EIR pages 3.2-26 through -29). Additionally, applicable air quality regulations are memorialized in the Draft EIR (Draft EIR pages 3.2-8 through 3.2-19).

Air Quality Impact 3.2-3: Expose sensitive receptors to substantial pollutant concentrations

Mitigation Measure 3.2-5: **Health Impact Analysis**

If a future development application includes a land use type that would generate diesel truck trips during project operation (such as logistics and warehousing), then prior to approval by the Zoning Administrator, then a Health Risk Assessment (HRA) shall be performed in conformance with 2040 General Plan Action 2-A-4.c. The analysis shall evaluate potential impacts from directly emitted TAC and PM2.5, as specified in Chapter 5 of BAAQMD's 2022 CEQA Guidelines. The guidelines recommend a tiered approach where at each successive step, the project's impacts (i.e., annual PM2.5 concentrations, cancer risks, and hazards), and the combined cumulative impacts from surrounding sources and the project, are compared to the appropriate thresholds of significance. Projects shall not be approved until it can be demonstrated that the project would not result in exceedance of the established thresholds of significance for public health risks at nearby sensitive receptors.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring that the project would not exceed the established thresholds of significance for public health risks (Draft EIR pages 3.2-29 through -31). Applicable air quality regulations, including Bay Area Air Quality Management District (BAAQMD) air pollution standards and policies of the City of Pittsburg General Plan, are memorialized in the Draft EIR (Draft EIR pages 3.2-8 through 3.2-19).

Biological Resources

Biological Resources Impact 3.3-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service

Mitigation Measure 3.3-1: **Project Coverage under ECC HCP/NCCP**

Each applicant will be required to obtain coverage for the project under the East Contra Costa HCP/NCCP. This shall include submittal of all required application materials per HCP/NCCP Section 6.2.1 and payment of a Development Fee and applicable fees for wetland impacts and/or stream corridor encroachments consistent with current HCP/NCCP requirements. Alternatively, the applicant may, in accordance with the terms of Chapter 15.108 PMC, offer to dedicate land in lieu of some or all of the HCP/NCCP Development Fee.

All applicable fees shall be paid, and/or an "in-lieu-of-fee" agreement fully executed, prior to the issuance of a grading permit for the project. If a grading permit is not required, fee payment and/or an "in-lieu-of-fee" agreement shall be fully executed prior to issuance of the project's building permit. Proof of applicable fees and/or "in-lieu-of-fee" agreement shall be provided to the City of Pittsburg Community and Economic Development Director as a condition of approval for future projects under the Specific Plan.

Mitigation Measure 3.3-2: **Worker Awareness Training for Biological Resources**

Each applicant will be required to provide Worker Environmental Awareness training to all construction personnel. The WEAP shall include the following information.

- The sensitive habitats on the study area.
- Special-status species known or potentially present within the study area, including their:
    - Listing status and causes of decline,
    - Habitat preferences, and
    - Distinguishing physical characteristics.
- The measures (AMMs and East Contra Costa HCP/NCCP measures) required to protect sensitive habitats and special-status species, including next steps and notifications in the event of a special-status species sighting.

The WEAP shall include a hard copy handout that summarizes information presented in the training and includes photographs of habitat resources and species to facilitate identification in the field by construction personnel.

Each applicant shall ensure that all construction personnel undergo WEAP training before they begin work. Training shall be delivered by a qualified biologist approved by the City of Pittsburg Community Development Director and shall be provided bilingually in English and Spanish if appropriate.

Mitigation Measure 3.3-3: **Adherence to ECC HCP/NCCP Requirements**

Each applicant shall ensure that the project adheres to all applicable East Contra Costa HCP/NCCP requirements.

Pre-Construction Surveys

Planning surveys per HCP/NCCP Section 6.3.1 were completed in 2018 – 2023. Based on the outcomes of the planning surveys, preconstruction surveys by USFWS- and CDFW-approved biologists shall be conducted for the following species per HCP/NCCP Sections 6.3.2:

- Golden Eagle

- Burrowing Owl
- Swainson's Hawk
- San Joaquin kit fox

If preconstruction surveys determine that any of the above species is present on the site (or, for the bird species, within a distance where they could be disturbed by construction activity), the biologist may recommend construction monitoring; if so, then each applicant shall ensure that monitoring is conducted per HCP/NCCP Section 6.3.3. This will include submittal of a Construction Monitoring Plan (CMP) to the East Contra Costa County Habitat Conservancy for approval; the CMP must be submitted and approved prior to issuance of the grading permit (or, if no grading permit is required, the building permit) for the proposed project.

Based on results of the planning surveys, which indicate that no suitable habitat is available in the study area, preconstruction surveys and construction monitoring are not required for the following species:

- Covered shrimp species
- Giant garter snake
- Townsend's big-eared bat

Jurisdiction Delineations

A delineation of jurisdictional wetlands and other waters shall be conducted within the study area per HCP Sections 6.2.1 and 6.3.1.

Each applicant shall also comply with all applicable provisions of East Contra Costa HCP/NCCP Section 6.4, Specific Conditions on Covered Activities, as follows:

- **Section 6.4.1: Landscape-Level Measures**
  - Conservation Measure 1.10 – Maintain Hydrologic Conditions and Minimize Erosion
  - Conservation Measure 1.11 – Avoid Direct Impacts on Extremely Rare Plants, Fully Protected Wildlife Species [and] Covered Migratory Birds
  - Conservation Measure 1.7 – Establish Stream Setbacks
  - Conservation Measure 1.14 – Design Requirements for Covered Roads outside the UDA
- **Section 6.4.2: Natural Community–Level Measures**
  - Conservation Measure 2.12 – Wetland, Pond, and Stream Avoidance and Minimization
- **Section 6.4.3: Species-Level Measures for the following species**
  - California tiger salamander
  - Burrowing Owl

- Golden Eagle
- Swainson's Hawk
- San Joaquin kit fox
- California Red-legged Frog

Mitigation Measure 3.3-4: **Rare Plant Surveys**

Mitigation Measure 3.3-4a. If project construction begins in 2025 or later, an updated protocol-level rare plant survey shall be conducted by a qualified biologist/botanist who is familiar with the rare plants of the project region. Surveys shall be submitted to the City of Pittsburg Community and Economic Development Director and approved by the Conservancy. Surveys shall be conducted prior to construction, with enough lead time to allow for the follow-up actions described below, if they are warranted. Surveys shall be conducted during the peak blooming periods of the target species and shall cover all potentially suitable habitats within the study area and surrounding 250-foot-wide buffer. Target species and blooming periods are listed in the table below; the table is highlighted to group species with similar blooming periods. If no special-status plants are documented within the area to be disturbed for project construction (including staging and access), no further action is required.

SPECIES	***BLOOMING PERIOD***
Lobb's aquatic buttercup (Ranunculus lobbii)	February – May
Johnny-nip (Castilleja ambigua var. ambigua)	March – August
Showy golden madia (Madia radiata)	March – May
California alkali grass (Puccinellia simplex)	March – May
California androsace (Androsace elongata ssp. acuta)	March – June
Stinkbells (Fritillaria agrestis)	March – June
Diablo helianthella (Helianthella castanea)	March – June
Hogwallow starfish (Hesperevax caulescens)	March – June
Stinkbells (Fritillaria agrestis)	March – June
Mt. Diablo jewelflower (Streptanthus hispidus)	March – June
Sylvan microseris (Microseris sylvatica)	March – June
Little mousetail (Myosurus minimus ssp. apus)	March – June
Small-flowered morning-glory (Convolvulus simulans)	March – July
Keck's checkerbloom (Sidalcea keckii)	April – May, sometimes into June
Mt. Diablo fairy-lantern (Calochortus pulchellus)	April – June
Tehama navarretia (Navarretia heterandra)	April – June
Adobe navarretia (Navarretia nigelliformis ssp. nigelliformis)	April – June
Saline clover (Trifolium hydrophilum)	April – June

SPECIES	*BLOOMING PERIOD*
Baker's navarretia (Navarretia leucocephala ssp. bakeri)	April – July
Shining navarretia (Navarretia nigelliformis ssp. radians)	April – July
Pappose tarplant (Centromadia parryi ssp. parryi)	May – November
Parry's rough tarplant (Centromadia parryi ssp. rudis)	May – October
Woolly-headed lessingia (Lessingia hololeuca)	June – October
Big tarplant (Blepharizonia plumosa)	July – October
Mt. Diablo buckwheat (Eriogonum truncatum)	September, sometimes into November/December

Mitigation Measure 3.3-4b. If special-status plants covered by the East Contra Costa HCP/NCCP, or plants designated as "no take" by the East Contra Costa HCP/NCCP, are present in the Plan Area, the relevant survey report(s) shall be submitted to the City of Pittsburg community and Economic Development Director and approved by the Conservancy per HCP/NCCP Section 6.3.1.

If any of the following species covered by the East Contra Costa HCP/NCCP are found to be present in the Plan Area, each applicant shall promptly notify the City of Pittsburg Community and Economic Development Director and the Conservancy of the species' presence and the planned construction schedule, to enable the Conservancy to salvage the occurrence(s) in accordance with HCP/NCCP Conservation Measure 3.10 (Plant Salvage when Impacts Are Unavoidable). Each applicant shall confirm with the City and the Conservancy that the take limits established by the HCP/NCCP for the species in question have not been breached:

- Big tarplant
- Mount Diablo fairy lantern
- Diablo helianthella
- Showy golden madia
- Adobe navarretia

Under no circumstance shall any of the following HCP/NCCP "no-take" plants be harmed:

- Large-flowered fiddleneck
- Alkali milkvetch
- Mt. Diablo buckwheat
- Diamond-petaled poppy
- Contra Costa goldfields

- Caper-fruited tropidocarpum

Due to their extreme rarity, none of these species listed above are expected to be present within the Plan Area, but if any are found, each applicant shall notify the city of Pittsburg Community and Economic Development Department and the Conservancy immediately and shall work with the Conservancy to determine and execute the appropriate course of action.

Mitigation Measure 3.3-4c. If any special-status plant not covered by the East Contra Costa HCP/NCCP is found to be present, the occurrence(s) shall be avoided and protected in place to the extent feasible. If the occurrence(s) cannot be entirely avoided, then a Plant Salvage and Mitigation Plan shall be prepared and implemented. The Plan shall be prepared by a qualified biologist/botanist who is familiar with the rare plants of the project region and has experience conducting rare plant salvage operations. Plant salvage techniques shall be consistent with those outlined in HCP/NCCP Conservation Measure 3.10. The plan shall, at a minimum, include the following.

- Quantity and species of plants to be planted or transplanted
- Location of the mitigation/transplant site(s)
- Salvage methods, such as relocation/transplantation, seed collection, etc., including storage locations and methods to preserve the plants
- Procedures for propagating collected seed, including storage methods
- Planting procedures, including the use of soil preparation and irrigation
- Schedule and action plan to maintain and monitor the mitigation/transplant site for a minimum 3-year period
- Interim and final success criteria and corrective action thresholds (e.g., growth, plant cover, survivorship)
- Potential corrective actions/contingency measures in the event interim success criteria are not being met (e.g.., weed removal, supplemental irrigation, supplemental plantings, etc.).
- Reporting requirements and procedures, including the contents of annual progress reports, report submittals, review/approval responsibilities, etc.

Each applicant shall be responsible for ensuring that the Plant Salvage and Mitigation Plan is implemented. The Plan shall be implemented under the oversight of the biologist/botanist who prepared it or another individual with equivalent qualifications. The biologist shall be approved by the City of Pittsburg Community and Economic Development Department Director.

Mitigation Measure 3.3-5: **Special-Status Bumble Bee Surveys & Protection**

No more than one year prior to the initiation of vegetation removal and grading in the project area, each applicant shall retain an appropriately qualified biologist (see next

paragraph) who has been approved by the City of Pittsburg Community and Economic Development Department Director to conduct surveys for Crotch bumble bee, obscure bumble bee, and American bumble bee. Biologist qualifications for bumble bee surveys will conform to current CDFW guidance prevailing at the time surveys are performed.

Surveys shall be performed by a qualified entomologist familiar with the species' behavior . If surveys are performed prior to CESA (and if applicable, ESA) listing for any species, they shall comprise the following activities, consistent with CDFW's *Survey Considerations for CESA Candidate Bumble Bee Species.* In the event any bumble bee species is listed at the time of survey, surveys will instead adhere to the protocol(s) adopted by the listing agency/agencies (CDFW and/or USFWS).

- Surveys shall be conducted during each species' peak worker activity period. Surveys shall cover all areas of onsite habitat determined by the biologist to be suitable for any of the three target bumble bee species, based on habitat mapping conducted for the project to date. A minimum of three to four surveys shall be conducted, spaced two weeks apart; the total number, timing, and duration of surveys performed shall depend on the biologist's judgment, in consideration of weather, site conditions, and protocol requirements. Surveys shall be designed to identify all foraging bumble bee species; a single survey may be used to detect all species with peak activity periods including the survey date.

- If Crotch bumble bee, obscure bumble bee, or American bumble bee is observed onsite during the surveys, an additional survey or surveys shall be conducted to determine whether a nest or colony is present, unless the biologist is satisfied that the initial survey(s) were sufficient to rule out the presence of nests/colonies.

- If a nest or colony is present onsite, the biologist shall establish an appropriate avoidance buffer determined in consideration of site conditions, the species involved, and the construction activities planned prior to the close of the nesting season. No entry into the buffer shall be permitted. The buffer shall be delineated in the field using orange construction fencing or another appropriate medium, under the biologist's oversight, and shall remain in place until the end of the nesting species' gyne flying season, or until the qualified biologist determines that the nest has been abandoned.

- If no nest/colony is present onsite, no further action will be taken. However, all workers shall be required to avoid injury and mortality to bumble bees they may encounter; this requirement shall be discussed during the WEAP training and shall be reiterated to all workers if special-status bumble bees are confirmed onsite.

- To support improved understanding and conservation of all three bumble bee species, survey results, including negative findings, shall be submitted to CDFW prior to implementing project-related ground-disturbing activities. At a minimum, the survey report shall include the following information.

    1. A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch bumble bee, obscure bumble bee, or American bumble bee

    2. Field survey conditions, including name(s) of qualified entomologist(s) and brief qualifications; date(s) and time(s) of survey; survey duration; general weather conditions; survey goals; and species searched

    3. Map(s) showing the location of nests/colonies, if any

    4. A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found, including native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species) 5. The measures that will be implemented to avoid adverse effects on the bumble bee species present 6. An assessment of potential project effects on special-status bumble bees during project construction and project operation/maintenance, with avoidance and minimization measures in place.

Mitigation Measure 3.3-6: **Monarch Butterfly Protection**

The following measures will be required to protect monarch butterflies prior to ESA (and, if applicable, CESA) listing. In the event monarch butterfly is ESA- and/or CESA-listed at the time of project construction, monarch butterfly protection requirements will instead adhere to the protocol(s) adopted by the listing agency/agencies (CDFW and/or USFWS).

- No more than two days prior to the initiation of vegetation trimming or removal for construction, each applicant shall ensure that a qualified biologist approved by the City of Pittsburg Community Development Director surveys all areas of potentially suitable habitat for monarch butterfly larval host plants.

- If host plants are found, the biologist shall survey all host plants for monarch eggs, larvae, and pupae. If no eggs, larvae, or pupae are found, plants may be removed within two days.

- If eggs, larvae, or pupae are present, host plants shall be protected in place until the biologist has determined that no more eggs, larvae, or pupae are present.

Mitigation Measure 3.3-7: **Western Pond Turtle Protection**

The following measures will be required to protect western pond turtles prior to ESA (and, if applicable, CESA) listing. In the event western pond turtle is ESA- and/or CESA-listed at the time of project construction, western pond turtle protections will instead adhere to the protocol(s) adopted by the listing agency/agencies (CDFW and/or USFWS).

- Prior to the start of construction activities, each applicant shall ensure that a qualified biologist approved by the City of Pittsburg Community Development Director conducts a pedestrian preconstruction survey of the study area and adjacent suitable habitat for western pond turtle.
- The survey shall be conducted no more than 24 hours prior to start of work and shall include walking the work area limits and interior and investigating all areas that could be used by the species.
- If western pond turtle individuals are found, the biologist shall relocate them to suitable habitat outside the disturbance area and far enough away that they would not be expected to return.
- If the biologist determines that it is warranted, exclusion measures shall be implemented to prevent individuals returning to the active work site.

The same requirements will apply for operations and maintenance activities with the potential to affect western pond turtle habitat.

Mitigation Measure 3.3-8: **Nesting Bird Protection (General)**

If project-related disturbance (e.g., vegetation removal or trimming, clearing/grubbing, grading) commences any time during the nesting/breeding season of native bird species potentially nesting in or near the Plan Area (February 1 – August 31 for most species; January 1 through August 31 for Golden Eagle; March 15 – September 15 for Swainson's Hawk), a preconstruction survey for nesting birds shall be conducted by a qualified biologist approved by the City of Pittsburg Community Development Director, using binoculars. The survey shall take place no more than two weeks prior to the initiation of work.

If active nests are found in areas that could be directly affected or are within 300 feet of disturbance activities and would be subject to prolonged noise, a no-disturbance buffer zone shall be created around active nests for the remainder of the breeding season or until the biologist determines that all young have fledged or that the nest has been abandoned. No entry into the no-activity buffer shall be permitted. The no-activity buffer shall be delineated in the field by or under the supervision of the biologist, using

temporary construction fencing or another suitable low-impact medium. The size of the buffer zone(s) shall be determined by the biologist based on the species involved, the amount of vegetative and other screening between the nest and areas where construction activity shall take place, and, if appropriate, other site-specific factors. The minimum buffer width shall be 50 feet for species other than raptors, and a minimum of 500 feet for raptor species other than Golden Eagle and Swainson's Hawk, and may be enlarged by taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity.
- Sensitivity of nesting species and behaviors of the individual nesting birds.

If nesting Swainson's Hawk or Golden Eagle are observed, buffers and other avoidance measures shall conform to Species-Level Measures for these species as laid out in East Contra Costa HCP/NCCP Section 6.4.3. or current CDFW requirements, whichever is greater.

Mitigation Measure 3.3-9: **Nesting Bird Protection (Bald Eagle)**

The following requirements apply to construction and to operations and maintenance that involves disturbance that could affect nesting activity, such as vegetation removal or trimming, clearing/grubbing, and grading.

Bald Eagle nests may be built throughout the year. Consequently, each applicant shall retain a qualified biologist approved by the City of Pittsburg Community Development Director to conduct a preconstruction survey for nesting Bald Eagles prior to the initiation of work at the site (including vegetation removal or trimming, clearing/grubbing, grading, etc.). The survey shall be conducted using binoculars and shall take place no more than two weeks prior to the initiation of work.

If an occupied or active nest is present, construction-related activity shall be prohibited within 0.5 mile of the nest unless site-specific conditions or the nature of the construction activity (e.g., dense vegetation, limited noise generation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented. The biologist shall coordinate with the East Contra Costa County Habitat Conservancy, CDFW, and USFWS to determine the appropriate buffer size.

The nest buffer shall be delineated in the field using temporary construction fencing or another suitable low-impact medium. Buffer fencing shall be placed only on the Plan Area; the buffer shall not be put in place on neighboring properties not involved in project construction and staging.

Construction shall be monitored by a qualified biologist to ensure that the buffer remains in place and that no construction activities occur within the buffer zone until the biologist has determined that the young have fledged or that the nest has been abandoned.

Mitigation Measure 3.3-10: **Special-Status Bat Survey & Protection**

Prior to the initiation of any activity that could disturb roosting bats (including vegetation trimming/removal, surveys involving the use of lasers that produce high-frequency sounds, drilling, or other activity producing high-frequency sounds, a qualified biologist (as stipulated in Section 5 of H.T. Harvey & Associates 2019, and subject to approval by the City of Pittsburg Community Development Director) shall conduct a habitat evaluation for special-status bats, focusing on the needs of pallid bat, western red bat, and hoary bat, the species identified by planning surveys as having potential to be present on the site. For purposes of this AMM, high frequency sound is defined as sound in the 20 kHz – 50 kHz frequency range, based on bat disturbance information in California Department of Transportation (Caltrans) bat mitigation guidelines (ibid). If Caltrans guidance is updated, or if frequency sensitivity information relevant to the bat species with potential to occur becomes available prior to project construction, this definition shall be updated accordingly.

Surveys shall include the entirety of the study area plus a 400-foot-wide buffer. If no roosting habitat suitable for these species is present on the study area, no further action is required. If roosting habitat is present, the following additional requirements shall apply. Any potential roost trees/other potential roosting habitat shall also be considered potential bat maternity roosts.

- Before any activities with the potential to disturb roosting bats begin, the approved biologist(s) shall conduct focused surveys for roost occupancy. These shall be conducted at least two weeks prior to the start of work and shall include:
    - Daytime visual surveys for bats and evidence of bat presence such as guano or urine staining
    - Evening emergence and acoustic surveys

  If bat presence is confirmed, the species, number of individuals, and roost type (maternity/non-maternity) shall be documented and reported to the CNDDB. Bats shall not be disturbed or relocated during the surveys.

- Confirmed non-maternity roosts shall be protected by buffers. Buffers shall be delineated in the field with temporary construction fencing or another suitable measure, installed under biologist oversight. Note that buffer distances vary depending on the species and the type of noise/disturbance involved. (If bat species other than those addressed here are encountered, buffer distances shall

be consistent with H.T. Harvey & Associates 2019). The biologist shall coordinate with construction staff to determine the appropriate buffer width; if there is uncertainty, the more conservative buffer width shall prevail.

If a confirmed roost must be removed or trimmed for construction, or if work must occur within the buffers laid out above, work shall be restricted to daylight hours when the CDFW approved biologist has confirmed that it the roost is not occupied, and shall be overseen by the biologist to prevent injury or mortality. The biologist shall have authority to divert or stop work in the event of excessive risk to bats.

Confirmed maternity roosts shall be protected by the same buffers identified above. Maternity roosts shall not be removed unless removal cannot be avoided, and in no case shall a confirmed maternity roost be removed during the breeding/non-volant season (April – August). If removal of a maternity roost is necessary, each applicant shall consult with CDFW to determine appropriate compensatory mitigation such as the provision of bat boxes and shall submit a Bat Habitat Mitigation Plan for DFW approval. Consultation and submittal of the Mitigation Plan shall occur prior to the removal, and the removal shall not take place until CDFW has approved the Plan. Each applicant shall then be responsible for implementing CDFW-approved mitigation for removal of bat maternity roost habitat.

Mitigation Measure 3.3-11: **San Joaquin Pocket Mouse Protection**

Vegetation removal, clearing/grubbing, and grading activities shall be conducted in a uniform direction to allow mobile animals such as San Joaquin pocket mouse the ability to escape the disturbance area into adjacent undisturbed habitat. Project construction shall also avoid the creation of fragmented islands of habitat where individuals may become trapped, isolated from resources, and at risk from eventual clearing/grading operations.

Mitigation Measure 3.3-12: **American Badger Survey & Protection**

Each applicant shall ensure that a qualified biologist approved by the City of Pittsburg Community Development Director conduct a preconstruction survey for American badger den sites. The survey shall be conducted no more than four weeks before the commencement of ground disturbance.

If an occupied den is found, and young are not present, then any badgers present shall be removed from the den either by the use of appropriate exclusionary devices or by trapping and relocation. The removal method shall be approved by CDFW prior to implementation; if trapping and relocation are used, it shall be carried out by biologist(s) with all required permits for badger handling. Any trapped badgers shall be relocated to

other suitable habitat at least 500 feet outside the study area boundary. Once any badgers are excluded or trapped and relocated, den(s) shall be excavated by hand and backfilled to prevent reoccupation. Exclusion shall continue until the badgers are successfully removed from the site, as determined by the biologist.

Badgers shall not be excluded or relocated if it is determined by the biologist that young are or may be present. Any occupied dens shall be protected with a 50-foot-wide no-activity buffer. The buffer shall be delineated in the field by a qualified biologist, using temporary construction fencing or another appropriate low-impact medium, and shall remain in place until the biologist has determined that the young are no longer dependent on their mother and the den site. No entry into the buffer area shall be permitted.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring steps would be taken to reduce direct and indirect impacts to any candidate, sensitive, or special status wildlife or plant species, such as obtaining required permits, conducting preconstruction surveys, and training workers on environmental awareness (Draft EIR pages 3.3-28 through -49). Applicable regulations, including adherence to the East Contra Costa HCP/NCCP, are memorialized in the Draft EIR (Draft EIR pages 3.3-15 through -27).

Biological Resources Impact 3.3-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service

Mitigation Measures: Implement Mitigation Measures 3.3-1 through 3.3-3.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring coverage under and adherence to the East Contra Costa HCP/NCCP, which provides a mechanism to adequately mitigate impacts to riparian habitat or other sensitive natural community, and that workers are trained on environmental awareness (Draft EIR pages 3.3-49 through -50). Applicable regulations, including adherence to the East Contra Costa HCP/NCCP, are memorialized in the Draft EIR (Draft EIR pages 3.3-15 through -27).

Biological Resources Impact 3.3-3: Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means

Mitigation Measures: Implement Mitigation Measures 3.3-1 through 3.3-3.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring coverage under and adherence to the East Contra Costa HCP/NCCP, which provides a mechanism to adequately mitigate impacts to state or federally protected wetlands, and that workers are trained on environmental awareness (Draft EIR pages 3.3-50 through -51). Applicable regulations, including

adherence to the East Contra Costa HCP/NCCP, are memorialized in the Draft EIR (Draft EIR pages 3.3-15 through -27).

Biological Resources Impact 3.3-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites

Mitigation Measures: Implement Mitigation Measures 3.3-1 through 3.3-12.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring steps would be taken to reduce direct and indirect impacts to wildlife corridors and nurseries, such as obtaining required permits, conducting preconstruction surveys, and training workers on environmental awareness (Draft EIR pages 3.3-51 through -52). Applicable regulations, including adherence to the East Contra Costa HCP/NCCP, are memorialized in the Draft EIR (Draft EIR pages 3.3-15 through -27).

Biological Resources Impact 3.3-6: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan

Mitigation Measures: Implement Mitigation Measures 3.3-1 through 3.3-3.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring coverage under and adherence to the East Contra Costa HCP/NCCP, which provides a mechanism to adequately mitigate impacts to conflicts with and HCP, and that workers are trained on environmental awareness (Draft EIR page 3.3-52). Applicable regulations, including adherence to the East Contra Costa HCP/NCCP, are memorialized in the Draft EIR (Draft EIR pages 3.3-15 through -27).

Furthermore, future development would be subject to other applicable regulations included in the Pittsburg Municipal Code (PMC) related to biological resources. For example, Article XIX of Title 18 (Sections 18.84.825-18.84.870 PMC) regulates tree preservation and protection in the City (Draft EIR pages 3.3-25 through -27).

Cultural and Tribal Resources

Cultural and Tribal Resources Impact 3.4-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5

Mitigation Measure 3.4-1: **Contractor Awareness Training**

Prior to construction, all workers regardless of location, shall receive cultural resource awareness training. The training program should be developed by a Qualified Professional Archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards for archaeology and shall include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations,

protocols for avoidance, and consequences of violating state laws and regulations. It should also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that may be located within the Plan Area and provide guidance on procedures to follow if any cultural resources or TCRs are encountered.

Mitigation Measure 3.4-2: **Archaeological Monitoring**

All ground-disturbing activities proposed within the Plan Area shall be monitored by a Qualified Professional Archaeologist who meets or works under the direct supervision of someone who meets the Secretary of the Interior's Professional Qualifications Standards for prehistoric and historic archaeology. All ground-disturbing activities proposed within the Plan Area shall also be monitored by Qualified Native American Monitor. In the event that cultural resources are observed, all work must stop within the immediate vicinity of the find, and the Qualified Professional Archaeologist shall prepare and implement a *resource mitigation plan and monitoring program.*

Mitigation Measure 3.4-3: **Unanticipated Discoveries**

If an inadvertent discovery of tribal cultural resources, archaeological artifacts, other cultural resources, or human remains are discovered during construction within the Plan Area, all work must halt within a 100-foot radius of the discovery. The Qualified Professional Archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications and procedures shall apply:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.

- If the Qualified Professional Archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the Qualified Professional Archaeologist shall immediately evaluate the find pursuant to Public Resources Code Section 21083.2. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for determining California Register of Historical Resources eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to significant resources. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a

Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction. Any reports required to document and/or evaluate unanticipated discoveries shall be submitted to the City of Pittsburg for review and approval and submitted to the Northwest Information Center in Sonoma State after completion. Recommendations contained within prepared reports shall be implemented throughout the remainder of ground disturbance activities.

- If the find represents a Native American or potentially Native American resource that does not include human remains, then the Qualified Professional Archaeologist shall notify the City of Pittsburg, a Native American Representative from the Wilton Rancheria tribe, and the NAHC shall be contacted to ensure that the Most Likely Descendant (MLD) can assess the find. The City of Pittsburg shall consult with the tribes on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. If the deposit is eligible, the project shall attempt to feasibly avoid damage to the deposit (e.g., redesign or capping). If avoidance is not feasible, the archaeologist shall, in consultation with the MLD and City, develop and implement a plan to recover the scientifically consequential data represented by the deposit in a manner respectful of tribal concerns. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the agencies satisfaction. A report of the finds or any resource evaluation and/or data recovery efforts shall be submitted to City of Pittsburg for review and approval and submitted to the Northwest Information Center in Sonoma State as a condition for access to its archives.

- If the find includes human remains, or remains that are potentially human, the Qualified Professional Archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The Qualified Professional Archaeologist shall notify the City of Pittsburg Development Services Director, a Native American Representative from the Wilton Rancheria tribe, and the Contra Costa County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American origin and not the result of a crime scene, the coroner will notify the Native

American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the agencies, through consultation as appropriate, determine that the treatment measures have been completed and are approved by the Development Services Director.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring appropriate handling of any encountered tribal cultural resources, archaeological artifacts, other cultural resources, or human remains, monitoring ground-disturbing activities, and educating the construction crew on resource discovery protocols (Draft EIR pages 3.4-24 through -28).

Cultural and Tribal Resources Impact 3.4-3: Lead to the disturbance of any human remains

Mitigation Measure: Implementation of Mitigation Measure 3.4-3.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring appropriate handling of any encountered tribal cultural resources, archaeological artifacts, other cultural resources, or human remains (Draft EIR page 3.4-28).

Cultural and Tribal Resources Impact 3.4-4: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or a resource determined by the lead agency

Mitigation Measures: Implementation of Mitigation Measures 3.4-1 through 3.4-3.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring appropriate handling of any encountered tribal cultural resources, archaeological artifacts, other cultural resources, or human remains, monitoring ground-disturbing activities, and educating the construction crew on resource discovery protocols (Draft EIR pages 3.4-24 through -28).

Furthermore, future development would be subject to other applicable regulations included in the PMC related to cultural resources. For example, PMC Section 15.84.080 establishes the design criteria considered in review of historic structures pursuant to Chapter 15.84 PMC, which include the Secretary of Interior's Standards for the Treatment of Historic Properties and the State Historic Building Code (Draft EIR page 3.4-20).

Geology and Soils

Geology and Soils Impact 3.5-6: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature

Mitigation Measure 3.5-1: **Paleontological Resources Mitigation and Monitoring Plan**

At the time of application for site specific development within the Plan Area, the Applicant shall retain a Project Paleontologist to develop a Paleontological Resources Mitigation and Monitoring Plan (PRMMP). The PRMMP shall outline preconstruction coordination, monitoring procedures, emergency discovery procedures, sampling and data recovery, museum storage coordination with an accredited institution or facility for any specimen and data recovered, and final reporting.

Mitigation Measure 3.5-2: **Worker's Environmental Awareness Training**

Prior to the start of construction, the Project Paleontologist or a qualified paleontological monitor shall provide all construction personnel involved with earthmoving activities an environmental awareness training that will provide information on the possibility of encountering fossils during construction, how to identify fossils, and the protocols to follow in the case of any fossil discoveries including proper notification procedures.

Mitigation Measure 3.5-3: **Paleontological Monitoring**

Prior to construction, the Project Paleontologist shall review excavation plans to determine where paleontologically sensitive stratigraphic units will be disturbed by Project-related earth movement. Earthmoving construction activities will be monitored by a qualified paleontological monitor in those areas and/or where disturbance will take place to previously undisturbed sediment. Monitoring will not take place in areas where the ground has been previously disturbed, in areas underlain by artificial fill, or in areas where exposed sediment will be buried but not disturbed. Monitoring procedures will include measures to suspend monitoring should construction activities be restricted to previously disturbed fill and to adjust monitoring protocols based on updated evaluations of sensitivity subsequent to initial excavations.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring a paleontologist monitors ground disturbing construction activities, the proper steps are taken to reduce impacts to paleontological resources in the event that they are discovered during construction, workers

are trained on required protocols in the event that fossils are encountered, and that a Paleontological Resources Mitigation and Monitoring Plan (PRMMP) is developed and implemented, which would outline procedures in the event potential resources are found (Draft EIR pages 3.5-29 through -31).

Noise

Noise Impact 3.10-1: Generate a substantial temporary or permanent increase in ambient noise levels in excess of local general plan standards or noise ordinance

Mitigation Measure 3.10-1: **Construction Mitigation Plan**

If at the time of development review, an Applicant cannot provide evidence of project level conformance with Table 3-1, the Applicant shall submit a detailed construction mitigation plan accompanied by a construction noise analysis that incorporates specific mitigation techniques for site-specific noise reduction and attenuation. Examples include limiting hours of construction, locating stationary noise sources (e.g., generators, compressors) away from sensitive receptors, using shrouds or temporary barriers for louder equipment (e.g., pile drivers), and using newer machinery.

Mitigation Measure 3.10-2: **Operational Noise Mitigation Plan**

If at the time of development review, an Applicant cannot provide evidence of project level conformance with Table 3.10-8, the Applicant shall submit a detailed operational mitigation plan accompanied by an operational noise analysis that incorporates specific mitigation techniques for site-specific noise reduction and attenuation. Examples of operational noise mitigation include changes to a site layout to place noise sources further from sensitive receptors, using manufacturer-supplied or third-party noise mitigation (e.g., low-sound fan options, silencers, acoustical louvers), and installing sound barriers.

Mitigation Measure 3.10-3: **Subsequent Noise Analysis**

If future development anticipates greater use of truck trips beyond what was analyzed in this PEIR (15 trips per day), then the Applicant shall prepare a subsequent noise analysis to provide evidence that they conform to the noise level thresholds identified in Table 3.10-8. If the Applicant cannot demonstrate conformance with Table 3.10-8, then the Applicant shall submit a detailed operational mitigation plan accompanied by an operational noise analysis that incorporates specific mitigation techniques for site-specific noise reduction and attenuation.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring the preparation of a construction and operational mitigation plan accompanied by a noise analysis that includes

specific mitigation techniques for noise reduction and attenuation. The feasible mitigation measure also requires a subsequent noise analysis should future development propose a greater amount of truck traffic than 15 trips per day (Draft EIR pages 3.10-15 through -20). Applicable noise regulations, including construction regulations that would apply to all future development occurring under buildout of the Plan Area, are memorialized in the Draft EIR (Draft EIR pages 3.10-9 through -14).

Furthermore, future development would be subject to other applicable regulations included in the PMC related to noise. For example, Title 18 Zoning, Chapter 18.82 Performance Standards, Section 18.82.040 PMC requires compliance with Chapter 9.44 and prohibits construction noise on sites adjoining residential properties that exceed 65 dBA measured at the property line, except between the hours of 8:00 a.m. and 5:00 p.m. (Draft EIR page 3.10-13).

Transportation and Circulation

Transportation and Circulation Impact 3.13-1: Specific Plan implementation would result in VMT per employee that is greater than 85 percent of Baseline conditions

Mitigation Measure 3-13-1: **Transportation Demand Management Plan(s)**

Travel Demand Management Plan(s) shall be prepared and implemented for future phases of proposed Specific Plan implementation. The TDM Plan shall comply with the City's TIA Guidelines in effect at the time of application and should identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. Trip reduction strategies applicable to the proposed project may include, but are not limited to, the following:

a. Implement Alternative Work Schedules
b. Provide New Hire Packets on Transportation Options
c. Implement Subsidized or Discounted Transit Program
d. Provide Carpooling Programs
e. Implement Car-Sharing Program
f. Provide a Transit Riders Guide
g. Provide an Online TDM Information Center
h. Implement Commute Trip Reduction Marketing
i. Increase Bicycle and Pedestrian Facilities/Amenities
j. Free Trial Rides on Transit Services

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring the preparation and implementation of a Travel Demand Management Plan to identify trip reduction strategies (Draft EIR pages 3.13-22 through -23).

Transportation and Circulation Impact 3.13-2: Specific Plan implementation would conflict with a program, plan, policy, or ordinance addressing the circulation system, including transit, bicycle, and pedestrian facilities

Mitigation Measure 3.13-2: **Perform LOS Analysis**

As future specific land-uses are proposed for development on the site, a level of service analysis shall be performed in accordance with the City of Pittsburg's TIA Guidelines in effect at the time of application. If violations of the City's General Plan LOS policies are identified, improvement measures shall be developed and proposed to eliminate those violations.

Mitigation Measure 3.13-3: **Pay Local and Regional Traffic Impact Fees**

As future specific land-uses are developed on the site, appropriate local and regional traffic impact fees shall be calculated and paid in accordance with the anticipated level of traffic generation. The two currently applicable traffic impact fees are the Pittsburg Transportation Impact Mitigation Fee (TIMF) and the Pittsburg Regional Transportation Development Impact Fee (PRTDIM), as described in Chapters 15.90 and 15.103 PMC, respectively.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring that a level of service analysis is performed, improvement measures are implemented to eliminate any violations, and local and regional traffic impact fees are paid to account for anticipated level of traffic generation (Draft EIR pages 3.13-28 through -29). Furthermore, future development would be subject to other applicable regulations included in the PMC related to transportation. For example, details of the Pittsburg Transportation Impact Mitigation Fee are outlined in Chapter 15.90 (Draft EIR page 3.13-19).

Wildfire

Wildfire Impact 3.15-4: Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes

Mitigation Measure 3.15-1: **Post-Fire Slope Instability Review**

Prior to approval of building permit, the applicant shall demonstrate that debris flow potential has been studied for post-fire conditions. Alternatives for mitigating potential debris flow impacts shall be considered and refined as each phase of future development is designed. Preliminary mitigation measures may include restricting the use of portions of the site until the potential for debris flow is quantified, using best modeling methods. If it is determined that there is high potential for debris flow impacts, additional

infrastructure or interventions may be required, including constructing debris collection basins, routine removal of debris-generating materials, and sizing up stormwater runoff conveyance facilities for bulked debris flows.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring appropriate debris flow review and modeling is completed and necessary mitigation measures are in place (Draft EIR page 3.15-16 through -18). Furthermore, future development would be subject to other applicable regulations included in the PMC related to wildfire. For example, pursuant to Chapter 15.92 PMC, a fire protection facilities fee shall be paid as a condition precedent to the issuance of a building permit for new construction (Draft EIR pages 3.15-11 through -12).

B. The project was found to have a **less than cumulatively considerable contribution to specific impacts with mitigation** within the following categories of environmental effects as set forth in more detail in the Draft PEIR.

- Impact 4.2: Cumulative impact on the region's air quality
- Impact 4.8: Cumulative impacts related to hydrology and water quality
- Impact 4.13: Cumulative impacts on the transportation network
- Impact 4.15: Cumulative impact related to wildfire

V. FINDINGS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

A. Specific impacts within the following categories of environmental effects **were found to be less than significant** as set forth in more detail in the Draft PEIR.

Aesthetics and Visual Resources: The following specific impacts were found to be less than significant:

- Impact 3.1-1: Specific Plan implementation would not have a substantial adverse effect on a scenic vista.
- Impact 3.1-2: Specific Plan implementation would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.
- Impact 3.1-3: Specific Plan implementation would not, in a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings, or in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.
- Impact 3.1-4: Specific Plan implementation would not result in the creation of new sources of nighttime lighting and daytime glare.

Air Quality: The following specific impacts were not found to be less than significant:

- Impact 3.2-1: Specific Plan implementation would not conflict with or obstruct implementation of the applicable air quality plan.
- Impact 3.2-4: Specific Plan implementation would not result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

Biological Resources: The following specific impacts were found to be less than significant or have no impact:

- Impact 3.3-5: The Specific Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Impact 3.3-6: Specific Plan implementation would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

Cultural and Tribal Resources: The following specific impacts were found to be less than significant:

- Impact 3.4-1: Specific Plan implementation would not cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5.

Geology and Soils: The following specific impacts were found to be less than significant:

- Impact 3.5-1: Specific Plan implementation does not have the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides.
- Impact 3.5-2: Specific Plan implementation does not have the potential to result in substantial soil erosion or the loss of topsoil.
- Impact 3.5-3: Specific Plan implementation does not have the potential to result in development located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Impact 3.5-4: Specific Plan implementation does not have the potential to result in development on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
- Impact 3.5-5: Specific Plan implementation does not have the potential to have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Greenhouse Gases, Climate Change and Energy: The following specific impacts were found to be less than significant:

- Impact 3.6-1: Specific Plan implementation would not generate greenhouse gas emissions that could have a significant impact on the environment and could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
- Impact 3.6-2: Specific Plan implementation does not have the potential to result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant or have no impact:

- Impact 3.7-1: Specific Plan implementation does not have the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Impact 3.7-2: Specific Plan implementation does not have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Impact 3.7-2: Specific Plan implementation does not have the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Impact 3.7-3: Specific Plan implementation does not have the potential to have projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 that could in turn create a significant hazard to the public or environment.
- Impact 3.7-4: Specific Plan implementation is not located within an airport land use plan, two miles of a public airport or public use airport and would not result in a safety hazard for people residing or working in the Plan Area.
- Impact 3.7-5: Specific Plan implementation does not have the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Impact 3.7-6: Specific Plan implementation does not have the potential to expose people or structures to a significant risk of loss, injury or death involving wildland fires.

Hydrology and Water Quality: The following specific impacts were found to be less than significant:

- Impact 3.8-1: Specific Plan implementation would not violate water quality standards or waste discharge requirements or otherwise substantially degrade water quality or obstruct implementation of a water quality control plan.

- Impact 3.8-2: Specific Plan implementation would not result in the depletion of groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- Impact 3.8-3: Specific Plan implementation would not alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, impeded flows, or polluted runoff.
- Impact 3.8-4: Specific Plan implementation would not result in a flood hazard, tsunami, seiche zones, risk release of pollutants due to project inundation.
- Impact 3.8-5: Specific Plan implementation would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Land Use Planning: The following specific impacts were found to be less than significant:

- Impact 3.9-1: Specific Plan implementation would not physically divide an established community.
- Impact 3.9-2: Specific Plan implementation would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Noise: The following specific impacts were found to be less than significant or have no impact:

- Impact 3.10-2: Specific Plan implementation would not generate excessive groundborne vibration or groundborne noise levels.
- Impact 3.10-3: The Specific Plan is not located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would not expose people residing or working in the project area to excessive noise levels.

Population and Housing: The following specific impacts were found to be less than significant:

- Impact 3.11-1: Specific Plan implementation would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- Impact 3.11-2: Specific Plan implementation would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Public Services and Recreation: The following specific impacts were found to be less than significant:

- Impact 3.12-1: Specific Plan implementation would not result in adverse physical impacts on the environment associated with the need for new fire protection facilities or the need

for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts and the provision of public services.

- Impact 3.12-2: Specific Plan implementation would not result in adverse physical impacts on the environment associated with the need for new police protection facilities or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts and the provision of public services.
- Impact 3.12-3: Specific Plan implementation would not result in adverse physical impacts on the environment associated with the need for new school facilities or the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts and the provision of public services.
- Impact 3.12-4: Specific Plan implementation would not result in adverse physical impacts on the environment associated with the need for new park facilities or the need for new or physically altered park facilities, the construction of which could cause significant environmental impacts and the provision of public services.
- Impact 3.12-5: General Plan implementation would not increase the use of existing parks and recreation facilities such that substantial physical deterioration of the facility would occur or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Transportation and Circulation: The following specific impacts were found to be less than significant:

- Impact 3.13-3: Specific Plan implementation would not increase hazards due to a design feature, incompatible uses, or inadequate emergency access.

Utilities and Service Systems: The following specific impacts were found to be less than significant:

- Impact 3.14-1: Specific Plan implementation would not require or result in the construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunication facilities, the construction or relocation of which could cause significant environmental effects.
- Impact 3.14-2: Specific Plan implementation would not cause insufficient availability of water supplies to serve the project and reasonably for foreseeable future development during normal, dry and multiple dry years.
- Impact 3.14-3: Specific Plan implementation does not have the potential to result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Impact 3.14-4: Specific Plan implementation would not generate solid waste in excess of State or local standards, or in excess of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

- Impact 3.14-5: Specific Plan implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Wildfires: The following specific impacts were found to be less than significant:

- Impact 3.15-1: Specific Plan implementation would not substantially impair an adopted emergency response plan or emergency evacuation plan.
- Impact 3.15-2: Specific Plan implementation would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- Impact 3.15-3: Specific Plan implementation would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

B. The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft PEIR.

- Impact 4.1: Cumulative degradation of the existing visual character of the region.
- Impact 4.3: Cumulative loss of biological resources, including habitats and special status species.
- Impact 4.4: Cumulative impacts on known and undiscovered cultural resources.
- Impact 4.5: Cumulative impacts related to geology and soils.
- Impact 4.6: Cumulative impacts related to greenhouse gases, climate change, and energy.
- Impact 4.7: Cumulative impacts related to hazardous materials and human health risks.
- Impact 4.9: Cumulative impacts related to local land use.
- Impact 4.10: Cumulative impacts related to noise.
- Impact 4.11: Cumulative impacts related to population and housing.
- Impact 4.12: Cumulative impact related to public services and recreation.
- Impact 4.14: Cumulative impacts related to utilities.
- Impact 4.16: Irreversible effects.

C. The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The PEIR determined that there would be no impact, or the impact is less than significant for the Project.
- The PEIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact.

V. PROJECT ALTERNATIVES

A. Identification of Project Objectives

An EIR is required to identify a "range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects." Chapter 2.0 of the Draft PEIR identifies the Project's goals and objectives. The Project objectives include:

- Developing a comprehensive master plan for the Plan Area that provides for technology park uses while incorporating essential infrastructure facilities;
- Fostering economic and employment opportunities within the community by expanding the variety of industrial, office, and technology park uses;
- Enabling the construction of industrial or office buildings that will be attractively incorporated into the landscape, while minimizing impacts to the surrounding natural environment and sensitive resources;
- Identifying and facilitating the installation and ongoing maintenance of water, sewer, drainage, and road infrastructure in connection with development projects in the Specific Plan Area;
- Establishing guidelines and standards for building and site development aesthetics that create a distinctive and cohesive identity for the Plan Area.

B. Alternatives Analysis in EIR and Rejection of Alternatives

Alternative A: No Project/No Development Alternative

The No Project/No Development Alternative is discussed on pages 5.0-4 through 5.0-8 of the Draft PEIR.

Under this Alternative, the proposed project would not be implemented, and no new development would occur. Under Alternative A, the Plan Area would be maintained as vacant property and would not generate the substantial employment opportunities gained through implementation of the proposed project.

- **Findings:** The City Council hereby rejects and declines to adopt the No Project/No Development Alternative because it would not achieve any of the Project's objectives.
- **Explanation:** This alternative would not realize the benefits of the proposed project and fails to achieve any of the project objectives. Alternative A would not include development standards, zoning, and design guidelines for land use, site and building, public right-of-way, circulation, and mobility for the development of a dynamic employment center. The No Project/No Development Alternative

would not develop a Specific Plan that provides for technology park uses (objective 1); foster economic opportunities within the community (objective 2); provide attractive construction of industrial or office buildings (objective 3); facilitate the implementation of roads, utilities and other infrastructure in connection with development of the Plan Area (objective 4); and establish standards for aesthetic and cohesive development for the Plan Area (objective 5). Therefore, the City Council rejects and declines and to adopt Alternative A (No Project) based on the foregoing reasons, each of which, standing alone, justifies rejection of the Alternative.

2. Alternative B: No Project/Adopted 2040 General Plan Alternative

The No Project/Adopted 2040 General Plan Alternative is discussed on pages 5.0-9 through 5.0-14 of the Draft PEIR.

Under the No Project/Existing General Plan Alternative, the City of Pittsburg 2040 General Plan land uses and zoning would remain in effect, and development would occur in accordance with the 2040 General Plan and Zoning Map with a buildout potential of 3,300 employees (Table 2-1, *Chapter 2, Project Description*). Compared to the proposed project, Alternative B would result in an increase in employees. Specifically, Alternative B would have approximately 1,782 more employees than what is assumed for the buildout of the Plan Area.

Although the Specific Plan would not change the land use designation nor the density standards, the primary difference between the proposed project and Alternative B is that the proposed project would regulate the allowed uses and future buildout of the Plan Area in a cohesive manner. Without the land use and property development regulations included in the proposed project, future buildout of the Plan Area would be expected to occur largely on a parcel-by-parcel basis without a unified approach.

- **Findings:** The City Council hereby rejects and declines to adopt the No Project/Adopted 2040 General Plan Alternative because it would increase adverse impacts in up to six resource areas and would only achieve two out of the five Project objectives.
- **Explanation:** This Alternative would result in greater impacts to aesthetics, air quality, GHG emissions and energy, noise, transportation, and utilities than the proposed project and would result in similar impacts for the remaining resource areas. Furthermore, thee No Project/Adopted 2040 General Plan Alternative would meet two of the five project objectives, including facilitating economic opportunities within the community (objective 2) through the implementation of the ECI land use designation, and facilitating the implementation of infrastructure in connection with development of the Plan Area (objective 4). However, Alternative B would not include the development of a comprehensive Specific Plan (objective 1) or establish standards for aesthetic and cohesive development within the Plan Area (objective 5). Further, Alternative B would only partially achieve objective 3 by requiring future development to comply with General

Plan policy and zoning; however, site design would occur in a less unified approach resulting in a less attractive landscape development. Without development of the Specific Plan and standards for cohesive development, development would occur in a piecemeal fashion without continuity as provided under the proposed project.

This Alternative would not meet the project objectives to the same extent as the proposed project due to the lack of continuity and increased impacts to six resource areas. Therefore, the City Council rejects and declines and to adopt Alternative B based on the foregoing reasons, each of which, standing alone, justifies rejection of the Alternative.

3. Alternative C: Phase I Data Hub Development Only

The Phase I Data Hub Development Only is discussed on pages 5.0-14 through 5.0-19 of the Draft PEIR.

Alternative C would not include implementation of the Proposed Project and would only consider the development of the Pittsburg Data Hub (PDH) within approximately 22.31 acres of the former Delta View Golf Course site. The PDH is composed of a 347,000 square foot data center, commercial switching yard and PG&E electrical substation, along with ancillary facilities. The City Zoning Administrator would need to approve a development permit for the PDH to demonstrate conformance with the IL-O. It is assumed that the remainder of the Plan Area would not be developed and would be retained as vacant land for the foreseeable future.

- **Findings:** The City Council hereby rejects and declines to adopt the Reduced Intensity Alternative because it would not achieve all the project's objectives.
- **Explanation:** CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed Project.

  As discussed in Chapter 5.0 of the Draft PEIR, Alternative C (the Phase I Data Hub Development Alternative) is considered the environmentally superior alternative when looked at in terms of all potential environmental impacts as it is the most effective in terms of overall reductions of impacts compared to the proposed project and all other alternatives.

  This Alternative would achieve three of the five project objectives, but not to the same extent as the proposed project. Alternative C would not include development of a comprehensive Specific Plan (objective 1), nor would this Alternative establish standards for aesthetic and cohesive development for the Plan Area (objective 5). This Alternative would foster economic opportunities within the community (objective 2), provide attractive construction of industrial or office buildings (objective 3), and facilitate connective infrastructure within the Plan Area (objective 4). However, because of the lack

of an established Specific Plan and cohesive development standards, and the reduction of project area, attainment of objectives 2 through 4 would occur at a much smaller scale than the Proposed Project.

Therefore, the City Council rejects and declines and to adopt Alternative C (Phase I Data Hub Development Only Alternative) based on the foregoing reasons, each of which, standing alone, justifies rejection of the Alternative.

- **Alternative D: Limited Uses Alternative**

The Limited Use Alternative is discussed on pages 5.0-20 through 5.0-24 of the Draft PEIR.

Alternative D would implement the proposed project and would have the same development footprint as the proposed project. However, Alternative D would revise the list of permitted uses in the proposed project to place more emphasis on technology center, research, innovation, and light industrial uses. Specifically, this Alternative would eliminate all office, logistics, and warehouse uses, thereby reducing VMT, truck trips and associated diesel emissions. Alternative D was developed to reduce potential impacts associated with air quality, greenhouse gases, energy, noise, and transportation.

a. Findings: The City Council hereby rejects and declines to adopt Alternative D because, although it would achieve all the Project's objectives, it would provide less flexibility of allowable uses within the Plan Area than the Proposed Project.

b. Explanation: This Alternative would limit the list of permitted uses in the Plan Area and would remove all higher intensity uses such as, offices, logistics, and warehouses. Limiting the uses allowed to be developed within the Plan Area would reduce the number of employees and daily vehicular trips. Furthermore, removal of the logistics and warehousing uses would reduce the potential for substantial truck traffic and associated diesel emissions. Development under this alternative is expected to result in less impacts related to air quality, GHG emissions and energy, noise, transportation, and utilities.

The Limited Uses Alternative would achieve all five project objectives at the same capacity that the proposed project would. The Limited Uses Alternative would develop and implement a comprehensive Specific Plan for the Plan Area providing for technology park uses (objective 1); foster economic opportunities within the community by expanding the variety of industrial and business park uses (objective 2); provide attractive construction of industrial buildings (objective 3); facilitate the installation of roads, utilities, and other infrastructure in connection with development of the Plan Area (objective 4); and establish standards for aesthetic and cohesive development in the Plan Area (objective 5). However Alternative D would limit the allowable uses within the Plan Area, thereby reducing the economic opportunity within the community as compared to the Proposed Project.

VII. FINDINGS AND CONCLUSION

After balancing the specific economic benefits of the proposed project, the City Council hereby finds that, with implementation of mitigation measures listed within Chapter 3 of the Final PEIR, no unavoidable adverse environmental impacts would occur with implementation of the Pittsburg Technology Park Specific Plan. Implementation of mitigation measures would reduce any potential impacts to a less than significant or no impact level, as agreed upon by City Council. The City Council further determines that the benefits of the proposed project significantly outweigh any potential environmental impacts identified in the Final PEIR. Additionally, the City Council finds that each benefit alone provides adequate justification to proceed.

In reaching these conclusions, the Pittsburg City Council has considered information contained in the PEIR prepared for the proposed project as well as the public testimony and record of proceedings in which the proposed project was considered.

Based on the foregoing findings and the information contained in the record, the Council hereby determines that:

1. All significant effects on the environment due to implementation of the Pittsburg Technology Park Specific Plan have been eliminated or substantially lessened where feasible; and
2. The City Council, having reviewed and considered the information contained in the Final PEIR, finds pursuant to CEQA Guidelines Section 15091(a)(3) that the alternatives presented and considered in the Final PEIR constitute a reasonable range of alternatives necessary that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project to permit a reasoned choice among the options available to the City and/or the project proponent.

MITIGATION MONITORING AND REPORTING PROGRAM

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a "mitigated negative declaration" or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Pittsburg Technology Park Specific Plan (proposed Specific Plan, or proposed project). The intent of the MMRP is to ensure implementation of the mitigation measures identified within the Final Program Environmental Impact Report (PEIR) for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the applicant.

COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the PEIR for the Pittsburg Technology Park Specific Plan prepared by the City of Pittsburg. This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR that was prepared for the proposed project.

The PEIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments

The intent of the MMRP is to ensure the implementation of adopted mitigation measures by applicants during the design, permitting and construction phases of future development within the Plan Area. The MMRP provides for design measures that will be implemented during final engineering and confirmed during plan check for each phase of development within the Plan Aera. The MMRP also will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Pittsburg. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.

During construction of future development within the Plan Area, the City will assign an inspector(s) who will be responsible for field monitoring of mitigation measure compliance. The inspector(s) will report to the City Planning Department and will be thoroughly familiar with permit conditions and the MMRP.

MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

Mitigation Monitoring and Reporting Program - Pittsburg Technology Park Specific Plan

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
SECTION 3.2, AIR QUALITY					
3.2-2	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard	**MM 3.2-1** Prior to approval of subsequent development applications by the Zoning Administrator, applicants shall provide a project-level construction air quality analysis to determine the significance of air quality impacts. Specific construction activities shall be compared to BAAQMD screening criteria to determine if a more detailed emissions analysis is required to determine significance. If a quantitative analysis of emissions during project construction is required, the estimated emissions shall be compared to BAAQMD significance thresholds. Mitigation measures necessary to reduce any significant impacts shall be developed in coordination with the BAAQMD and shall include BAAQMD's basic best management practices for construction-related fugitive dust emissions as follows: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.	City of Pittsburg Community Development Department	Prior to approval of subsequent development applications	

Impact Number	*Impact*	*Mitigation Measure*	*Monitoring Agency*	*Implementation Schedule*	*Sign-off*
		• All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. • All trucks and equipment, including their tires, shall be washed off prior to leaving the site. • Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel. • Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.			
		MM 3.2-2 Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor shall ensure that all offroad heavy-duty diesel-powered equipment larger than 100 horsepower (e.g., rubber tired dozers, excavators, graders, scrapers, pavers, paving equipment, and cranes) to be used for each phase of construction of the project (i.e., owned, leased, and subcontractor vehicles) shall meet USEPA emissions standards for Tier 4 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer.	City Engineer	Prior to issuance of a grading permit	
		MM 3.2-3 To minimize emissions of fugitive dust, future development shall be required to implement the following enhanced best management practices, which shall be notated on grading plans prior to approval:	City of Pittsburg Community Development Department	Prior to approval of subsequent development applications	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		1. Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities. 2. Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. 3. Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established. 4. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. 5. Minimize the amount of excavated material or waste materials stored at the site. 6. Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days. Due to the potential for full project buildout to include land use types that generate diesel truck trips beyond what was estimated in the CalEEMod modeling analysis, the following conditional mitigation measure may be required.			
		MM 3.2-4 If a future development application includes a land use type that would generate diesel truck trips during project operation (such as logistics and warehousing), then prior to approval by the zoning administrator, a project-level air quality analysis shall be performed in conformance with General Plan Actions 2-A-4.b. and c. The analysis shall include, but not be limited to, quantification of operational criteria air pollutant emissions, a determination of operational air quality impacts, and identification of mitigation measures necessary to reduce any significant impacts.	City of Pittsburg Community Development Department	Prior to approval of subsequent development applications	

Impact Number	*Impact*	*Mitigation Measure*	*Monitoring Agency*	*Implementation Schedule*	*Sign-off*
3.2-3	Expose sensitive receptors to substantial pollutant concentrations	**MM 3.2-5** If a future development application includes a land use type that would generate diesel truck trips during project operation (such as logistics and warehousing), then prior to approval by the Zoning Administrator, then a Health Risk Assessment (HRA) shall be performed in conformance with 2040 General Plan Action 2-A-4.c . The analysis shall evaluate potential impacts from directly emitted TAC and PM2.5, as specified in Chapter 5 of BAAQMD's 2022 CEQA Guidelines. The guidelines recommend a tiered approach where at each successive step, the project's impacts (i.e., annual PM2.5 concentrations, cancer risks, and hazards), and the combined cumulative impacts from surrounding sources and the project, are compared to the appropriate thresholds of significance. Projects shall not be approved until it can be demonstrated that the project would not result in exceedance of the established thresholds of significance for public health risks at nearby sensitive receptors.	City of Pittsburg Community Development Department	Prior to approval of subsequent development applications	
3.3 Biological Resources					
3.3-1	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service	**MM 3.3-1** Each applicant will be required to obtain coverage for the project under the East Contra Costa HCP/NCCP. This shall include submittal of all required application materials per HCP/NCCP Section 6.2.1 and payment of a Development Fee and applicable fees for wetland impacts and/or stream corridor encroachments consistent with current HCP/NCCP requirements. Alternatively, the applicant may, in accordance with the terms of PMC Section 15.108, offer to dedicate land in lieu of some or all of the HCP/NCCP Development Fee. All applicable fees shall be paid, and/or an "in-lieu-of-fee" agreement fully executed, prior to the issuance of a grading permit for the project. If a grading permit is not required, fee payment and/or an "in-lieu-of-fee" agreement shall be fully executed prior to issuance of the project's building permit. Proof of applicable fees and/or "in-lieu-of-fee" agreement shall be provided to the City of Pittsburg Community Development	City of Pittsburg Community Development Department East Contra Costa County Habitat Conservancy	Prior to issuance of a grading permit	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		Director as a condition of approval for future projects under the Specific Plan.			

		MM 3.3-2 Each applicant will be required to provide Worker Environmental Awareness training to all construction personnel. The WEAP shall include the following information.
		• The sensitive habitats on the study area.
		• Special-status species known or potentially present on the site, including their:
		  ○ Listing status and causes of decline,
		  ○ Habitat preferences, and
		  ○ Distinguishing physical characteristics.
		• The measures (AMMs and East Contra Costa HCP/NCCP measures) required to protect sensitive habitats and special-status species, including next steps and notifications in the event of a special-status species sighting.
		The WEAP shall include a hard copy handout that summarizes information presented in the training and includes photographs of habitat resources and species to facilitate identification in the field by construction personnel.
		Each applicant shall ensure that all construction personnel undergo WEAP training before they begin work. Training shall be delivered by a qualified biologist approved by the City of Pittsburg Community Development Director and shall be provided bilingually in English and Spanish if appropriate.
			City of Pittsburg Community Development Department	Prior to issuance of a grading permit	

		MM 3.3-3 Each applicant shall ensure that the project adheres to all applicable East Contra Costa HCP/NCCP requirements. **Pre-Construction Surveys**	City of Pittsburg Community Development Department	Prior to issuance of a grading permit	

Impact Number	*Impact*	*Mitigation Measure*	*Monitoring Agency*	*Implementation Schedule*	*Sign-off*
		Planning surveys per HCP/NCCP Section 6.3.1 were completed in 2018 – 2023. Based on the outcomes of the planning surveys, preconstruction surveys by USFWS- and CDFW-approved biologists shall be conducted for the following species per HCP/NCCP Sections 6.3.2: • Golden Eagle • Burrowing Owl • Swainson's Hawk • San Joaquin kit fox If preconstruction surveys determine that any of the above species is present on the site (or, for the bird species, within a distance where they could be disturbed by construction activity), the biologist may recommend construction monitoring; if so, then each applicant shall ensure that monitoring is conducted per HCP/NCCP Section 6.3.3. This will include submittal of a Construction Monitoring Plan (CMP) to the East Contra Costa County Habitat Conservancy for approval; the CMP must be submitted and approved prior to issuance of the grading permit (or, if no grading permit is required, the building permit) for the proposed project. Based on results of the planning surveys, which indicate that no suitable habitat is available on the study area, preconstruction surveys and construction monitoring are not required for the following species: • Covered shrimp species • Giant garter snake • Townsend's big-eared bat **Jurisdiction Delineations** A delineation of jurisdictional wetlands and other waters shall be conducted on the project site per HCP Sections 6.2.1 and 6.3.1.	East Contra Costa County Habitat Conservancy		

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		Each applicant shall also comply with all applicable provisions of East Contra Costa HCP/NCCP Section 6.4, Specific Conditions on Covered Activities, as follows: • **Section 6.4.1: Landscape-Level Measures** o Conservation Measure 1.10 – Maintain Hydrologic Conditions and Minimize Erosion o Conservation Measure 1.11 – Avoid Direct Impacts on Extremely Rare Plants, Fully Protected Wildlife Species [and] Covered Migratory Birds o Conservation Measure 1.7 – Establish Stream Setbacks o Conservation Measure 1.14 – Design Requirements for Covered Roads outside the UDA • **Section 6.4.2: Natural Community–Level Measures** o Conservation Measure 2.12 – Wetland, Pond, and Stream Avoidance and Minimization • **Section 6.4.3: Species-Level Measures for the following species** o California tiger salamander o Burrowing Owl o Golden Eagle o Swainson's Hawk o San Joaquin kit fox o California Red-legged Frog			
		MM 3.3-4 Rare Plant Survey & Protection	City of Pittsburg Community Development	If project construction begins in 2025 or later;	

Impact Number	*Impact*	*Mitigation Measure*	*Monitoring Agency*	*Implementation Schedule*	*Sign-off*
		MM 3.3-4a If project construction begins in 2025 or later, an updated protocol-level rare plant survey shall be conducted by a qualified biologist/botanist who is familiar with the rare plants of the project region and has been approved by the City of Pittsburg Community Development Director. Surveys shall be conducted prior to construction, with enough lead time to allow for the follow-up actions described below, if they are warranted. Surveys shall be conducted during the peak blooming periods of the target species and shall cover all potentially suitable habitats within the study area and surrounding 250-foot-wide buffer. Target species and blooming periods are listed in the table below; the table is highlighted to group species with similar blooming periods. If no special-status plants are documented within the area to be disturbed for project construction (including staging and access), no further action is required. **MM 3.3-4b**. If special-status plants covered by the East Contra Costa HCP/NCCP, or plants designated as "no take" by the East Contra Costa HCP/NCCP, are present on the site, the relevant survey report(s) shall be submitted to the East Contra Costa Habitat Conservancy per HCP/NCCP Section 6.3.1. If any of the following species covered by the East Contra Costa HCP/NCCP is found to be present, each applicant shall promptly notify the East Contra Costa County Habitat Conservancy of the species' presence and the planned construction schedule, to enable the East Contra Costa County Habitat Conservancy to salvage the occurrence(s) in accordance with HCP/NCCP Conservation Measure 3.10 (Plant Salvage when Impacts Are Unavoidable). Each applicant shall confirm with the East Contra Costa County Habitat Conservancy that the take limits established by the HCP/NCCP for the species in question have not been breached: • Big tarplant • Mount Diablo fairy lantern • Diablo helianthella	CDFW East Contra Costa County Habitat Conservancy	Prior to construction	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		• Showy golden madia • Adobe navarretia Under no circumstance shall any of the following HCP/NCCP "no-take" plants be harmed: • Large-flowered fiddleneck • Alkali milkvetch • Mt. Diablo buckwheat • Diamond-petaled poppy • Contra Costa goldfields • Caper-fruited tropidocarpum Due to their extreme rarity, none of these species are expected to be present within the Plan Area, but if any of them are found, each applicant shall notify the East Contra Costa County Habitat Conservancy immediately and shall work with the Conservancy to determine and execute the appropriate course of action. **MM 3.3-4c** If any special-status plant not covered by the East Contra Costa HCP/NCCP is found to be present, the occurrence(s) shall be avoided and protected in place to the extent feasible. If the occurrence(s) cannot be entirely avoided, then a Plant Salvage and Mitigation Plan shall be prepared and implemented. The Plan shall be prepared by a qualified biologist/botanist who is familiar with the rare plants of the project region and has experience conducting rare plant salvage operations. Plant salvage techniques shall be consistent with those outlined in HCP/NCCP Conservation Measure 3.10. The plan shall, at a minimum, include the following. • Quantity and species of plants to be planted or transplanted • Location of the mitigation/transplant site(s)			

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		• Salvage methods, such as relocation/transplantation, seed collection, etc., including storage locations and methods to preserve the plants • Procedures for propagating collected seed, including storage methods • Planting procedures, including the use of soil preparation and irrigation • Schedule and action plan to maintain and monitor the mitigation/transplant site for a minimum 3-year period • Interim and final success criteria and corrective action thresholds (e.g., growth, plant cover, survivorship) • Potential corrective actions/contingency measures in the event interim success criteria are not being met (e.g.., weed removal, supplemental irrigation, supplemental plantings, etc.). • Reporting requirements and procedures, including the contents of annual progress reports, report submittals, review/approval responsibilities, etc. Each applicant shall be responsible for ensuring that the Plant Salvage and Mitigation Plan is implemented. The Plan shall be implemented under the oversight of the biologist/botanist who prepared it or another individual with equivalent qualifications. The biologist shall be approved by the City of Pittsburg Community Development Director.			
		MM 3.3-5 No more than one year prior to the initiation of vegetation removal and grading in the project area, each applicant shall retain an appropriately qualified biologist (see next	City of Pittsburg Community Development	No more than one year prior to the initiation of	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		paragraph) who has been approved by the City of Pittsburg Community Development Director to conduct surveys for Crotch bumble bee, obscure bumble bee, and American bumble bee. Biologist qualifications for bumble bee surveys will conform to current CDFW guidance prevailing at the time surveys are performed. Surveys shall be performed by a qualified entomologist familiar with the species' behavior. If surveys are performed prior to CESA (and if applicable, ESA) listing for any species, they shall comprise the following activities, consistent with CDFW's Survey Considerations for CESA Candidate Bumble Bee Species. In the event any bumble bee species is listed at the time of survey, surveys will instead adhere to the protocol(s) adopted by the listing agency/agencies (CDFW and/or USFWS). • Surveys shall be conducted during each species' peak worker activity period. Surveys shall cover all areas of onsite habitat determined by the biologist to be suitable for any of the three target bumble bee species, based on habitat mapping conducted for the project to date. A minimum of three to four surveys shall be conducted, spaced two weeks apart; the total number, timing, and duration of surveys performed shall depend on the biologist's judgment, in consideration of weather, site conditions, and protocol requirements. Surveys shall be designed to identify all foraging bumble bee species; a single survey may be used to detect all species with peak activity periods including the survey date. • If Crotch bumble bee, obscure bumble bee, or American bumble bee is observed onsite during the surveys, an additional survey or surveys shall be conducted to determine whether a nest or colony is present, unless the biologist is satisfied that the initial survey(s) were sufficient to rule out the presence of nests/colonies. • If a nest or colony is present onsite, the biologist shall establish an appropriate avoidance buffer determined	CDFW USFWS	vegetation removal and grading	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		in consideration of site conditions, the species involved, and the construction activities planned prior to the close of the nesting season. No entry into the buffer shall be permitted. The buffer shall be delineated in the field using orange construction fencing or another appropriate medium, under the biologist's oversight, and shall remain in place until the end of the nesting species' gyne flying season, or until the qualified biologist determines that the nest has been abandoned. • If no nest/colony is present onsite, no further action will be taken. However, all workers shall be required to avoid injury and mortality to bumble bees they may encounter; this requirement shall be discussed during the WEAP training and shall be reiterated to all workers if special-status bumble bees are confirmed onsite. • To support improved understanding and conservation of all three bumble bee species, survey results, including negative findings, shall be submitted to CDFW prior to implementing project-related ground-disturbing activities. At a minimum, the survey report shall include the following information. 1. A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch bumble bee, obscure bumble bee, or American bumble bee 2. Field survey conditions, including name(s) of qualified entomologist(s) and brief qualifications; date(s) and time(s) of survey; survey duration; general weather conditions; survey goals; and species searched 3. Map(s) showing the location of nests/colonies, if any A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is			

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		found, including native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species) 5. The measures that will be implemented to avoid adverse effects on the bumble bee species present 6. An assessment of potential project effects on special-status bumble bees during project construction and project operation/maintenance, with avoidance and minimization measures in place.			
		MM 3.3-6 The following measures will be required to protect monarch butterflies prior to ESA (and, if applicable, CESA) listing. In the event monarch butterfly is ESA- and/or CESA-listed at the time of project construction, monarch butterfly protection requirements will instead adhere to the protocol(s) adopted by the listing agency/agencies (CDFW and/or USFWS). • No more than two days prior to the initiation of vegetation trimming or removal for construction, each applicant shall ensure that a qualified biologist approved by the City of Pittsburg Community Development Director surveys all areas of potentially suitable habitat for monarch butterfly larval host plants. • If host plants are found, the biologist shall survey all host plants for monarch eggs, larvae, and pupae. If no eggs, larvae, or pupae are found, plants may be removed within two days. If eggs, larvae, or pupae are present, host plants shall be protected in place until the biologist has determined that no more eggs, larvae, or pupae are present.	City of Pittsburg Community Development CDFW USFWS	Prior to construction	
		MM 3.3-7 The following measures will be required to protect western pond turtles prior to ESA (and, if applicable, CESA) listing. In the event western pond turtle is ESA- and/or CESA-listed at the time of project construction, western pond turtle protections will	City of Pittsburg Community Development CDFW	Prior to construction	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		instead adhere to the protocol(s) adopted by the listing agency/agencies (CDFW and/or USFWS). • Prior to the start of construction activities, each applicant shall ensure that a qualified biologist approved by the City of Pittsburg Community Development Director conducts a pedestrian preconstruction survey of the study area and adjacent suitable habitat for western pond turtle. • The survey shall be conducted no more than 24 hours prior to start of work and shall include walking the work area limits and interior and investigating all areas that could be used by the species. • If western pond turtle individuals are found, the biologist shall relocate them to suitable habitat outside the disturbance area and far enough away that they would not be expected to return. • If the biologist determines that it is warranted, exclusion measures shall be implemented to prevent individuals returning to the active work site. The same requirements will apply for operations and maintenance activities with the potential to affect western pond turtle habitat.	USFWS		
		MM 3.3-8 If project-related disturbance (e.g., vegetation removal or trimming, clearing/grubbing, grading) commences any time during the nesting/breeding season of native bird species potentially nesting in or near the Plan Area (February 1 – August 31 for most species; January 1 through August 31 for Golden Eagle; March 15 – September 15 for Swainson's Hawk), a preconstruction survey for nesting birds shall be conducted by a qualified biologist approved by the City of Pittsburg Community Development Director, using binoculars. The survey shall take place no more than two weeks prior to the initiation of work.	City of Pittsburg Community Development CDFW East Contra Costa County Habitat Conservancy	During construction if it is during nesting/breeding season of native bird species	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		If active nests are found in areas that could be directly affected or are within 300 feet of disturbance activities and would be subject to prolonged noise, a no-disturbance buffer zone shall be created around active nests for the remainder of the breeding season or until the biologist determines that all young have fledged or that the nest has been abandoned. No entry into the no-activity buffer shall be permitted. The no-activity buffer shall be delineated in the field by or under the supervision of the biologist, using temporary construction fencing or another suitable low-impact medium. The size of the buffer zone(s) shall be determined by the biologist based on the species involved, the amount of vegetative and other screening between the nest and areas where construction activity shall take place, and, if appropriate, other site-specific factors. The minimum buffer width shall be 50 feet for species other than raptors, and a minimum of 500 feet for raptor species other than Golden Eagle and Swainson's Hawk, and may be enlarged by taking into account factors such as the following: • Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity. • Sensitivity of nesting species and behaviors of the individual nesting birds. If nesting Swainson's Hawk or Golden Eagle are observed, buffers and other avoidance measures shall conform to Species-Level Measures for these species as laid out in East Contra Costa HCP/NCCP Section 6.4.3. or current CDFW requirements, whichever is greater.			
		MM 3.3-9 The following requirements apply to construction and to operations and maintenance that involves disturbance that could affect nesting activity, such as vegetation removal or trimming, clearing/grubbing, and grading. Bald Eagle nests may be built throughout the year. Consequently, each applicant shall retain a qualified biologist approved by the	City of Pittsburg Community Development East Contra Costa County Habitat Conservancy	Prior to initial or subsequent construction activities	

Impact Number	*Impact*	*Mitigation Measure*	*Monitoring Agency*	*Implementation Schedule*	*Sign-off*
		City of Pittsburg Community Development Director to conduct a preconstruction survey for nesting Bald Eagles prior to the initiation of work at the site (including vegetation removal or trimming, clearing/grubbing, grading, etc.). The survey shall be conducted using binoculars and shall take place no more than two weeks prior to the initiation of work. If an occupied or active nest is present, construction-related activity shall be prohibited within 0.5 mile of the nest unless site-specific conditions or the nature of the construction activity (e.g., dense vegetation, limited noise generation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented. The biologist shall coordinate with the East Contra Costa County Habitat Conservancy, CDFW, and USFWS to determine the appropriate buffer size. The nest buffer shall be delineated in the field using temporary construction fencing or another suitable low-impact medium. Buffer fencing shall be placed only on the Plan Area; the buffer shall not be put in place on neighboring properties not involved in project construction and staging. Construction shall be monitored by a qualified biologist to ensure that the buffer remains in place and that no construction activities occur within the buffer zone until the biologist has determined that the young have fledged or that the nest has been abandoned.	CDFW USFWS		
		MM 3.3-10 Prior to the initiation of any activity that could disturb roosting bats (including vegetation trimming/removal, surveys involving the use of lasers that produce high-frequency sounds, drilling, or other activity producing high-frequency sounds, a qualified biologist (as stipulated in Section 5 of H.T. Harvey & Associates 2019, and subject to approval by the City of Pittsburg Community Development Director) shall conduct a habitat evaluation for special-status bats, focusing on the needs of pallid bat, western red bat, and hoary bat, the species identified by planning surveys as having potential to be present on the site. For purposes of this AMM, high frequency sound is defined as sound	City of Pittsburg Community Development Department CDFW	Prior to the initiation of any activity that could disturb roosting bats	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		in the 20 kHz – 50 kHz frequency range, based on bat disturbance information in California Department of Transportation (Caltrans) bat mitigation guidelines (ibid). If Caltrans guidance is updated, or if frequency sensitivity information relevant to the bat species with potential to occur becomes available prior to project construction, this definition shall be updated accordingly. Surveys shall include the entirety of the study area plus a 400-foot-wide buffer. If no roosting habitat suitable for these species is present on the study area, no further action is required. If roosting habitat is present, the following additional requirements shall apply. Any potential roost trees/other potential roosting habitat shall also be considered potential bat maternity roosts. • Before any activities with the potential to disturb roosting bats begin, the approved biologist(s) shall conduct focused surveys for roost occupancy. These shall be conducted at least two weeks prior to the start of work and shall include: o Daytime visual surveys for bats and evidence of bat presence such as guano or urine staining o Evening emergence and acoustic surveys If bat presence is confirmed, the species, number of individuals, and roost type (maternity/non-maternity) shall be documented and reported to the CNDDB. Bats shall not be disturbed or relocated during the surveys. • Confirmed non-maternity roosts shall be protected by buffers. Buffers shall be delineated in the field with temporary construction fencing or another suitable measure, installed under biologist oversight. Note that buffer distances vary depending on the species and the type of noise/disturbance involved. (If bat species other than those addressed here are encountered, buffer distances shall be consistent with H.T. Harvey & Associates 2019). The biologist shall coordinate with			

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		construction staff to determine the appropriate buffer width; if there is uncertainty, the more conservative buffer width shall prevail. If a confirmed roost must be removed or trimmed for construction, or if work must occur within the buffers laid out above, work shall be restricted to daylight hours when the CDFW approved biologist has confirmed that it the roost is not occupied and shall be overseen by the biologist to prevent injury or mortality. The biologist shall have authority to divert or stop work in the event of excessive risk to bats. • Confirmed maternity roosts shall be protected by the same buffers identified above. Maternity roosts shall not be removed unless removal cannot be avoided, and in no case shall a confirmed maternity roost be removed during the breeding/non-volant season (April – August). If removal of a maternity roost is necessary, each applicant shall consult with CDFW to determine appropriate compensatory mitigation such as the provision of bat boxes and shall submit a Bat Habitat Mitigation Plan for DFW approval. Consultation and submittal of the Mitigation Plan shall occur prior to the removal, and the removal shall not take place until CDFW has approved the Plan. Each applicant shall then be responsible for implementing CDFW-approved mitigation for removal of bat maternity roost habitat.			
		MM 3.3-11 Vegetation removal, clearing/grubbing, and grading activities shall be conducted in a uniform direction to allow mobile animals such as San Joaquin pocket mouse the ability to escape the disturbance area into adjacent undisturbed habitat. Project construction shall also avoid the creation of fragmented islands of habitat where individuals may become trapped, isolated from resources, and at risk from eventual clearing/grading operations.	City of Pittsburg Community Development Department	During construction	

Impact Number	*Impact*	*Mitigation Measure*	*Monitoring Agency*	*Implementation Schedule*	*Sign-off*
		MM 3.3-12 Each applicant shall ensure that a qualified biologist approved by the City of Pittsburg Community Development Director conduct a preconstruction survey for American badger den sites. The survey shall be conducted no more than four weeks before the commencement of ground disturbance. If an occupied den is found, and young are not present, then any badgers present shall be removed from the den either by the use of appropriate exclusionary devices or by trapping and relocation. The removal method shall be approved by CDFW prior to implementation; if trapping and relocation are used, it shall be carried out by biologist(s) with all required permits for badger handling. Any trapped badgers shall be relocated to other suitable habitat at least 500 feet outside the study area boundary. Once any badgers are excluded or trapped and relocated, den(s) shall be excavated by hand and backfilled to prevent reoccupation. Exclusion shall continue until the badgers are successfully removed from the site, as determined by the biologist. Badgers shall not be excluded or relocated if it is determined by the biologist that young are or may be present. Any occupied dens shall be protected with a 50-foot-wide no-activity buffer. The buffer shall be delineated in the field by a qualified biologist, using temporary construction fencing or another appropriate low-impact medium, and shall remain in place until the biologist has determined that the young are no longer dependent on their mother and the den site. No entry into the buffer area shall be permitted.	City of Pittsburg Community Development Department	No more than four weeks before commencement of ground disturbance	
3.3-2	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of	Implement **MM 3.3-1** through **MM 3.3-3**, as described above.	See **MM 3.3-1** through **MM 3.3-3**.	See **MM 3.3-1** through **MM 3.3-3**.	

Impact Number	*Impact*	*Mitigation Measure*	*Monitoring Agency*	*Implementation Schedule*	*Sign-off*
	Fish and Wildlife or U.S. Fish and Wildlife Service				
3.3-3	Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means	Implement **MM 3.3-1** through **MM 3.3-3**, as described above.	See **MM 3.3-1** through **MM 3.3-3**.	See **MM 3.3-1** through **MM 3.3-3**.	
3.3-4	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites	Implement **MM 3.3-1** through **MM 3.3-3**, as described above.	See **MM 3.3-1** through **MM 3.3-3**.	See **MM 3.3-1** through **MM 3.3-3**.	
3.3-6	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan	Implement **MM 3.3-1** through **MM 3.3-3**, as described above.	See **MM 3.3-1** through **MM 3.3-3**.	See **MM 3.3-1** through **MM 3.3-3**.	
3.4 Cultural and Tribal Resources					
3.4-2	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5	**MM 3.4-1** Prior to construction, all workers regardless of location, shall receive cultural resource awareness training. The training program should be developed by a Qualified Professional Archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards for archaeology and shall include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of	City of Pittsburg Community Development Department	Prior to construction	

Impact Number	*Impact*	*Mitigation Measure*	*Monitoring Agency*	*Implementation Schedule*	*Sign-off*
		violating state laws and regulations. It should also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that may be located within the Plan Area and provide guidance on procedures to follow if any cultural resources or TCRs are encountered.			
		MM 3.4-2 All ground-disturbing activities proposed within the Plan Area shall be monitored by a Qualified Professional Archaeologist who meets or works under the direct supervision of someone who meets the Secretary of the Interior's Professional Qualifications Standards for prehistoric and historic archaeology. All ground-disturbing activities proposed within the Plan Area shall also be monitored by Qualified Native American Monitor. In the event that cultural resources are observed, all work must stop within the immediate vicinity of the find, and the Qualified Professional Archaeologist shall prepare and implement a resource mitigation plan and monitoring program.	City of Pittsburg Community Development Department	During ground-disturbing activities	
		MM 3.4-3 If an inadvertent discovery of tribal cultural resources, archaeological artifacts, other cultural resources, or human remains are discovered during construction within the Plan Area, all work must halt within a 100-foot radius of the discovery. The Qualified Professional Archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications and procedures shall apply: • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. • If the Qualified Professional Archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the Qualified	City of Pittsburg Community Development Department	During construction	

Impact Number	*Impact*	*Mitigation Measure*	*Monitoring Agency*	*Implementation Schedule*	*Sign-off*
		Professional Archaeologist shall immediately evaluate the find pursuant to Public Resources Code Section 21083.2. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for determining California Register of Historical Resources eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to significant resources. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction. Any reports required to document and/or evaluate unanticipated discoveries shall be submitted to the City of Pittsburg for review and approval and submitted to the Northwest Information Center in Sonoma State after completion. Recommendations contained within prepared reports shall be implemented throughout the remainder of ground disturbance activities. • If the find represents a Native American or potentially Native American resource that does not include human remains, then the Qualified Professional Archaeologist shall notify the City of Pittsburg, a Native American Representative from the Wilton Rancheria tribe, and the NAHC shall be contacted to ensure that the Most Likely Descendant (MLD) can assess the find. The City of Pittsburg shall consult with the tribes on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. If the deposit is eligible, the project shall attempt to feasibly avoid damage to the			

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
		deposit (e.g., redesign or capping). If avoidance is not feasible, the archaeologist shall, in consultation with the MLD and City, develop and implement a plan to recover the scientifically consequential data represented by the deposit in a manner respectful of tribal concerns. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the agencies satisfaction. A report of the finds or any resource evaluation and/or data recovery efforts shall be submitted to City of Pittsburg for review and approval and submitted to the Northwest Information Center in Sonoma State as a condition for access to its archives. • If the find includes human remains, or remains that are potentially human, the Qualified Professional Archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The Qualified Professional Archaeologist shall notify the City of Pittsburg Development Services Director, a Native American Representative from the Wilton Rancheria tribe, and the Contra Costa County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American origin and not the result of a crime scene, the coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the			

Impact Number	*Impact*	*Mitigation Measure*	*Monitoring Agency*	*Implementation Schedule*	*Sign-off*
		remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the agencies, through consultation as appropriate, determine that the treatment measures have been completed and are approved by the Development Services Director.			
3.4-3	Lead to the disturbance of any human remains	Implement **MM 3.4-3**, as described above.	See **MM 3.4-3**.	See **MM 3.4-3**.	
3.4-4	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or a resource determined by the lead agency	Implement **MM 3.4-1** through **3.4-3**, as described above.	See **MM 3.4-1** through **3.4-3.**	See **MM 3.4-1** through **3.4-3.**	
3.5 Geology and Soils					
3.5-6	Directly or indirectly destroy a unique paleontological resource	**MM 3.5-1** At the time of application for site specific development within the Plan Area, the Applicant shall retain a Project Paleontologist to develop a Paleontological Resources Mitigation	City of Pittsburg Community Development	Prior to issuance of a grading permit	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
	or site or unique geologic feature	and Monitoring Plan. The Plan shall outline preconstruction coordination, monitoring procedures, emergency discovery procedures, sampling and data recovery, museum storage coordination with an accredited institution or facility for any specimen and data recovered, and final reporting.	Department		
		MM 3.5-2 Prior to the start of construction, the Project Paleontologist or a qualified paleontological monitor shall provide all construction personnel involved with earthmoving activities an environmental awareness training that will provide information on the possibility of encountering fossils during construction, how to identify fossils, and the protocols to follow in the case of any fossil discoveries including proper notification procedures.	City of Pittsburg Community Development Department	Prior to construction	
		MM 3.5-3 Prior to construction, the Project Paleontologist shall review excavation plans to determine where paleontologically sensitive stratigraphic units will be disturbed by Project-related earth movement. Earthmoving construction activities will be monitored by a qualified paleontological monitor in those areas and/or where disturbance will take place to previously undisturbed sediment. Monitoring will not take place in areas where the ground has been previously disturbed, in areas underlain by artificial fill, or in areas where exposed sediment will be buried but not disturbed. Monitoring procedures will include measures to suspend monitoring should construction activities be restricted to previously disturbed fill and to adjust monitoring protocols based on updated evaluations of sensitivity subsequent to initial excavations.	City of Pittsburg Community Development Department	Prior to construction	
3.10 NOISE					
3.10-1	Generate a substantial temporary or permanent increase in ambient noise levels in excess of local	**MM 3.10-1** If at the time of development review, an Applicant cannot provide evidence of project level conformance with Table 3-1, the Applicant shall submit a detailed construction mitigation plan accompanied by a construction noise analysis that	City Engineer	Prior to approval of subsequent development applications	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
	general plan standards or noise ordinance	incorporates specific mitigation techniques for site-specific noise reduction and attenuation. Examples include limiting hours of construction, locating stationary noise sources (e.g., generators, compressors) away from sensitive receptors, using shrouds or temporary barriers for louder equipment (e.g., pile drivers), and using newer machinery.			
		MM 3.10-2 If at the time of development review, an Applicant cannot provide evidence of project level conformance with Table 3.10-8, the Applicant shall submit a detailed operational mitigation plan accompanied by an operational noise analysis that incorporates specific mitigation techniques for site-specific noise reduction and attenuation. Examples of operational noise mitigation include changes to a site layout to place noise sources further from sensitive receptors, using manufacturer-supplied or third-party noise mitigation (e.g., low-sound fan options, silencers, acoustical louvers), and installing sound barriers.	City Engineer	Prior to approval of subsequent development applications	
		MM 3.10-3 If future development anticipates greater use of truck trips beyond what was analyzed in this PEIR (15 trips per day), then the Applicant shall prepare a subsequent noise analysis to provide evidence that they conform to the noise level thresholds identified in Table 3.10-8. If the Applicant cannot demonstrate conformance with Table 3.10-8, then the Applicant shall submit a detailed operational mitigation plan accompanied by an operational noise analysis that incorporates specific mitigation techniques for site-specific noise reduction and attenuation.	City Engineer	Prior to approval of subsequent development applications	
3.13 TRANSPORTATION AND CIRCULATION					
3.13-1	Specific Plan implementation would result in VMT per employee that is greater	**MM 3.13-1** Travel Demand Management Plan(s) shall be prepared and implemented for future phases of Specific Plan implementation. The TDM Plan comply with the City's TIA Guidelines in effect at the time of application and should identify trip reduction strategies as well as mechanisms for funding and	City Engineer	Prior to approval of subsequent development applications	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
	than 85 percent of Baseline conditions	overseeing the delivery of trip reduction programs and strategies. Trip reduction strategies applicable to the proposed project may include, but are not limited to, the following: a. Implement Alternative Work Schedules b. Provide New Hire Packets on Transportation Options c. Implement Subsidized or Discounted Transit Program d. Provide Carpooling Programs e. Implement Car-Sharing Program f. Provide a Transit Riders Guide g. Provide an Online TDM Information Center h. Implement Commute Trip Reduction Marketing i. Increase Bicycle and Pedestrian Facilities/Amenities j. Free Trial Rides on Transit Services			
3.13-2	Specific Plan implementation would conflict with a program, plan, policy, or ordinance addressing the circulation system, including transit, bicycle, and pedestrian facilities	**MM 3.13-2** As future specific land-uses are proposed for development on the site, a level of service analysis shall be performed in accordance with the City of Pittsburg's TIA Guidelines in effect at the time of application. If violations of the City's General Plan LOS policies are identified, improvement measures shall be developed and proposed to eliminate those violations.	City Engineer City of Pittsburg Community Development Department	Prior to approval of subsequent development applications	
		MM 3.13-3 As future specific land-uses are developed on the site, appropriate local and regional traffic impact fees shall be calculated and paid in accordance with the anticipated level of traffic generation. The two currently applicable traffic impact fees are the Pittsburg Transportation Impact Mitigation Fee (TIMF) and the Pittsburg Regional Transportation Development Impact Fee (PRTDIM), as described in Chapters 15.90 and 15.103 PMC, respectively.	City Engineer City of Pittsburg Community Development Department	Prior to approval of subsequent development applications	
3.15 WILDFIRES					
3.15-4	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope	**MM 3.15-1** Prior to approval of building permit, the applicant shall demonstrate that debris flow potential has been studied for post-fire conditions. Alternatives for mitigating potential debris flow impacts shall be considered and refined as each phase of future development is designed. Preliminary mitigation measures may include restricting the use of portions of the site until the potential for debris flow is quantified, using best modeling methods. If it is	City Engineer	Prior to approval of building permit	

IMPACT NUMBER	*IMPACT*	*MITIGATION MEASURE*	*MONITORING AGENCY*	*IMPLEMENTATION SCHEDULE*	*SIGN-OFF*
	instability, or drainage changes	determined that there is high potential for debris flow impacts, additional infrastructure or interventions may be required, including constructing debris collection basins, routine removal of debris-generating materials, and sizing up stormwater runoff conveyance facilities for bulked debris flows.			

Attachment 1 – Exhibit D

Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)

CONDITIONS OF APPROVAL

City of Pittsburg Planning Conditions

1. **Conformity with Project Plans**
   The project shall be constructed in substantial conformity with the Vesting Tentative Map for a Major Subdivision 9700, dated September 5, 2024, except as hereinafter may be modified. Any major changes to the Vesting Tentative Map shall be subject to review and approval by the Planning Commission at the City Planner's discretion.

2. Contingent Approval
   Approval of the Vesting Tentative Map is contingent upon City Council adoption of an ordinance: 1) assigning zoning of PD (Planned Development) District to properties located within the Pittsburg Technology Park Specific Plan Area and 2) adopting the Pittsburg Technology Park Specific Plan.

3. **Pittsburg Technology Park Specific Plan Program EIR Mitigation Measures**
   Applicants of future development projects within all phases of the Pittsburg Technology Park Specific Plan Area shall comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) adopted as part of the Program Environmental Impact Report (PEIR) for the Pittsburg Technology Park Specific Plan project. The MMRP is included as Exhibit C to Attachment 1 (Resolution).

City of Pittsburg Engineering Conditions

Engineering Fees and Deposits:

4. Major Subdivision Map Processing Fee The applicant shall pay the subdivision map processing fee according to the following amounts as applicable to the project:

1st – 3rd Final Map Check		4th Final Map Check
5-50 lots	$4,000	$4,000 + $800/ea. additional map check
51-150 lots	$4,500	$4,500 + $1,0650/ea. additional map check
151 or more	$5,000	$5,000 + $1,330/ea. additional map check

   50% of this fee shall be submitted with the first plan submittal. The remaining balance shall be paid in full to the Engineering Division prior to the City Council's approval of the final map.

5. Improvement Plan Check Fee The total improvement plan review fee is 4.5% of the engineer's estimate for the cost of improvements. An initial payment of 50% of the estimated total improvement plan review fee is to be submitted to the

Engineering Division with the engineer's estimate with the first plans submittal. The remainder of the fee shall be due payable prior to the issuance of an engineering site development permit.

6. Improvement Inspection Fee. The applicant shall pay an improvement inspection fee according to the following rates as applicable to the project:

Percent of Engineer's Estimate	Total Estimated Project Costs
7.5%	≥ $500,000
5%	$500,001 - $5 million
4.6%	$5 million<

The improvement inspection fee shall be due payable prior to the issuance of an engineering site development permit.

7. Grading Plan Check Deposit
The total grading plan review fee is 2.5% of the engineer's estimated cost for grading, or it may be based upon cubic yards of earth disturbance as set forth in the City's Master Fee Schedule. An initial payment of 50% of the estimated total grading plan review fee is to be submitted to the Engineering Division with the engineer's estimate with the first plans submittal. The remainder of the fee shall be due payable prior to issuance of a grading permit.

8. Grading Inspection Fee
The grading inspection fee is 3% of the engineer's estimated for the cost of grading. The grading inspection fee may also be based upon an approved engineer's estimate of total cubic yards, according to the current schedule of grading fee charges as set forth in the City's Master Fee Schedule.

9. Facility Reserve Charge
The applicant shall pay the City of Pittsburg Facilities Reserve Charge (PMC Chapters 13.08, 13.12 and 13.24) (the "FRC") to the Engineering Division, for water and sewer service in the amounts in effect when the applicant obtains a building permit. The applicant understands that the current FRC on file, effective August 20, 2005, shall be paid in accordance with the fee schedule approved by Resolution No. 05-10290, and amended by Resolution No. 12-11778, on February 21, 2012, a copy of which is available at the City.

10. Local Traffic Mitigation Fee
The applicant shall pay the Local Transportation Mitigation Fee (PMC Chapter 15.90) (the "LTMF") amount in effect when the applicant obtains a building permit. The applicant understands that the LTMF is reviewed and adjusted annually to the current Construction Cost Index (CCI) and may be increased at the City Council's discretion based on revised cost estimates for roadway and transit facilities and other factors that demonstrate an increase is needed to offset traffic impacts caused by new development. The LTMF is calculated by dividing the total fee share of improvement

costs by the total number of Dwelling Unit Equivalencies ("DUE") in the City, as described in PMC Chapter 15.90 and the Pittsburg Local Transportation Mitigation Fee Program Update, copies of which are available from the City.

11. Regional Traffic Mitigation Fee
The applicant shall pay the Regional Transportation-Development Impact Mitigation Fee (PMC Chapter 15.103) (the "RTDIM") amount in effect when the applicant obtains a building permit. The RTDIM will be automatically increased or decreased on January 1 of each year based on the percent change in the Engineering News-Record Construction Costs Index – San Francisco Bay Area, between September 1 and September 1 of the preceding two calendar years.

12. Sanitary Sewer Inspection Fee
The applicant shall pay the sanitary sewer inspection fee as set forth in the City's Master Fee Schedule and is applicable to newly constructed publicly maintained sewer mains. The Sanitary Sewer Close Circuit Television Inspection Fee is $1,040 flat fee for the first 1,000 feet, plus $1.56/linear foot for each additional linear foot over 300 feet.

13. Storm Drain Inspection Fee
The applicant shall pay the storm drain inspection deposit as set forth in the City's Master Fee Schedule and is applicable to newly constructed publicly maintained storm drain mains. The Storm Drain Close Circuit Television Inspection Fee is $1,040 flat fee for the first 1,000 feet, plus $1.56/linear foot for each additional linear foot over 300 feet.

14. Geographical Information System
The applicant shall pay the Geographic Information System fee as set forth in the City's Master Fee Schedule, at the rate in place at the time of Engineering Permit issuance for construction of Site Improvements. The current fee is $124 per dwelling unit (*for residential projects)* and $124 per unit plus $0.06/sf (*for non-residential projects).*

15. NPDES Plan Review Fee The applicant shall pay a National Pollutant Discharge Elimination System ("NPDES") plan review fee for review of stormwater control plans and processing of closeout agreements and/or review of Storm Water Pollution Prevention Plans ("SWPPP"). The current fee is:

- $4,092 for the first 10,000 sf up to 1st acre
- Add additional $151/acre for projects greater than 1 acre, up to the first 5 acres
- Add additional $33/acre for projects greater than 5 acres

16. NPDES Site Inspection Deposit. The applicant shall pay an NPDES inspection deposit for city staff's inspection of C.3 compliant facilities constructed, and/or inspection of construction site for compliance with Best Management Practices in

accordance with the City's Municipal Regional Stormwater NPDES Permit. The current rate is:

- $15,000 for the first 10,000 sf up to 1st acre
- $30,000 for projects greater than 1 acre

This deposit shall remain in place for the duration of the first year of the project. If the project is completed prior to the project's one-year anniversary, the remaining balance of the deposit will be returned to the applicant.

17. Supplemental Studies.
If additional engineering studies are deemed necessary by the City Engineer, i.e. geotechnical, structural, hydraulic, etc., or expedited reviews are requested by the applicant, the applicant shall pay for all costs related to the extra work. The costs may include the preparation of special studies, additional staff time, and/or reviews of the special studies if studies are prepared by the applicant's engineer.

18. Engineering Submittals: The applicant shall submit electronic, pdf. files of the engineering plans to the Engineering Division for review and approval through the Accela permitting portal. The plans shall be prepared by a registered civil engineer, to include but not be limited to the following:

19. Final Map. The applicant shall submit the final map with closure calculations, prior to City Council's approval of each final map, improvement, or grading plans.

20. Improvement Plans. The improvement plans should include, but not be limited to, the following:

- Site Plan
- Grading and Drainage Plan
- Utilities Plan
- Landscaping and Irrigation Plan
- Joint Trench Plan
- Offsite Improvements Due to Project Impacts

21. Geotechnical Report. The applicant shall submit a current geotechnical report that supports the design features incorporated into this project including, but not limited to, grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections. The geotechnical report shall be submitted to the Engineering Division for review prior to the approval of any civil plans and/or the issuance of an engineering permit.

National Pollutant Discharge Elimination System (NPDES):

22. Permit Coverage under the State General Construction Permit.

The applicant shall submit a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board for coverage under the Construction general Permit, and a copy of the Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The Stormwater Pollution Prevention Plan shall also include measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with California Stormwater Quality Association's (CASQA's) construction handbook.

23. Consistency with Stormwater Control Plan
Grading, improvement, and/or building plans shall be consistent with the approved Stormwater Control Plan. The applicant shall submit a complete Stormwater Control Plan and Report compliant with the requirements set forth in the City's most current NPDES permit. The C.3 treatment facilities shall be adequately sized to treat the stormwater runoff from the associated drainage management areas. The grading and/or building plans shall include drawings and specifications necessary to implement all measures in the approved Stormwater Control Plan. Design features should incorporate low impact development design standards as outlined in the most current edition of the Contra Costa Clean Water Program's C.3 Guidebook. These features include limiting directly connected impervious area, and incorporating pervious pavements, self-retaining areas, treatment BMPs, permanent stormwater control BMPs, and other features that control stormwater flow and potential for stormwater pollutants. Grading and/ or building permits shall not be issued until this condition is met to the satisfaction of the Engineering and Planning Divisions.

24. Operations and Maintenance Plan
The applicant shall submit a Stormwater BMP Operation and Maintenance Plan for the continuous maintenance of all C.3 facilities constructed to meet the C.3 requirements of the project. The final plan shall be submitted to the Engineering Division prior to the certificate of occupancy.

25. Operation and Maintenance Agreement and Right of Entry
The applicant shall execute the Operations and Maintenance Agreement and Right of Entry, which pertain to the transfer of ownership and / or long-term maintenance of stormwater treatment BMPs or hydrograph modification BMPs prior to the issuance of a certificate of occupancy. The Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are found on the Contra Costa County Clean Water Program website (www.cccleanwater.org) or the Stormwater C.3 Guidebook, most current edition.

Utilities

26. Capacity Evaluation. The applicant shall evaluate the existing, receiving storm, sewer, and water facilities for adequate capacity and provide the results to the City to identify any service or supply problems. The cost for installation of additional facilities required to be constructed to accommodate the project shall be borne by

the applicant.

Site Design Conditions:

27. Sidewalks. The applicant shall provide 5' wide sidewalks throughout the subdivision.

28. Sump Area Drainage. The applicant shall provide a safe release of drainage from sump areas, without conveying water over private property, allowing water to drain without damaging private or public improvements in the event of blockage of the storm drain system.

29. Water Conveyance. The applicant shall provide proper water line size to meet the domestic and fire protection demands for the subdivision.

30. Fire Hydrants. The applicant shall provide fire hydrant locations approved by Contra Costa County Fire Prevention District.

31. Water Sampling Station. The applicant shall provide a water sampling station as required by the Public Works Department.

32. Utility Parcel Dedication. The applicant shall create and dedicate utility parcels to the City rather than utility easements between lots.

33. Water Use Calculations. The applicant shall provide estimated water use calculations to show compliance with the City's water efficient landscape ordinance.

34. Improvements Encroaching onto Contra Costa Water District Property:
The applicant shall be responsible for obtaining land rights from the Bureau of Reclamation for all proposed improvements encroaching within CCWD / Bureau property. Applicant understands that the process to obtain these rights includes compliance with the National Environmental Policy Act prior to obtaining these rights. Final approval shall be at the discretion of the Bureau of Reclamation.

35. Reclaimed Water Agreement:
The applicant understands that the City may, at a future time, determine the need for reclaimed water to supplement irrigation for future recreational uses on the western portion of the former Golf Course property. Applicant agrees to work with the City to execute an appropriate agreement for the shared use of the available reclaimed water onsite.

Engineering Exactions (CFD inclusion):

36. Annexation Documentation for CFD 2005-1. Community Facilities District 2005-1 is for Public Safety Services, the fee will provide funding for an increase of police

coverage in the area. The rate of the CFD 2005-1 fee is subject to City Council Resolution No. 05-10342. The applicant shall deliver written approval in a manner acceptable to the City Engineer, that the owner of the parcel is electing to annex the subject property into the 2005-1 Public Safety Services Community Facilities District (CFD 2005-1), prior to the recordation of the first Final Map.

37. Annexation Documentation for CFD 2017-1. Community Facilities District 2017-1 is for fire facilities and fire safety and emergency services. The rate of the CFD 2017-1 fee is subject to City Council Resolution No. 17-13311. The applicant shall deliver written approval in a manner acceptable to the City Engineer, that the owner of the parcel is electing to annex the subject property into the 21017-1 Fire Facilities and Fire Safety and Emergency Services Community Facilities District (CFD 2017-1), prior to the issuance of any building or engineering permits.

Contra Costa County Fire Protection District

38. All development in the proposed area shall meet current Building and Fire Codes, as well as Contra Costa County Ordinance No. 2022-34.

39. The Plan Area's proximity to a High Fire Severity Zone could include additional requirements.

40. The Permittee shall pay all fire facility impact fees at the time of the issuance of the first building permit, at the then-current rate.

41. The Permittee shall request that the Project site be annexed into the most current Community Facilities District for fire protection and emergency response services (if applicable), or developer will provide an alternative funding mechanism acceptable to the Contra Costa Fire Protection District for the provision of fire protection and emergency response services.

42. Access shall comply with Fire District requirements:

    Provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard. (503) CFC

    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 2022 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.

43. 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

44. Access roadways of 28 feet or greater, but less than 36-feet unobstructed width shall have NO PARKING - FIRE LANE signs posted, allowing for parking on one side only or curbs painted red with the words NO PARKING- FIRE LANE clearly marked. (22500.1) CVC, (503.3) CFC

45. All bridges used for emergency apparatus access shall be provided with a minimum unobstructed access width of 20-feet, and shall be structurally designed and certified to support a vehicle-load rating of 37 tons. Parking is not permitted on bridges. Bridges shall have vehicle load limits posted at both entrances. (503.2) CFC

46. 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 the key-operated switch. (D103.5) CFC.

47. The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code. (507.1) CFC

48. The developer shall provide fire hydrants of the East Bay type in compliance with Chapter 5 and Appendix B and C of the California Fire Code. Any proposed locations require approval by Fire District. (C103.1) CFC

49. A land development permit is required for access and water supply review and approval prior to submitting building construction plans.

    The developer shall submit scaled site improvement plans indicating:
    - All existing or proposed hydrant locations
    - Fire apparatus access to include slope and road surface
    - Aerial fire apparatus access
    - Elevations of building
    - Size of building and type of construction
    - Gates, fences, retaining walls, bio-retention basins, any obstructions to access

- Detail showing the lowest level of fire department vehicle access and the floor level of the highest occupied floor
- Striping and signage plan to include "NO PARKING-FIRE LANE" markings

This is a separate submittal from the building construction plans. These plans shall be approved prior to submitting building plans for review. (501.3) CFC

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

51. New buildings shall have approved radio coverage for emergency responders. An emergency responder radio coverage system shall be installed when the conditions of CFC 510.4.1 are not met. Testing shall be conducted and the results submitted to the Fire District prior to the building final. (510.1) CFC

52. The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with this development. (21351) CVC

53. 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

54. The owner shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property. (304.1.2) CFC

55. Where existing access to open land or space, or to fire trail systems maintained for public or private use is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. These access roadways shall be a minimum of 16 feet in width to accommodate Fire District equipment. Access locations will be determined by this office upon submittal of complete improvement plans. Contra Costa County Ordinance No. 2022-34.

56. The owner or the owner's authorized agent shall be responsible for the development, implementation and maintenance of a written plan in compliance with NFPA 241, establishing a fire prevention program at the project site applicable throughout all phases of the construction. The plan shall be made available for review by the fire code official upon request. (Ch.33) CFC

    The fire prevention program superintendent shall develop and maintain an

approved prefire plan in cooperation with the fire chief. The fire chief and fire code official shall be notified of changes affecting the utilization of information contained in such prefire plans. (Ch.33) CFC

57. The developer shall submit building construction plans and specifications for the subject project to the through the Fire District public portal (https://confire.vision33cloud.com/citizenportal/app/landinq). After the new construction/ tenant improvement plans are approved, plans and specifications for all deferred submittals shall be submitted, including, but not limited to the following.

    - Private underground fire service water mains
    - Fire sprinklers
    - Standpipe
    - Fire alarm
    - Fire pump if required
    - Energy systems
    - Emergency generator if required
    - High-pile storage
    - Photovoltaic
    - Carbon Dioxide Systems
    - Aboveground/underground flammable/combustible liquid storage tanks
    - Commercial kitchen hood extinguishing systems
    - Special suppression systems
    - Emergency Responder Radio Coverage System (ERRCS)

    All plan submittals shall be submitted to the through the Fire District public portal (https://confire.vision33cloud.com/citizepnortal/app/landinq) for review and approval prior to construction of the building or installation of the systems 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

    TO SCHEDULE A FIRE DISTRICT INSPECTION OF THE ACCESS AND HYDRANT INSTALLATION PRIOR TO CONSTRUCTION OR THE STORAGE OF COMBUSTIBLE MATERIAL ON THE JOB SITE, CONTACT THE FIRE DISTRICT (MINIMUM 2 WORKING DAYS IN ADVANCE) AT 925-941-3300 EXT 3902 OR SCHEDULE THROUGH THE FIRE DISTRICT PUBLIC PORTAL UNDER THE CORRECT PERMIT NUMBER.

Contra Costa Water District Conditions

58. The Developer shall obtain land rights from Reclamation for all proposed improvements on Reclamation property within the Plan Area.

59. The Developer shall coordinate with the Contra Costa Water District (CCWD) Management and Board prior to obtaining land rights from Reclamation.

60. The Developer shall comply with the National Environmental Policy Act (NEPA) prior to obtaining land rights from Reclamation.

61. Drainage associated with all phases of the Specific Plan shall be directed to an appropriate storm drain system that avoids CCWD property and facilities.

Standard Conditions

62. **Standard Conditions of Development**
The Standard Conditions of Development, as adopted by the Pittsburg Planning Commission by Resolution No. 8931, shall apply as conditions of approval for this project as applicable. Where there is a conflict between the Standard Conditions and the project-specific conditions identified in this resolution, the specific conditions of this resolution shall govern.

63. **Design of Storm Drain, Water, and Sewer Facilities**
The design and construction of storm drain, water, and sewer facilities shall be in accordance with PMC Section 17.28.020.

64. **Compliance with PMC Title 12, 13, and 15**
All site development shall comply with PMC Title 12 (Streets, Sidewalks, and Utilities), Title 13 (Water and Sewers), and Title 15 (Buildings and Construction) as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval.

65. **Other Agency Requirements**
The Developer shall comply with all the requirements of the Community Development Department and all other applicable local, state, and federal agencies.

66. **Indemnification**
Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel at developer’s sole cost and expense. Developer may select its own legal counsel to represent developer’s interests at developer’s sole cost and expense. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and

City Attorney time spent responding to and defending the claim, action or proceeding.

67. **Vesting Tentative Map Expiration**
The conditional approval of the Vesting Tentative Map expires 36 months after the adoption of the Resolution (Attachment 1), in accordance with PMC section 17.20.070(a). The expiration of the map terminates all proceedings and no final or parcel map may be filed without first processing a new tentative map. An extension of approval may be granted by the Planning Commission upon application to the Planning Division before the map expiration date.

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Assigning Zoning of Planned Development District to Properties Located Within the Pittsburg Technology Park Specific Plan Area And Adopting the Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)	ORDINANCE NO. 24-

WHEREAS, on March 1, 2018, the 175-acre Delta View Golf Course ceased operations and closed; and

WHEREAS, on March 19, 2018, the City Council directed staff to explore the possible uses suggested by the public for the site, and to bring options back for further consideration; and

WHEREAS, on May 7, 2018, the City Council held a public meeting related to potential options available for reuse of the site. At the conclusion of that meeting, direction was provided to pursue both economic development and multi-purpose recreational opportunities, with the idea that economic development would help generate the funds needed to develop new diverse recreational opportunities for the community; and

WHEREAS, the City subsequently entered into an Option Agreement with a developer for a conceptual technology park development on a portion of the former Delta View Golf Course which led to informational meetings in 2019 with the Land Use Subcommittee, Planning Commission and local residents; and

WHEREAS, on November 13, 2023, a Neighborhood Meeting was held at 2201 Golf Club Road for immediate neighbors adjacent to the proposed Pittsburg Technology Park Specific Plan Area (Plan Area) to ask questions and provide input on the proposal; and

WHEREAS, on March 22, 2024, Pittsburg Data Hub, LLC, filed Planning Application No. AP-24-0028 (PD, SUBD, EIR) requesting: 1) adoption of a Specific Plan for the Pittsburg Technology Park, 2) assignment of Planned Development (PD) District zoning to properties located within the Pittsburg Technology Park Specific Plan Area, 3) adoption of a Vesting Tentative Map for a Major Subdivision within the Plan Area, and 4) certification of an Environmental Impact Report for the project and adoption of associated findings and a Mitigation Monitoring Reporting Program (MMRP); and

WHEREAS, the Plan Area is located on the eastern half of the former Delta View Golf Course, south of West Leland Road, at 2222 Golf Club Road in the IL-O (Limited Industrial with Limited Overlay) District. The Plan Area consists of three individual parcels totaling approximately 76.38 acres. Assessor Parcel Numbers (APNs): 095-160-001, 095-160-002 and 094-080-046; and

WHEREAS, all Specific Plans must comply with California Government Code Sections 65450-65457. These provisions require that a Specific Plan be consistent with the adopted General Plan of the jurisdiction within which it is located. Per California Government

Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 et seq.) the Specific Plan acts as a regulatory document which is required to be adopted by ordinance; and

WHEREAS, the intended purpose of the Pittsburg Technology Park Specific Plan (Specific Plan) is to establish a direct connection between the City of Pittsburg's 2040 General Plan and opportunities for economic development. An overall goal of the proposed Specific Plan is to foster economic opportunities within the community by expanding the variety of technology-focused business park uses. The Plan Area is designated as "Employment Center Industrial (ECI)" in the 2040 General Plan. The Specific Plan would serve as the overarching policy document for the Plan Area and provide the necessary zoning and development standards for the development of a technology park on a portion of the former Delta View Golf Course; and

WHEREAS, objectives of the Specific Plan are to: 1) Develop a comprehensive buildout plan for the Plan Area that provides for technology park uses while incorporating essential infrastructure facilities, 2) Foster economic and employment opportunities within the community by expanding the variety of industrial, office, and technology park uses, 3) Enable the construction of industrial or office buildings that will be attractively incorporated into the landscape, while minimizing impacts to the surrounding natural environment and sensitive resources, 4) Identify and facilitate the installation and ongoing maintenance of water, sewer, drainage, and road infrastructure in connection with development projects in the Specific Plan Area, and 5) Establish guidelines and standards for building and site development aesthetics that create a distinctive and cohesive identity for the Plan Area; and

WHEREAS, pursuant to Pittsburg Municipal Code (PMC) section 18.62.060(A), adoption of a Specific Plan must be processed concurrently with a Zoning Map Amendment assigning Planned Development (PD) District zoning to properties located within the Specific Plan Area. The proposed amendment to the Zoning Map includes adoption of PD District zoning and adoption of the Specific Plan; and

WHEREAS, the Specific Plan provides the framework for future development of the Plan Area and is intended to strengthen the existing economic opportunities in the City. The proposed Specific Plan does not authorize any specific development proposal; rather, it is a framework document intended to guide future development in the Plan Area in a manner that is consistent with the vision, goals, and policies of the 2040 General Plan. Future development proposals within the Plan Area would be reviewed for consistency with the proposed Specific Plan land uses, policies, and design guidelines; and

WHEREAS, the Specific Plan includes a list of Permitted Land Uses within the Plan Area for future development proposals. The permitted land uses are based on the "Employment Center Industrial (ECI)" land use designation in the 2040 General Plan and the IL-O Zoning District Overlay for the Plan Area. There are no conditionally permitted uses. All permitted uses would be subject to development standards and design guidelines, and land use entitlement procedures and actions outlined in the proposed Specific Plan; and

WHEREAS, the 2040 General Plan contains several goals, policies and actions applicable to the Specific Plan. The Specific Plan would guide development for a diverse employment center on a vacant portion of the former Delta View Golf Course. The Specific Plan serves as a policy document with guidelines to develop a technology park. The Specific

Plan would be consistent with the City's goal of providing a mix and distribution of uses and use an under-utilized site consistent with General Plan Land Use Goals 2-1 and 2-4, Policies 2-P-3.1 and 2-P-4.1. The Specific Plan specifically fulfills policies encouraging the development and intensification of employment centers, including high quality, professional office campuses, business parks, and industrial parks, located in areas fully served by public facilities and services, located along major arterials with easy freeway access and with access from public transit, and accessible to bicyclists and pedestrians (Policy 2-P-4.2). Improvements to the City's employment base through high-quality, well-paid jobs that attract the technology sector envisioned by the 2040 General Plan would also be implemented through the Specific Plan (Policy 2-P-4.5); and

WHEREAS, consistent with General Plan Economic Development Goal G-6-2 and Policy 6-P-2.9, allowed uses within the Plan Area would facilitate economic development and employment in an area that is surrounded by supportive uses including residential and community commercial. The Specific Plan would re-purpose and revitalize the former golf course, which has been closed for over six years (Policies 6-P-2.11 and 6-P-2.14); and

WHEREAS, a Draft Program Environmental Impact Report (PEIR) was prepared for the proposed project and released with the Draft Specific Plan for concurrent 45-day comment periods, that extended from July 3, 2024, to August 19, 2024. Written comments were accepted throughout the comment period and two public meetings were held on July 25, 2024; and

WHEREAS, the City received 12 comment letters during the 45-day review period for the Draft PEIR. In accordance with CEQA Guidelines Section 15088, the Final PEIR responds to the written comments received on the Draft PEIR. No new significant environmental impacts or issues, beyond those already covered in the Draft PEIR for the project were raised during the comment period. Responses to comments received during the comment period did not involve any new significant impacts or add "significant new information" that would require recirculation of the Draft PEIR pursuant to CEQA Guidelines Section 15088.5; and

WHEREAS, the City prepared a Final PEIR for the Pittsburg Technology Park Specific Plan project, dated September 2024, which includes the Draft PEIR, comments on the Draft PEIR, responses to comments on the Draft PEIR, and all revisions to the Draft PEIR for the Specific Plan project. The Final PEIR identifies the potential for significant effects on the environment from implementation of the Pittsburg Technology Park Specific Plan, all of which can be substantially reduced to less than significant through the mitigation measures identified in the Final PEIR; and

WHEREAS, PMC sections 18.16.020 and 18.62.070 identify the Planning Commission as the advisory body to the City Council on proposed changes to PD Districts of the zoning map, and requires that the Commission conduct a public hearing and determine, prior to making its recommendation, that: 1) the change proposed is consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable specific plan; 2) a community need is demonstrated for the change proposed; and 3) its adoption will be in conformity with public convenience, general welfare and good zoning practice; and

WHEREAS, on September 10, 2024, after conducting a duly noticed public hearing, the Planning Commission adopted Resolution No. 10255, recommending the proposal in its entirety, including adoption of the Specific Plan and assignment of PD zoning to properties located within the Pittsburg Technology Park Specific Plan Area; and

WHEREAS, on or prior to Friday, September 27, 2024, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020.A - D, a "Notice of Public Hearing," for the October 7, 2024, public hearing on this item was published in the East County Times; was posted at City Hall; and on the "Public Notices" section of the City's website. The City also mailed the notice via U.S. mail to owners of property located within 500 feet of the Plan Area, sent the notice to local service agencies whose services might be affected by the proposed project, and to individuals who had previously filed a written request for such notice. Lastly, a copy of the notice was posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the Nextdoor neighborhoods adjacent to the project site; and

WHEREAS, on October 7, 2024, the City Council held a duly-noticed public hearing to: 1) adopt this resolution certifying the Final Program Environmental Impact Report for the Pittsburg Technology Park Specific Plan, adopting the associated CEQA Findings of Fact and Mitigation Monitoring and Reporting Program (MMRP) and approving the Vesting Tentative Map for a Major Subdivision; and 2) introduce, waive further reading, and pass to second reading, an ordinance assigning zoning of PD (Planned Development) District to properties located within the Pittsburg Technology Park Specific Plan Area and adopting the Pittsburg Technology Park Specific Plan; at which time oral and/or written testimony was considered.

NOW, THEREFORE, the City Council of the City of Pittsburg does ORDAIN as follows:

SECTION 1. Findings.

A. The City Council finds that each fact set forth in the preceding recitals is true and correct and incorporated by reference.

B. The Draft PEIR and the Final EIR certified for this project was prepared in compliance with Public Resources Code section 21000 et seq, and that the Council has independently reviewed and considered the information contained therein. The City Council, in the exercise of its independent judgment, certified the Final PEIR in Resolution No. 24-_____.

C. Based on the City Council Staff Report entitled, "Adoption of a Resolution Certifying the Final Program Environmental Impact Report, Adopting CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program, and Approving a Vesting Tentative Map; and Introduction and Waive First Reading of an Ordinance Assigning Zoning of Planned Development District to properties located within the Pittsburg Technology Park Specific Plan Area and Adopting the Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)," dated October 7, 2024, and based on all the information contained in the Planning Division files on the project, incorporated

herein by reference and available for review in the Planning Division located at 65 Civic Avenue, Pittsburg, CA 94565, and based on all written and oral testimony presented at the public hearing, the City Council finds that:

1. Pursuant to PMC section 18.16.020, before the City Council makes its recommendation on an application for (1) a change of zoning district applicable to the subject property or (2) a change in the text of a land use regulation, it shall make specific written findings in accordance with PMC 18.48.030.

2. PMC section 18.62.060(A) states that a specific plan shall be processed at the same time as consideration of the application for reclassification to a PD district; this has occurred here.

3. PMC section 18.62.060(A) states that a recommendation of the Planning Commission to reclassify to a PD district must also include a recommendation for City Council approval of a specific plan. The Planning Commission recommended City Council approval of the Pittsburg Technology Park Specific Plan in Planning Commission Resolution No. 10255, adopted on September 10, 2024.

4. The proposed Zoning Map Amendment to reclassify properties located within the Pittsburg Technology Park Specific Plan Area to a Planned Development (PD) District is consistent with the objectives, policies, general land uses and programs specified in the 2040 General Plan and the applicable specific plan in that:

    a. The Plan Area is designated as “Employment Industrial Center (ECI)” in the 2040 General Plan. This land use designation is described in the 2040 General Plan as “fostering vibrant, diverse, and dynamic employment hubs that accommodate technology, advanced manufacturing, logistics, and other sectors that generate substantial employment opportunities; uses may include administrative, financial, business, professional, medical and public offices, business incubators, research and development, custom and light manufacturing, limited assembly, warehousing and distribution, data centers, technology and innovation, energy, hospitals and large-scale medical facilities, services, light and heavy automobile services, and supporting commercial uses”.

    b. Permitted land uses within the Plan Area are based on the “Employment Center Industrial (ECI)” land use designation. Each permitted use, such as, administrative, business and professional offices, financial offices, government/public offices and medical offices would be subject to the development standards and design guidelines and land use entitlement procedures and actions outlined in the proposed Specific Plan.

    c. The proposed Specific Plan would guide development for a

diverse employment center on a vacant portion of the former Delta View Golf Course. The proposed Specific Plan serves as a policy document with guidelines to develop a technology park. The proposed Specific Plan would be consistent with the City's goal of providing a mix and distribution of uses on an under-utilized site (Goal 2-1).

d. The proposed Specific Plan will identify and allocate adequate lands in strategic locations throughout Pittsburg to accommodate and encourage employment growth, focusing on sectors that provide high-paid and high-quality jobs and continue to promote business development sites through Think Pittsburg and other local programs (Policy 2-P-4.1).

e. The proposed Specific Plan will encourage the development and intensification of employment centers, including high quality, professional office campuses, business parks, and industrial parks, located in areas fully served by public facilities and services, located along major arterials with easy freeway access and with access from public transit, and accessible to bicyclists and pedestrians (Policy 2-P-4.2).

f. The proposed Specific Plan will promote business development in a range of sectors that contribute to the local and regional economy, provide high-wage and skilled jobs for Pittsburg residents (Goal G-2-4).

g. The proposed Specific Plan will support office, business, and industrial land uses that will improve the City's employment base through high-quality, well-paid jobs that attract the technology, energy, and industrial sectors desired by the community (Policy 2-P-4.5).

h. The proposed Specific Plan will facilitate attraction, retention, and expansion of businesses that meet the City's economic development objectives and maintain a desirable climate for conducting business in and with the City (Goal G-6-2).

i. The proposed Specific Plan will encourage new businesses and project development under the Employment Center Industrial land use classification (Policy 6-P-2.14).

5. The proposed Zoning Map Amendment to reclassify properties located within the Pittsburg Technology Park Specific Plan Area to a Planned Development (PD) District is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed, in that allowable uses within the Plan Area are permitted within the IL-O Zoning District Overlay and would be regulated by the Site Design, Development Standards and Design Guidelines within the proposed Specific Plan.

6. There is a community need for the proposed Zoning Map Amendment to reclassify properties located within the Pittsburg Technology Park Specific Plan Area to a Planned Development (PD) District in that future development consistent with the proposed Specific Plan: 1) would help achieve the objectives in the Economic Development Element of the 2040 General Plan by expanding business opportunities and encouraging employment growth as it improves the jobs/housing balance, 2) would create additional employment opportunities within the City and generate property and sales taxes on vacant, underutilized sites to help contribute to the City's revenue stream and 3) would allow for employment-generating uses that follow the prescribed development standards and design guidelines within the proposed Specific Plan.

7. Adoption of the proposed Zoning Map Amendment to reclassify properties located within the Pittsburg Technology Park Specific Plan Area to a Planned Development (PD) District would be in conformity with the public convenience, general welfare, and good zoning practice, in that the proposed Specific Plan is intended to be a long-range planning document which provides a framework for future buildout and development.

SECTION 2. Amendment.

Based on the findings and the authority set forth above, the City Council hereby:

1. Amends the Zoning Map, as referenced in Pittsburg Municipal Code, Title 18 (Zoning Ordinance) section 18.04.020(C), to change the zoning for the properties located within the Pittsburg Technology Park Specific Plan Area from IL-O (Limited Industrial with Limited Overlay) to Planned Development (PD) District zoning, as depicted in Exhibit A of this Ordinance; and

2. Adopts the Pittsburg Technology Park Specific Plan, as substantially presented in Exhibit B of this Ordinance.

SECTION 3. Effective Date.

This Ordinance shall be in full force and effective thirty (30) days after its adoption.

SECTION 4. Severability.

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 5. Publication.

The ordinance shall be posted and published in accordance with California Government Code.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on October 7, 2024, and was adopted and ordered published at a meeting of the City Council held on _____, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

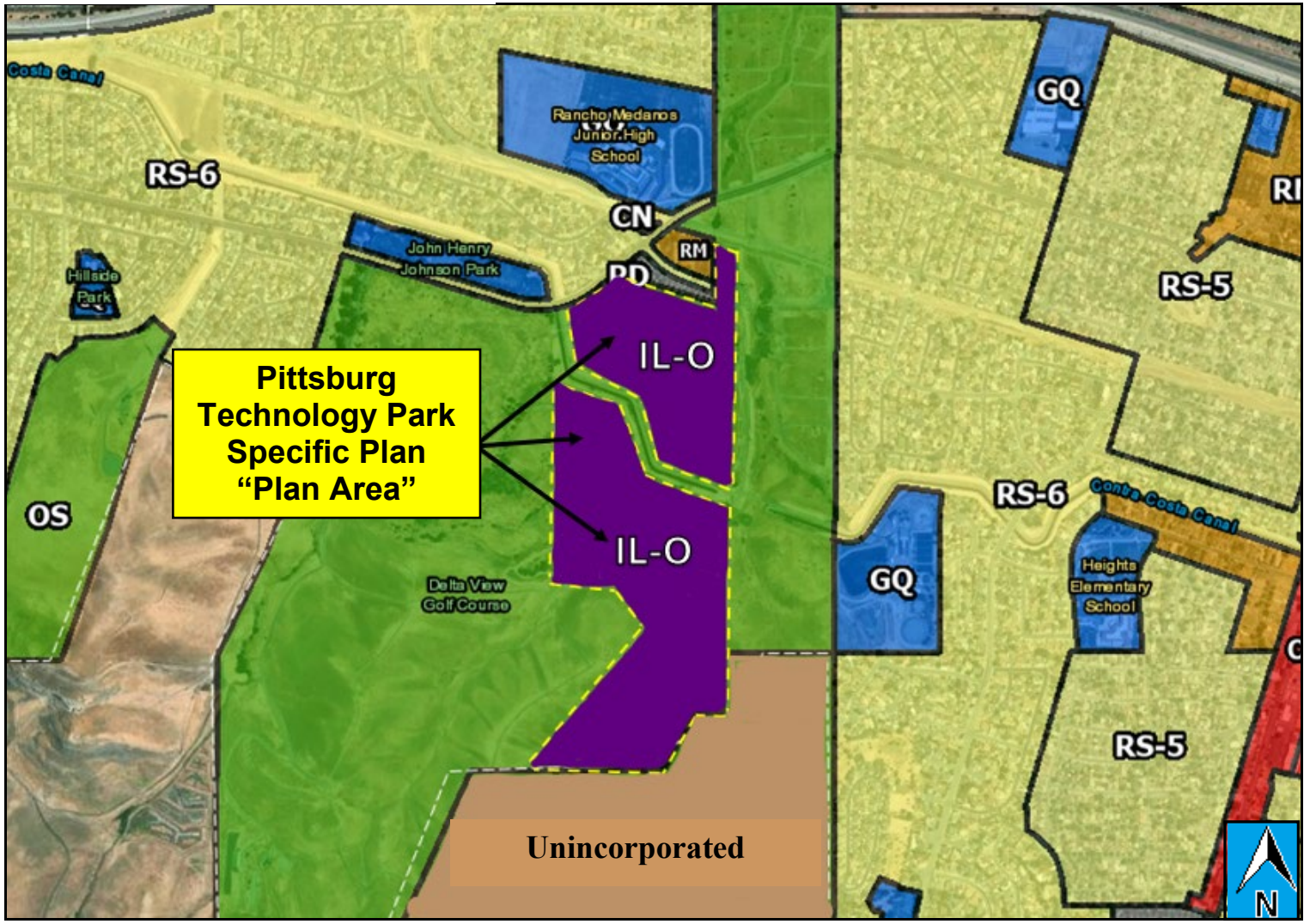
_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

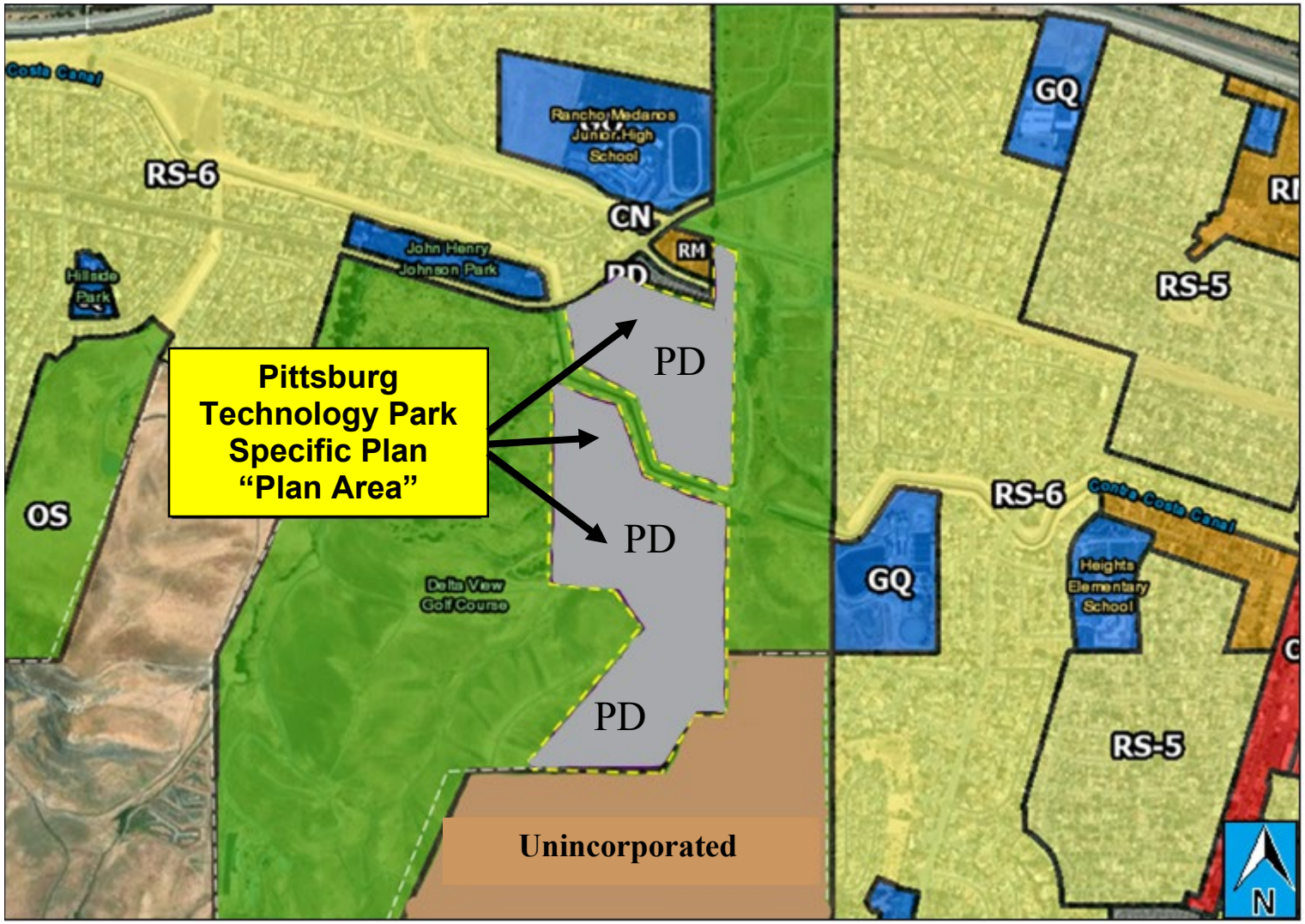
Zoning Map Amendment
Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)

Fig. 1: Existing Zoning District



CC - Community Commercial
GQ – Government & Quasi Public
IL-O - Limited Industrial
RM - Medium Density Residential
OS – Open Space
RS - Low Density Residential

Fig. 2: Proposed Zoning District



CC - Community Commercial
GQ – Government & Quasi Public
IL-O - Limited Industrial
RM - Medium Density Residential
OS – Open Space
RS - Low Density Residential

Attachment 2 - Exhibit B

Pittsburg Technology Park Specific Plan

PITTSBURG TECHNOLOGY PARK SPECIFIC PLAN

July, 2024

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CHAPTER 1: INTRODUCTION

1.1 OVERVIEW AND CONCEPT

The purpose of the Pittsburg Technology Park Specific Plan (Specific Plan) is to provide policy and implementation actions for the development of an employment area on a portion of the former municipal Delta View Golf Course.

The Specific Plan is based on a concept for development of the area in three phases. Phase I is the development of a data center north of the Contra Costa Canal. Phases II and III cover land south of the canal and allow for the further development of the plan area as a dynamic employment hub and light industrial uses.

The Specific Plan provides a roadmap and multidisciplinary guiding principles for use in planning-related endeavors. This document incorporates a vision and goals for the area and sets development standards and guidelines for land use, site and building, public right-of-way, circulation, and mobility. Per California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 et seq.) the Specific Plan acts as a regulatory document adopted by ordinance.

1.2 PLAN AREA DESCRIPTION

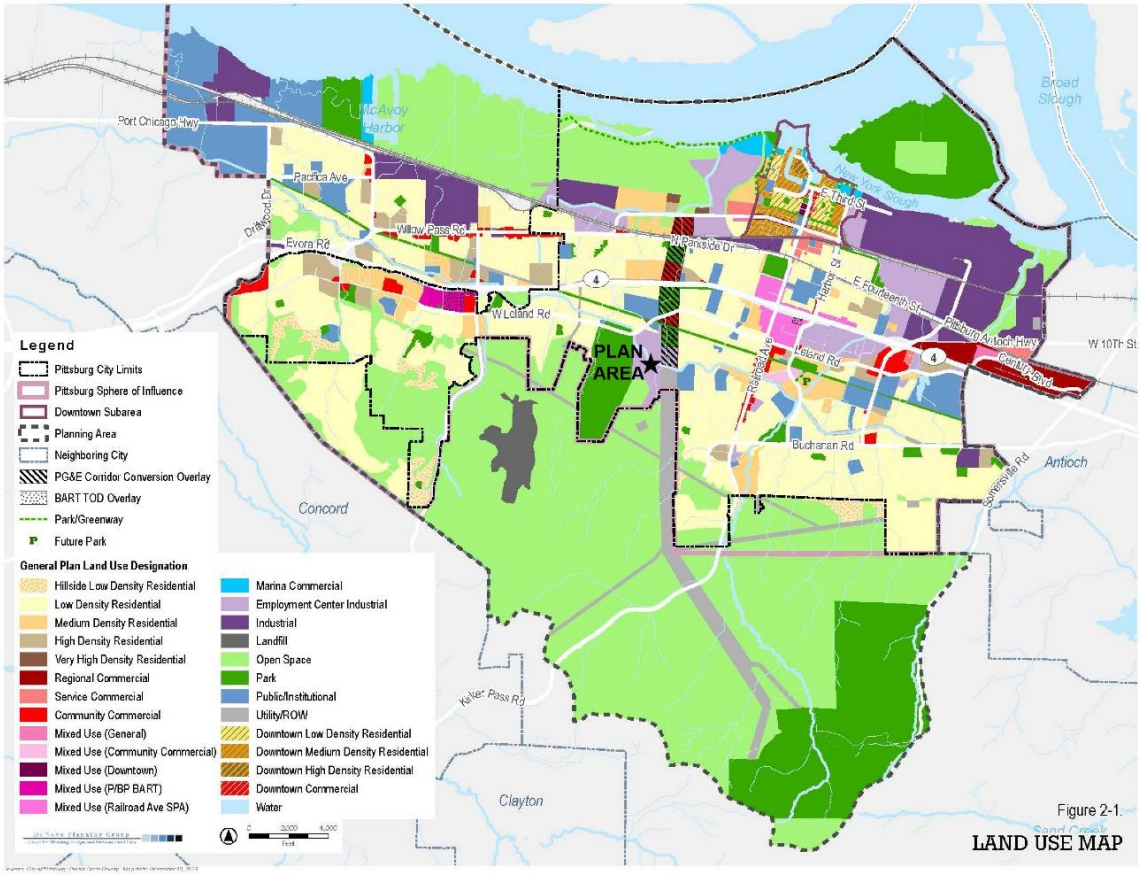
This Specific Plan envisions redevelopment of the eastern half of the former municipal Delta View Golf Course, which is closed and currently vacant. The existing property is located in the City of Pittsburg (referred to throughout document as “City”) within Contra Costa County, CA.

The Plan Area is bisected by the Contra Costa Canal, which is maintained by the Contra Costa Water District (See Figure 1: Plan Area) and is composed of two major project areas divided by the canal. The area north of the canal is 22.05 acres. The area south of the canal is 54.33 acres. The Plan Area does not include adjacent, deed-restricted land owned by Pittsburg Data Hub, LLC.

FIGURE 1: PLAN AREA

The City of Pittsburg's *2040 General Plan* was adopted by the Pittsburg City Council on May 6, 2024, under Resolution No. 24-14464. According to Figure 2-1 in the *2040 General Plan* (Land Use Map), the land use designation for the Plan Area is "Employment Center Industrial." Land use designations north of the Plan Area are a combination of "Low Density Residential" and "Public/Institutional." Land use designations west of the Plan Area are "Park," east of the Plan Area are "Utility/ROW," and south of the Plan Area is vacant land outside the city limits under the jurisdiction of Contra Costa County.

FIGURE 2: 2040 GENERAL PLAN LAND USE MAP



To achieve internal consistency between the *2040 General Plan* adopted on May 6, 2024, and the City's Zoning Ordinance, the City adopted Zoning Map Amendments, as required by Government Code 65860, on July 15, 2024. One of the Zoning Map Amendments rezoned the Plan Area from "Open Space (OS)" Zoning District to "Limited Industrial with Limited Overlay (IL-O)" Zoning District to allow for employment-generating and light manufacturing uses with specific development regulations.

Zoning for properties surrounding the Plan Area is a combination of "Single Family Residential – 6,000 square foot minimum lot size (RS-6)," "Governmental and Quasipublic (GQ)," "Planned Development, Ordinance No. 92-1044 (PD-1044)," and "Open Space (OS)" Districts.

1.3 Relationship to other City Plans

The Specific Plan serves as an extension of the Pittsburg *2040 General Plan* and can be used as both a policy and regulatory document. The Specific Plan was analyzed to ensure it is consistent with all elements of the *2040 General Plan*. Appendix A details the connection between the Specific Plan and goals and policies from the *2040 General Plan* and *Sustainability Plan*.

1.4 Specific Plan Goals

To ensure the functionality, economic sustainability, appealing aesthetics, and community enhancement of the Specific Plan, the following goals have been established:

1. Develop a comprehensive Specific Plan for the Plan Area that provides for technology park uses while incorporating essential infrastructure facilities.
2. Foster economic and employment opportunities within the community by expanding the variety of industrial, office, and technology park uses.
3. Enable the construction of industrial or office buildings that will be attractively incorporated into the landscape, while minimizing impacts to the surrounding natural environment and sensitive resources.
4. Identify and facilitate the installation and ongoing maintenance of water, sewer, drainage, and road infrastructure in connection with development projects in the Plan Area.
5. Establish guidelines and standards for building and site development aesthetics that create a distinctive and cohesive identity for the Plan Area.

1.5 Specific Plan Authority

A specific plan is a regulatory tool that local governments use to implement their general plan and to guide development in a specified area. While the general plan is the primary guide for growth and development in a community, a specific plan can focus on the unique characteristics of a special area by customizing the planning process and land use regulations for that area.

By law, specific plans are intended to implement a city or county's general plan through the development of policies, programs, and regulations that provide an intermediate level of detail between the general plan and individual development projects. As vehicles for the implementation of the goals and policies of a city's general plan, State law stipulates that specific plans can be adopted or amended only if they are consistent with the jurisdiction's adopted general plan.

The Specific Plan is enacted under Sections 65450 through 65457 of the California Government Code, which authorizes local governments with certified general plans to prepare and adopt specific plans. The Specific Plan is adopted by the City Council by ordinance and thereby establishes the zoning regulations for land use and development within the Plan Area.

The Specific Plan guides land use and development decision-making processes for the Plan Area. The Specific Plan does not replace or augment building safety codes or other non-planning-related codes. All applications for new construction, substantial modification to existing buildings, and changes in land use within the Plan Area shall be reviewed for conformance with this Specific Plan.

CHAPTER 2: EXISTING CONDITIONS

2.1 OVERVIEW

This chapter documents the existing conditions in the Plan Area prior to the adoption of the Specific Plan, including demographics, community and natural resources, land use, transportation and circulation standards, and utilities and infrastructure.

2.2 DEMOGRAPHICS

The City of Pittsburg has over 76,000 residents. The population of Pittsburg is ethnically diverse with 42% of the population identifying as Hispanic or Latino, and the largest racial populations identifying as 24% White, 23% Asian, and 20% Black or African American, according to the 2020 Decennial Census. The employment rate is 59.3% and approximately 8.8% of the population lives in poverty, according to the 2022 American Community Survey 1-Year Estimates.

2.3 COMMUNITY AND NATURAL RESOURCES

The Plan Area is approximately 76.38 acres, including areas formerly developed as the Delta View Golf Club that were owned and managed by the City, as well as undeveloped grassland hill slopes to the south and southeast (see Figure 1: Plan Area). The Plan Area is located along the southern edge of the City and consists of rolling hills along the lower slopes of the eastern Los Medanos Hills.

The property just west of the Plan Area consists of other portions of the former golf course as well as the City of Pittsburg's Stoneman Park, while lands to the south are owned by the Keller Canyon Landfill Company, and lands to the southeast are owned by Pacific Gas and Electric.

The land is vacant, and a majority of the site is undeveloped. There are some dilapidated former golf cart paths, existing structures, and a run-down parking lot from the previous Delta View Golf Course. The Contra Costa Canal crosses from the northwest to the southeast through the Plan Area. A bridge covers a portion of the canal. Elevations within the Plan Area range from approximately 68 feet to 290 feet above sea level, trending upward in elevation from the northeast to the southwest and the existing topography generally drains from the south to the north of the site (elevations ranging from 253 to 72). 3.2% of the land in the Plan Area is impervious.

2.4 LAND USE

The Plan Area is designated as Employment Center Industrial per the *2040 General Plan* Land Use Map, shown in Figure 2.

To achieve internal consistency between the *2040 General Plan* adopted on May 6, 2024, and the City's Zoning Ordinance, the City adopted Zoning Map Amendments, as required by Government Code 65860, on July 15, 2024. One of the Zoning Map Amendments rezoned the Plan Area from "Open Space (OS)" Zoning District to "Limited Industrial with Limited Overlay (IL-O)" Zoning District to allow for employment-generating and light manufacturing uses with specific development regulations.

Land uses north of the Plan Area are primarily designated as "Low Density Residential" in addition to parcels within ½ mile of the Plan Area that are designated "Public/Institutional" where Rancho Medanos Junior High School and Los Medanos Elementary School are located. The neighborhoods north of the Plan Area are mostly built on a gridded street network but are bound by State Route 4 (SR 4) and railroad tracks that limit connectivity. As a result, only a few roadways provide continuous connections. Land uses west of the Plan Area are primarily designated "Low Density Residential" and "Park". This area is primarily served by West Leland Road and neighbors the Bay Point community which is located within unincorporated Contra Costa County. Land uses east of and neighboring the Plan Area are designated "Vacant/Utility/ROW," which are utilized by powerlines that interrupt and limit connectivity. The land use designations east of the powerlines are mostly "Low Density Residential" and "Institutional" until Railroad Avenue, which is mostly designated as "Community Commercial." The land use designations south of the Plan Area are primarily "Open Space" and unincorporated Contra Costa County.

2.5 Existing Transportation and Circulation Standards

The Plan Area is accessible by way of vehicular travel. The north side of the Plan Area is accessible via Golf Club Road, a Local Street. The west side of the Plan Area is accessible via John Henry Johnson Parkway, a Local Street.

The north side of the Plan Area is less than 1,000 feet away from the Delta De Anza Regional Trail, a multi-use hiking, bicycling, and equestrian trail, which can be accessed at Golf Club Road.

The City of Pittsburg is serviced by local and regional transit services provided by Tri-Delta, Bay Area Rapid Transit (BART), and County Connection. The Plan Area is accessible through Routes 388 and 390 and is served by bus stops at the intersection of Leland Road and Golf Club Road serviced by Tri-Delta Transit. The Plan Area also has access to the regional transit services provided by BART through the Yellow Line served by the Pittsburg Center station, which is approximately a mile away. Lastly, the Plan Area has access to the regional transit services provided by County Connection through the Express Route 93X bus route served by two bus stops at the intersection of Kirker Pass Road and Castlewood Drive, which is approximately a mile and a half away.

2.6 Existing Utilities and Infrastructure

See Chapter 7 for descriptions of existing utilities and infrastructure.

CHAPTER 3: LAND USE, ZONING, AND DEVELOPMENT STANDARDS

3.1 OVERVIEW

This chapter includes permitted land uses in the Plan Area. These uses are aligned with the "Employment Center Industrial" land use designation for the Plan Area in the City's *2040 General Plan*. These uses are also aligned with the overall goals of the Specific Plan in Chapter 1 and Goal 2-4 of the *2040 General Pla*n detailed in Appendix A.

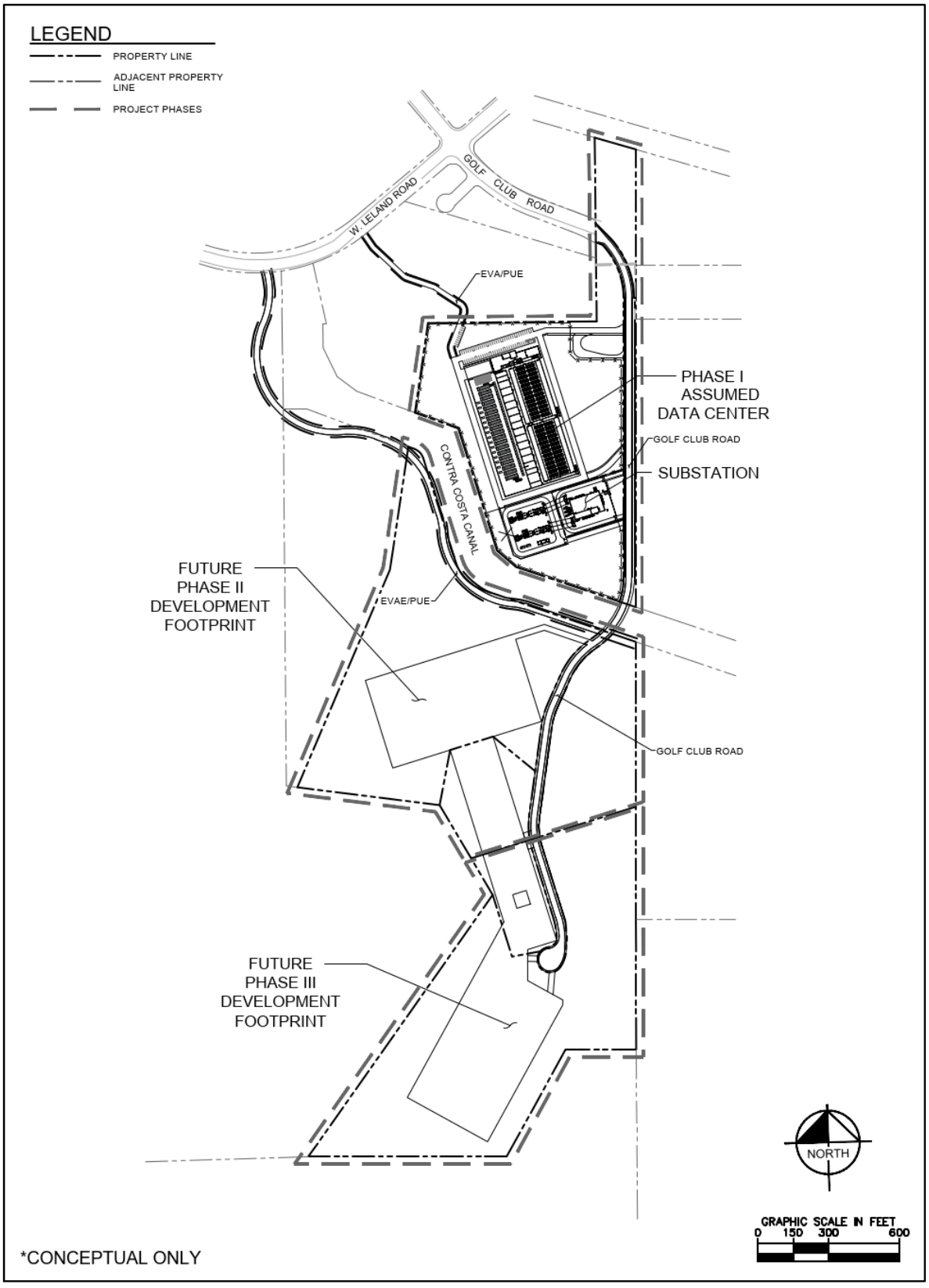
This chapter also provides design review guidelines and standards for development in the Plan Area to establish a high-quality design and character that is thoughtfully integrated into the natural topography of the surrounding area. These guidelines include direction on site design, building form, materials, color, and landscaping to meet the intent of the Specific Plan while providing flexibility for constructability. There are instances where the term "shall" is used throughout this chapter to denote a design standard that is required. Additionally, the EIR connected to this Specific Plan includes mitigation measures that act as supplementary standards for certain uses. The Zoning Administrator shall be responsible for administering the provisions of the Specific Plan and shall have authority to review and approve development projects that have been determined to be consistent with the objectives and provisions of the Specific Plan.

3.2 LAND USE

The Plan Area is designated as "Employment Industrial Center (ECI)" in the *2040 General Plan.* This land use designation is described in the *2040 General Plan* as "fostering vibrant, diverse, and dynamic employment hubs that accommodate technology, advanced manufacturing, logistics, and other sectors that generate substantial employment opportunities; uses may include administrative, financial, business, professional, medical and public offices, business incubators, research and development, custom and light manufacturing, limited assembly, warehousing and distribution, data centers, technology and innovation, energy, hospitals and large-scale medical facilities, services, light and heavy automobile services, and supporting commercial uses".

The Specific Plan is based on a concept for development of the Plan Area in three phases. The Site Plan Concept is shown in Figure 3. Phase I is the development of a data center north of the Contra Costa Canal. Phases II and III, south of the canal, allow for the development of a wide range of employment-generating commercial or industrial uses based on market conditions. The Site Plan Concept illustrates the estimated development footprint for each phase, and the circulation within the Plan Area that is described in Chapter 6.

FIGURE 3: SITE PLAN CONCEPT



3.3 PERMITTED LAND USES

The permitted land uses in the Plan Area are based on the "Employment Center Industrial (ECI)" land use designation. The permitted uses identified in the table below are subject to the development standards and design guidelines identified in this chapter, and land use entitlement procedures and actions outlined in Chapter 8.

Use Classifications	Definitions
Administrative, Business, and Professional Offices	Establishment engaged in the provision of executive, management, administrative, consulting, or professional services, such as architectural, design, engineering, real estate, information technology and technology support, insurance, investment, legal, secretarial, accounting, graphic arts, typesetting, desktop publishing, advertising, marketing, title insurance, bail bonds, travel, entertainment, collection, or personnel agency. This classification includes health program administration or management offices and workspaces created for business incubators/incubation.
Data Center	A facility providing for the storage of networked computer servers and related hardware equipment typically used by organizations for the remote storage, processing, or distribution of large amounts of data.
Energy	A facility primarily comprised of mechanical and electrical spaces that will house energy production, energy conversion, and energy distribution equipment.
Financial Offices	Financial institution, including credit union office or check cashing service, that provides retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.
Government/Public Offices	Administrative, clerical, or public contact office of a federal, state or local government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
Medical Offices and Medical Testing	Offices of state-licensed firms or organizations that provide human physical and psychological health services and resources, such as physicians, dentists, chiropractors, physical therapists, psychiatrists, psychologists, counseling and family planning services, optometrists, or acupuncturists. This classification includes only those facilities intended for outpatient medical services, and may include medical/dental laboratory incidental to the office use.

Use Classifications	Definitions
Research and Development Services and Production	Research and Development Services establishments are primarily engaged in industrial or scientific research, including limited product testing. This classification includes electronic research firm or pharmaceutical research laboratory. Research and Development Productions establishments are primarily engaged in the research, development, testing, and controlled production and wholesale of high-technology electronic, industrial, or scientific products or commodities within an enclosed building, but does not include uses that may be objectionable by reason of production of offensive odor, dust, noise, vibration, or storage of hazardous materials. Uses include biotechnology, film, and nontoxic electronic and computer component manufacturers.
Manufacturing (Custom and Limited)	An industrial activity involving the making of goods or products by manual labor or machine process, including incidental and related processing, storage, wholesaling and distribution. **Limited.** Establishment engaged in the fabrication, assembly, processing, treatment, or packaging of finished parts or products from previously prepared materials within an enclosed building, excluding food and drug processing. **Custom.** Establishment primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. This classification may include the incidental direct sale to consumers of only those products produced on-site. Typical uses include ceramic studio, candle-making, boatwright, custom jewelry manufacture, ornamental iron works, cabinet shop, or stained/leaded glass studio.
Warehouse and Distribution (Interior and Exterior Storage)	Establishment engaged in the wholesale, distribution and warehousing of goods. Uses in this category provide storage space for bulk quantities of commercial goods, or sell or arrange the sale of goods from suppliers to other wholesalers or retailers. Establishments under this classification may sort, package and label products for distribution, but do not display merchandise or accommodate walk-in retail customers. **With Interior Storage.** Storage and handling of goods and equipment is entirely within an enclosed building. **With Exterior Storage.** Storage and handling of goods and equipment is entirely or partially outdoors, even if screened from public view. This classification does not include junk or vehicle dismantling yard, or disposal facility.

3.4 SITE DESIGN

The Plan Area is approximately 76.38 acres and is bisected by the Contra Costa Canal into two major project areas as depicted in Figure 3: Site Plan Concept. The approximately 22.05-acre area north of the canal is named Phase I and includes future development of a data center and corresponding Pacific Gas & Electric (PG&E) and/or Pittsburg Power Company (PCC) substation. The approximately 54.33-acre area south of the canal is designated for future Phases II and III and designed to accommodate the permitted uses listed in section 3.3.

Carefully planned site design is an important element of all development projects. Site design should help ensure well-functioning and safe circulation around the site and establish aesthetically pleasing developments. Controlled truck site ingress and egress and services areas located at the rear of buildings or screening from public view should be considered. Additionally, articulated building façades and integrated landscape treatments should also be considered.

3.5 DEVELOPMENT STANDARDS

The following development standards apply to all development projects within the Plan Area.

Property Development Regulations	Feet
Minimum lot area (sq. ft.)	5,000
Minimum lot width	70
Minimum yards	–
Minimum Front Setback	10
Minimum Side Setback	10
Minimum Side Setback (adjacent to an R or residential PD district)	10
Minimum Corner side Setback	10
Minimum Rear Setback	10
Minimum Rear Setback (adjacent to an R or residential PD district)	10
Maximum front yard (ft.)	–
Maximum height* of structure(s)	99
Minimum height of structure(s)	–
Maximum lot coverage	60%
Maximum FAR**	0.5
Minimum site landscaping	7%

* Height shall be calculated from the proposed finished grade to top of roof membrane. This excludes screening and architectural facades, i.e., parapet.

** Facilities owned and operated by a public utility shall not be included in FAR calculation

Estimated Development Capacity

	Size (AC)	Development Capacity (Sq. Ft.)
Phase I	22.05	347,740
Phase II	29.29	368,551
Phase III	25.04	392,567
Total	76.38	1,108,858

CHAPTER 4: DESIGN GUIDELINES

4.1 BUILDING FORM/MASSING

The shape, size, proportions, and articulation of buildings contribute to the character of the Plan Area. Designing appropriate attributes for these elements will help buildings blend into the natural character of the Plan Area and minimize the buildings' perceived size.

Appropriate attributes for a building's design elements that are visible from a public viewing area should include:

- Articulated building facades as well as varying colors and materials to reduce the visual bulk of the building.
- Accentuated entrances through projected or recessed massing or features such as an overhang.
- Variation in roof lines or parapet heights. Note: Height shall be calculated from the proposed finished grade to top of roof membrane.
- Architectural accents such as cornices, trim around windows, grooves in walls, and accent bands can be used to create visual variation along building facades.

4.2 MATERIALS, COLORS AND TEXTURES

Building materials, colors and textures should be used to add visual interest to buildings while blending with the natural character of the Plan Area.

Building materials and color applications include the following:

- Exterior building materials should include one or more of the following: smooth concrete, textured concrete, masonry block with textured or sandblasted finishes, glass and curtainwall glazing systems, natural and/or manufactured stone, or limited metal panel systems.
- Primary exterior building colors are encouraged to be light and warm tones. Darker and more intense colors should be utilized for accents and to accentuate entrances.
- Materials changes should occur at intersecting planes, preferably at the corners of wall plane changes or where architectural elements intersect. Material changes can also occur elsewhere within wall planes.
- Materials or color applications should terminate at a logical point in relation to architectural features or massing.
- Multiple buildings in a development should have complementary materials and color palettes.
- Should creating defensible space per section 3.6.5 of this Specific Plan prove challenging to achieve, then structures must be constructed using fire-resistant materials.

4.3 Functional Elements

Security fencing of 8-feet in height or higher may be installed at the perimeter of the property line of each development project.

Where incorporated in landscape design, walls and fences should be designed to complement building materials and colors where feasible.

Guard stations are permitted at the entrances to private drives.

4.4 Buffering and Screening

Rooftop, ground equipment, and truck docks shall be screened from the view of adjacent residential districts. Screening materials shall be consistent with building facades and may include fencing landscaping.

4.5 Landscape Design

Landscaping is a required component of each development project. Landscape design is intended to enhance site development and cultivate a vibrant and inviting environment that includes green spaces for passive use. Specifically, landscape design should:

- Be used to soften the appearance of buildings and provide a buffer with open areas and the roadway.
- Blend with the natural environment.
- Include planting selection that follow City requirements and consist of predominantly drought-tolerant plants (reference City of Pittsburg Master Plant List).
- Be integrated into storm water management including any required onsite detention.
- Include ground cover that is designed to have 100 percent coverage within one year.

The landscape concept design for Phase I is shown in Figure 4 to provide further guidance on the landscape design for all phases of the Plan Area.

FIGURE 4: PHASE I LANDSCAPE CONCEPT DESIGN

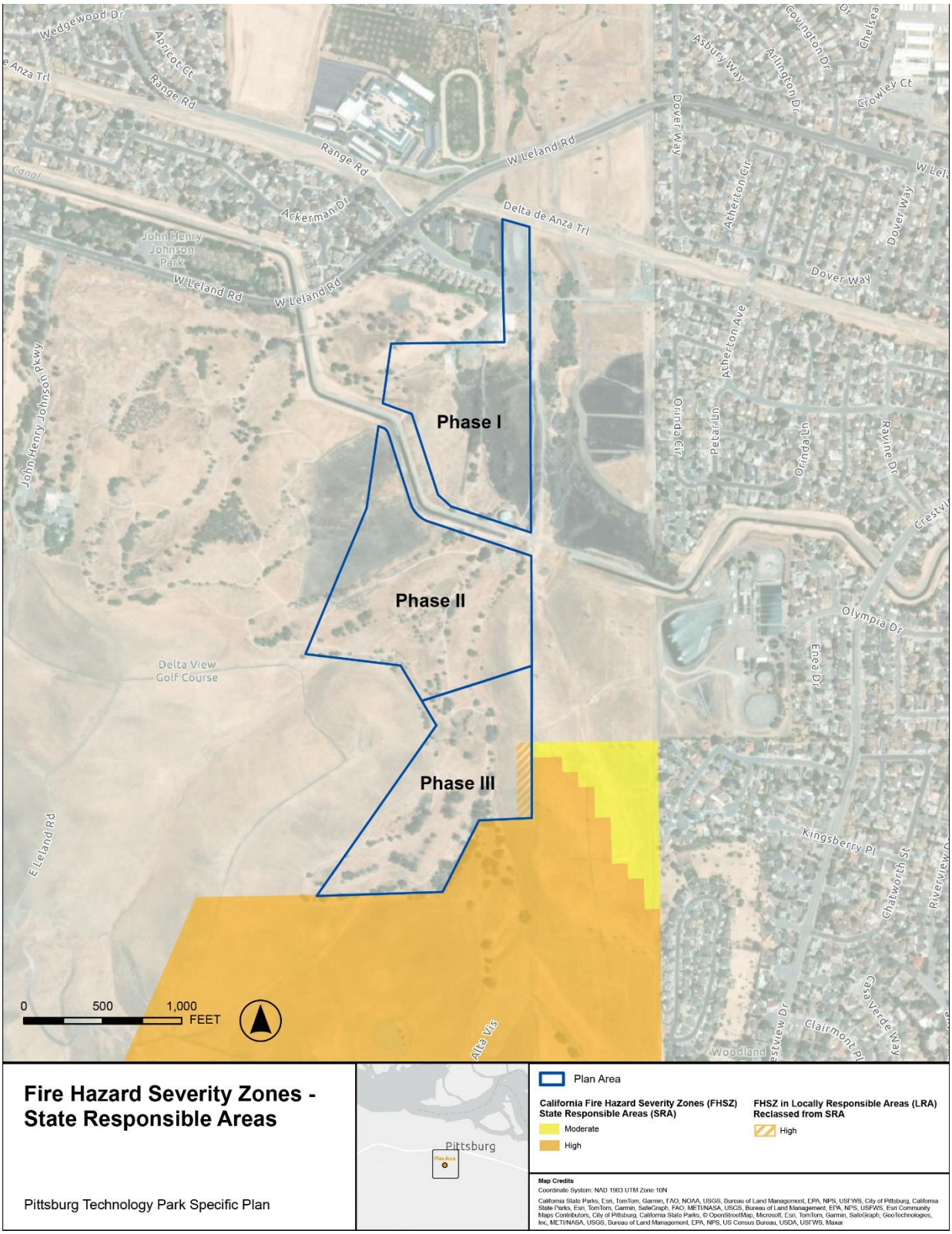
4.6 Fire Prevention

Fire prevention is a key element of the landscape design and the continued maintenance of the Plan Area. Future development and its landscaping shall be designed, installed, and maintained in accordance with Chapter 15.20 of Pittsburg Municipal Code (PMC), an amended version of the 2022 California Fire Code (CFC).

Phase I of the Plan Area lies within a wildland urban interface (WUI) zone. This is the zone of transition between unoccupied land and human development. Furthermore, the southern and eastern corner of Phase III is within a Local Responsibility Area (LRA) and is classified as a High Fire Hazard Severity Zone (FHSZ), see Figure 4. Additional measures including maintaining defensible space zones, landscaping using native, fire-resistant plants and fire-resistant materials, abating weeds, and, where feasible, harden structures and infrastructure against fires, are required for these areas and are specified in the CFC. Should the designated defensible space distances prove challenging to achieve, then structures within this zone must be constructed using fire-resistant materials and practices to mitigate potential fire risks.

Future development may be mandated to incorporate additional fire safety measures, such as fire-resistant roof construction, secure attachments, and other precautions, as part of the project's review by the Contra Costa County Fire Protection District during future discretionary development applications and Building Permit review processes to ensure adherence to these code provisions.

FIGURE 5: FIRE HAZARD SEVERITY ZONE



4.7 SIGNS

Signage in the Plan Area shall be subject to Sign Regulations in PMC Title 19. The purpose of PMC Title 19 is to provide standards to promote and protect life, health, property and the public welfare by controlling the design, colors, quality of materials, construction, size, location, placement and maintenance of signs and sign structures.

4.8 LIGHTING

Lighting in the Plan Area shall be designed to minimize impacts resulting from new sources of light and glare. The following lighting guidelines shall be incorporated in future development projects in the Plan Area:

- **Maintain Dark Sky:** Using fixtures that comply with dark sky principles and minimizing light pollution by preserving natural night sky will help maintain dark sky conditions. Best practices that help in maintaining dark sky and reducing glare include but is not limited to usage of:
    - Lower lumen output luminaires and lower illuminance;
    - Luminaires that spread luminance or brightness over an appropriate area;
    - Luminaires with less optical punch and less sharp cutoff in candlepower and
    - Luminaires delivering warmer color light (usually lower than 4000K, and often below 3000K CCT) (US Department of Energy 2013).
- **Downward directed/shielded lighting:** All lighting used in the Plan Area is required to be directed and/or shielded to prevent the light from adversely affecting adjacent properties, and no structures or features that create adverse glare effects are permitted.
- **Maximum luminaire height**: The maximum permitted height of luminaires shall not exceed a height of 14 feet when there is no cutoff involved. If a ninety degree or greater cutoff is enacted, the maximum height shall not exceed that of 24 feet. Anything less than ninety degrees of cutoff, the maximum height of luminaire shall be 30 feet.
- **Nighttime lighting**: All parking facilities developed shall be provided with nighttime security lighting and designed to confine emitted light to the parking areas per PMC 18.78.050(F).
- **Incorporating Motion Sensors and Emergency Lighting**: Incorporation of motion sensors or smart lighting in rest areas or areas that have more infrequent usage to optimize energy efficiency. Inclusion of emergency lighting at key points such as areas with potential hazards.

CHAPTER 5: NATURAL AND BIOLOGICAL RESOURCES

5.1 OVERVIEW

The Plan Area is approximately 76.38 acres, including areas formerly developed as the Delta View Golf Club, as well as undeveloped grassland hill slopes to the south and southeast. The Plan Area is located along the southern edge of the City of Pittsburg, California. The Plan Area consists of rolling hills along the lower slopes of the eastern Los Medanos Hills, overlooking the City of Pittsburg. Elevations within the Plan Area range from approximately 68 feet to 290 feet above sea level, trending upward in elevation from the northeast to the southwest.

The Plan Area is dominated by silt and clay soils that support annual grassland in undeveloped areas, though extensive areas have been partially leveled and native soils have been replaced by soils suited for golf course landscaping. The fine-textured soils within natural and excavated concave areas support seasonal wetlands. Natural swales and stream courses also run along the east edge of the Plan Area south of the canal, and two artificial ponds have been developed. Some of these ponds were developed entirely within uplands, while others are impoundments of natural drainages. The remnant intact drainages that flow through the Plan Area support a few riparian tree species, but these are widely scattered and include many non-native trees, and do not form contiguous riparian habitat.

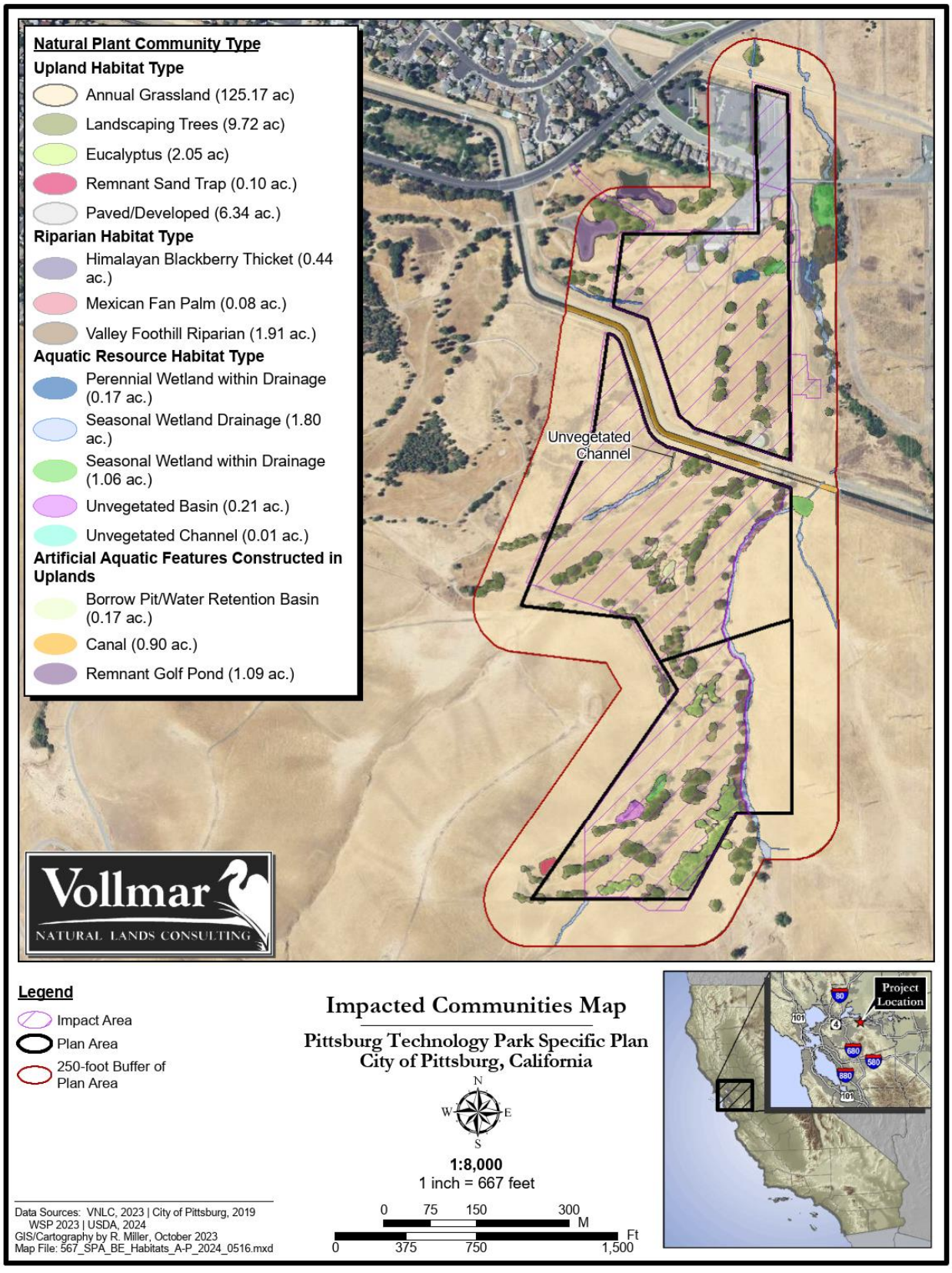
The Specific Plan's EIR describes the regulatory framework and mitigation measures in place regarding environmental protection. Ensuring the natural and biological resources in the Plan Area are adequately protected will help the City in their efforts to reach the goals laid out in the Sustainability Plan.

5.2 HABITAT CONSERVATION PLAN

The Plan Area is subject to the East Contra Costa County Habitat Conservation Plan & Natural Community Conservation Plan (HCP/NCCP) and its associated Regional General Permit (RGP). The Plan Area contains a limited amount of sensitive biological resources, including potentially jurisdictional Waters of the U.S./Waters of the State of California, and potential habitat for Endangered Species Act (ESA) and California Endangered Species Act (CESA) listed species (Refer to Figure 6: Habitat Map). Typically, these resources can require extended permitting and mitigation processes.

In the case of the Plan Area, however, a streamlined Army Corps of Engineers (ACOE) permitting, and mitigation process is available through the HCP/NCCP. The HCP allows for relatively rapid and streamlined biological resource permitting, making the site well-suited to redevelopment. They also allow for mitigation to be provided by simply paying pre-determined mitigation and development fees, rather than the difficulty of establishing a mitigation site for the project.

FIGURE 6: IMPACTED VEGETATIVE COMMUNITIES MAP



CHAPTER 6: CIRCULATION AND MOBILITY

6.1 OVERVIEW

This chapter describes the circulation plan and mobility standards and amenities for multiple modes of transportation, pedestrian circulation, parking standards, truck access, and emergency access requirements.

6.2 SITE DESIGN

The Plan Area is delineated into two portions: the north and the south, bisected by the Contra Costa Canal. The north portion of the site, containing Phase I, includes a data center and corresponding substation. The south portion of the site, containing Phases II and III, will be available for land uses as identified under Section 3.3 Permitted Uses. Conceptual building envelopes for permitted uses are shown on Figure 3: Site Plan Concept.

6.3 TRANSPORTATION AND CIRCULATION STANDARDS

The circulation plan, as included in Figure 3: Site Plan Concept, provides a roadway network to meet the vehicular and non-vehicular needs of employees and visitors as well as for the transportation of goods to and from the businesses located within the Plan Area.

Internal circulation and access for development projects within the Plan Area will be designed to facilitate efficient access to surrounding streets utilizing shared access points and driveways and separation of automobile and truck circulation. Internal site circulation will also encourage pedestrian circulation through an integrated sidewalk network that will be designed as part of implementing individual parcel and building development.

The roadway system on the Plan Area is meant to support movement of visiting vehicles, pedestrians, and cyclists within the Plan Area.

6.4 TRANSPORTATION IMPACT ANALYSIS

Under the City's Transportation Impact Analysis Guidelines, future development projects in the Plan Area may need to prepare a Transportation Impact Analysis (TIA) as part of the project approval process.

The purpose of the analysis is to assess the potential transportation impacts of proposed development projects, for purposes of both the CEQA and non-CEQA transportation evaluations.

6.5 PARKING STANDARDS

The following regulations establish minimum requirements and design standards for off-street parking of vehicles, trucks, and bicycles. The purpose of these regulations is to provide safe and convenient access, to ensure parking areas are properly designed, and to provide adequate spaces to service the use, reduce traffic congestion, promote business, and enhance public safety.

Parking Minimums

Phase I includes a data center with an adjacent substation and should therefore require minimal parking, as data centers require few on-site staff. There is no required minimum of parking spaces for this use.

Development projects within Phases II & III of the Plan Area are required to provide one off-street parking space per 500 square feet of floor area. Data centers are excluded from this requirement. The Zoning Administrator or their designee may allow a reduction in the minimum number of parking spaces at their discretion.

Parking Design Standards

Refer to PMC section 18.78.050 for parking facility design standards.

Additionally, development projects will be required to comply with the current, at the time of the application, California Building Code for certain design standards and procedures, including accessible parking space requirements and alternative parking programs. Additionally, future development projects will be required to comply with the current, at the time of application, California Green Building Standards Code "CalGreen" Tier 2 standards under the Bay Area Air Quality Management District (BAAQMD) guidelines, and any other applicable State guidelines in effect at the time of application, regarding electric vehicle charging infrastructure.

6.6 Pedestrian Circulation

Pedestrian paths are required from Golf Club Road to the main entrance of at least one building in each development project. Sidewalks are required on the west side of Golf Club Drive to improve safety and the pedestrian experience and provide additional connectivity. Sidewalks shall be a minimum of six-feet wide, constructed of concrete, and installed in conjunction with adjacent roadway improvements.

6.7 Bicycle Parking

Permanent, fixed bicycle racks or lockers shall be provided on-site wherever off-street parking spaces are required for commercial and industrial use classifications pursuant to PMC section 18.78.040, at the ratios indicated in the table below. The bicycle stalls required by this section may be covered by a shelter.

Off-Street Parking Spaces Required	**Number of Stalls for Bicycles Provided in Rack or Locker**
0-4	0
5-10	1
11-20	4
21-50	6
51-100	8
101-200	10
201 or more	1 per 10 required automobile parking spaces

6.8 EMERGENCY ACCESS

Fire protection for the City of Pittsburg is provided by the Contra Costa County Fire Protection District (CCCFPD). Two Emergency Vehicle Access roads (EVA) are shown in Figure 3: Site Plan Concept. The Phase I EVA provides direct access from the proposed building to W Leland Road. The Phase II & III EVA provides additional access from Golf Club Road to W Leland Road.

Fire access within the Plan Area will abide by the CCCFPD's Fire Prevention Standards. The Fire Apparatus Access Road Requirements state the following:

> "Fire apparatus access roadways shall be provided for every facility, building, or portion of a building constructed or moved into or within this jurisdiction. Fire apparatus access shall extend to within 150 feet off all portions of the facility and all portions of the exterior walls of the first story of a building as measured along an approved route around the exterior of the building or facility. All newly proposed buildings, including single-family homes and accessory structures, shall be reviewed for fire apparatus access requirements by the Fire District prior to project approval."

CHAPTER 7: UTILITIES AND INFRASTRUCTURE

7.1 OVERVIEW

This chapter describes the existing utilities and infrastructure and the improvements required to support development projects within the Plan Area.

7.2 WATER SYSTEM

Domestic Water

According to the City of Pittsburg's Water System Master Plan (WSMP), "*the City has two sources of supply: surface water from the Contra Costa Canal and groundwater extracted from two active wells in the central part of the City. Water from both sources is conveyed to the City's water treatment plant where it is first treated, and then conveyed to the distribution system. The City receives water from the Contra Costa Canal in accordance with an agreement with the Contra Costa Water District (CCWD).*" The WSMP shows the site residing in Pressure Zone Section 2 with a high-water level (HWL) of 385'.

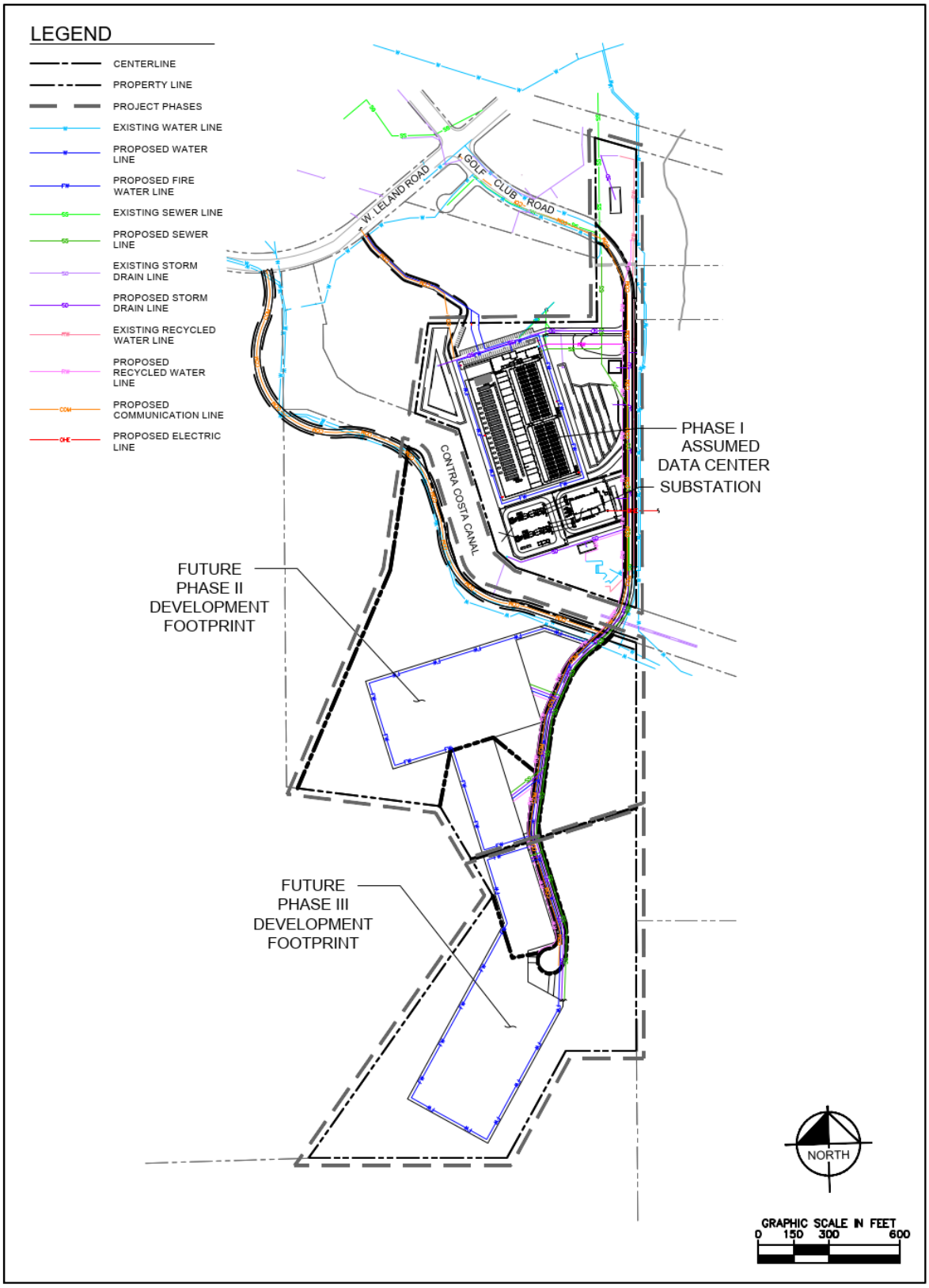
The existing domestic water infrastructure within the Plan Area is as follows:

1. Existing domestic water service remains at the Delta View Golf Course; however, size and connections are unknown.
2. Two domestic water pipes, at 14" and 20", run along the south side of Contra Costa Canal as shown in Figure 7.
3. Two domestic water pipes at 30" and 20", run along the eastern face of the project. At the north end of the site, the 30" line turns west, with the final connection point unknown. The 20" line connects to facilities at West Leland.
4. City water treatment pump stations "PS-2" and "PS-3" exist outside the property limits further southeast off of Contra Costa Canal.
5. Adjacent to the pump stations PS-2 and PS-3 are existing water treatment storage reservoirs "T-1" and "T-2".

The WSMP speaks of future anticipated projects for the City water infrastructure. Within Pressure Zone Section 2, the WSMP shows a proposed transmission main from PS-2 to John Henry Parkway. Within Pressure Zone Section 1, the WSMP shows a potential proposed storage tank "T-19" further along Contra Costa canal with 1.30 MG capacity. A proposed 20" transmission line is proposed for the T-19 storage tank as well.

To bring water to the Plan Area, the utility design includes a proposed public water main along the proposed extension of Golf Club Road along the eastern edge of the Plan Area. Each building will have a domestic water lateral. Based on pressure data provided by the City, static pressure is understood to be between 129 pounds per square inch (PSI) at elevation 110' and 107 PSI at elevation 161'. See Figure 7: Utility Concept Map.

FIGURE 7: UTILITY CONCEPT MAP



Recycled Water

The City supplies its recycled water through the Delta Diablo Sanitation District's Recycled Water Facility. The recycled water is regulated by the State Water Resources Control Board, overseeing production, conveyance, quality control, and proper use of the recycled water. Recycled water lines service the Plan Area. Recycled water use at developments would reduce domestic water demand. Requirements for service will need to be evaluated at the entitlements stage of development projects.

Fire Flow

Static pressures are noted in the domestic water system above. Additional fire flow tests and modeling will need to be completed at the entitlement stage of development projects to confirm improvements necessary to meet development needs.

Subsequent projects within the Plan Area would be required to complete infrastructure studies for all new domestic and recycled water and wastewater lines. Furthermore, all subsequent projects will be reviewed by the City for adequate flows and pressure. Site-specific analyses would confirm the adequacy of water and wastewater system infrastructure, pressure, and flows.

7.3 Sewer System

No major sewage line services the Plan Area outside of the existing sewer lines servicing the abandoned Delta View Golf Course. The existing sewer system connects to the City of Pittsburg public 8" PVC sewer main running along Golf Club Road. Development projects will require sewer main extension (potentially public or private) and service laterals to each proposed building, as shown in Figure 5: Utility Concept Map.

7.4 Storm Drain System/WQ Basins

The Hydrology Map (Figure 8) shows the existing hydrology of the Plan Area. The Plan Area contains stormwater infrastructure as it pertains to the Delta View Golf Course. It is likely that this infrastructure ties into the public storm water infrastructure along Golf Course Road. City records have not indicated stormwater infrastructure for the Plan Area within Phases II and III. Studies indicate the likely presence of a catch basin and storm drainpipe under the canal, transporting water to property north of the canal, where it continues and discharges to the property/utility right-of-way.

Increase in impervious area from development projects and increase in runoff shall be mitigated with onsite detention to avoid downstream impact.

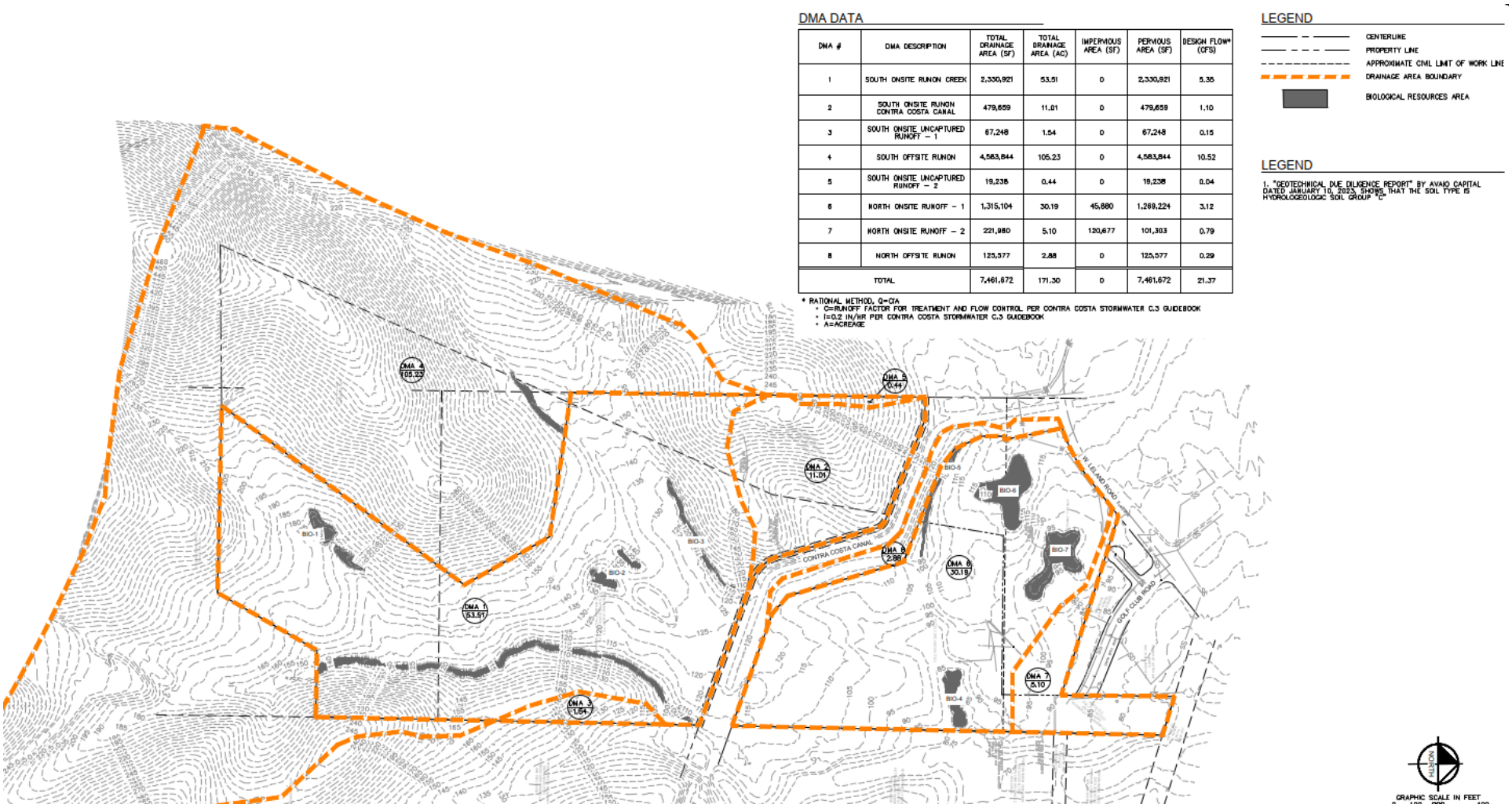
Future development projects are subject to the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Municipal Regional Stormwater NPDES Permit (MRP). Particularly, future development projects must comply with the following NPDES Permit provisions:

- Provision C.3 – New Development and Redevelopment. Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff.

- Provision C.12 – PCB Controls: Provision C.12 of the MRP requires the co-permittee agencies to implement a control program for polychlorinated biphenyls (PCBs) that reduces PCB loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030.

Figure 8: Hydrology Map below shows the existing hydrology of the Plan Area. Increase in impervious area from development projects and increase in runoff shall be mitigated with onsite detention to avoid downstream impact.

FIGURE 8: HYDROLOGY MAP



7.5 Electrical System

There are existing transmission lines adjacent to the eastern perimeter of the Plan Area. Phase I includes future development of a data center and corresponding PG&E and/or PPC substation. Development projects will require the addition of electric infrastructure to be installed within the right-of-way with service lines connecting to the proposed buildings of the development.

As part of the design review process, future development projects shall be required to implement the following design concepts and best management practices to the extent feasible:

- Incorporate energy-efficient features through design concepts, including but not limited to, techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access.
- Incorporate construction standards that promote energy conservation, including but not limited to, window placement, building eaves, and roof overhangs.
- Incorporate enhanced energy conservation measures and other methods of reducing energy usage and greenhouse gas emissions.
- Large energy consuming development projects would be required to develop and implement an energy conservation plan to meet the operation's full power demand. The energy conservation plan would be required to also include a monitoring program to ensure compliance with and effectiveness of that plan.

7.6 Natural Gas System

There is no existing gas infrastructure in the Plan Area, and no future development projects will be allowed the addition of natural gas infrastructure.

7.7 Telecommunications System

There is no existing telecommunications infrastructure in the Plan Area. Development projects will require the addition of telecommunications infrastructure.

CHAPTER 8: IMPLEMENTATION

8.1 IMPLEMENTATION

The purpose of this chapter is to provide an outline of the steps necessary to implement the Pittsburg Technology Park Specific Plan and applicable conditions, mitigation measures and regulations in coordination with the City of Pittsburg and other governing public agencies.

The Zoning Administrator shall be responsible for administering the provisions of the Specific Plan and shall have authority to review and approve development projects that have been determined to be consistent with the objectives and provisions of the Specific Plan.

8.2 CONFORMITY DETERMINATIONS AND DEVELOPMENT APPLICATION

Applicant must submit a development application to the Planning Department for review and conformity with the standards and design review guidelines as outlined in Chapter 3. The Zoning Administrator shall review the package and provide a determination for consistency with this Specific Plan. Pursuant to PMC section 18.18.050, the decision of the Zoning Administrator can be appealed to the Planning Commission.

The following project types are not required to submit a development application but are still subject to PMC Title 15: Buildings and Construction:

(1) New development that is less than 10,000 square feet total and consistent with permitted uses
(2) Routine maintenance, minor repair work, and replacement of existing structures

The required information that must be included in the development application, pursuant to PMC section 18.36.210 includes:

(1) Site plan showing:

a) General location of property;
b) Property boundaries;
c) Existing topography and proposed grading (for property no less than 10 acres, a contour interval no greater than five feet and a horizontal map scale of one-inch equals 50 feet or larger shall be used; for property larger than 10 acres, a contour interval no greater than 10 feet and a horizontal map scale of one-inch equals 100 feet or larger shall be used);
d) All existing and proposed structures, the height of each structure and number of dwelling units in each structure;
e) All existing and proposed signs;
f) Location and approximate height of all adjacent structures on abutting sites;
g) Location, dimensions, and quantity of existing and proposed off-street parking, with a statement indicating whether it conforms to applicable regulations;
h) Existing and proposed vehicular and pedestrian ways, and trails, with grades, widths, and types of improvements;
i) Proposed vehicular access between site and public street;
j) Locations, names, and widths of abutting streets;

k) Existing and proposed utilities;
l) Existing and proposed recreational facilities;
m) Existing and proposed storm drainage facilities;
n) Location of existing trees on the site;
o) Locations and heights of existing and proposed retaining walls;
p) Locations and dimensions of trash disposal areas;
q) Roof overhangs;
r) Distances between buildings and from building walls to property lines;
s) Proposed street names;
t) Handicap facilities;

(2) Architectural drawings showing:

a) Floor plans at one-eighth inch or one-quarter inch equals one foot zero inches;
b) Four elevations (or more if necessary) to include all sides of development at no less than one-eighth inch equals one foot zero inches;

(3) Landscaping plan, including plant names and sizes, and an irrigation plan;

(4) A recent photograph of the site itself and of adjacent properties showing the current condition of the properties;

(5) Color and texture chips of actual samples of materials;

(6) Additional information which may be requested by the planning commission including but not limited to the following:

a) Recent photographs of sight line profiles in sufficiently large scale, taken from commonly used vantage points in the city (shopping centers, road intersections, scenic lookouts, etc.) with the outline of the proposed structure in proper scale and perspective superimposed on it;
b) Architectural drawings showing the locations, size, color, shape and type of illumination of each proposed sign;

(7) Other information as determined by the city planner.

The Zoning Administrator shall consider the development application for approval and integrate it with the land use approval process, detailed below. If the Zoning Administrator can make the following findings, they shall approve the development application and the Design Review Permit administratively without public notice and without the need to hold a public hearing:

(a) The project complies with all applicable development standards identified in this Specific Plan, the *2040 General Plan*, and PMC.

(b) There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development.

(c) The proposed uses are in compliance with the Specific Plan, the *2040 General Plan* and PMC.

The Zoning Administrator, or the Planning Commission in the case of an appeal, shall make written findings for its decision.

8.3 Revisions to Approved Permits

Any subsequent changes to approved permits that would modify approved development permits, shall be submitted to the Zoning Administrator as specified in Section 7.2. The Zoning Administrator shall determine whether the proposed modification to a previously approved permit is in conformance with the Specific Plan. If the Zoning Administrator determines that the proposed modification to the approved permit conforms with the Specific Plan, then the Zoning Administrator shall issue a Minor Revision to the previously approved permit without notification and without the need for a public hearing or the need to complete further review under CEQA.

8.4 Minor Modifications to the Specific Plan

Minor modifications to the Specific Plan shall not require a Specific Plan Amendment and shall be subject to a "substantial conformance" determination, an administrative mechanism by which minor modifications to the Specific Plan that do not result in significant impacts and are consistent with the intent of the Specific Plan shall be permitted without a formal Plan amendment process. The Zoning Administrator shall make determinations of substantial conformance ministerially without the need for a public hearing.

Minor modifications that satisfy the substantial conformance determination's requirements may result from a final development project design and engineering that cause adjustments in roadway alignments, locations of utilities or other infrastructure, development of innovative project design, distribution of permitted uses within the Specific Plan, application of design guidelines, or other similar modifications deemed to be minor and which implement the provisions of the Plan. Minor modifications or technical adjustments may include, but are not limited to:

(1) Modifications necessary to comply with final conditions of approval or mitigation measures.
(2) Addition of information to the Specific Plan for purposes of clarification that does not change the intent of any standard, regulation, or design guideline under the Specific Plan, as well as correction of any clerical or grammatical errors.
(3) Adjustments to the alignment, location and sizing of utilities or a change in utility and/or public service provider may be approved so long as the adjustments or changes are found to be in compliance with applicable plans and regulations of the agency responsible for such utilities and facilities.
(4) Changes in roadway alignment, width, or improvements through the final engineering/improvement plan process so long as compliance with minimum rights-of-way standards outlined in the Specific Plan is maintained.
(5) An adjustment of any land use district acreage of up to ten percent (10%) of the designated acreage.
(6) Minor adjustment up to ten percent (10%) of any quantitative standard such as heights or setbacks that are defined in Chapter 3 of this Specific Plan.

(7) Minor changes to the architectural design guidelines, which are intended to be conceptual in nature and flexible in implementation.
(8) Relocation of office space to other areas of the same building.
(9) Modification of any design element that improves circulation, reduces grading, improves drainage, and/or reduces operations and maintenance costs.
(10) Modification of the location of auto driveways, including adding additional auto driveways.

The minor modifications listed above are not intended to be comprehensive. Any modification that is deemed by the Zoning Administrator to be in substantial conformance with the purpose and intent of the Specific Plan shall be permitted.

The application for and documentation of substantial conformance shall include text and/or maps that describe the nature of the proposed modifications to the Specific Plan. Applications for modifications and their documentation shall undergo any necessary technical review by the Zoning Administrator necessary to determine if updated conditions of project approval are necessary.

8.5 Determinations of Similar Use

When a property owner or applicant proposes or contemplates a use within the Plan Area not expressly authorized as a permitted use under Chapter 3, Section 3.3, *Permitted Uses*, he/she may request a determination of similar use in accordance with the procedures set out in this section.

A request for determination of similar use shall be in writing and shall include the following:

(1) Name of requesting entity;
(2) Description of the proposed or contemplated use;
(3) Explanation of why the property owner/applicant believes the proposed or contemplated use is consistent with the intent of the Specific Plan and the operational characteristics and potential impacts of the allowable uses listed in Section 3.3, Permitted Uses.

Where a request for determination of similar use is submitted, the Zoning Administrator shall ministerially make the determination of similar use without the need for the holding of a public hearing. In making this determination, the Zoning Administrator shall first make all of the following findings:

(1) The characteristics of, and activities associated with, the use are similar in nature to those of one or more of the uses listed in Section 3.3, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, emissions, or similar impacts than the uses listed as permitted in Section 3.3; and
(2) The use will meet the purpose/intent of the Specific Plan.

The determination of similar use by the Zoning Administrator shall be subject to appeal to the Planning Commission as follows:

(1) The requesting entity for the determination may appeal the decision of the Zoning Administrator on the request for determination of similar use by filing a written notice of appeal with the Zoning Administrator within ten days of their written determination.

(2) The Planning Commission may affirm or modify the determination of similar use by the Zoning Administrator.

When the Zoning Administrator determines that an unlisted land use is similar to a listed use in Section 3.3, the unlisted use will be treated in the same manner as the listed use in determining where the use is allowed, and what other standards and requirements of the Specific Plan apply.

8.6 Amendments to the Specific Plan

Specific Plan amendments are governed by California Government Code Section 65450 et seq. Applications shall state the reasons for the proposed amendment.

An amendment to the Specific Plan is required in the event of any of the following:

(1) Changes to the overall Specific Plan boundaries, including an expansion of the Specific Plan Area.
(2) A change in any other provision, purpose, or standard of the Specific Plan that would significantly alter the basic intent, spirit, identity, objective of the Specific Plan.
(3) An increase in maximum building square footage.
(4) An increase in the overall development intensity thresholds within the Specific Plan.

8.7 CEQA Findings and Subsequent Review

All subsequent developments consistent with the Specific Plan shall not require additional environmental review, as established under CEQA Guidelines Sections 15168 and 15183 - except as might be necessary to examine whether there are project-specific significant effects, which are peculiar to the project or its site.

Furthermore, pursuant to Section 15162, when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence that there have been substantial changes in the project; potentially new significant effects not previously disclosed, or new information, including changes in the setting or new mitigation not previously contemplated.

The City shall conduct an analysis under Section 15162 for all subsequent development applications within the Specific Plan area prior to requiring subsequent CEQA analysis.

8.8 Performance Standards and Mitigation

CEQA requires the adoption of mitigation measures to reduce the severity and magnitude of significant environmental impacts associated with project implementation. The Program Environmental Impact Report (PEIR) for the proposed Pittsburg Technology Park Specific Plan includes mitigation measures to reduce the potential environmental effects of implementation of the Specific Plan. Below is a summary of the mitigation measures identified in the PEIR, which are incorporated by reference into the Specific Plan as performance standards in this section. The Mitigation, Monitoring and Reporting Program (MMRP), adopted in conjunction with the PEIR, should be referenced for complete mitigation measures, timing, and triggers for compliance. Additional mitigation measures may be applicable to the Phase I, through

project-specific environmental review conducted for the data center by the California Energy Commission (CEC).

AIR QUALITY

- **Subsequent Construction Air Quality Analysis.** Prior to approval of subsequent development applications by the Zoning Administrator, applicants shall provide a project-level construction air quality analysis per BAAQMD guidance to determine the significance of air quality impacts.
- **Use of Tier 4 Engines.** Prior to issuance of a grading permit, applicants shall ensure that all offroad heavy-duty diesel-powered equipment larger than 100 horsepower meets USEPA emissions standards for Tier 4 engines or equivalent.
- **Enhanced BMPs for Fugitive Dust.** To minimize emissions of fugitive dust, applicants of future development projects shall be required to implement the enhanced best management practices.

If a future development application includes a land use type that would generate diesel truck trips during project operation (such as logistics and warehousing), beyond what was estimated in the PEIR analysis, the following conditional mitigation measures may be required.

- **Subsequent Operational Air Quality Analysis.** Prior to approval by the zoning administrator, a project-level air quality analysis shall be performed in conformance with the 2040 General Plan Actions 2-A-4(b) and (c). The analysis shall include, but not be limited to, quantification of operational criteria air pollutant emissions, a determination of operational air quality impacts, and identification of mitigation measures necessary to reduce any significant impacts.
- **Health Risk Assessment.** Prior to approval by the Zoning Administrator, a health risk assessment shall be performed in conformance with *2040 General Plan* Action 2-A-4.c.

BIOLOGICAL RESOURCES

- **Project Coverage under ECC HCP/NCCP**. Each applicant will be required to obtain coverage for the project under the East Contra Costa HCP/NCCP. All applicable fees shall be paid, and/or an "in-lieu-of-fee" agreement fully executed, prior to the issuance of a grading permit for the project.
- **Worker Awareness Training for Biological Resources.** Each applicant will be required to provide Worker Environmental Awareness training to all construction personnel.
- **Adherence to ECC HCP/NCCP Requirements.** Each applicant shall ensure that the project adheres to all applicable East Contra Costa HCP/NCCP requirements. Including the following:
    - Preconstruction surveys shall be conducted for the following species:
        - Golden Eagle
        - Burrowing Owl
        - Swainson's Hawk
        - San Joaquin kit fox

      If preconstruction surveys determine that any of the above species is present, the biologist may recommend construction monitoring. If so, the project applicant shall include submittal of a Construction Monitoring Plan (CMP) to the East Contra Costa HCP for approval.

- A delineation of jurisdictional wetlands and other waters shall be conducted on the project site per HCP Sections 6.2.1 and 6.3.1.

- **Rare Plant Survey & Protection**. An updated protocol-level rare plant survey shall be conducted by a qualified biologist/botanist prior to construction. If any species covered by the East Contra Costa HCP/NCCP is found to be present, the project applicant shall notify the East Contra Costa County Habitat to salvage the occurrence(s) in accordance with HCP/NCCP Conservation Measure 3.10.

  If any special-status plant not covered by the East Contra Costa HCP/NCCP is found to be present, the occurrence(s) shall be avoided and protected in place to the extent feasible. If the occurrence(s) cannot be entirely avoided, then a Plant Salvage and Mitigation Plan shall be prepared and implemented.

- **Special-Status Bumble Bee Surveys & Protection.** No more than one year prior to the initiation of vegetation removal and grading in the project area, a qualified biologist shall conduct surveys for Crotch bumble bee, obscure bumble bee, and American bumble bee.

- **Monarch Butterfly Protection.** No more than two days prior to initiation of vegetation trimming or removal for construction, a qualified biologist shall survey all areas of potentially suitable habitat for monarch butterfly larval host plants.

- **Western Pond Turtle Protection.** Prior to the start of construction activities, a qualified biologist shall conduct a pedestrian preconstruction survey of the study area and adjacent suitable habitat for western pond turtle.
- **Nesting Bird Protection (General).** If project-related disturbance commences and time during the nesting/breeding season of native bird species, a preconstruction survey shall be conducted by a qualified biologist within two weeks prior to initiation of work.

- **Nesting Bird Protection (Bald Eagle).** Two weeks prior to the initiation of work at the site, a qualified biologist shall conduct a preconstruction survey for nesting Bald Eagles.

- **Special-Status Bat Survey & Protection.** Prior to the initiation of any activity that could disturb roosting bats, a qualified biologist shall conduct a habitat evaluation for special-status bats, focusing on the needs of pallid bat, western red bat, and hoary bat. Furthermore, before any activities with the potential to disturb roosting bats begin, the approved biologist(s) shall conduct focused surveys for roost occupancy.

- **San Joaquin Pocket Mouse Protection.** Vegetation removal, clearing/grubbing, and grading activities shall be conducted in a uniform direction to allow mobile animals such as San Joaquin pocket mouse the ability to escape the disturbance area into adjacent undisturbed habitat.

- **American Badger Survey & Protection.** Four weeks prior to the state of construction activities, a qualified biologist shall conduct a preconstruction survey for American badger den sites.

CULTURAL RESOURCES

- **Contractor Awareness Training.** Prior to construction, all workers shall receive cultural resource awareness training regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating state laws and regulations.
- **Archaeological Monitoring.** All ground-disturbing activities associated with the Project within 200 feet of the unnamed creek shall be monitored by a qualified professional archaeologist.
- **Unanticipated Discoveries.** If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist shall be retained to evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment.

GEOLOGY AND SOILS

- **Paleontological Resources Mitigation and Monitoring Plan.** At the time of application for site-specific development, a qualified Paleontologist shall develop a Paleontological Resources Mitigation and Monitoring Plan that outlines preconstruction coordination, monitoring procedures, and emergency discovery procedures.
- **Worker's Environmental Awareness Training.** Prior to the start of construction, a qualified paleontological monitor shall provide all construction personnel an environmental awareness training.
- **Paleontological Monitoring.** Prior to construction, the Project Paleontologist shall review excavation plans to determine where paleontologically sensitive areas will be disturbed by Project-related earth movement. Earthmoving construction activities will be monitored by a qualified paleontological monitor in those areas and/or where disturbance will take place to previously undisturbed sediment.

NOISE

- **Construction Mitigation Plan.** If at the time of development review, an applicant cannot provide evidence of project level conformance with Table 3-1, the applicant shall submit a detailed construction mitigation plan accompanied by a construction noise analysis that incorporates specific mitigation techniques for site-specific noise reduction and attenuation.
- **Operational Noise Mitigation Plan.** If at the time of development review, an applicant cannot provide evidence of project level conformance with Table 3.10-8, the applicant shall submit a detailed operational mitigation plan accompanied by an operational noise analysis that incorporates specific mitigation techniques for site-specific noise reduction and attenuation.
- **Subsequent Noise Analysis.** If future development anticipates greater use of truck trips beyond what was analyzed in the Pittsburg Technology Park Specific Plan Programmatic Environmental Impact Report (PEIR) (15 trips per day), then the applicant shall prepare a subsequent noise analysis to provide evidence that they conform to the noise level thresholds identified in Table 3.10-8. If the applicant cannot demonstrate conformance with Table 3.10-8, then the applicant

shall submit a detailed operational mitigation plan accompanied by an operational noise analysis that incorporates specific mitigation techniques for site-specific noise reduction and attenuation.

TRANSPORTATION

- **Transportation Demand Management Plan(s)**. Travel Demand Management Plan(s) shall be prepared and implemented for future phases of proposed Specific Plan implementation. The TDM Plan shall comply with the City's TIA Guidelines in effect at the time of application and identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies.
- **Perform Transportation Impact Analysis.** As future specific land-uses are proposed for development within the Plan Area, a transportation impact analysis shall be performed in accordance with the City of Pittsburg's Traffic Impact Analysis Guidelines.
- **Local and Regional Traffic Impact Fees.** As future specific land-uses are developed on the site, appropriate local and regional traffic impact fees shall be calculated and paid in accordance with the anticipated level of traffic generation.

WILDFIRE

- **Post-Fire Slope Instability Review.** Prior to approval of building permit, the applicant shall demonstrate that debris flow potential has been studied for post-fire conditions. Alternatives for mitigating potential debris flow impacts shall be considered and refined as each phase of future development is designed.

CHAPTER 9: ADMINISTRATION

9.1 OVERVIEW

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 et seq.) grants authority to cities to utilize Specific Plans for purposes of implementing the goals and policies of the City's General Plan.

The provisions, guidelines, and regulations contained within this Specific Plan provide the standards for land uses and development within the Pittsburg Technology Park Specific Plan. The Specific Plan supersedes the development standards and regulations of the PMC unless stated otherwise in this document. Whenever the provisions and development standards of the Specific Plan conflict with those of the PMC, the Specific Plan shall take precedence. Where the Specific Plan is silent, the PMC shall apply.

9.2 RESPONSIBILITY

The City (party responsible) shall be responsible for administering the Pittsburg Technology Park Specific Plan in accordance with the provisions of this Specific Plan document, all governing and applicable state and federal laws, the City of Pittsburg's *2040 General Plan*, and PMC.

The City (party responsible) shall enforce the provisions of the Specific Plan in the same manner that it enforces the provisions of the *2040 General Plan* and PMC. Whenever in this Specific Plan any act is prohibited or is made or declared to be unlawful, or the doing of any acts required, or the failure to do any act is determined to be unlawful, the City of Pittsburg retains its authority under the PMC to enforce such violation or offense.

9.3 SEVERABILITY

If any section, subsection sentence, clause, or phrase of this Specific Plan or its application to any person or circumstance is held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent, and shall not affect the validity of the remaining provisions of this Specific Plan or applications thereof, which can be implemented without the invalid provision or application.

9.4 INTERPRETATION

If an issue, condition, or situation occurs that is not sufficiently covered or provided for in this Specific Plan, those that are applicable for the most similar issue, condition, or situation shall be used. Unless otherwise provided, any ambiguity concerning the content or application of the Specific Plan shall be resolved by the Director of Community and Economic Development in a manner consistent with the goals, policies, objectives, and intent established in the Specific Plan.

9.5 ADOPTION

The Pittsburg Technology Park Specific Plan has been prepared, submitted, and approved in a manner consistent with California Government Code Section 65451(a). The Specific Plan shall be adopted by

ordinance and shall serve as the primary planning document for development within the Plan Area. The approved Specific Plan Area boundaries will be designated on the City's Zoning Map. The land use and development standards identified in this Specific Plan supersede all zoning regulations to the extent that they would be in conflict with the sections of this Specific Plan.

Notwithstanding the interpretive rules set forth above, any use authorized by this Specific Plan shall be deemed to be conforming to other land use regulations of the PMC existing at the time of the adoption of this Specific Plan or as the same may be amended from time-to-time and shall not otherwise require any additional discretionary land use approvals beyond the requirements of this Specific Plan.

APPENDIX A: PITTSBURG 2040 GENERAL PLAN CONSISTENCY

California Government Code (Title 7, Division 1, Section 3, Article 8, Section 65440- 65457) permits the adoption and administration of Specific Plans as an implementation tool for elements contained within a jurisdiction's local General Plan. Approval of the Pittsburg Technology Park Specific Plan is based on the finding that the regulations, guidelines, and programs contained within this Specific Plan are consistent with the 2040 General Plan.

The Pittsburg Technology Park Specific Plan is consistent with the following applicable goals and policies of the *2040 General Plan*.

LAND USE ELEMENT

Goal 2-1: Promote optimal, orderly, well-planned, and diverse land uses, including a compact urban form within the City's projected municipal boundary that provides a mix and distribution of uses to meet Pittsburg's needs, including mixed-use development, infill development, and reuse and revitalization of underutilized and brownfield sites.

Policies

2-P-1.2: Promote land use compatibility through development standards, use restrictions, environmental review, and design considerations.

> *The proposed Specific Plan is consistent with the land use designation identified by the 2040 General Plan. The proposed Specific Plan proposes land use, development standards, environmental review, and design considerations that would implement the General Plan and promote compatible land use.*

2-P-1.5: Discourage development at urban densities or intensities in areas on the periphery of the City boundary.

> *The proposed Specific Plan is consistent with the 2040 General Plan Employment Center Industrial land use. The proposed project would place these uses on an under-utilized site within close proximity to housing, infrastructure and transit.*

Goal 2-4: Promote business development in a range of sectors that contribute to the local and regional economy, provide high-wage and skilled jobs for Pittsburg residents.

Policies

2-P-4.1: Identify and allocate adequate lands in strategic locations throughout Pittsburg to accommodate and encourage employment growth, focusing on sectors that provide high-paid and high-quality jobs and continue to promote business development sites through Think Pittsburg and other local programs.

The Plan Area is identified in the 2040 General Plan as a strategic site for economic development within the West Leland Subarea to encourage employment growth in the area.

2-P-4.2: Encourage the development and intensification of employment centers, including high quality, professional office campuses, business parks, and industrial parks, along with innovation districts, related mixed-use development and open spaces. The centers shall be located in areas fully served by public facilities and services, located along major arterials with easy freeway access and with access from public transit, and accessible to bicyclists and pedestrians.

Development under the proposed Specific Plan would generate economic employment in various industries, specifically in emerging sectors including technology and innovation. The Plan Area is currently served by utilities and would require extensions of the existing public water main line along the extension of Golf Club Road. The Plan Area is served by regional access from State Route 4 and local access from West Leland Road and Golf Club Road. Transit services are provided in the vicinity of the Plan Area, including bus and fixed rail transit. Bicycle and pedestrian facilities in the vicinity of the Plan Area include Class II bicycle facilities, sidewalks, crosswalks, pedestrian signals, and multi-use trails.

2-P-4.3: Promote large-scale office/business development, and reserve sites for Business Commercial uses in designated locations accessible from regional transportation systems.

The proposed Specific Plan would guide economic generating uses to support business development in the Plan Area consistent with the 2040 General Plan ECI designation. The ECI permitted uses include offices and could be proposed as a future development project. The Plan Area is accessible by the regional transportation system. The Pittsburg-Bay Point BART Transfer Substation is the closest rail station to the Plan Area approximately 1.3 miles away. Bus Routes 388 and 390 operate along West Leland Road.

2-P-4.5: Support office, business, and industrial land uses that will improve the City's employment base through high-quality, well-paid jobs that attract the technology, energy, and industrial sectors desired by the community.

Allowed uses within the proposed Specific Plan would generate employment in emerging sectors, including technology, energy, and industrial sectors, which would generate economic opportunity within the city.

2-P-4.6: Encourage the development of "clean" industries, such as research and development, technology and specialized manufacturing, and similar uses that limit environmental impacts and health risks commonly associated with industrial uses.

Allowed uses within the proposed Specific Plan include research and development, technology and innovation including data centers, energy, focusing on clean-tech uses.

2-P-4.7: Encourage employee-intensive uses such as medical and professional offices, light industry, research, and skill training.

Allowed uses within the proposed Specific Plan include research and development, technology and innovation including data centers, energy, focusing on clean-tech uses.

2-P-4.10: Ensure that employment-generating development, such as industrial, warehouse, distribution, logistics, and fulfillment projects, does not result in adverse impacts (including health risks and nuisances), particularly to residential uses and other sensitive receptors, including impacts related to the location and scale of buildings, lighting, noise, smell, and other environmental and environmental justice considerations. When development is incompatible, require adequate buffers and/or architectural consideration to protect residential areas, developed or undeveloped, from intrusion of nonresidential activities that may degrade the quality of life in such residential areas.

Goal 3 of the proposed Specific Plan aims to incorporate development into the existing landscape while minimizing impacts to the environment and sensitive receptors. The Proposed project would employ buffers between the Plan Area and residential districts. For more information on how future development would ensure no adverse impacts to the environment or communities, please refer to Section 3.1, Aesthetics and Visual Resources, *3.2*, Air Quality, *and 3.10*, Noise.

GROWTH MANAGEMENT ELEMENT

Policies

3-P-1.2: Manage the City's growth to balance development of housing options and job opportunities, protection of open space and habit areas, construction of transportation improvements, and preservation of high quality high-quality public facilities.

The proposed Specific Plan is consistent with the 2040 General Plan land use patterns, as it would provide job opportunities proximal to housing while preserving hillside open space, sensitive habitats, such as drainages (outside of building envelopes), and necessary transportation infrastructure to support the proposed project.

3-P-1.3: Provide a range of development intensities, with the highest intensities in Downtown and in areas proximate to transit and services, and lower intensities in hillside and at the City's southern edge, with an emphasis on land use patterns that make efficient use of the local and regional transportation systems and consider conservation of natural resources.

The proposed Specific Plan would support land use patterns by providing job opportunities close to housing while at the same time preserving hillside open space, sensitive habitats, such as drainages (outside of building envelopes). Future development within the Plan Area would support transportation infrastructure and maintain connectivity from the Plan Area to the City and regional circulation systems.

URBAN DESIGN ELEMENT

Policies

4-P-1.2: Encourage and support high-quality design that evokes Pittsburg's history and unique character through ensuring standards and guidelines for residential, commercial, industrial, mixed use, civic, and other uses incorporate features and materials design that reinforces Pittsburg's community character.

> *Future development would be required to adhere to design standards identified in the proposed Specific Plan, which are intended to ensure buildings would blend with the character of the existing environment. See Section 3.1,* Aesthetics and Visual Resources*, of the Pittsburg Technology Park Specific Plan Programmatic Environmental Impact Report (PEIR) for more detail.*

4-P-1.4: Seek methods to improve the visual character and design of Pittsburg, including establishing design standards for gateways, key corridors, residential uses, and non-residential uses, promoting high-quality redevelopment and reuse projects, and addressing features that may adversely affect views of gateways, ridgelines, open space, and other identified visual resources.

> *Future development would be required to adhere to design standards in the proposed Specific Plan, which are intended to ensure buildings would blend with the character of the Plan Area. Landscaping throughout the Plan Area would soften the appearance of buildings and blend with the natural environment. Landscape design would be used as buffering between open areas and roadways. See Section 3.1,* Aesthetics and Visual Resources*, of this PEIR for more detail.*

4-P-2.10: Use revegetation as an erosion control measure to maintain the natural character of a hillside; utilize hydro-seed, silt traps, and other engineering solutions where erosion potential exists during development.

> *Landscaping would be used as storm water management best practices to reduce stormwater related erosion. Landscape design standards also require ground cover to reach 100 percent within one year. See Section 3.8,* Hydrology and Water Quality*, for more detail.*

ECONOMIC DEVELOPMENT ELEMENT

Goal 6-1: Ensure that the City's General Plan sustains and promotes a vibrant, fiscally sustainable economy that fosters strong economic growth, a stable revenue base, availability of local goods and services to meet the City's, high quality employment opportunities, and quality of life for all residents.

Policies

6-P-1.2: Pursue strategies that support the attraction and retention of diverse industries, a diverse workforce, and a diversity of municipal revenue sources.

> *The proposed Specific Plan would generate a diverse workforce in emerging sectors, including technology, energy, and industrial sectors, within the city.*

6-P-1.3: Achieve and maintain a balance of land uses within the City that assures residential development is complemented by expanded local employment opportunities, retail and commercial services, and recreation and entertainment venues; and that the City-wide mix of land uses provides a balanced variety of housing and business types and balances uses that produce revenues and those that require public expenditures.

The proposed Specific Plan would guide development for an employment center on a vacant portion of the former municipal Delta View Golf Course. Development of the Plan Area would allow for the City to achieve and maintain a greater balance of land uses within the City.

6-P-1.4: Ensure that the City's revenue and fiscal base is not overly dependent on any one type of land use, development, or revenue source.

Development of the Plan Area would create a new source of revenue within the City, which would further diversify the City's revenue sources.

Goal 6-2: Facilitate attraction, retention, and expansion of businesses that meet the City's economic development objectives and maintain a desirable climate for conducting business in and with the City.

Policies

6-P-2.1: Promote attraction and retention of businesses that provide a diversified economic industry base with a broad range of job types and skills that insulate the local economy from possible economic downturns.

Development of the Plan Area would generate a diverse workforce in emerging sectors, including technology, energy, and industrial sectors, within the City.

6-P-2.9: Encourage new development in areas where growth and investment have the potential to catalyze revitalization of existing uses.

Allowed uses within the proposed Specific Plan would facilitate economic development and employment in an area that is surrounded by supportive uses including residential and community commercial. The proposed Specific Plan would re-purpose and revitalize the former golf course, which has been closed for over six years.

6-P-2.11: Provide appropriate incentives for infill and redevelopment projects that have the potential to revitalize existing neighborhoods or commercial areas.

The proposed Specific Plan would redevelop the former municipal Delta View Golf Course, which is currently closed and vacant, providing increased opportunity to revitalize the surrounding area.

6-P-2.14: Encourage new businesses and project development under the Employment Center Industrial land use classification.

The proposed Specific Plan would permit land uses under the Employment Center Industrial land use classification, generating new business opportunities and future development.

Goal 6-3: Promote Pittsburg as a forward-thinking community that is innovative and adaptive to changing economic forces.

Policies

6-P-3.4: Attract and retain a variety of economic sectors that capitalize on Pittsburg's competitive advantages and strengths, in order to promote a diversity of businesses, significant sales tax generation, and provide residents with skilled, high-paying employment opportunities.

> *Development of the Plan Area would generate a diverse workforce in emerging sectors, including technology, energy, and industrial sectors, within the City.*

Goal 6-4: Encourage a broad range of employment opportunities and expand educational and training opportunities to support residents finding high-quality, well-paid employment within the community.

Policies

6-P-4.1: Increase job opportunities available in Pittsburg, so that residents may choose to work locally instead of commuting.

> *The proposed Specific Plan would provide new job opportunities in emerging sectors close to housing.*

6-P-4.2: Attract and retain a broad base of businesses and industries to provide a variety of skilled jobs allowing career growth potential, while focusing on high-wage and/or high-sales tax producers.

> *Development of the Plan Area would generate a diverse workforce in emerging sectors, including technology, energy, and industrial sectors, within the City.*

CIRCULATION & TRANSPORTATION ELEMENT

Policies

7-P-1.1: Ensure that the City's circulation network is a well-connected system of streets, roads, highways, sidewalks, trails, and paths that effectively and safely accommodate all users in a manner that considers the context of surrounding land uses, the needs of all roadway users, and is maintained and improved over time to support buildout of the General Plan.

> *The proposed Specific Plan would provide connections from the Plan Area to the City's existing circulation network via Golf Club Drive. Future development would be required to pay Transportation Impact Mitigation Fees (TIMF) to pay its fair share for a well-connected system, per **mitigation measure (MM) 3.13-3**.*

7-P-1.5: Implement and continue to increase efforts to reduce regional vehicle miles traveled (VMT) by supporting land use patterns and site designs that promote active modes of transportation, and public transit.

*The proposed Specific Plan includes standards that encourage pedestrian circulation through an integrated sidewalk network with access points at Golf Club Road. Future development would adhere to CalGreen code which includes standards for bike and pedestrian facilities. Furthermore, **MM 3.13-1** would require future development to create and implement a TDM Plan to encourage a reduction in regional VMT.*

7-P-1.6: Design streets to operate with vehicle speeds that are safer for all users, especially pedestrians and bicyclists, while providing adequate access for emergency vehicles. Speed reductions strategies should include reduced lane widths and application of traffic calming measures on local and collector streets and especially near parks, schools, trails, and in the Downtown core.

The proposed Specific Plan would extend Golf Club Road, which is intended to provide private access to the Plan Area. Additionally, three emergency vehicle access roadways would provide access to the Plan Area. These roadways are private and only used when necessary, by emergency responders. Therefore, constructing these roadways to City standards to include traffic calming and speed-reduction features would not be required.

7-P-1.7: Strive to maintain delay-based level of service (LOS) D for motor vehicle traffic as the minimum acceptable service standard for all signalized and stop-controlled intersections at all times (including during peak periods) unless maintenance of LOS D would, in the City's judgement, be infeasible and/or conflict with the achievement if other City goals identified in this General Plan. Congestion in excess of LOS D may be acceptable in these cases, provided that provisions are made to improve traffic flow and/or promote multimodal or non-vehicular transportation as part of a development project or City-initiated project. In the designated Downtown core, as defined by the City's General Plan and illustrated by the City's Subdivision map, LOS E would be considered as an acceptable service standard to account for the more urban, pedestrian-oriented character of the area.

*Future development would be required to perform a Traffic Impact Analysis in accordance with the City's Traffic Impact Analysis Guidelines. Any violations of the guidance shall result in improvement measures developed to eliminate those violations, per **MM 3.13-2**.*

7-P-1.9: Implement transportation improvements to maintain and enhance roadway operations and safety while striving to improve accessibility and comfort for all users.

*As previously described, future development accommodated by the proposed Specific Plan would be required to pay all applicable TIMFs to support future transportation improvements within the City, per **MM 3.13-3**.*

Goal 7-2: Coordinate with regional transportation agencies and developers to promote connectivity, manage commuter traffic, and promote the use of alternatives to single-occupant vehicle trips.

Policies

7-P-2.2: Encourage employers to provide programs for carpooling/transit/biking/walking subsidies, bicycle facilities, alternative work schedules, ridesharing, telecommuting, working at home, employee education, and preferential parking for carpools/vanpools.

> *Future Travel Demand Management (TDM) Plans shall be prepared and implemented for future development, per **MM 3.13-1**. TDM plans shall comply with the City's TIA Guidelines in effect at the time of application and identify trip reduction strategies and the mechanisms for funding and monitoring of such programs and strategies. These strategies may include but are not limited to car-sharing programs and alternate work schedules.*

7-P-2.4: Ensure that safe and continuous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development.

> *The proposed Specific Plan would extend Golf Club Road, which is intended to provide private access to the Plan Area. Therefore, constructing these roadways to City standards to include safe and continuous routes for pedestrians and bicyclists would not be required.*

Goal 7-3: Proactively support and encourage travel by non-automobile modes by maintaining and expanding safe and efficient pedestrian, bicycle and transit networks.

Policies

7-P-3.3: Require that all new roadways and developments accommodate bicyclists and pedestrians.

> *The proposed Specific Plan includes pedestrian paths from Golf Club Road that extend to the Plan Area. The proposed Specific Plan includes standards for fixed bike facilities, and future TDM Plans would provide necessary bicyclist and pedestrian facilities necessary for trip reduction strategies, per **MM 3.13-1**.*

7-P-3.4: Ensure continued compliance with Title 24 of the California Building Code, requiring the removal of all barriers to disabled persons on City streets, and compliance with the Americans with Disabilities Act (ADA) to allow mobility-impaired users such as the disabled and elderly to safely and effectively use the City's circulation network.

> *All future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code.*

7-P-3.5: Encourage secure bicycle facilities and other alternative transportation facilities to be provided as part of new developments, especially future employment sites, public facilities, and multi-family residential complexes.

> *Future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code at the time of application, including the "CalGreen" code*

*for electric vehicle parking standards. In addition, bike facilities would be required and determined based on a ratio to the number of parking required. Furthermore, per **MM 3.13-1**, TDM Plans shall identify additional details on bicycle facility improvements for each subsequent phase of development.*

7-P-4.2: Use the adopted regional and local Transportation Impact Mitigation Fee (TIMF) ordinances to ensure that all new developments pay a fair share of the cost of transportation improvements or require mitigation for development proposals that are not part of the TIMF program, which contribute more than one percent of the volume to an existing roadway or intersections.

*Future development would be required to pay TIMFs to contribute to the necessary capital for improvement projects for a well-connected system, per **MM 3.13-3**.*

COMMUNITY HEALTH & ENVIRONMENTAL JUSTICE ELEMENT

Policies

8-P-1.4: Consider the effects of planning decisions on the overall health and well-being of the community and its residents and specifically upon disadvantaged communities and vulnerable populations, such as areas with concentrated populations of seniors, persons with a disability, and low income residents.

*Future development within the Plan Area would be required to adhere to best management practices established by the Bay Area Air Quality Management District (BAAQMD) to reduce pollution exposure to sensitive receptors. Furthermore, air quality **MM 3.2-1** through **3.2-3** would be implemented as applicable, to ensure air quality thresholds are not exceeded. Development projects accommodated by the proposed Specific Plan shall not be approved until it can be demonstrated that the proposed project would not result in an exceedance of the thresholds as advised by the Office of Environmental Health Hazard Assessment and Bay Area Air Quality Management District for public health risks at nearby sensitive receptors. Additionally, future development accommodated by the proposed Specific Plan would be required to reduce noise levels to acceptable thresholds during construction and operations. If noise levels are anticipated to be above acceptable thresholds, **MM 3.10-1** through **3.10-3** would be implemented. See Sections 3.2, Air Quality and 3.10, Noise, of the PEIR for more detail.*

8-P-1.6: Consider the effects on sensitive populations when siting industrial and other intensive uses, designating Citywide truck routes, and considering uses and projects that may have adverse impacts on disadvantaged and vulnerable communities.

*Development accommodated by the proposed Specific Plan would incorporate best management practices that would consider certain tools, methods, and approaches in reducing pollution, particularly diesel particulate matter, on disadvantaged and vulnerable communities. Air quality **MM 3.2-1** through **3.2-3** would be implemented as applicable to ensure air quality thresholds are not exceeded. Similarly, noise **MM 3.10-1** through **3.10-3** would be implemented as applicable to ensure noise thresholds are not exceeded. Refer to Sections 3.2,* Air Quality *and 3.10,* Noise*, of the PEIR for more detail.*

8-P-1.12: Identify and assess disproportionate impacts of environmental pollution and work to remedy these impacts.

*Future development accommodated by the proposed Specific Plan would be required to conduct a project-level air quality analysis to determine potential construction air quality impacts. Identification of mitigation measures necessary to reduce any significant impacts shall be developed in coordination with the BAAQMD (**MM 3.2-1**). See Section 3.2, Air Quality, of the PEIR for more detail.*

*Similarly, future development accommodated by the proposed Specific Plan would be required to reduce noise levels to acceptable thresholds. If noise levels are anticipated to be above acceptable thresholds, **MM 3.10-1** through **3.10-3** would be implemented. Refer to Section 3.10, Noise, of the PEIR for further discussion.*

8-P-2.2: Require future planning decisions, development, and infrastructure and public projects to consider the effects on the overall health and well-being of the community and its residents, with specific consideration provided to ensure disadvantaged communities have equitable access to services and amenities and to reduce exposure to hazardous materials, industrial activity, vehicle exhaust, other sources of pollution, and excessive noise on residents, with an emphasis on reducing exposure of any disadvantaged communities to such exposure.

*Subsequent development within the Plan Area would be required to incorporate best management practices that would minimize pollution exposure, particularly diesel particulate matter, on nearby sensitive receptors (see **MM 3.2-1** through **3.2-3**). Furthermore, if future development cannot adhere to the applicable noise level thresholds, a construction and/or operation noise mitigation plan shall be submitted prior to development (see **MM 3.10-1** through **3.10-3**). Refer to Sections 3.2, Air Quality and 3.10, Noise, of the PEIR for more detail.*

RECREATION & YOUTH ELEMENT

Policies

9-P-1.5: Maintain park and recreation facility standards for new development to serve both residents and employees, attainable through, in order of priority: 1) provision of fully developed parks, 2) dedication of parkland, or 3) payment of in-lieu fees dedicated to the provision of new park sites or enhancing existing facilities.

Future development accommodated by the proposed Specific Plan would be required to pay development impact fees that would contribute to the maintenance of park and recreation facilities throughout the City. Refer to Section 3.12, Public Services and Recreation*, of the PEIR for more detail.*

9-P-2.2: Development projects adjacent to open space, shoreline, hillside, and other recreational areas shall provide public connections and linkages.

Development within the Plan Area would not preclude future connections by the City or other agencies to adjacent open space or recreational areas, including the potential future bikeway along the Contra Costa Canal, as identified in the 2040 General Plan.

10-P-1.7: Provide, and encourage access to, public and private open space within urbanized parts of Pittsburg, in order to provide for the recreational and public health needs of residents and provide visual contrast with the built environment.

See response to Policy 9-P-2.2 above.

10-P-1.8: Require development projects to maximize the potential for open space, visual experiences, and passive and active recreation.

As described above, development in the Plan Area would not preclude future connections by the City or other agencies to development of the future Contra Costa Canal bikeway connection, as described in the 2040 General Plan. Future development of this bikeway could maximize the potential for open space and active recreation by linking the Plan Area to adjacent recreational facilities such as the John Henry Park and Stoneman Trail. Additionally, proposed Specific Plan guidelines incorporate landscape materials for visual interest and blending the natural and built environment within the Plan Area.

RESOURCE CONSERVATION & OPEN SPACE

Policies

10-P-1.8: Require development projects to maximize the potential for open space, visual experiences, and passive and active recreation.

Future development would be required to adhere to urban design and resource conservation & open space policies that encourages the preservation of ridgeline views, as described further in Section 3.1, Aesthetics and Visual Resources*, of the PEIR.*

10-P-2.5: Conserve natural terrain, native vegetation, and sensitive habitats and recognize the role of native vegetation, natural terrain and green infrastructure in natural resource and watershed management.

Siting of future development would be encouraged to be placed in areas that are feasible for ground stability and erosion control. Hillside placement would be avoided, and the natural terrain would be preserved. Additionally, landscape design standards in the proposed Specific Plan would ensure a blend of the natural environment by utilizing native vegetation as landscape materials. Furthermore, native vegetation would serve as stormwater best management practices, contributing to the reduction in stormwater pollution on watersheds.

10-P-2.8: Require new development projects and expansion of existing uses to conserve sensitive habitat, including special status species.

*Future development projects would be required to adhere to the East Contra Costa HCP/NCCP requirements. This includes preconstruction surveys for Golden Eagle, Burrowing Owl, Swainson's Hawk, and San Joaquin kit fox, per **MM 3.3-3**. Additionally, future development would be required to conduct preconstruction surveys by a qualified entomologist for several special-status species including candidate bumble bee, monarch butterfly, western pond turtle, candidate nesting birds, bald eagle, candidate bats, San Joaquin pocket mouse, and American badger, per **MM 3.3-5** through **3.3-12**, respectively.*

10-P-2.11: Encourage the preservation of wildlife corridors to ensure the integrity of habitat linkages.

*It is anticipated for future development within the Plan Area to keep the eastern portion of the Contra Costa Canal crossing intact, which would allow continued wildlife connectivity. Furthermore, it is anticipated that the extension of Golf Club Road would be constructed to avoid the stream that runs along the eastern edge of the Plan Area. Avoiding impacts to the stream would allow for continued use by wildlife species. Additionally, the PG&E transmission line corridor would continue to provide a wildlife connectivity corridor. To further ensure future development would not have a significant impact to wildlife connectivity, **MM 3.3-1** through **3.3-3** would be required.*

10-P-2.14: Collaborate with developers to maintain, and where feasible establish enhancements to creeks, marshes, wetlands, and riparian corridors in the design of new development.

The proposed Specific Plan establishes envelopes for future development, which preserve stream corridors and riparian habitat within the Plan Area.

10-P-2.15: Protect and restore threatened natural resources, such as wildlife, estuaries, tidal zones, marine life, wetlands, and waterfowl habitat.

As described in response to Policy 10-P-2.8 above, future development would protect and restore biological resources by complying with the East Contra Costa HCP/NCCP requirements. Refer to Section 3.4, Biological Resources, of the PEIR for more detail.

10-P-2.16: Limit dredging and filling of wetlands and marshlands, particularly adjacent to Browns Islands Preserve.

Future development would be encouraged to preserve existing wetlands in the Plan Area as described in response to Policy 10-P-2.14 above. Any dredging or filling of wetlands required by development would be required to adhere to the East Contra Costa HCP/NCCP requirements details in Section 3.4, Biological Resources*, of the PEIR for more detail.*

10-P-2.18: Recognize that climate change impacts may influence future guidance, and best available data, and continue to ensure that up-to-date information is consulted when reviewing projects for potential impacts to biological resources, including the Bay, Delta, and sensitive habitats.

During the development review process, applicants would be required to provide supportive documents for project approval that indicate biological conformance, such as proof of East Contra Costa HCP/NCCP fee payment and copies of regulatory resource agency permits.

10-P-3.1: Require development to use best management practices (BMPs) to minimize the runoff and erosion caused by earth movement.

As described in Section 3.8, Hydrology and Water Quality*, of the PEIR, future development project applicants must develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that includes BMPs to minimize runoff and erosion.*

10-P-3.2: Encourage preservation of natural creeks and riparian habitat as best as possible.

See response to Policy 10-P-2.14 above.

10-P-4.4: Address soil and groundwater pollution during development, redevelopment, and reuse projects.

As discussed in Section 3.8 of the PEIR, impacts to groundwater recharge and stormwater drainage would be evaluated at the project-level in association with subsequent development projects. As future development and infrastructure projects are considered, each project will be evaluated for conformance with the General Plan, PMC, and other applicable regulations.

10-P-4.5: Reduce sedimentation and erosion of waterways by minimizing site disturbance and vegetation removal.

As described in Section 3.8, Hydrology and Water Quality*, of the PEIR, future development project applicants must develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that includes BMPs to minimize sedimentation and erosion of waterways.*

10-P-4.8: Protect water quality by reducing non-point sources of pollution and the dumping of debris in and near creeks, storm drains, and Contra Costa Canal. All drainage from new development should either be directed to an appropriate storm drain system that avoids CCWD facilities and Contra Costa Canal right-of-way, or obtain an encroachment permit from CCWD consistent with Action 10-A-2.h.

As future development and infrastructure projects are considered, each project will be evaluated for conformance with the General Plan, PMC, and other applicable regulations. Implementation of BMPs identified in the approved SWPPP will further protect water quality.

10-P-5.5: Require new development to avoid obstructing views of, and to minimize impacts to, significant visual resources through the following: creative site planning; integration of natural features into the project; appropriate scale, materials, and design to complement the surrounding natural landscape;

clustering of development to preserve open space vistas and natural features; minimal disturbance of topography; and creation of contiguous open space networks.

New development would be required to adhere to the 2040 General Plan policy that supports high quality design to protect visual resources and proposed Specific Plan design guidelines regarding building form, materials, landscaping, and screening. Refer to Section 3.1, Aesthetics and Visual Resources*, of the PEIR for more detail.*

10-P-5.6: Ensure that the visibility of new development from natural features and open space areas is minimized to preserve the landforms and ridgelines that provide a natural backdrop to the open space systems.

Future development would be required to adhere to urban design and resource conservation & open space policies that encourages the preservation of ridgeline views, as described further in Section 3.1, Aesthetics and Visual Resources*, of the PEIR.*

10-P-6.1: Support the principles of reducing air pollutants and greenhouse gas emissions through comprehensive and sustainable land use, transportation, and energy planning and addressing opportunities to decrease emissions associated with local government operations.

Future development is consistent with the City's Sustainability Plan, as described in Section 3.2, and 3.6 of the PEIR. In addition, TDM Plans would be required for future development, as described further in Section 3.13, Transportation and Circulation*, of the PEIR.*

10-P-6.2: Ensure that new development is consistent with the energy objectives and targets identified by the City's Sustainability Plan.

Future development would adhere to the objectives and targets identified by the City's Sustainability Plan, as described in 3.6, Greenhouse Gas Emissions and Energy*, of the PEIR.*

10-P-6.4: Encourage and support infill, mixed use, and higher density development, where appropriate, in order to reduce GHG emissions associated with vehicle travel.

The proposed Specific Plan proposes employment generating uses on an infill site in close proximity to housing and transit.

10-P-6.6: Reduce the generation of TACs such as ozone, carbon monoxide, lead, and particulate matter to work toward improving air quality and meeting all Federal and State ambient air quality standards.

Subsequent development in the Plan Area would be required to adhere to 2040 General Plan policies that limit or avoid the exposure of toxic contaminants, odors, and dust on receptors, with guidance from the Bay Area Air Quality Management District. These policies are further described in Section 3.2, Air Quality*, of the PEIR.*

10-P-6.7: Reduce the potential for human discomfort or illness due to local concentrations of toxic contaminants, odors, and dust.

Subsequent development in the Plan Area would be required to adhere to 2040 General Plan policies that limit or avoid the exposure of toxic contaminants, odors, and dust on receptors, with guidance from the Bay Area Air Quality Management District. These policies are further described in Section 3.2, Air Quality*, of the PEIR.*

10-P-6.9: Coordinate and review at the time of submittal of land use planning applications and development project BMPs and standards to prevent odors and odor complaints

Future development would adhere to all applicable standards for project approval, as directed by the City as further described in Section 3.2, Air Quality*, of the PEIR.*

10-P-6.10: Require and condition all new public and privately constructed buildings to exceed, where feasible, and comply with construction and design standards that promote energy conservation, including the most current "green" development standards in the California Green Building Standards Code.

Future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code at the time of application, including the "CalGreen" code for electric energy conservation, as further described in Section 3.6, Greenhouse Gases, Climate Change and Energy*, of the PEIR.*

10-P-6.11: Require expanded innovative and green building best practices, where feasible, including, but not limited to, LEED certification for all new development and retrofitting existing uses, and encourage public and private projects to exceed the most current "green" development standards in the California Green Building Standards Code.

Future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code at the time of application, including the "CalGreen" code for electric energy conservation, as further described in Section 3.6, Greenhouse Gases, Climate Change and Energy*, of the PEIR.*

10-P-6.12: Require and condition construction and operation of new development to be managed to minimize fugitive dust and air pollutant emissions.

Future development would adhere to any air quality standards, including minimizing fugitive dust and air pollutant emissions standards during construction and operation, as further described in Section 3.2, Air Quality*, of the PEIR.*

10-P-6.13: Implement development standards, mitigation measures, and best practices that require energy conservation and the reduction in greenhouse gases, including:

- Require new development to incorporate energy-efficient features through passive design concepts (e.g., techniques for heating and cooling, building siting orientation, street and lot layout, landscape placement, and protection of solar access);

- Require construction standards which promote energy conservation including window placement, building eaves, and roof overhangs;
- Require all projects to meet or, when feasible, exceed the most current "green" development standards in the California Green Building Standards Code;
- Require projects to implement applicable Sustainability Plan strategies and actions;
- Encourage projects to incorporate enhanced energy conservation measures, electric-only appliances, and other methods of reducing energy usage and greenhouse gas emissions; and
- Require large energy users to implement an energy conservation plan, which may include solar or other non-fossil fuel sources to meet the operation's full power demand and 100% fleet electrification, as part of the project review and approval process, and develop a program to monitor compliance with and effectiveness of that plan.

Future development accommodated by the proposed Specific Plan would be required to comply with the current California Building Code at the time of application, including the "CalGreen" code for electric energy conservation, along with other energy conservation measures, as further described in Section 3.6, Greenhouse Gases Emissions and Energy*, of the PEIR.*

SAFETY ELEMENT

Policies

11-P-2.1: Consider climate change impacts and adaptive responses in long-term planning and current development decisions consistent with the policies and programs of the City's Sustainability Plan and Local Hazard Mitigation Plan.

Future development would be required to comply with the City's current Sustainability Plan and Local Hazard Mitigation Plan. More detail on compliance with these plans can be found in Section 3.6, Greenhouse Gas Emissions and Energy*, and 3.7,* Hazards and Hazardous Materials*, of the PEIR.*

11-P-3.4: Ensure that development projects mitigate impacts to the City's storm drainage capacity from storm water runoff occurring from the property. Project applicants shall demonstrate that projects implement Best Management Practices (BMPs) and Low Impact Development measures (LID) to treat stormwater before discharge from the site project and that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for off-site flooding.

Future development within the Plan Area would be required to comply with City grading, erosion, and sediment control standards to reduce and treat stormwater runoff to adjacent lands or drainage facilities. Refer to Section 3.8, Hydrology and Water Quality*, of the PEIR for more detail.*

11-P-3.7: Ensure that new developments comply with all applicable requirements of Municipal Code Chapter 15.80 - Floodplain Management, the California Building Code as adopted by the City, and the latest promulgated FEMA standards for development in the flood hazard areas.

Future development within the Plan Area would be required to comply with all applicable PMC.

11-P-4.7: Ensure that Bay Area Air Quality Management District requirements are implemented in construction projects to reduce soil and particulate matter transport.

Future development within the Plan Area would be required to adhere to best management practices established by the Bay Area Air Quality Management District. See Section 3.2, Air Quality*, of the PEIR for more detail.*

COMMUNITY FACILITIES ELEMENT

Policies

12-P-2.1: Continue water district and user conservation efforts to help reduce demand in light of drought patterns, groundwater management, raw water availability, and the potential for unforeseen shortfalls.

The use of recycled water for future development would be encouraged and considered at the project-level. Furthermore, the proposed Specific Plan outlines guidelines for using drought-tolerant plants.

12-P-2.2: Continue water conservation efforts from industrial facilities, including continued enforcement of the City's water-efficient landscape standards and participation in a wastewater reclamation efforts.

See response to Policy 12-P-2.1 above.

12-P-3.4: Maintain environmentally appropriate wastewater management practices.

Wastewater treatment and conveyance facilities would be evaluated at the project-level in association with subsequent development projects. Future development projects would be subject to compliance review with building code standards of the PMC and other applicable regulations that pertain to wastewater utilities and building standards for plumbing design.

12-P-4.3: Reduce municipal waste generation by increasing recycling, on-site composting, and mulching, where feasible, at municipal facilities, as well as using resource efficient landscaping techniques in new or renovated medians and parks.

Future development projects would be required to comply with Assembly Bill 341, which requires businesses to arrange for recycling services, in order to reuse, recycle, compost or otherwise divert solid waste from disposal. For more detail, refer to Section 3.14, Utilities and Services Systems*, of the PEIR. Furthermore, the proposed Specific Plan includes guidelines for efficient, drought-tolerant landscaping to be incorporated throughout the Plan Area.*

12-P-6.3: Require development in areas of high fire hazard to be designed and constructed to minimize potential losses and maximize the ability of fire personnel to suppress fire incidents.

Future development would be required to adhere to PMC and proposed Specific Plan guidelines related to fire management. These requirements include ensuring adequate defensible space, brush management, landscape design standards, heat island reduction, and overall energy reduction methods to reduce fire risk. See Section 3.15, Wildfires*, of the PEIR for more detail.*

12-P-6.4: Require existing and new development in or adjacent to high and very high fire hazard severity zones, wildland urban interface zones, and State Responsibility Areas to maintain defensible space zones, landscape using native, fire-resistant plants and fire-resistant materials, abate weeds, and, where feasible, harden structures and infrastructure against fires.

See response to Policy 12-P-6.3 above.

12-P-7.4: Reduce the risk of localized and downstream flooding and runoff through the use best management practices to minimize runoff from the site to the storm drainage system, including:

- High infiltration measures, including the maximization of permeable landscape,
- Using permeable surfaces for parking lots, sidewalks, and bike paths,
- Where feasible, using roof runoff as irrigation.

Landscape design standards included in the proposed Specific Plan include buffering the Plan Area from open areas the roadway using landscaping.

NOISE ELEMENT

Policies

13-P-1.2: Require development projects, including new uses, to meet the noise standards.

Future development within the Plan Area would be required to adhere to performance standards (described in Section 3.10, Noise*, of the PEIR) which would bring noise to acceptable noise levels. During development review, applicants would be required to provide evidence that the proposed project can meet standards, and any exceedance would require site-specific construction and operational mitigation plans, per **MM 3.10-1** and **MM 3.10-2**.*

13-P-1.5: Continue efforts to incorporate noise considerations into land use planning decisions, including measures to control noise at the source through site design, building design, landscaping, hours of operation, and other techniques, for new development deemed to be noise generators, and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.

Subsequent development accommodated by the proposed Specific Plan would be required to adhere to performance standards for operational generated noise. If during development review, it is determined that a project would exceed performance standards (described in Section 3.10, Noise*, of the PEIR), a site-specific operational mitigation plan would be required, **MM 3.10-2**. The plan would incorporate noise control techniques to the site-design such as proper site layout that would distance noise generating uses away from sensitive receptors as feasible.*

13-P-1.7: Limit generation of loud noises on construction sites adjacent to existing development to normal business hours between 8:00 AM and 5:00 PM.

Any subsequent development accommodated by the proposed Specific Plan would adhere to PMC, which limits construction noise of 65 dBA to daytime hours only. Furthermore, it is not anticipated that proposed project implementation would require nighttime construction activity.

13-P-1.8: Reduce the impact of truck traffic noise on residential areas by limiting such traffic to appropriate truck routes. Consider methods to restrict truck travel times in sensitive areas.

West Leland Road is a designated Route of Regional Significance and a City designated truck route. Other designated truck routes in the Plan Area proximity include Railroad Avenue and Bailey Road. Truck traffic would primarily use designated truck routes. In addition, as described in Section 3.10, Noise*, of the PEIR, traffic modeling predicts noise impacts along West Leland Road would not increase by 5 dBA.*

13-P-1.12: Require development projects to reduce adverse construction vibration impacts to sensitive receptors, as feasible, when vibration-related construction activities are to occur within 100 feet from existing sensitive receptors. Measures to reduce noise and vibration effect may include, but are not limited to:

- Phase demolition, earth-moving and ground-impacting operations so as not to occur in the same time period.
- The pre-existing condition of all buildings within a 100-foot radius will be recorded in order to evaluate damage from construction activities. Fixtures and finishes within a 100-foot radius of construction activities susceptible to damage will be documented (photographically and in writing) prior to construction. All damage will be repaired back to its pre-existing condition.
- Substituting vibration-generating equipment with equipment or procedures that would generate lower levels of vibration. For instance, in comparison to impact piles, drilled piles or the use of a sonic or vibratory pile driver are preferred alternatives where geological conditions would permit their use.
- Other specific measures as they are deemed appropriate by the implementing agency to maintain consistency with adopted policies and regulations regarding vibration.

Subsequent development within the Plan Area would be required to adhere to performance standards (described in Section 3.10, Noise*, of the PEIR) which would bring construction related noise impacts to acceptable standards, per* ***MM 3.10-1****. During the time of application, applicants must show adherence to performance standards, which include significant source of vibration (impact pile driving, etc.) in relation to acceptable levels. Considering the closest noise-sensitive receptor is 800 feet away, a pile driver would not be a significant source of vibration even at 500 feet away, per Caltrans' vibration thresholds.*

APPENDIX B: LANDSCAPE PLAN (PHASE I ONLY)

ONSITE CONCEPT PLANT SCHEDULE

SHADE TREES (24" BOX MINIMUM) — 133
SELECT PRELIMINARY PLANTS MAY INCLUDE (SUBJECT TO CHANGE):
ACER RUBRUM / RED MAPLE
CEDRUS DEODARA / DEODAR CEDAR
FRAXINUS VELUTINA / VELVET ASH
PISTACIA CHINENSIS / CHINESE PISTACHE
QUERCUS AGRIFOLIA / COAST LIVE OAK
QUERCUS ILEX / HOLLY OAK

ACCENT TREES (24" BOX MINIMUM) — 31
SELECT PRELIMINARY PLANTS MAY INCLUDE (SUBJECT TO CHANGE):
ARBUTUS X 'MARINA' / MARINA STRAWBERRY TREE
CERCIS OCCIDENTALIS / WESTERN REDBUD
GINKGO BILOBA / MAIDENHAIR TREE

SHRUBS AND GROUNDCOVER — 88,851 SF
SELECT PRELIMINARY PLANTS MAY INCLUDE (SUBJECT TO CHANGE):
ARCTOSTAPHYLOS MANZANITA / COMMON MANZANITA
BACCHARIS PILULARIS / COYOTE BRUSH
CALLISTEMON VIMINALIS 'LITTLE JOHN' / LITTLE JOHN WEEPING BOTTLEBRUSH
FRANGULA CALIFORNICA / CALIFORNIA COFFEEBERRY
LOROPETALUM CHINENSE / CHINESE FRINGE FLOWER
MYOPORUM PARVIFOLIUM / TRAILING MYOPORUM
OLEA EUROPAEA 'MONTRA' / LITTLE OLLIE® OLIVE
RHAPHIOLEPIS INDICA / INDIAN HAWTHORN
SAMBUCUS CANADENSIS / AMERICAN ELDERBERRY

ACCENT PLANTINGS — 21,988 SF
SELECT PRELIMINARY PLANTS MAY INCLUDE (SUBJECT TO CHANGE):
DIETES BICOLOR / FORTNIGHT LILY
DIETES IRIDIOIDES / FORTNIGHT LILY
LANTANA MONTEVIDENSIS / PURPLE TRAILING LANTANA
ROSA CALIFORNICA / CALIFORNIA WILD ROSE
ROSMARINUS OFFICINALIS / ROSEMARY

SCREENING — 14,922 SF
SELECT PRELIMINARY PLANTS MAY INCLUDE (SUBJECT TO CHANGE):
CEANOTHUS THYRSIFLORUS / BLUEBLOSSOM
HETEROMELES ARBUTIFOLIA / TOYON
PITTOSPORUM TOBIRA / JAPANESE PITTOSPORUM
RHUS INTEGRIFOLIA / LEMONADE BERRY

STORMWATER TREATMENT BASIN SEED MIX — 115,548 SF
SELECT PLANTS MAY INCLUDE (SUBJECT TO CHANGE):
ACHILLEA MILLEFOLIUM / COMMON YARROW
CAREX BARBARAE / SANTA BARBARA SEDGE
CAREX DIVULSA / EUROPEAN GREY SEDGE
CYPERUS ERAGROSTIS / TALL UMBRELLA SEDGE
ELYMUS GLAUCUS / BLUE WILDRYE
ELYMUS TRITICOIDES / CREEPING WILD RYE
ESCHSCHOLZIA CALIFORNICA / CALIFORNIA POPPY
FESTUCA MICROSTACHYS / SMALL FESCUE
FESTUCA RUBRA / RED FESCUE
HORDEUM BRACHYANTHERUM / MEADOW BARLEY
JUNCUS PATENS / CALIFORNIA GRAY RUSH
LEYMUS CONDENSATUS / GIANT WILD RYE
STIPA PULCHRA / PURPLE NEEDLE GRASS

EROSION CONTROL SEED MIX — 206,182 SF
SELECT PRELIMINARY PLANTS MAY INCLUDE (SUBJECT TO CHANGE):
BROMUS CARINATUS / CALIFORNIA BROME
ELYMUS ARENARIUS 'GLAUCUS' / BLUE LYME GRASS
FESTUCA IDAHOENSIS / IDAHO FESCUE
HORDEUM BRACHYANTHERUM CALIFORNICUM / CALIFORNIA MEADOW BARLEY
LUPINUS BICOLOR / MINIATURE LUPINE
POA SECUNDA / BLUEGRASS
PRUNELLA VULGARIS / SELF-HEAL
SISYRINCHIUM BELLUM / BLUE-EYED GRASS

TURF — 5,794 SF
DELTA BLUEGRASS
90/10 TALL FESCUE MIX

HIGH SECURITY FENCE
AMERISTAR - MONTAGE II
CLASSIC STYLE
8' TALL

OFFSITE CONCEPT PLANT SCHEDULE

SHADE TREES (24" BOX MINIMUM) — 54
SELECT PRELIMINARY PLANTS MAY INCLUDE (SUBJECT TO CHANGE):
ACER RUBRUM / RED MAPLE
CEDRUS DEODARA / DEODAR CEDAR
FRAXINUS VELUTINA / VELVET ASH
PISTACIA CHINENSIS / CHINESE PISTACHE
QUERCUS AGRIFOLIA / COAST LIVE OAK
QUERCUS ILEX / HOLLY OAK

ACCENT TREES (24" BOX MINIMUM) — 14
SELECT PRELIMINARY PLANTS MAY INCLUDE (SUBJECT TO CHANGE):
ARBUTUS X 'MARINA' / MARINA STRAWBERRY TREE
CERCIS OCCIDENTALIS / WESTERN REDBUD
GINKGO BILOBA / MAIDENHAIR TREE

GENERAL LANDSCAPE NOTES

1. THE WORK SHALL BE DONE IN ACCORDANCE WITH THE PLANS AND THE MOST CURRENT EDITION OF THE APPLICABLE CITY AND/OR REGIONAL STANDARDS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN COPIES OF THESE STANDARDS, SPECIFICATIONS AND DRAWINGS, AS WELL AS ALL OTHER STANDARDS AND SPECIFICATIONS WHICH MAY BE NECESSARY TO COMPLETE AND ACCURATELY INTERPRET THESE PLANS.

2. ALL QUANTITIES LISTED IN THE LANDSCAPE SCHEDULE ARE FOR THE CONVENIENCE OF THE CONTRACTOR. IN THE CASE OF ANY DISCREPANCIES, PLANS SHALL OVERRIDE THE LANDSCAPE AND BID SCHEDULE QUANTITIES. CONTRACTOR SHALL VERIFY QUANTITIES SHOWN ON THE PLANS AND BASE THEIR BID ACCORDINGLY.

3. RESPONSIBILITY FOR ESTABLISHING SUBGRADES IS NOT INCLUDED IN THIS WORK. INSPECT SUBGRADES PRIOR TO COMMENCING WORK TO CONFIRM SUBGRADE DEPTHS AND GRADES. ADVISE LANDSCAPE ARCHITECT OF DISCREPANCIES WITH DRAWINGS OR SPECIFICATIONS. ALL PLANTING AREAS SHALL BE LEFT FREE OF CONSTRUCTION DEBRIS AND/OR TOXIC MATERIAL AND GRADED TO A LEVEL TO PERMIT LANDSCAPE CONSTRUCTION. TRENCHES OR OTHER FILLED EXCAVATIONS SHALL BE COMPACTED PRIOR TO LANDSCAPE INSTALLATION.

4. SITE GRADING NECESSITATED BY THE WORK AS IT PROGRESSES AND NOT SPECIFICALLY CALLED OUT ON THE PLANS WILL BE CONSIDERED INCIDENTAL WORK.

5. ALL LANDSCAPE AREAS SHALL BE UNIFORMLY GRADED SO THAT FINISHED SURFACES CONFORM TO THE TYPICAL SECTIONS AND PROPOSED GRADES SHOWN. FINISHED SURFACES SHALL BE REASONABLY SMOOTH, COMPACTED, AND FREE FROM IRREGULAR SURFACE DRAINAGE. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING THE FINISH GRADE AND SHALL BEAR FINAL RESPONSIBILITY FOR PROPER SURFACE DRAINAGE OF PLANTED AREAS.

6. AFTER ROUGH GRADING HAS OCCURRED, CONTRACTOR SHALL OBTAIN AN AGRONOMIC SOILS REPORT AND SUBMIT TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO AMENDMENTS AND/OR PLANTING. CONTRACTOR SHALL APPLY RECOMMENDATIONS UNLESS OTHERWISE NOTED BY LANDSCAPE ARCHITECT.

7. BACKFILL MIX SHALL BE PLACED IN 6" LIFTS AND TAMPED INTO PLACE AROUND THE PLANT. NO TRANSPLANTING SHALL BE DONE WHEN SOIL IS EXCESSIVELY WET. DO NOT COUNTERSINK AROUND CACTI OR SUCCULENTS. PROVIDE POSITIVE DRAINAGE AWAY FROM PLANT.

8. ALL TREES SHALL BE PLANTED A MINIMUM OF 5 FEET, ALL SHRUBS AND ACCENTS A MINIMUM OF 24", AND ALL GROUNDCOVERS 18" FROM EDGE OF CURBS, WALKS, WALLS, PADS, ETC., UNLESS DIRECTED OTHERWISE BY THE LANDSCAPE ARCHITECT.

9. EXCAVATE PITS, AS SHOWN ON DRAWINGS AND DETAILS. LOOSEN HARD SUBSOIL IN BOTTOM OF PIT. TEST DRAINAGE OF TREE, SHRUB AND PLANT PITS BY FILLING WITH WATER TWICE IN SUCCESSION. THE RETENTION OF WATER IN PLANTING PITS FOR MORE THAN TWENTY-FOUR (24) HOURS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE. SUBMIT IN WRITING A PROPOSAL FOR THE CORRECTION TO THE OWNER'S REPRESENTATIVE FOR APPROVAL BEFORE PROCEEDING WITH WORK.

10. IF ROCK, UNDERGROUND CONSTRUCTION, ADVERSE DRAINAGE CONDITIONS, OR OTHER OBSTRUCTIONS ARE ENCOUNTERED IN EXCAVATION FOR PLANTING OF ANY PLANT MATERIAL, NOTIFY THE OWNER'S REPRESENTATIVE. NEW LOCATIONS MAY BE SELECTED BY THE OWNER'S REPRESENTATIVE, OR INSTRUCTIONS MAY BE ISSUED TO DIRECT REMOVAL OF OBSTRUCTION. PROCEED WITH WORK ONLY AFTER APPROVAL OF THE OWNER'S REPRESENTATIVE.

11. DO NOT MAKE SUBSTITUTIONS. IF SPECIFIED LANDSCAPE MATERIAL IS NOT OBTAINABLE, SUBMIT PROOF OF NON-AVAILABILITY FROM AT LEAST FIVE SOURCES TO THE OWNER'S REPRESENTATIVE, TOGETHER WITH PROPOSAL FOR USE OF EQUIVALENT MATERIAL FOR FINAL APPROVAL.

12. ALL PLANT MATERIAL AND SPECIFICATIONS TO CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK STANDARDS UNLESS OTHERWISE NOTED.

13. LAY OUT INDIVIDUAL TREE AND PLANT LOCATIONS AND AREAS FOR MULTIPLE PLANTINGS, STAKE LOCATIONS AND OUTLINE AREAS AND SECURE THE OWNER'S REPRESENTATIVE'S ACCEPTANCE BEFORE START OF PLANTING WORK. MAKE MINOR ADJUSTMENTS AS DIRECTED.

14. ALL SHRUBS SHALL HAVE A FULL HEAD THAT COVERS THE CAN DIAMETER (CAN FULL) AND A MINIMUM OF THREE STEMS/BRANCHES.

15. FINISH GRADE FOR PLANTED AREAS SHALL BE 1" BELOW ALL CURBS, WALKS AND PAVING WITH SMOOTH EVEN LINES AT EDGES OF STRUCTURES.
16. FINISH LANDSCAPE GRADES SHALL SLOPE AT A 2% GRADE AWAY FROM CURBS, WALKS, AND WALLS.

17. ALL LANDSCAPE AREAS SHALL RECEIVE A 3" DEPTH OF MULCH, UNLESS OTHERWISE NOTED ON THESE PLANS. TREES TO HAVE A 6' DIAMETER RING AROUND TRUNK FREE OF MULCH. MULCH SHALL EXTEND UNDER ALL SHRUBS AND PLANTS. APPLY PRE-EMERGENT HERBICIDE PRIOR TO AND AFTER MULCH INSTALLATION.

18. PROVIDE SAMPLES OF PROPOSED MULCH SHOWING COLOR, GRADATION SIZE RANGE AND TEXTURE INCLUDING PROPOSED SOURCE. PROVIDE 1/2 CUBIC FOOT SAMPLE OF EACH.

19. NO JOB WILL BE CONSIDERED COMPLETE UNTIL ALL CURBS, PAVEMENT AND SIDEWALKS HAVE BEEN SWEPT CLEAN OF ALL DIRT AND DEBRIS ACCORDING TO PLANS.

20. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ANY PERMITS REQUIRED. (SEE THE CITY GENERAL CONDITIONS)

21. ALL CONSTRUCTION ROADS AND COMPACTED AREAS DEVELOPED THROUGH CONSTRUCTION THAT ARE WITHIN THE LANDSCAPE AREAS SHALL BE SCARIFIED AND LOOSENED TO A DEPTH OF 12" PRIOR TO LANDSCAPE AND IRRIGATION WORK BEGINNING.

22. PLANTINGS WITHIN THE SIGHT VISIBILITY TRIANGLE LINE SHALL BE MAINTAINED SO THAT NO LIMBS HANG LOWER THAN SEVEN (7) FEET AND SHRUBS OR OTHER PLANTS PLANTED WITHIN THE SIGHT VISIBILITY TRIANGLE LINE SHALL BE NO TALLER THAN TWO (2) FEET AT FULL GROWTH.

LANDSCAPE ARCHITECT NOTES

1. THE TERM “LANDSCAPE ARCHITECT” USED HEREIN SHALL MEAN THE LANDSCAPE ARCHITECT WHO HAS SIGNED AND SEALED THESE PLANS AND IS IN RESPONSIBLE CHARGE OF THE LANDSCAPE ARCHITECTURE DESIGN. THE TERM “CONTRACTOR” USED HEREIN SHALL MEAN ANY GENERAL CONTRACTOR OR SUBCONTRACTOR USING THESE PLANS. ANY AGENCY SIGNATURE OR APPROVAL ON THESE PLANS DOES NOT CONSTITUTE APPROVAL OF ANY OF THESE NOTES.

2. THE LANDSCAPE ARCHITECT WILL NOT PROVIDE, OBSERVE, COMMENT ON NOR ENFORCE ANY SAFETY MEASURES OR REGULATIONS. THE CONTRACTOR SHALL DESIGN, CONSTRUCT, AND MAINTAIN ALL SAFETY MEASURES AND SHALL BE SOLELY RESPONSIBLE FOR SAME AND COMPLYING WITH ALL LOCAL, STATE AND FEDERAL SAFETY AND HEALTH STANDARDS, LAWS, AND REGULATIONS. THE CONTRACTOR AGREES THAT SHE/HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOBSITE CONDITIONS AND SAFETY OF ALL PERSONS AND PROPERTY DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

3. THE LANDSCAPE ARCHITECT SHALL HAVE NO RESPONSIBILITY FOR ANY OF THE CONTRACTOR'S MEANS AND METHODS OF CONSTRUCTION, TECHNIQUES, EQUIPMENT CHOICE AND USAGE, SEQUENCE, SCHEDULE, SAFETY PROGRAMS, OR SAFETY PRACTICES, NOR SHALL THE LANDSCAPE ARCHITECT HAVE ANY AUTHORITY OR RESPONSIBILITY TO STOP OR DIRECT THE WORK OF ANY CONTRACTOR.

4. THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE LANDSCAPE ARCHITECT AND OWNER, THEIR AGENTS AND EMPLOYEES, HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, JUDGMENTS, LOSS, DAMAGES, COSTS, EXPENSES, FEES OR LIABILITY WHATSOEVER, REAL OR ALLEGED, IN CONNECTION WITH, IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE LANDSCAPE ARCHITECT.

5. IF THERE ARE ANY QUESTIONS REGARDING THESE PLANS, THE CONTRACTOR SHALL REQUEST IN WRITING FROM THE LANDSCAPE ARCHITECT AND THE OWNER, AN INTERPRETATION BEFORE DOING ANY RELATED OR IMPACTED WORK.

6. THE CONTRACTOR SHALL TAKE THE NECESSARY STEPS TO PROTECT THE PROPERTY FROM ANY EROSION AND SILTATION THAT RESULT FROM CONTRACTOR OPERATIONS BY APPROPRIATE MEANS UNTIL SUCH TIME THAT THE PROJECT IS COMPLETED AND ACCEPTED FOR MAINTENANCE BY WHOMEVER IS TO BE ULTIMATELY RESPONSIBLE FOR MAINTENANCE.

7. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES PRIOR TO STARTING WORK NEAR THEIR FACILITIES AND SHALL COORDINATE WORK WITH UTILITY COMPANY REPRESENTATIVES.

8. THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED FROM A SEARCH OF READILY AVAILABLE RECORDS. NO REPRESENTATION IS MADE AS TO THE ACCURACY OR COMPLETENESS OF SAID UTILITY INFORMATION. THE CONTRACTOR IS REQUIRED TO TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN HEREON AND ANY OTHERS NOT OF RECORD OR NOT SHOWN ON THESE PLANS. ALL DAMAGES THERETO CAUSED BY THE CONTRACTOR SHALL BE REPAIRED TO THE APPROPRIATE SPECIFICATIONS AND STANDARDS AT THE SOLE EXPENSE OF THE CONTRACTOR.

9. THE LOCATION, ELEVATIONS, SIZE, TYPE AND CONDITION OF EXISTING IMPROVEMENTS ADJACENT TO THE PROPOSED WORK INDICATED ON THESE PLANS SHALL BE CONFIRMED BY THE CONTRACTOR BY FIELD MEASUREMENTS AND OBSERVATIONS PRIOR TO CONSTRUCTION OF NEW WORK. THE CONTRACTOR WILL IMMEDIATELY INFORM THE LANDSCAPE ARCHITECT IN WRITING IF ANY DISCREPANCIES OR CONFLICTING INFORMATION IS FOUND.

10. THE CONTRACTOR SHALL MAKE EXPLORATORY EXCAVATIONS AND LOCATE EXISTING UNDERGROUND FACILITIES AS NEEDED, SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS IF REVISIONS ARE NECESSARY DUE TO THE ACTUAL LOCATION, SIZE, TYPE, OR CONDITION OF EXISTING FACILITIES DIFFERING FROM WHAT IS SHOWN ON THESE PLANS.

11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF ANY DAMAGE TO THE EXISTING IMPROVEMENTS AND REPLACEMENT TO THE SATISFACTION OF THE OWNER.

12. SHOULD CONFLICTING INFORMATION BE FOUND ON THE PLANS THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING IMMEDIATELY BEFORE PROCEEDING WITH THE WORK IN QUESTION.

13. ANYTHING MENTIONED IN THE SPECIFICATIONS, IF ANY, AND NOT SHOWN ON THE DRAWINGS, OR SHOWN ON THE DRAWINGS AND NOT MENTIONED IN THE SPECIFICATIONS, SHALL BE OF LIKE EFFECT AS IF SHOWN OR MENTIONED IN BOTH.

PRELIMINARY STATE OF CALIFORNIA ESTIMATED WATER USE

TOTAL WATER USE IS CALCULATED BY SUMMING THE AMOUNT OF WATER ESTIMATED FOR EACH HYDROZONE. WATER USE FOR EACH HYDROZONE IS ESTIMATED WITH THE FOLLOWING FORMULA:

ESTIMATED TOTAL WATER USE (ETWU) = GAL / YEAR PER HYDROZONE

ET ADJUSTMENT FACTOR (ETAF) =
0.55 ETAF FOR RESIDENTIAL LANDSCAPE
0.45 ETAF FOR NON-RESIDENTIAL LANDSCAPE
0.8 ETAF FOR EXISTING NON-REHABILITATED LANDSCAPE
SPECIAL LANDSCAPE SHALL NOT EXCEED 1.0 ETAF

PLANT FACTOR (PF) = WATER USE CLASSIFICATION OF LANDSCAPE SPECIES

HYDROZONE AREA (HA) = (SF OF LANDSCAPE) OR (32 SF / TREE)

CONVERSION FACTOR (CONVERTS ACRE-INCHES PER ACRE PER YEAR TO GALLONS PER SQUARE FOOT PER YEAR = 0.62

IRRIGATION EFFICIENCY (IE) = 0.75 (OVERHEAD SPRAY) 0.81 (DRIP)

SPECIAL LANDSCAPE AREA (SLA) = SF OF EDIBLE PLANTS, RECREATIONAL AREAS, AREAS IRRIGATED WITH RECYCLED WATER, OR WATER FEATURS USING RECYCLED WATER

EVAPOTRANSPIRATION RATE (ETo) = QUANTITY OF WATER EVAPORATED FROM ADJ. SOIL AND TRANSPIRED BY PLANTS OVER A SPECIFIED TIME

ETWU = [(ETo) * (PF) * (HA) * (0.62)] / (IE)

MAWA = (ETo) * (0.62) [ETAF) * (SUM OF SLA & HA)] + [(1-ETAF) * (SLA)]

HYDROZONE "A" (LOW WATER USE - DRIPLINE) STANDARD LANDSCAPE (ON-SITE)

ETO	PF	HA	CONVERSION FACTOR	IE	SLA	ETWU (GAL/YEAR)
45.30	0.30	152,512	0.62	0.81	-	1,586,463.72

HYDROZONE "B" (LOW WATER USE - ROTATORS) EROSION CONTROL SEED MIX (ON-SITE)

ETO	PF	HA	CONVERSION FACTOR	IE	SLA	ETWU (GAL/YEAR)
45.30	0.30	206,431	0.62	0.75	-	2,319,128.43

HYDROZONE "C" (LOW WATER USE - ROTATORS) STORMWATER TREATMENT SEED MIX (ON-SITE)

ETO	PF	HA	CONVERSION FACTOR	IE	SLA	ETWU (GAL/YEAR)
45.30	0.30	115,548	0.62	0.75	-	1,298,112.45

HYDROZONE "D" (MODERATE WATER USE - BUBBLERS) TREES (ON-SITE)

ETO	PF	HA	CONVERSION FACTOR	IE	SLA	ETWU (GAL/YEAR)
45.30	0.40	7,168	0.62	0.81	-	99,417.51

HYDROZONE "E" (HIGH WATER USE - ROTORS) TURF (ON-SITE)

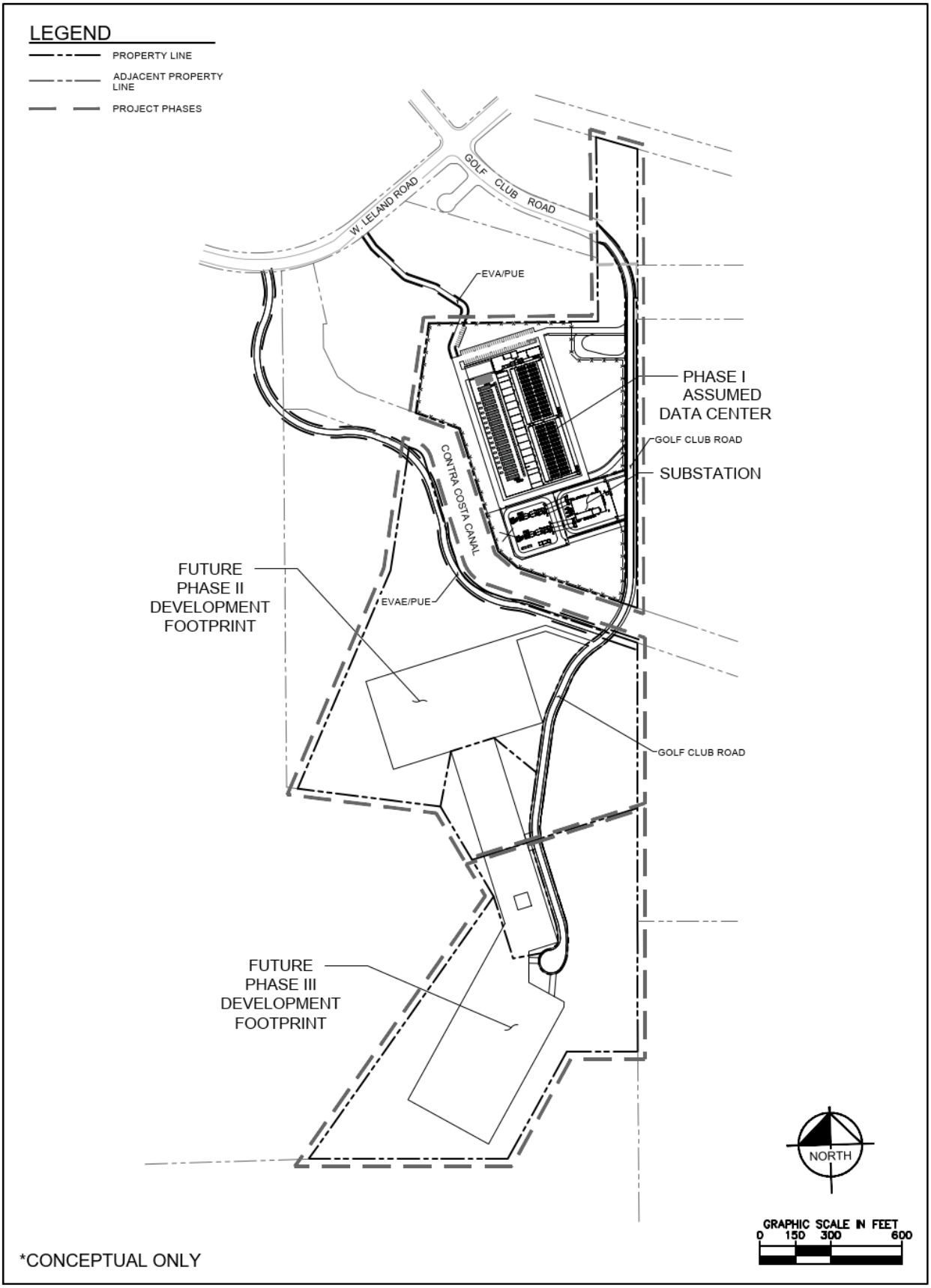
ETO	PF	HA	CONVERSION FACTOR	IE	SLA	ETWU (GAL/YEAR)
45.30	0.60		0.62	0.75	6,318	141,957.88
ESTIMATED TOTAL WATER USE (GAL/YEAR)						**5,303,122.10**

MAXIMUM APPLIED WATER ALLOWANCE (MAWA)

ETO	SUM OF HA	CONVERSION FACTOR	ETAF	SUM OF SLA	MAWA(GAL/YEAR)
45.30	481,659.00	0.62	0.45	6,318.00	6,264,990.95
MAXIMUM APPLIED WATER ALLOWANCE (GAL/YEAR)					**6,264,990.95**
MAXIMUM APPLIED WATER ALLOWANCE PERCENT OF ESTIMATED TOTAL WATER USE					**84.65%**

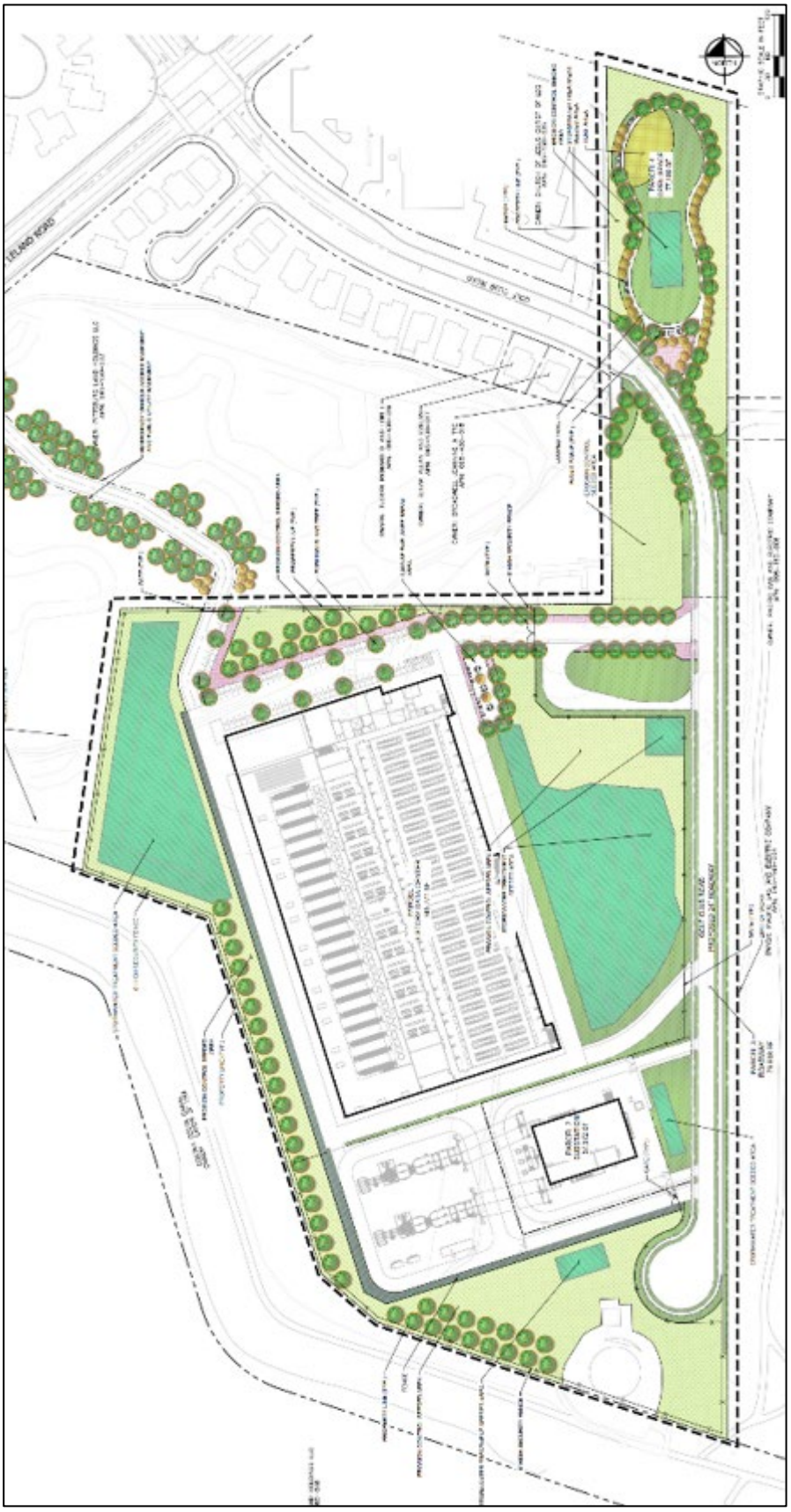
Attachment 3
Phase I Site Plan Concept

Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)



Attachment 4
Phase I Landscape Concept Design

Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)



BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Recommending the City Council 1) Assign Zoning of PD (Planned Development) District to Properties Located within the Pittsburg Technology Park Specific Plan Area, 2) Adopt the Pittsburg Technology Park Specific Plan, 3) Approve the Vesting Tentative Map for a 12-Lot Major Subdivision, and 4) Certify the Final Program Environmental Impact Report and Adopt CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program (MMRP) for the Pittsburg Technology Park Specific Plan Project, Planning Application No. 24-0028 (PD, SUBD, EIR)	Resolution No. 10255

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

A. On March 1, 2018, the 175-acre Delta View Golf Course ceased operations and closed.

B. On March 19, 2018, the City Council directed staff to explore the possible uses suggested by the public for the site, and to bring options back for further consideration.

C. On May 7, 2018, the City Council held a public meeting related to potential options available for reuse of the site. At the conclusion of that meeting, direction was provided to pursue both economic development and multi-purpose recreational opportunities, with the idea that economic development would help generate the funds needed to develop new diverse recreational opportunities for the community.

D. The City subsequently entered into an Option Agreement with a developer for a conceptual technology park development on a portion of the former Delta View Golf Course which led to informational meetings in 2019 with the Land Use Subcommittee, Planning Commission and local residents.

E. On March 22, 2024, Stephanie Morgan Whitmore of WSP USA, on behalf of Pittsburg Data Hub, LLC, filed Planning Application No. AP-24-0028 (PD, SUBD, EIR) for the proposed Pittsburg Technology Park Specific Plan and Vesting Tentative Map for a 12-Lot Major Subdivision (and associated Environmental Impact Report) on an approximately 76.38-acre site located on the eastern half of the former Delta View Golf Course, south of West Leland Road, located at 2222 Golf Club Road. Assessor Parcel Numbers (APNs): 095-160-001, 095-160-002

and 094-080-046.

F. The proposed project is governed by the applicable goals and policies of the 2040 General Plan and the Pittsburg Municipal Code (PMC). Specific Plans are also governed by Government Code section 65450.

G. PMC section 18.16.020 identifies the Planning Commission as the advisory body to the City Council on proposed zoning changes, including amendments to reclassify properties to Planned Development (PD) Districts, and requires that the Planning Commission determine, prior to making its recommendation, that:

1. the change proposed is consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable specific plan;

2. in the case of a base district, overlay district or general land use regulation, the change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed;

3. a community need is demonstrated for the change proposed; and

4. its adoption will be in conformity with public convenience, general welfare and good zoning practice.

H. PMC section 18.62.060(A) states that a specific plan shall be processed at the same time as consideration of the application for reclassification to a PD district and that a recommendation of the Planning Commission to reclassify to a PD district must also include a recommendation for City Council approval of a specific plan.

I. PMC section 17.12.010 identifies the Planning Commission as the advisory body to the City Council on proposed tentative maps when consolidated with one or more applications for other approvals which are subject to final approval by the City Council. In order to recommend City Council approval of a Vesting Tentative Map, the Planning Commission must determine, in accordance with PMC section 17.20.060(c), that:

1. the proposed map is consistent with the General Plan and any applicable specific plan, or other applicable provision of PMC;

2. the site is physically suitable for the type of development;

3. the site is physically suitable for the proposed density of development;

4. the design of the subdivision or the proposed improvements will not cause

substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

5. the design of the subdivision or the type of improvements will not cause serious public health problems; and

6. the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

J. The City of Pittsburg, as lead agency, determined that the proposed Pittsburg Technology Park Specific Plan (Specific Plan) is a "project" within the meaning of CEQA. CEQA requires the preparation of an EIR prior to approving any project that may have a significant impact on the environment.

K. CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. Given the conceptual nature of future build out of the Plan Area described in the proposed Specific Plan, the EIR prepared for the proposed project is a Program EIR (“PEIR”), pursuant to the definition of Program EIR in CEQA Guidelines Section 15168.

L. From February 28, 2024, to March 29, 2024, the City, serving as the Lead Agency, distributed a Notice of Preparation (NOP) of an EIR for the proposed project (SCH #2024030184). The City held a public scoping meeting on March 14, 2024, to provide an opportunity for the public and representatives of public agencies to address the scope of the PEIR. Based on feedback received during the NOP period, the PEIR was drafted to address potentially significant impacts associated with the following 15 environmental topic areas: aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology, greenhouse gas emissions and energy, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services and recreation, transportation, utilities and service systems, and wildfire.

M. On July 3, 2024, the City circulated a Notice of Availability (NOA) of the Draft PEIR for the proposed project for a 45-day public review period beginning July 3, 2024, and ending on August 19, 2024. City staff held a public meeting on July 25, 2024, to introduce the project and accept public comment on the Draft PEIR for the proposed project. Comments were accepted during the meeting and in advance of the meeting, via voice messages and email, as well as throughout the public comment period via U.S. mail and email.

N. As identified in the Draft PEIR, significance criteria thresholds in CEQA Guidelines Appendix G were addressed for each topic area identified in the NOP distributed at the start of the EIR process. All topic areas were found to have a less than significant environmental impact, seven areas with mitigation incorporated: Air Quality, Biological Resources, Cultural and Tribal Resources,

Geology and Soils, Noise, Transportation and Circulation and Wildfires.

O. The City received 12 comment letters during the 45-day review period for the Draft PEIR. In accordance with CEQA Guidelines Section 15088, the Final PEIR responds to the written comments received on the Draft PEIR. No new significant environmental impacts or issues, beyond those already covered in the Draft PEIR for the proposed project were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add "significant new information" that would require recirculation of the Draft PEIR pursuant to CEQA Guidelines Section 15088.5.

P. The Draft PEIR and Final PEIR combined constitute the complete Pittsburg Technology Park Specific Plan PEIR. The City Council is the approval body for certification of the PEIR. Pursuant to CEQA Guidelines section 15025 (c), the Planning Commission must consider the Draft and Final PEIRs as an advisory body that is making a recommendation on the proposed project.

Q. Section 15091 of CEQA requires the City to make written findings when it approves a project for which an EIR was certified. For this reason, the Final PEIR document for the proposed Pittsburg Technology Park Specific Plan is accompanied by CEQA Findings of Fact. These findings are recommended to be adopted by the City Council as part of certification of the Final PEIR.

R. Section 15097 of CEQA requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption specified environmental findings (CEQA Findings of Fact) related to EIRs. A Mitigation Monitoring and Reporting Program (MMRP) for the proposed project has been developed. Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Pittsburg. The MMRP is recommended to be adopted by the City Council as part of certification of the Final PEIR.

S. On or prior to Friday, August 30, 2024, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020, a "Notice of Public Hearing," for the September 10, 2024, public hearing on this item was published in the East County Times; was posted at City Hall, the Pittsburg Library, and on the "Public Notices" section of the City's website. The City also mailed the notice via U.S. mail to owners of property located within 500 feet of the Plan Area, sent the notice to local service agencies whose services might be affected by the proposed project, and to individuals who had previously filed a written request for such notice. Lastly, a copy of the notice was posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the Nextdoor neighborhoods adjacent to the project site.

T. On Tuesday, September 10, 2024, the Planning Commission held a public hearing on Planning Application No. AP-24-0028 (PD, SUBD, EIR), at which time

additional oral and/or written testimony was considered.

Section 2. Findings

A. Based on the Planning Commission staff report entitled, “Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR),” dated September 10, 2024, and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the public hearing, the Planning Commission finds that:

1. All recitals above are true and correct and are incorporated herein by reference.

2. The Draft PEIR and Final PEIR prepared for this project were prepared in compliance with Public Resources Code section 21000 et seq, and that the Commission has independently reviewed and considered the information contained therein.

Zoning Map:

3. Pursuant to PMC section 18.16.020, before the Planning Commission makes its recommendation on an application for (1) a change of zoning district applicable to the subject property or (2) a change in the text of a land use regulation, it shall make specific written findings in accordance with PMC 18.48.030.

4. PMC section 18.62.060(A) states that a specific plan shall be processed at the same time as consideration of the application for reclassification to a PD district and that a recommendation of the Planning Commission to reclassify to a PD district must also include a recommendation for City Council approval of a specific plan.

5. The proposed Zoning Map Amendment to reclassify properties located within the Pittsburg Technology Park Specific Plan Area to a Planned Development (PD) District is consistent with the objectives, policies, general land uses and programs specified in the 2040 General Plan and the applicable specific plan in that:

    a. The Plan Area is designated as “Employment Industrial Center (ECI)” in the 2040 General Plan. This land use designation is described in the 2040 General Plan as “fostering vibrant, diverse, and dynamic employment hubs that accommodate technology, advanced manufacturing, logistics, and other sectors that generate substantial

employment opportunities; uses may include administrative, financial, business, professional, medical and public offices, business incubators, research and development, custom and light manufacturing, limited assembly, warehousing and distribution, data centers, technology and innovation, energy, hospitals and large-scale medical facilities, services, light and heavy automobile services, and supporting commercial uses".

b. Permitted land uses within the Plan Area are based on the "Employment Center Industrial (ECI)" land use designation. Each permitted use, such as, administrative, business and professional offices, financial offices, government/public offices and medical offices would be subject to the development standards and design guidelines and land use entitlement procedures and actions outlined in the proposed Specific Plan.

c. The proposed Specific Plan would guide development for a diverse employment center on a vacant portion of the former Delta View Golf Course. The proposed Specific Plan serves as a policy document with guidelines to develop a technology park. The proposed Specific Plan would be consistent with the City's goal of providing a mix and distribution of uses on an under-utilized site (Goal 2-1).

d. The proposed Specific Plan will identify and allocate adequate lands in strategic locations throughout Pittsburg to accommodate and encourage employment growth, focusing on sectors that provide high-paid and high-quality jobs and continue to promote business development sites through Think Pittsburg and other local programs (Policy 2-P-4.1).

e. The proposed Specific Plan will encourage the development and intensification of employment centers, including high quality, professional office campuses, business parks, and industrial parks, located in areas fully served by public facilities and services, located along major arterials with easy freeway access and with access from public transit, and accessible to bicyclists and pedestrians (Policy 2-P-4.2).

f. The proposed Specific Plan will promote business development in a range of sectors that contribute to the local and regional economy, provide high-wage and skilled jobs for Pittsburg residents (Goal G-2-4).

g. The proposed Specific Plan will support office, business, and industrial land uses that will improve the City's employment base through high-quality, well-paid jobs that attract the technology, energy, and industrial sectors desired by the community (Policy 2-P-4.5).

h. The proposed Specific Plan will facilitate attraction, retention, and expansion of businesses that meet the City's economic development objectives and maintain a desirable climate for conducting business in and with the City (Goal G-6-2).

i. The proposed Specific Plan will encourage new businesses and project development under the Employment Center Industrial land use classification (Policy 6-P-2.14).

6. The proposed Zoning Map Amendment to reclassify properties located within the Pittsburg Technology Park Specific Plan Area to a Planned Development (PD) District is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed, in that allowable uses within the Plan Area are permitted within the IL-O Zoning District Overlay and would be regulated by the Site Design, Development Standards and Design Guidelines within the proposed Specific Plan.

7. There is a community need for the proposed Zoning Map Amendment to reclassify properties located within the Pittsburg Technology Park Specific Plan Area to a Planned Development (PD) District in that future development consistent with the proposed Specific Plan: 1) would help achieve the objectives in the Economic Development Element of the 2040 General Plan by expanding business opportunities and encouraging employment growth as it improves the jobs/housing balance, 2) would create additional employment opportunities within the City and generate property and sales taxes on vacant, underutilized sites to help contribute to the City's revenue stream and 3) would allow for employment-generating uses that follow the prescribed development standards and design guidelines within the proposed Specific Plan.

8. Adoption of the proposed Zoning Map Amendment to reclassify properties located within the Pittsburg Technology Park Specific Plan Area to a Planned Development (PD) District would be in conformity with the public convenience, general welfare, and good zoning practice, in that the proposed Specific Plan is intended to be a long-range planning document which provides a framework for future buildout and development.

Vesting Tentative Map for Major Subdivision:

9. The Vesting Tentative Map for the proposed 12-Lot, Major Subdivision is consistent with the 2040 General Plan land use designation of Employment Industrial Center, as described in Section 2.A.5.a above, and the proposed Specific Plan.

10. The project site is physically suitable for the type of development proposed in that the site is vacant and undeveloped, the proposed building envelopes avoid sensitive habitat and the site is surrounded by existing infrastructure, minimizing the amount of work and investment needed to extend utilities and services to the site.

11. The project site is physically suitable for the proposed density of development, in that lands south of the Plan Area are owned by the Keller Canyon Landfill Company, and land uses east of and neighboring the Plan Area are within a designated Pacific Gas & Electric Corridor Conversion Overlay. While properties north of the Plan Area are primarily designated as “Low Density Residential,” there are also “Public/Institutional” uses all served primarily by West Leland Road.

12. The design of the proposed subdivision and accompanying improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat, if the project is required to comply with all measures in the Mitigation Monitoring and Reporting Program (MMRP) included as Attachment 9 to the Staff Report described in Section 2.B below.

13. The design of the subdivision and type of improvements proposed will not cause serious public health problems, in that the project site is not listed on the California Department of Toxic Substances Control Hazardous Waste and Substances Site List and conditions of approval will require all site improvements comply with all local, City, State and federal regulations.

14. The design of the subdivision and type of improvements proposed will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, in that there are no existing public access easements on the site. The proposed map identifies a new private roadway (with a public utility easement) that will connect the Plan Area to existing public roadways, and two options for emergency vehicle access into and around the site.

B. The Staff Report entitled, “Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR),” dated September 10, 2024, is referenced hereto as additional support for findings.

Section 3. Decision

Based on the findings and the authority set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance and resolution to:

A. Amend the Zoning Map, as referenced in Pittsburg Municipal Code, Title 18 (Zoning Ordinance), section 18.04.020, to assign zoning of PD (Planned Development) District to properties located within the Pittsburg Technology Park Specific Plan Area as substantially presented in Exhibit A of this resolution; and

B. Adopt the Pittsburg Technology Park Specific Plan included as Attachment 2 to the Staff Report described in Section 2.B above; and

C. Approve Vesting Tentative Subdivision Map (Tract No. 9700) subdividing the property described in section 1.E above into 12 lots for future development pursuant to the Pittsburg Technology Park Specific Plan, as substantially presented in Exhibit B of this resolution; and

D. Certify the Final Program Environmental Impact Report for the Pittsburg Technology Park Specific Plan Project, a digital copy of which is provided as Attachment 7 to the Staff Report described in Section 2.B above; and

E. Adopt CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program (MMRP) for the Pittsburg Technology Park Specific Plan Project included as Attachments 8 and 9 to the Staff Report described in Section 2.B above.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Gordon, seconded by Commissioner Foster, the foregoing resolution was passed and adopted the 10th day of September, 2024, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Gordon, Foster, Popova, Kobata

NAYES: Robinson, Smith

ABSTAIN: None

ABSENT: Stokes

I hereby certify that the above Resolution was adopted by the Planning Commission of the City of Pittsburg on September 10, 2024.

_____

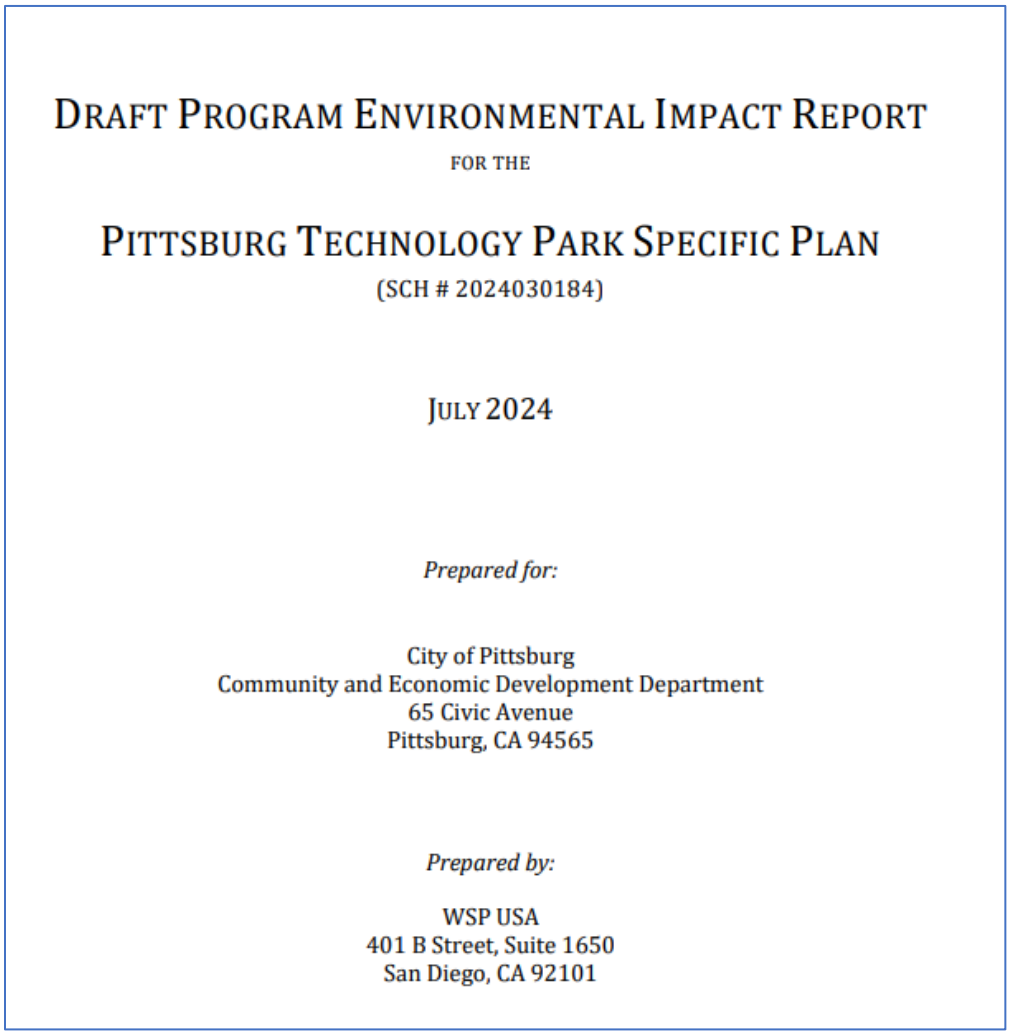
JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

Attachment 6
Link to Draft PEIR

Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)

Available online at the link below:

https://www.pittsburgca.gov/home/showpublisheddocument/16421/638555438800570000



DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

FOR THE

PITTSBURG TECHNOLOGY PARK SPECIFIC PLAN

(SCH # 2024030184)

JULY 2024

Prepared for:

City of Pittsburg
Community and Economic Development Department
65 Civic Avenue
Pittsburg, CA 94565

Prepared by:

WSP USA
401 B Street, Suite 1650
San Diego, CA 92101

Attachment 7
Link to Final PEIR

Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)

Available online at the link below:

https://www.pittsburgca.gov/home/showpublisheddocument/16644/638606258984319442

FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

FOR THE

PITTSBURG TECHNOLOGY PARK SPECIFIC PLAN

(SCH # 2024030184)

SEPTEMBER 2024

Prepared for:

City of Pittsburg
Community and Economic Development Department
65 Civic Avenue
Pittsburg, CA 94565

Prepared by:

WSP USA
401 B Street, Suite 1650
San Diego, CA 92101

City of Pittsburg
California

65 Civic Avenue
Pittsburg, CA 94565
P: (925) 252-6900
F: (925) 252-4814

pittsburgca.gov

Community and Economic Development Department – Planning Division

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **CITY COUNCIL** of the City of Pittsburg will conduct a public hearing on:

DATE: **October 7, 2024**
TIME: **7:00 p.m.**
PLACE: **City Council Chamber at City Hall**
65 Civic Avenue, Pittsburg, California

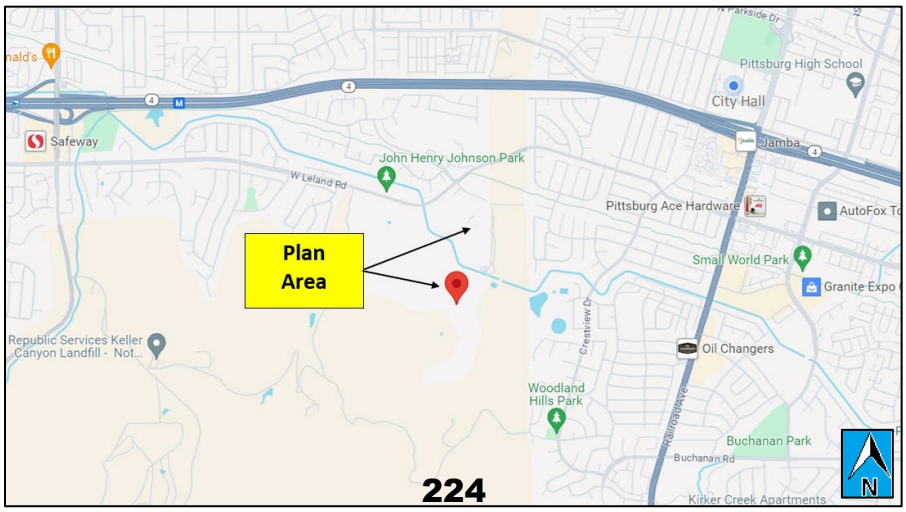
Concerning the following matter:

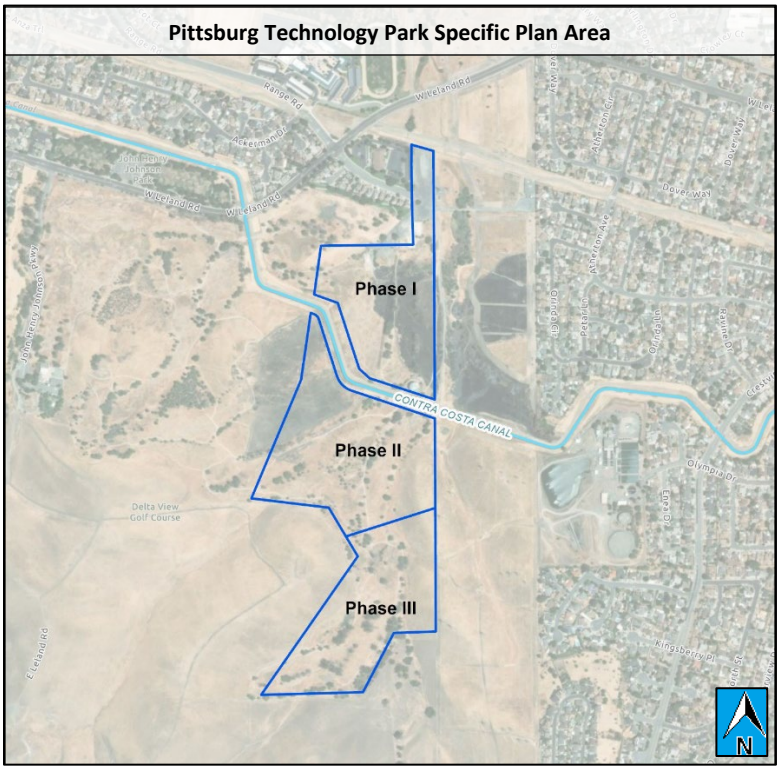
Pittsburg Technology Park Specific Plan, AP-24-0028 (PD, SUBD, EIR)
This is a public hearing on a request for City Council adoption of the Pittsburg Technology Park Specific Plan and approval of the Vesting Tentative Map for a 12-lot Major Subdivision on an approximately 76.38-acre site located on the eastern half of the former Delta View Golf Course, south of West Leland Road, located at 2222 Golf Club Road. Assessor Parcel Numbers (APNs): 095-160-001, 095-160-002 and 094-080-046. The request also includes City Council certify the Final Program Environmental Impact Report (PEIR) and adopt CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program (MMRP) for the Pittsburg Technology Park Specific Plan Project.

Environmental Determination
On February 28, 2024, the City published a Notice of Preparation of an Environmental Impact Report for the proposed project (State Clearinghouse No. 2024030184). On July 3, 2024, the City published a Notice of Availability (NOA) of a Draft PEIR prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). Following the close of the 45-day NOA public review period on August 19, 2024, the City prepared a Final PEIR for the proposed project (which includes the Draft PEIR, comments on the Draft PEIR, responses to comments on the Draft PEIR, and all revisions to the Draft PEIR). The Final PEIR must be certified by the City Council with Planning Application No. AP-24-0028 (PD, SUBD, EIR).

The Final PEIR and all related documents, including the proposed Pittsburg Technology Park Specific Plan, are available for download on the project website at:
https://www.pittsburgca.gov/services/community-development/planning/advanced-planning-special-projects/pittsburg-technology-park-specific-plan-project

A hardcopy of the Final PEIR for this project is available at Pittsburg City Hall (65 Civic Avenue) and the Pittsburg Library (80 Power Avenue). Special arrangements may also be made to view a hard copy by contacting the project planner, Alison Spells, directly via email at aspells@pittsburgca.gov or by telephone at (925) 252-6987.





Why am I receiving this notice?
Noticing requirements in Pittsburg Municipal Code (PMC) Section 18.14.020 require compliance with California Government Code Sections 65090 and 65091, which requires the City to publish the Notice of the Public Hearing in the *East County Times* at least 10 days prior to the public hearing. In addition, the City also posted the notice at City Hall, the Pittsburg Library, and on the "Public Notices" section of the City's website. The City also sent the notice to local service agencies whose services might be affected by the proposed project, and to individuals who had previously filed a written request for public hearing notices. A copy of the notice was also posted on www.nextdoor.com ("Nextdoor") and sent directly to all subscribed residents in Nextdoor neighborhoods adjacent to the Pittsburg Technology Park Specific Plan Area.

Where can I get more information about this project?
The complete file for this project is available for public inspection; please contact the project planner listed above to make necessary arrangements. Any persons requiring additional accommodation to review this notice, including visually impaired persons, may contact the Planning Main Line at (925) 252-4920.

What can I do if I have comments on the project?
Comments or objections to the project can be made by writing or through e-mailed testimony prior to the meeting or provided orally during the meeting. Written comments citing the project name may be emailed to the project planner listed above or may be mailed or delivered to Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.

Para información en español:
(925) 252-4920

JOHN FUNDERBURG
Assistant Director, Community and Economic Development Department

OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Minute Order to Discussion Proposition 36

MEETING DATE: October 7, 2024

EXECUTIVE SUMMARY

Proposition 36 on the November 5, 2024 ballot is proposing to increase punishment for repeat retail theft and drug offenders whilst encouraging more individuals to participate in and complete drug treatment programs. This minute order will allow the City Council to discuss the proposition and potentially take a position on the measure.

FISCAL IMPACT

There is no fiscal impact to the City's General Fund by taking an action.

RECOMMENDATION

City Council discuss the merits of Proposition 36, and if warranted, take a City Council position to support or oppose the proposition.

BACKGROUND

California Proposition 36, the "Homelessness, Drug Addiction, and Theft Reduction Act", is on the November 2024 ballot in California. Proposition 36 seeks, in part, to reform elements of the 2014 Proposition 47, which reduced certain crimes from felonies to misdemeanors – notably, identifying shoplifting as a misdemeanor offense when the value of the stolen property does not exceed $950. Proposition 47 also authorized defendants currently serving sentences for felony offenses that would have qualified as misdemeanors under the proposition to petition courts for resentencing under the new misdemeanor provisions and authorized defendants who have completed their sentences for felony convictions that would have qualified as misdemeanors under the proposition to apply to reclassify those convictions to misdemeanors.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

According to the Attorney General, Proposition 36:

• Allows felony charges for possessing certain drugs and for thefts under $950—both currently chargeable only as misdemeanors—with two prior drug or two prior theft convictions, as applicable. Defendants who plead guilty to felony drug possession and complete treatment can have charges dismissed.
• Increases sentences for other specified drug and theft crimes.
• Increased prison sentences may reduce savings that currently fund mental health and drug treatment programs, K-12 schools, and crime victims; any remaining savings may be used for new felony treatment program.

According to the Legislative Analyst, Proposition 36:

• Increase state criminal justice costs, likely ranging from several tens of millions of dollars to the low hundreds of millions of dollars annually, primarily due to an increase in the prison population.
• Increase local criminal justice costs, likely in the tens of millions of dollars annually, primarily due to county jail, community supervision, and court mandated mental health and drug treatment workload.

The League of California Cities (Cal Cities) has voiced their support of Yes on Proposition 36. The Mercury News/East Bay Times Editorial Board has also endorsed the measure.

ATTACHMENT: Proposition 36 Background from the Secretary of State's Website

Report Prepared By: Garrett Evans, City Manager

PROPOSITION

36 ALLOWS FELONY CHARGES AND INCREASES SENTENCES FOR CERTAIN DRUG AND THEFT CRIMES. INITIATIVE STATUTE.

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

The text of this measure can be found on page 126 and the Secretary of State's website at *voterguide.sos.ca.gov.*

- Allows felony charges for possessing certain drugs and for thefts under $950—both currently chargeable only as misdemeanors—with two prior drug or two prior theft convictions, as applicable. Defendants who plead guilty to felony drug possession and complete treatment can have charges dismissed.
- Increases sentences for other specified drug and theft crimes.
- Increased prison sentences may reduce savings that currently fund mental health and drug treatment programs, K–12 schools, and crime victims; any remaining savings may be used for new felony treatment program.

SUMMARY OF LEGISLATIVE ANALYST'S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT:

- Increased state criminal justice costs, likely ranging from several tens of millions of dollars to the low hundreds of millions of dollars annually, primarily due to an increase in the prison population.
- Increased local criminal justice costs, likely in the tens of millions of dollars annually, primarily due to county jail, community supervision, and court-mandated mental health and drug treatment workload.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

PUNISHMENT DEPENDS ON SERIOUSNESS OF CRIME AND CRIMINAL HISTORY

Punishment for Felonies. A felony is the most serious type of crime. People can be sentenced to county jail or state prison for felonies, depending on the crime and their criminal history. In some cases, people can be supervised in the community by a county probation officer instead of serving some or all of their sentence in jail or prison. This is called county community supervision. The length of a sentence mostly depends on the crime. For example, murder can be punished by 15 years or more in prison. In contrast, selling drugs can be punished by up to five years in jail or prison, depending on the drug. Sentences can also be lengthened due to details of the crime. For example, sentences for selling certain drugs (such as fentanyl, heroin, cocaine, or methamphetamine) can be lengthened based on the amount sold.

Punishment for Misdemeanors. A misdemeanor is a less serious crime. Examples include assault and drug possession. People can be sentenced to county jail, county community supervision, and/or a fine for

ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

misdemeanors. Sentences can be up to one year in jail.

PROPOSITION 47 REDUCED PUNISHMENTS FOR SOME THEFT AND DRUG CRIMES

In 2014, Proposition 47 changed some theft and drug crimes from felonies to misdemeanors. For example, shoplifting (stealing items worth $950 or less from a store) and drug possession generally became misdemeanors.

PROPOSAL

Proposition 36 makes several key changes related to punishments for theft and drug crimes. First, it increases punishment for some of these crimes. Second, it creates a new treatment-focused court process for some drug possession crimes. Third, it requires courts to warn people convicted of selling or providing illegal drugs to others that they can be charged with murder if they keep doing so and someone dies.

INCREASES PUNISHMENT FOR SOME THEFT AND DRUG CRIMES

Proposition 36 increases punishment for some theft and drug crimes in three ways:

- ***Turns Some Misdemeanors Into Felonies.*** For example, currently, theft of items worth $950 or less is generally a misdemeanor. Proposition 36 makes this crime a felony if the person has two or more past convictions for certain theft crimes (such as shoplifting, burglary, or carjacking). The sentence would be up to three years in county jail or state prison. These changes undo some of the punishment reductions in Proposition 47.
- ***Lengthens Some Felony Sentences.*** For example, Proposition 36 allows felony sentences for theft or damage of property to be lengthened by up to three years if three or more people committed the crime together.
- ***Requires Some Felonies Be Served in Prison.*** For example, as discussed above, sentences for selling certain drugs (such as fentanyl, heroin, cocaine, or methamphetamine) can be lengthened based on the amount sold. Currently, these sentences are served in county jail or state prison depending on the person's criminal history. Proposition 36 generally requires these sentences be served in prison.

CREATES NEW COURT PROCESS FOR SOME DRUG POSSESSION CRIMES

Proposition 36 allows people who possess illegal drugs to be charged with a "treatment-mandated felony," instead of a misdemeanor, in some cases. Specifically, this applies to people who (1) possess certain drugs (such as fentanyl, heroin, cocaine, or methamphetamine) and (2) have two or more past convictions for some drug crimes (such as possessing or selling drugs). These people would generally

For the full text of Proposition 36, see page 126.

ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

get treatment, such as mental health or drug treatment. Those who finish treatment would have their charges dismissed. Those who do not finish treatment could serve up to three years in state prison. This change undoes some of the punishment reductions in Proposition 47.

REQUIRES WARNING OF POSSIBLE MURDER CHARGES FOR SELLING OR PROVIDING DRUGS

Proposition 36 requires courts to warn people that they could be charged with murder if they sell or provide illegal drugs that kill someone. This warning would be given to people convicted of selling or providing certain drugs (such as fentanyl, heroin, cocaine, and methamphetamine). This could make it more likely for them to be convicted of murder if they later sell or provide illegal drugs to someone who dies.

FISCAL EFFECTS

Proposition 36 would have various fiscal effects on the state and local governments. The size of these effects would depend on uncertain factors, such as what decisions local prosecutors would make.

Increases State Criminal Justice Costs. Proposition 36 would increase state criminal justice costs in two main ways.

- ***Increase in State Prison Population.*** It would require some people who now serve their sentences at the county level to serve them in state prison. Also, it lengthens some prison sentences. In total, the prison population could increase by around a few thousand people. (There are about 90,000 people in prison now.)
- ***Increase in State Court Workload.*** This is because felonies usually take more time to resolve than misdemeanors. Also, treatment-mandated felonies would increase court workload.

In total, Proposition 36 would **increase state criminal justice costs, likely ranging from several tens of millions of dollars to the low hundreds of millions of dollars each year (annually).** This amount is less than one-half of 1 percent of the state's total General Fund budget. (The General Fund is the account the state uses to pay for most public services, including education, health care, and prisons.)

Increases Local Criminal Justice Costs. Proposition 36 would increase local criminal justice costs in two main ways.

- ***Net Increase in County Jail and Community Supervision Population.*** In some ways, Proposition 36 would reduce the jail and community supervision population. This is because some people would go to state prison instead of the county level. In other ways, it would increase this population. This is because some people would spend more time in county jail or on

ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

community supervision. Overall, Proposition 36 likely would increase the county population. This increase could be around a few thousand people. (There are about 250,000 people at the county level now.)

- ***Increase in Local Court-Related Workload.*** It would also increase workload for local prosecutors and public defenders. This is because felonies usually take more time to resolve than misdemeanors. Also, treatment-mandated felonies would create workload for some county agencies (such as probation or behavioral health departments).

In total, Proposition 36 would **increase local criminal justice costs, likely by tens of millions of dollars annually.**

Reduces Amount State Must Spend on Certain Services. Proposition 47 created a process in which the estimated state savings from its punishment reductions must be spent on mental health and drug treatment, school truancy and dropout prevention, and victim services. These estimated savings totaled $95 million last year. By undoing parts of Proposition 47, Proposition 36 reduces the state savings from Proposition 47. This would reduce the amount the state must spend on mental health and drug treatment, school truancy and dropout prevention, and victim services. This reduction likely would be in the low tens of millions of dollars annually.

Other Fiscal Impacts. Proposition 36 could have other fiscal effects on the state and local governments. For example, if the increased punishments or mandated treatment reduce crime, some state and local criminal justice costs could be avoided. However, it is unknown if these or other effects would occur.

Visit *sos.ca.gov/campaign-lobbying/cal-access-resources/measure-contributions/2024-ballot-measure-contribution-totals* for a list of committees primarily formed to support or oppose this measure.

Visit *fppc.ca.gov/transparency/top-contributors.html* to access the committee's top 10 contributors.

For the full text of Proposition 36, see page 126.

CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES

DATE: September 16, 2024

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL/AGENCY MEMBERS
Juan Antonio Banales, Mayor/Chair
Jelani Killings, Vice-Mayor/Chair
Dionne Adams, Council/Agency Member
Angelica Lopez, Council/Agency Member
Shanelle Scales-Preston, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS
Garrett Evans, City Manager/Executive Director
Donna Mooney, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

Mayor Banales called the regular meeting to order at 7:03 P.M. in the Council Chamber at City Hall, 65 Civic Avenue Pittsburg, CA.

ROLL CALL

All members were present.

PLEDGE OF ALLEGIANCE

Mayor Banales led the Pledge of Allegiance.

PRESENTATIONS

1. Quarterly Overview of Use of Force by Law Enforcement Personnel and Overview of Internal Affairs Investigations

2. Quarterly Budget Update

PROCLAMATIONS

3. National Hispanic Heritage Month

4. Clean Air Day

CITY MANAGER REPORTS/REMARKS

City Manager Evans mentioned that the anticipated public hearing at tonight's meeting for Healthy Communities, which was approved at the August 27, 2024, Planning Commission meeting, was being postponed. This would allow staff and the business community more time to

meet and discuss the proposed changes to the Municipal Code and how it may impact existing and future businesses that sell or propose to sell tobacco, cannabis and alcohol products.

Assistant City Manager Aliotti gave an update on Community events.

PUBLIC COMMENTS

Antonio Hurtado and Tuyen Mai, Monument Crisis Center, gave an update on all the services that have been provided to Pittsburg community.

Denise Randall, Antioch, Thanked the Police Chief for allowing placement of cancer awareness ribbons on patrol vehicles.

Nicole Arrington, Pittsburg, gave an update on a Don't Drop our Stop event that was held in support of keeping the Pittsburg/Antioch train station open. She also invited the community to attend a meeting of the San Joaquin Joint Powers Authority (SJJPA) on September 20, 2024, from 11a.m. to 1p.m. to show support.

COMMITTEE REPORTS

Vice Mayor Killings attended the Public Safety and Community and Economic Development subcommittee meetings.

PUBLIC HEARING

5. Adoption of a City Council Resolution Approving the 2023-2024 Community Development Block Grant Consolidated Annual Performance and Evaluation Report

On motion by Member Scales-Preston, seconded by Member Adams, and adopted unanimously.

COMBINED CITY COUNCIL AND PITTSBURG POWER COMPANY CONSIDERATION

6. Adoption of 1) a City Council Resolution Approving a Grant and Loan Agreement with Platinum Pittsburg LLC, Authorizing the City Manager to Negotiate and Execute Subsequent Documents to Carry Out the Grant and Loan Agreement, Allocating Funding from the American Rescue Pan Act, and Adopting an Economic Development Subsidy Report; and 2) Adoption of a Pittsburg Power Company Resolution Allocating Funding for the Loan

On motion by Vice Mayor Killings, seconded by Member Scales-Preston, and adopted unanimously.

CITY COUNCIL CONSIDERATION

7. Adoption of a City Council Minute Order Appointing Members to the Measure M Oversight Committee

On motion by Member Scales-Preston, seconded by Member Lopez, to appoint all five (5) applicants to the Measure M Oversight Committee and adopted unanimously

8. Adoption of a City Council Minute Order Appointing a Candidate to the Public Financing

Authority of the Pittsburg Enhanced Infrastructure Financing District

On motion by Mayor Banales, seconded by Vice Mayor Killings, to appoint Gerard D'Cruz to the Public Financing Authority of the Pittsburg Enhanced Infrastructure Financing District and adopted unanimously

9. Adoption of a City Council Resolution Authorizing the City Manager to Execute the Operation and Maintenance Agreement with Ultimate Basketball Fieldhouse LLC

Bruce Ohlson, Pittsburg, asked that a bicycle connection from this project to Delta DeAnza be considered.

On motion by Member Scales-Preston, seconded by Member Adams, and adopted unanimously

10. Adoption of a City Council Resolution Approving the Five-Year Capital Improvement Program for Fiscal Years 2024/25 Through 2028/29 and Allocating Funding for Fiscal Year 2024/25

On motion by Member Adams, seconded by Member Scales-Preston, and adopted unanimously

11. Adoption of a City Council Resolution Authorizing the Execution of a Fifth Amendment to the East Contra Costa Regional Fee and Financing Authority Joint Exercise of Powers Agreement

Nancy Parent, Pittsburg, spoke against this item. She was opposed to the two new proposed projects that would be considered before the James Donlon Extension project.

Bruce Ohlson, Pittsburg, spoke against this item. He was opposed to the two new proposed projects, stating that the widening of Buchanan Rd and Pittsburg/Antioch Highway to four (4) lanes would not leave enough room for bicyclists.

On motion by Mayor Banales, seconded by Vice Mayor Killings, and adopted unanimously

CONFLICT OF INTEREST STATEMENT

There were no conflicts of interest statements.

COMBINED CITY COUNCIL, PITTSBURG ARTS AND COMMUNITY FOUNDATION, PITTSBURG POWER COMPANY, SOUTHWEST PITTSBURG GHAD II AND SUCCESSOR AGENCY CONSENT CALENDAR

On Motion by Vice Mayor Killings, seconded by Member Scales-Preston and adopted unanimously

12. Minutes of August 19, 2024

13. Receive and File the Treasurer's Report for the Quarter Ending June 30, 2024

14. Adoption of a City Council Minute Order Approving Leave of Absence for Planning

Commissioner

15. Adoption of a City Council Resolution Amending the City's Conflict of Interest Code

16. Adoption of a City Council Resolution Authorizing the Submission of a Substantial Plan Amendment of Permanent Local Housing Allocation Funds

17. Adoption of a City Council Resolution Authorizing Execution of the First Amendment to Agreement with Western States Oil for Bulk Gasoline Services

18. Adoption of a City Council Resolution Allocating American Rescue Plan Act Funds to the Citywide Full Trash Capture Project and Authorizing the Negotiation and Execution of an Agreement With Revel Environmental Manufacturing

19. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Consulting Services Agreement for Urban Forest Management and Tree Inventory Services

20. Adoption of a City Council Resolution Authorizing the City Manager to Negotiate and Execute a Contract for the Purchase of a Water Valve Turning Machine

21. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Contract for Meter Supplies with Badger Meter, Inc.

22. Adoption of a City Council Resolution Authorizing Execution of the Second Amendment to the Agreement with Western States Oil for Renewable Diesel

23. Adoption of a City Council Resolution Authorizing Execution of a Contract with BNO Builders for San Marco Median Renovation

24. Adoption of a Pittsburg Power Company Resolution Authorizing General Counsel to Execute Second Amendment to Outside Counsel Services Agreement with Cameron-Daniel, PC

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for Future Agenda Items.

COUNCIL MEMBER REMARKS

Council Member Scales-Preston thanked the Pittsburg Chamber of Commerce and staff on a successful Seafood festival. She also thanked the City of Concord for the invitation to attend their Hispanic Heritage event, which was held at Todos Los Santos Plaza.

Vice Mayor Killings welcomed Council Member Lopez back, to which she thanked him and staff for the warm welcome.

Council Member Lopez noted she is working on getting better to continue to serve the community.

Mayor Banales thanked his colleagues and staff for all the hard work that has been done collaboratively. He noted that there have been a lot of milestones and accomplishments met,

that could not have happened without the hard work and dedication of all.

ADJOURNMENT

The meeting adjourned at 9:08 P.M. to October 7, 2024.

Respectfully submitted,

Alice E. Evenson, City Clerk

OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Fehr & Peers, Inc., to Finalize the City of Pittsburg Transportation Impact Analysis Guidelines and Thresholds to Evaluate Transportation Impacts Under the California Environmental Quality Act (Senate Bill 743)

MEETING DATE: October 7, 2024

EXECUTIVE SUMMARY

The First Amendment to the Consulting Services Agreement with Fehr & Peers, Inc. is to increase the compensation for additional planning services to finalize the City of Pittsburg Transportation Impact Analysis Guidelines consistent with Senate Bill 743 (2013) - (SB 743) and the California Environmental Quality Act (CEQA).

FISCAL IMPACT

If approved, the First Amendment would add to the scope of work and increase the compensation under the current contract by $4,380, an amount that will be fully funded by the City's General Plan Implementation Fee. The new total compensation under the Consulting Services Agreement will be $77,780.

RECOMMENDATION

The City Council adopt a Resolution authorizing the City Manager to execute the First Amendment to the Consulting Services Agreement with Fehr & Peers, Inc., for the Transportation Impact Analysis (TIA) Guidelines and Thresholds to Evaluate Transportation Impacts Under the CEQA (SB 743).

BACKGROUND

On December 12, 2022, the City of Pittsburg entered into a Consulting Services Agreement with Fehr & Peers, Inc., in the amount $73,400, to provide transportation planning services to support the City in achieving SB 743 compliance.

The City established a VMT Technical Advisory Committee (TAC) to produce a set of procedures and requirements (Guidelines) pertaining to if, and when, an applicant for a development project in the City would be required to provide a Transportation Impact Analysis (TIA) as part of the development review process.

Following completion of the Final draft of the TIA Guidelines, staff determined the baseline mapping needed to be updated consistent with the travel demand model files utilized for the 2040 General Plan Update. Additionally, staff received additional agency comments that the draft TIA Guidelines should be revised to analyze non-driving modes of transportation, such as walking, biking, and bus transit access.

Staff received a proposal from Fehr and Peers, Inc., to expand their current scope of work to include services related to updating the City's VMT mapping consistent with the 2040 General Plan and revising the draft TIA Guidelines to include multimodal Level of Service (LOS) for bicycles, pedestrians and transit. The cost of this work is $4,380.

SUBCOMMITTEE FINDINGS

This item was not submitted to a subcommittee.

STAFF ANALYSIS

In 2013, SB 743 established a reform process to CEQA that resulted in a major change to how cities and counties must evaluate transportation impacts.

SB 743 changed the focus of transportation impact analysis in CEQA from Level of Service (LOS) to Vehicle Miles of Travel (VMT) as the preferred transportation impact metric. This shift in focus is expected to better align transportation impact analysis and mitigation outcomes with the State's goals to reduce greenhouse gas emissions, encourage infill, and improve public health through more active transportation.

Staff have been working with Fehr and Peers, Inc., since 2023 to establish TIA Guidelines and Thresholds to Evaluate Transportation Impact to achieve consistency with SB 743. The draft TIA Guidelines are nearing completion but need to be updated prior to consideration for adoption by the City Council.

For this reason, staff recommends an amendment to the City's current Consulting Services Agreement with Fehr & Peers, Inc., to expand the Scope of Services to finalize the TIA Guidelines in preparation for City Council consideration. There are sufficient funds in the General Plan Implementation Fee for this additional expense.

ATTACHMENTS:

1. Resolution
2. First Amendment to the Consulting Services Agreement with Fehr & Peers, Inc.,
    a. Exhibit A and B- Consultant Scope of Services and Compensation Schedule

Prepared by: Alison Spells, Associate Planner

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the City Manager to Execute an Amendment to the Agreement with Fehr & Peers, Inc.) Resolution No. 24-

WHEREAS, in 2013, California Senate Bill (SB) 743 established a reform process to the California Environmental Quality Act (CEQA) that resulted in a major change to how cities and counties must evaluate transportation impacts. SB 743 changed the focus of transportation impact analysis in CEQA from Level of Service (LOS) to Vehicle Miles of Travel (VMT) as the preferred transportation impact metric; and

WHEREAS, on December 12, 2022, the City of Pittsburg entered into a Consulting Services Agreement with Fehr & Peers, Inc., in the amount $73,400, to provide transportation planning services to support the City in achieving SB 743 compliance; and

WHEREAS, the City established a VMT Technical Advisory Committee (TAC) to produce a set of procedures and requirements (Guidelines) pertaining to if, and when, an applicant for a development project in the City would be required to provide a Transportation Impact Analysis (TIA) as part of the development review process; and

WHEREAS, on May 6, 2024, the Pittsburg City Council adopted the 2040 General Plan and certified the FEIR in Resolution Nos. 24-14463 and 24-14464. Following adoption of the 2040 General Plan, staff determined the baseline mapping in the draft TIA Guidelines needed to be updated consistent with the travel demand model files utilized for the 2040 General Plan Update; and

WHEREAS, on May 10, 2024, staff distributed the draft TIA Guidelines to agencies and stakeholders seeking comments on the proposal prior to presenting the TIA Guidelines to the Pittsburg City Council for consideration. The City received comments from the San Francisco Bay Area Rapid Transit District (BART) that the draft TIA Guidelines should be revised to include measurement tools and objectives necessary to analyze non-driving modes of transportation, such as walking, biking, and bus transit access; and

WHEREAS, Fehr & Peers, Inc., has submitted a proposal in the amount of $4,380 for services related to updating: 1) the City's VMT mapping consistent with the 2040 General Plan and 2) the draft TIA Guidelines to include multimodal Level of Service (LOS) for bicycles, pedestrians and transit. Staff seeks to amend the Consulting Services Agreement with Fehr & Peers, Inc., to expand the scope of services and increase the compensation accordingly; and

WHEREAS, amending the Consulting Services Agreement with Fehr & Peers, Inc., will facilitate finalization of the City of Pittsburg TIA Guidelines in an effort to achieve consistency with CEQA and SB 743, as well as contribute to achieving VMT-related goals and policies in the 2040 General Plan and the City's Sustainability Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburg hereby authorizes the City Manager to execute the First Amendment to the Consulting Services Agreement with Fehr & Peers, Inc.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of October 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

FIRST AMENDMENT TO
CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY OF PITTSBURG AND
FEHR & PEERS, INC.
(Environmental Consultant)

THIS First Amendment to the Principal Agreement ("Agreement") for consulting services made and entered into on December 12, 2022, by and between the City of Pittsburg ("City") and Fehr & Peers, a California corporation ("Consultant") (together referred to as the "Parties") is made and entered into on this 7th day of October 2024 (the "Effective Date").

WHEREAS, on December 12, 2022, the parties entered into an Agreement for planning services related to preparation of Transportation Impact Analysis Guidelines and Thresholds to Evaluate Transportation Impacts Under the California Environmental Quality Act (Senate Bill 743) in the amount of $73,400; and

WHEREAS, the parties desire to add additional services and compensation for planning services related to mapping updates and additional analysis for non-driving modes of transportation in the amount of $4,380; and

NOW, THEREFORE, the Consultant and City do mutually agree as follows:

1. Term. Section 1.1 of the Agreement is hereby amended to read as follows:

The term of this Agreement shall begin on the Effective Date and shall end on December 31, 2025, or the date the Consultant completes the services specified in Exhibit A, whichever occurs first, unless the term of the Agreement is otherwise terminated or extended, as referenced herein.

2. Compensation. Paragraph 1 of Section 2 of the Agreement is hereby amended to read as follows:

City hereby agrees to pay Consultant a sum not to exceed Seventy-Seven Thousand, Seven Hundred Eighty dollars ($77,780), as set forth in Exhibit B, attached hereto and incorporated herein for services to be performed and reimbursable expenses incurred under this Agreement. This dollar amount is not a guarantee that the City will pay that full amount to the Consultant but is merely a limit of potential City expenditures under this Agreement.

3. Exhibit A Scope of Services and Exhibit B Compensation Schedule. Exhibit A is hereby replaced with Exhibit A of this First Amendment. Exhibit B is hereby replaced with Exhibit B of this First Amendment.

4. Integration. This First Amendment contains the entire agreement between the

parties with respect to its subject matter and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. This First Amendment shall not be amended or modified except by a written agreement executed by each of the parties. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Fehr & Peers, Inc., shall perform all duties, obligations and conditions required under the Agreement.

5. Inconsistencies. In the event of any conflict or inconsistency between the provisions of this First Amendment and the Agreement, the provisions of this First Amendment shall control in all respects.

6. Ambiguities. The parties have each carefully reviewed this First Amendment and have agreed to each term of this First Amendment. No ambiguity shall be presumed to be construed against either party.

7. Counterparts. This First Amendment may be executed by the parties in one or more counterparts all of which collectively shall constitute one document and agreement.

8. Authority. The person signing this First Amendment for Fehr & Peers, Inc., hereby represents and warrants that he or she is fully authorized to sign this First Amendment on behalf of Fehr & Peers, Inc.

IN WITNESS WHEREOF, the parties have entered into this First Amendment on the day and year first hereinabove appearing.

The Parties have executed this Agreement as of the Effective Date.

CITY OF PITTSBURG

_____
Garrett Evans, City Manager

Attest:

_____
Alice Evenson, City Clerk

Approved as to Form:

_____
Donna Mooney, City Attorney

CONSULTANT

_____
Name: Bill Burton
Title: Principal, Fehr & Peers

EXHIBIT A

SCOPE OF SERVICES

The Consultant shall be responsible for performing the tasks below:

Task 1: Update VMT Mapping

Fehr & Peers will update the baseline maps of Vehicle Miles Traveled (VMT) for the city using the travel demand model files generated for the recent General Plan Update by TJKM. Maps will be generated for daily residential VMT per resident and home-based work VMT per employee for each TAZ in the city. The Citywide and Countywide averages will also be updated to reflect the new model files.

Task 2: Update TIA Guidelines

The City's Draft/Final Transportation Impact Study Guidelines will be updated to include multi-modal level of service for bicycles, pedestrians and transit. Fehr & Peers will develop a draft version of multi-modal level of service for bicycles, pedestrians and transit for the city's review and comment or approval. Based on the comments received, we will update and submit the Final Transportation Impact Study Guidelines including the new VMT mapping and multi-modal LOS.

EXHIBIT B

COMPENSATION SCHEDULE

BUDGET

Tasks	Project Manager Bill Burton $340	Sr. Planner/ Engineer MacKenzie Watten $225	Project Planner/ Engineer Bruno Lertora $170	Graphics/GIS/ CAD Mike Rodriguez $160	Project Coordinator Kelsey Kiley $155	Labor Hours	Direct Costs	Total
1. Review of Relevant Local Plans + Kick Off Meeting	2		4		1	7	$80	$1,595
2. Model Review/Establish Baseline VMT	4	8	12	2	1	27	$280	$5,955
3. Develop VMT Methodologies and Thresholds	16	16	28	6	6	72	$780	$16,470
4. Development of VMT Mitigation Measures	12		24		2	38	$420	$8,890
5. Preparation of Revised Transportation Impact Analysis Guidelines	18		30	6	4	58	$640	$13,440
6. Documentation	8	8	16	6	4	42	$440	$9,260
7. Meetings and Public Hearings	28	4	16	16	8	72	$850	$17,790
Total for all Tasks	**88**	**36**	**130**	**36**	**26**	**316**	**$3,490**	**$73,400**

First Amendment Adjustment to update VMT mapping consistent with the 2040 General Plan and include multimodal LOS for bicycles, pedestrians and transit increased the total for all tasks by $4,380 as follows:

- Engineer/Planner II - $180/hour x 16 hours = $2,880
- Senior Engineer - $250/hour x 6 hours = $1,500

$4,380

VMT Updates $73,400
VMT mapping consistent with the 2040 General Plan/multimodal $4,380
$77,800

Therefore, the total compensation for all tasks associated with the VMT project is $73,400 + $4,380= $77,800

CERTIFICATE OF COMPLIANCE WITH LABOR CODE § 3700

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

CONSULTANT

By: _____

Title: Principal

OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the City Manager to Execute a Purchase Agreement for Water and Sewer Supplies with Core & Main

MEETING DATE: October 7, 2024

EXECUTIVE SUMMARY

The Public Works Department maintains the City's water distribution and sewer collection systems. To maintain and repair these systems, each fiscal year Public Works solicits bids for water maintenance tools and supplies. If approved, the resolution will authorize a purchase contract with vendor Core & Main of Oakley, CA to provide these necessary tools and supplies in the amount of $240,000.

FISCAL IMPACT

There is no fiscal impact from this action. The City Council approved sufficient funds for the purchase of water and sewer supplies with adoption the City's Operating Budget for Fiscal Year 2024/25 (Resolution No. 24-14489), including the Water Operations – Water Lines (501-44101) and Sewer Maintenance budget accounts (521-45101).

RECOMMENDATION

City Council adopt the attached Resolution authorizing the City Manager to execute a Purchase Agreement with Core & Main in the amount of $240,000 for Water and Sewer Supplies.

BACKGROUND

The Public Works Department maintains and performs scheduled and emergency repairs on approximately 232 miles of water mains, 6,435 isolation valves, 19,640 customer service lines and meters, and 1,985 fire hydrants to maintain system reliability and for regulatory compliance. Public Works also maintains and repairs 176 miles of sewer mains, two sewer lift stations, and 19,640 sewer lateral service lines (111 miles).

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The Public Works Department solicited formal bids for Water and Sewer System supplies that will be needed over the next fiscal year. Four vendors submitted bids. Staff recommends the City Council authorize the City Manager to execute a Purchase Agreement with Core & Main of Oakley, CA, which submitted the lowest responsive, responsible bid proposal.

The purchase of the necessary supplies for these repairs is funded by the Water and Sewer Operating budgets adopted by the City Council each fiscal year. Staff is requesting a smaller budgeted amount than the bid submittal due to a revised tools and supplies needed for the fiscal year.

ATTACHMENTS: Resolution
Bid Results

Report Prepared By: Shannon Tully, Public Works Administrative Assistant

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the City Manager to Execute)
A Purchase Agreement for Water and) RESOLUTION NO. 24-
Sewer Supplies with Core & Main)

WHEREAS, the City of Pittsburg operates and maintains the City's water distribution and sewer collection systems; and

WHEREAS, each Fiscal Year, the City's Public Works Department solicits bids for water and sewer maintenance supplies including concrete water meter boxes and lids; and

WHEREAS, in May 2024, staff solicited and received bids from four suppliers with capability to provide the necessary maintenance supplies; and

WHEREAS, Core & Main of Oakley, California, is the lowest responsible, responsive bidder; and

WHEREAS, funding is available from the City's Water Operations – Water Lines (501-44101) and Sewer Maintenance budget accounts (521-45101).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburg hereby authorizes the City Manager to execute a purchase agreement with Core & Main in the amount of $240,000, for water and sewer supplies.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of October 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

City of Pittsburg
Utility Supply Bids
RFQ# WSSCBL053024
FY 2024/2025

Bids received: May 30, 2024 at 10:00:00 AM

Company	Water Supplies	Sewer Supplies	Concrete water Meter Boxes & Lids	Comments
Core and Main	$183,626.80	$58,713.68	$33,221.56	
Ferguson	$197,469.81	$60,024.14	$36,278.10	
Pace Supply	$192,853.73	$62,656.84	$34,171.52	
Underground Republic Water Works	$184,937.03	$71,996.22	$34,112.05	

OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565

TO: Mayor and Council Members

FROM: Garrett Evans, Executive Director

SUBJECT: Adoption of a City Council Resolution Authorizing the Execution of a First Amendment to an Agreement with Contra Costa County for Project 2608 Kirker Pass Road Surface Treatment

MEETING DATE: October 7, 2024

EXECUTIVE SUMMARY

Project 2608 Kirker Pass Road Surface Treatment is for pavement maintenance on Kirker Pass Road from Buchanan Road to the south City limits. Contra Costa County offered to combine the scope of the City's project with one of their own, thereby providing the City with a cost benefit, while reducing the impact to the motoring public. An amendment to the Agreement is needed due to additional costs associated with the required surface treatment.

FISCAL IMPACT

This amendment increases the compensation to the County by $350,000. There are sufficient funds within the Project budget to satisfy the increased expenditure. No additional allocation is requested.

RECOMMENDATION

Staff recommends that the City Council adopt the resolution and authorize the City Manager to execute a First Amendment to the Agreement with the County.

BACKGROUND

On April 4, 2022, the City Council adopted Resolution No. 22-14074, which allocated $325,000 to the Project and authorized execution of the Agreement for roadway surface treatment with the County in the amount of $250,000.

The City and County further evaluated the identified surface treatment and concluded that the current budget needed to be increased to $600,000. In addition, due to the increased contractual cost, staff has added $10,000 to cover staff related time and materials.

On June 19, 2023, the City Council adopted Resolution No. 23-24318 adopting the Five-Year Capital Improvement Program for Fiscal Years 2023/24 through 2027/28, which reallocated the $248,829 from Project 2035 and allocated $36,171 from Fund 203 HUTA to the Project for a total project funding of $610,000.

SUBCOMMITTEE FINDINGS

This amendment was not presented to a subcommittee.

STAFF ANALYSIS

The City was able to avoid certain project costs by combining the scope of Project 2608 Kirker Pass Road Surface Treatment with the County's concurrent project on Kirker Pass Road. Due to the increased expense of the surface treatment, the total cost of the Project increased accordingly.

ATTACHMENTS: Resolution
First Amendment
Agreement Dated 07-12-22

Report Prepared By: Sharon Paz, Administrative Analyst II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the Execution of a First Amendment to an Agreement with Contra Costa County for Project 2608 Kirker Pass Road Surface Treatment

RESOLUTION NO. 24-

WHEREAS, Project 2608 Kirker Pass Road Surface Treatment (Project) is for pavement maintenance on Kirker Pass Road from Buchanan Road to the south City limits; and

WHEREAS, Contra Costa County offered to move forward with a maintenance project that would include the City-maintained portion of Kirker Pass Road, thereby providing the City with a cost benefit, while reducing the impact to the motoring public; and

WHEREAS, on April 4, 2022, the City Council adopted Resolution No. 22-14074, which allocated $325,000 to the Project and authorized execution of the Agreement for roadway surface treatment with the County in the amount of $250,000; and

WHEREAS, the City and County further evaluated the surface treatment to be applied, and have increased the projected expenditures to $600,000, which prompts the need for an amendment to the agreement; and

WHEREAS, on June 19, 2023, the City Council adopted Resolution No. 23-24318 adopting the Five-Year Capital Improvement Program for Fiscal Years 2023/24 through 2027/28, which reallocated the $248,829 from Project 2035 and allocated $36,171 from Fund 203 HUTA to the Project for a total project funding of $610,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburg hereby authorizes the City Manager to execute the First Amendment to the Agreement with Contra Costa County.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of October 2024, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

AMENDMENT TO
AGREEMENT FOR ROADWAY SURFACE TREATMENT OF KIRKER PASS ROAD BETWEEN BUCHANAN ROAD AND NORTONVILLE ROAD

This Amendment is entered into effective October 7, 2024, by and between the City of Pittsburg, a municipal corporation (hereinafter referred to as "City"), and the County of Contra Costa, a political subdivision of the State of California (herein referred to as "County"), to amend The Agreement for Roadway Surface Treatment of Kirker Pass Road between Buchanan Road and Nortonville Road, dated July 12, 2022, between the City and the County (the "Agreement"). Capitalized terms used and not defined in this Amendment are defined in the Agreement.

Recitals

A. The City and the County entered into the Agreement to set forth the terms of agreement concerning the Surface Treatment of the Treatment Area and the allocation of related costs. Under the Agreement, the City agreed to reimburse the County for its costs to complete a Surface Treatment of the Treatment Area, but not to exceed $250,000 based on the then current cost estimate.

B. The parties have further evaluated the Surface Treatment to be applied, and they have updated the cost estimate. It now appears the Surface Treatment of the Treatment Area will cost $600,000, not $250,000, and the City is willing to reimburse the County up to $600,000 to complete the Surface Treatment.

Amendment

Now, therefore, the City and the County agree to amend the Agreement, as follows:

1. Amendment: The Agreement is hereby amended: (a) by deleting "$250,000.00" from Section 3. Payments, Part a., on page 1 of the Agreement, and replacing it with "$600,000.00"; and (b) by deleting "$250,000.00" from Section 3. Payments, Part b. Billing, on page 2 of the Agreement, and replacing it with "$600,000.00".

2. Effect: Except as expressly modified by this Amendment, the Agreement remains unchanged and in full force and effect.

COUNTY OF CONTRA COSTA	CITY OF PITTSBURG
By: _____	By: _____
Name: _____	Name: Garrett Evans
Title: _____	Title: City Manager
Approved as to form: Thomas L. Geiger, County Counsel	Approved as to form: Donna Mooney, City Attorney
By: _____	By: _____
Deputy County Counsel	City Attorney

Contra Costa County
Public Works
Department

Brian M. Balbas, Director
Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Warren Lai
Carrie Ricci
Joe Yee

LETTER OF TRANSMITTAL

DATE: September 1, 2022

TO: Dick Abono

FROM: Christopher Lau

SUBJECT: Agreement for roadway Surface Treatment of Kirker Pass Road

WE ARE SENDING YOU: ☒ Attached, ☐ Under Separate Cover, the following items:

Copies	Description
1	Signed Agreement for Roadway Surface Treatment of Kirker Pass Road

THESE ARE TRANSMITTED as checked below:

☐ For approval
☒ For your use
☐ As requested
☐ For review

☐ Approved as submitted
☐ Approved as noted
☐ Returned for corrections
☒ 1 copies retained for our files

☐ Reviewed - no additional comments
☐ Reviewed - see additional comments
☐ Return _____ corrected prints
☐ Sign and return _____ originals

MESSAGE:

If you have any questions, please call Chris Lau at 925-313-7002. Thank you.

Christopher Lau
Assistant Public Works Director
Maintenance Division

CL:lc

Contra Costa County

To: Board of Supervisors

From: Brian M. Balbas, Public Works Director/Chief Engineer

Date: July 12, 2022

Subject: Agreement for Roadway Surface Treatment of Kirker Pass Road, Pittsburg area. (District V)

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute the Agreement for Roadway Surface Treatment of Kirker Pass Road between Buchanan Road and Nortonville Road, between Contra Costa County and the City of Pittsburg, to reimburse the County in an amount not to exceed $250,000 for the labor, materials and equipment charges related to the roadway surface treatment of Kirker Pass Road, effective July 12, 2022, Pittsburg area. (District V)

FISCAL IMPACT:

The City of Pittsburg will reimburse the County for labor, materials and equipment charges. (100% City of Pittsburg)

BACKGROUND:

The section of Kirker Pass Road between Buchanan Road and Nortonville Road is within the city limits of Pittsburg and the County as shown on the attached Exhibit A.

The Agreement for Roadway Surface Treatment of Kirker Pass Road between Buchanan Road and Nortonville Road will allow the City and County to coordinate efforts to apply a surface treatment on respective portions of Kirker Pass Road to

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/12/2022** ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 12, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Chris Lau, (925) 313-7002

cc:

AGREEMENT FOR ROADWAY SURFACE TREATMENT OF KIRKER PASS ROAD
BETWEEN BUCHANAN ROAD AND NORTONVILLE ROAD

This Agreement for Roadway Surface Treatment of Kirker Pass Road between Buchanan Road and Nortonville Road, dated July 12, 2022 (this "Agreement") is made by and between the City of Pittsburg, a municipal corporation (hereinafter referred to as "City") and the County of Contra Costa, a political subdivision of the State of California (herein referred to as "County").

RECITALS

A. Portions of Kirker Pass Road are located in County's jurisdiction and in City's jurisdiction, as shown on the map attached hereto as Exhibit A, and incorporated herein by reference (the "Treatment Area Map").

B. City desires that County apply a surface treatment on City's portion of Kirker Pass Road as shown on the Treatment Area Map (the "Treatment Area"), and to pay County therefor.

C. County desires to apply a surface treatment on the Treatment Area, and City and County have agreed to enter into this Agreement providing therefor.

Now therefore, for good and valuable consideration, City and County mutually agree as follows.

AGREEMENT

1. Surface Treatment Work to be Performed. Notwithstanding that the Treatment Area is located within City's jurisdiction, County shall apply a chip seal, slurry seal, microsurface seal, or other surface treatment in the Treatment Area, which is, in County's sole discretion, appropriate to prolong the life and improve the pavement condition of the Treatment Area (the "Surface Treatment"). Except for application of a Surface Treatment, County shall not make any modifications to the Treatment Area without City's prior written approval. After County's application of a Surface Treatment, City shall continue to maintain the Treatment Area by providing routine maintenance work, which may include but not limited to, maintenance of the pavement (pot hole repair), traffic stripings, signage, and drainage facilities as required to ensure satisfactory and safe condition of the Treatment Area.

2. Modification for Additional Work. Should either City or County determine that the Treatment Area requires work beyond the scope of the Surface Treatment set forth in Section 1 of this Agreement, the initiating party shall request in writing such modifications and, if agreed to by the parties, a separate agreement between the parties shall be documented prior to any construction of such work.

3. Payments. a. City will reimburse County one hundred percent (100%) of County's costs of performing the Surface Treatment work in the Treatment Area pursuant to this Agreement, which include labor costs, material costs and equipment costs from an accounting of actual charges for work in the Treatment Area ("Costs"), provided that City will not reimburse County for Costs in excess of $250,000.00.

b. Billing. At the completion of the Surface Treatment, County shall bill City one hundred percent (100%) for Costs incurred performing the Surface Treatment work set forth in Section 1 of this

Agreement; provided that City will not reimburse County for Costs in excess of $250,000.00. County's billings shall list all road surface treatment work performed and the costs therefor. City shall pay County within sixty (60) days after receipt of the billing from County.

4. Legal Relations and Responsibilities. Nothing in this Agreement is intended to create duties or obligations to or rights in third parties who are not parties to this Agreement or affect the legal liability of either party to this Agreement by imposing any standard of care respecting the maintenance of state highways different from the standard of care imposed by law.

5. Indemnity; Insurance.

   a. City Indemnity. To the extent permitted by law, and pursuant to Government Code Section 895.4, City shall defend, with counsel acceptable to County, indemnify and save harmless the County and all County officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injuries to or death of any person or damage to property resulting from anything done or omitted to be done by City and its contractors under or in connection with any work, authority or jurisdiction delegated to City under this Agreement; provided, however, that City is not required to indemnify County for the proportion of liability a court determines is attributable to the sole negligence or willful misconduct of County, its officers or employees. This provision will survive the expiration or termination of this Agreement.

   b. County Indemnity. To the extent permitted by law, and pursuant to Government Code Section 895.4, County shall defend, with counsel acceptable to City, indemnify and save harmless the City and all City officers and employees from all claims, suits or actions of every name, kind and description brought for or on account of injuries to or death of any person or damage to property resulting from anything done or omitted to be done by County and its contractors under or in connection with any work, authority or jurisdiction delegated to County under this Agreement; provided, however, that County is not required to indemnify City for the proportion of liability a court determines is attributable to the sole negligence or willful misconduct of City, its officers or employees. This provision will survive the expiration or termination of this Agreement.

   c. County Contractors' Insurance. County will require its contractors performing any work in the Treatment Area to name City as an additional insured under the contract between County and the contractor.

6. Notices. All notices to be given under this Agreement will be in writing and sent by (a) first class mail, postage prepaid, in which case notice will be deemed delivered three (3) business days after deposit in the United States Mail; (b) a nationally recognized overnight courier, in which case notice will be deemed delivered one (1) business day after deposit with that courier, or (c) fax, in which case notice will be deemed delivered one (1) business day after the day it was transmitted, provided that a transmission report is generated reflecting the accurate transmission of the notice. Unless communicated in writing, the place for delivery of all notices given under this Agreement will be as follows

If to City:
Garrett Evans, City Manager
City of Pittsburg
65 Civic Drive
Pittsburg, CA 94565
Fax: (925) 252-4930

If to County:
Brian M. Balbas, Public Works Director
Contra Costa County
255 Glacier Drive
Martinez, CA 94553
Fax: (925) 313-2333

7. Effective Date; Termination. This Agreement is effective as of the date first set forth above This Agreement may be terminated at any time for no or any reason by either party upon giving the other party sixty (60) days prior written notice, provided, that City will pay County for all Costs incurred in performing the Surface Treatment work through the date of termination.

8. Integration. This Agreement contains the entire agreement between parties and supersedes all prior understandings or agreements, oral or written, regarding the subject matter of this Agreement.

9. Modification. This Agreement may only be modified or amended by the mutual, written agreement of both parties.

10. Accountability. County shall maintain and make available to City complete records of its receipts and disbursement under this Agreement.

11. Governing Law and Venue. This Agreement shall be construed and enforced in accordance with the laws of the State of California. Venue shall lie in the County of Contra Costa.

The parties have executed this Agreement as of the date first set forth above.

CONTRA COSTA COUNTY

By: _____
Name: BRIAN M. BALBAS
Title: PUBLIC WORKS DIRECTOR

CITY OF PITTSBURG

By: _____
Name: Garrett Evans
Title: City Manager

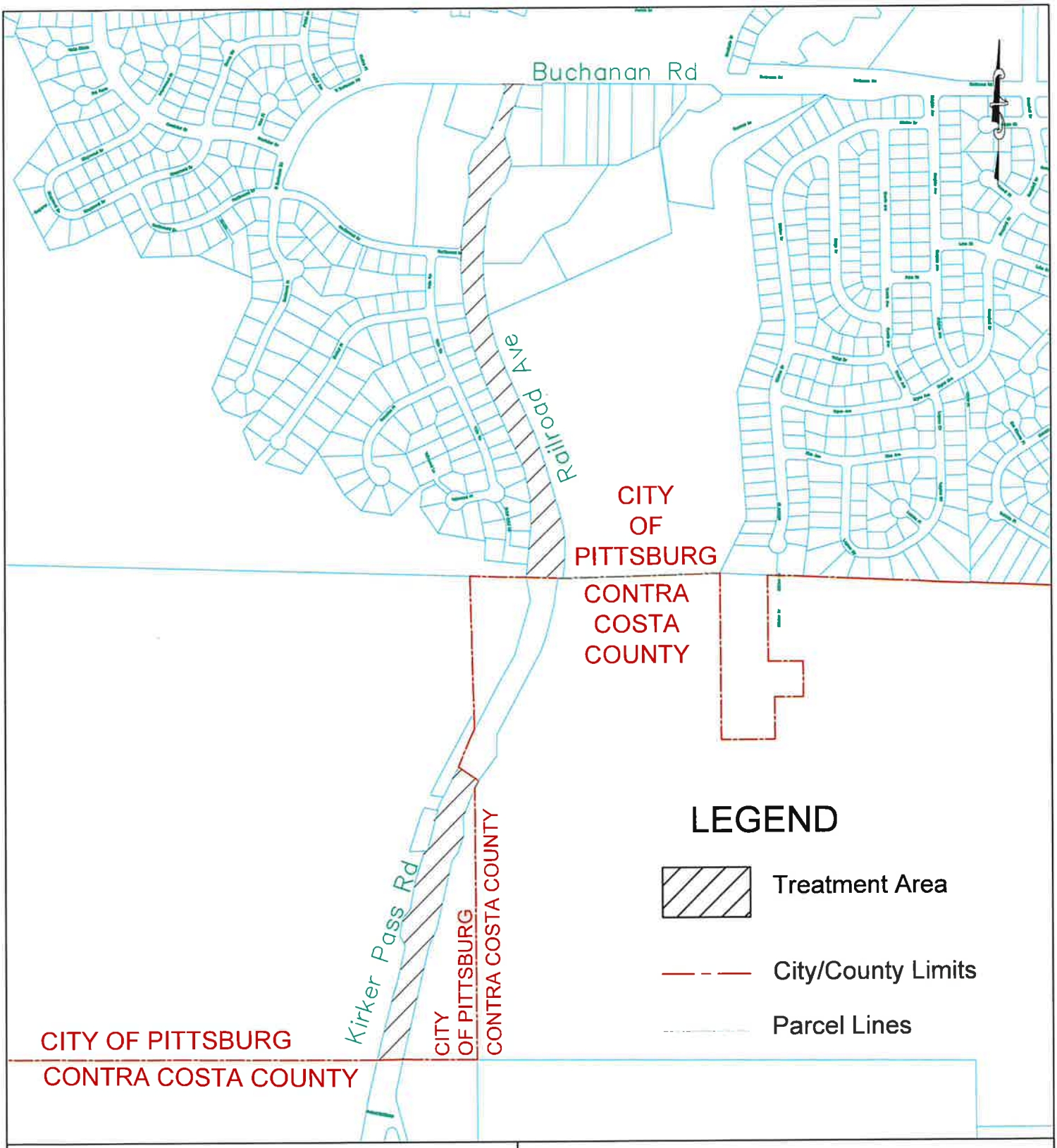
Approved as to form:

Mary Ann McNett Mason, County Counsel

By: _____
Name: Eric Gelston
Title: Deputy County Counsel

Donna Mooney, City Attorney

_____



Contra Costa County
Public Works
Department

EXHIBIT A

Kirker Pass Road Treatment Area

DB: JW	CB: CL	DATE: JAN 2022	SHEET 1 OF 1

K:\design\CADD Current Projects\Kirker Pass Rd Surface Treatment\Exhibit A.dwg

OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing Expenditure of Supplemental Law Enforcement Services Account (SLESA) Annual Allocations

MEETING DATE: October 7, 2024

EXECUTIVE SUMMARY

The Police Department is seeking City Council authorization to accept and appropriate Fiscal Year 2024/25 funds and future annual allocations though Fiscal Year 2029/30 received from the Supplemental Law Enforcement Services Account.

FISCAL IMPACT

Government Code Section 30062(a) states that the money allocated from a Supplemental Law Enforcement Services Account (SLESA) to a recipient entity shall be expended exclusively to provide front line law enforcement services. The money shall supplement existing services and shall not be used to supplant any existing funding for law enforcement services. There is no fiscal impact to the General Fund.

RECOMMENDATION

Adopt the Resolution authorizing the Chief of Police to accept and appropriate Fiscal Year (FY) 2024/25 SLESA funds and future annual anticipated allocations for a period of five years through FY 2029/30 and authorizing the City Manager or his designee to act on the City's behalf relative to these funds including the establishment of necessary fiscal accounting.

BACKGROUND

The Citizens Option for Public Safety (COPS) program was originally adopted by AB 3229 (Brulte) in 1996 with funding from the State's general fund. One component of the funding was for front-line law enforcement (city police, county sheriffs, and police protection districts). State COPS funding is allocated by the State Controller to counties for deposit by the county auditor in a Supplemental Law Enforcement Services Account (SLESA – called the Supplemental Law Enforcement Services Fund (SLESF) prior to 2011) established in each county.

SB 1023 (2012 Public Safety: realignment) removed various reporting and public hearing requirements for cities and counties expending SLESA moneys and removed the requirement for each county to have a Supplemental Law Enforcement Oversight Committee. This allows the City Council to authorize future SLESA allocations eliminating the need for annual public hearings.

SUBCOMMITTEE FINDINGS

This item was brought before the Public Safety Subcommittee on September 4, 2024.

STAFF ANALYSIS

As part of the 2011 realignment of various public safety programs from the State to local government, the Legislature approved the Local Law Enforcement Services Act and shifted all remaining motor vehicle license fee (MVLF) revenue to pay for various local law enforcement grant programs including the COPS/SLESA programs (SB 89). Front line law enforcement funds are allocated to cities, counties and five police protection districts on a population basis. In Fiscal Year 2000/01 the law was amended to provide a minimum frontline law enforcement allocation of $100,000 to any local agency receiving funding under the program.

Staff is requesting FY 2024/25 funds, and future annual SLESA allocations through FY 2029/30, be dedicated to front-line police services equipment, technological upgrades and non-reimbursable training resources and conferences.

ATTACHMENT: Resolution

Report Prepared By: Steve Albanese, Chief of Police

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Accepting and Appropriating Supplemental Law Enforcement Services Account funding for Fiscal Year 2024/25 and Authorizing the City Manager To Accept and Appropriate funding through Fiscal Year 2029/30	RESOLUTION NO. 24-

WHEREAS, the Police Department, an eligible recipient of State's COPS (Citizen's Option for Public Safety) funding, requests authorization to accept and appropriate the Supplemental Law Enforcement Services Account annual allocations, anticipated to be $100,000; and

WHEREAS, Fiscal Year (FY) 2024/25 funds and all future annual SLESA allocations through FY 2029/30 shall be dedicated to front-line police services equipment, technological upgrades and non-reimbursable training resources and conferences; and

WHEREAS, these funds are made available through the State of California and deposited into a Supplemental Law Enforcement Services Fund at the county level and then dispersed to law enforcement agencies in accordance with AB 3229 (Brulte) and pursuant to Government code section 30061(c).

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts and allocates the SLESA annual funding for Fiscal Year 2024/25 for front-line police services equipment, technological upgrades, and non-reimbursable training resources and conferences, in compliance with Supplemental Law Enforcement Services Fund expenditure restrictions.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to accept and allocate SLESA annual funding through Fiscal Year 2029/30 for permissible expenditures and establish any necessary fiscal accounting.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of October 2024, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the Acceptance and Appropriation of the State of California Cannabis Tax Fund Grant for DUI-Drug Enforcement

MEETING DATE: October 7, 2024

EXECUTIVE SUMMARY

The Police Department is seeking City Council authorization to accept and appropriate grant funds from the State of California Office of the Highway Patrol. The $52,000 grant will provide resources to fund various traffic enforcement and safety programs.

FISCAL IMPACT

There is no impact to the City's General Fund. Upon award of the grant funds, the Police Department is requesting appropriation of $52,000 to the Fiscal Year 2024/25 budget to fund overtime costs for supervisors, uniformed officers, and civilian staff to conduct two (2) driving under the influence (DUI-D) checkpoint operation, eight (8) DUI-D roving patrols, four (4) collaborative DUI-D enforcement operations, two (2) Traffic Safety presentations, one (1) in the first two (2) quarters and a second in the final two (2) quarters of the fiscal year. Additionally, the grant will fund in-state travel for approved DUI-D enforcement schools, and DUI enforcement equipment to include one (1) SoToxa Oral Fluid device and testing supplies, and one (1) DAX Evidence Recorder. State funds allocated under this agreement shall not exceed $52,000.

RECOMMENDATION

Staff recommends the City Council approval of the attached resolution authorizing the acceptance and appropriation of funds and authorizing the City Manager or his designee to act on the City's behalf relative to this grant including the establishment of necessary fiscal accounting.

BACKGROUND

With the passage of Proposition 64 in 2016, The Control, Regulate, and Tax Adult Use Marijuana Act, California voters mandated the State set aside funding for the California Highway Patrol (CHP) to disperse to local governments and qualified nonprofit organizations for the education, prevention, and enforcement of impaired driving laws. The California Highway Patrol Cannabis Tax Fund Grant Program will provide $17 Million in Grant Funding for projects focused on impaired driving to Local Governments.

The goal of the Cannabis Tax Grant Traffic Enforcement Program is to encourage motorists to drive safely. To achieve this goal, this grant combines intensive enforcement of a specific traffic safety laws with extensive communication, education, and outreach informing the public about the enforcement activity.

SUBCOMMITTEE FINDINGS

This item was presented to the Public Safety Subcommittee on September 4, 2024.

STAFF ANALYSIS

The premise of the Cannabis Tax Grant is that an individual's discomfort or fear of being stopped for a traffic safety violation outweighs the desire not to comply with the law. Like any good deterrence program designed to change motorists' behavior, this grant is conducted throughout the year to maintain positive behavior, public awareness, and law enforcement engagement.

The major organizational components of the Cannabis Grant are project staffing and management, problem identification and goal setting, and program and evaluation design. Each of these three components are vital to the success of this grant.

For Pittsburg, the goal of the Cannabis Grant is to reduce the number of victims killed and injured in all automobile crashes. This includes drug related and all other primary collision factor incidents. The Police Department will conduct selective traffic operations, DUI-D roving patrols, as well as provide additional training to officers related to DUI-D enforcement during a twelve-month grant period to meet this goal. These operations are very effective forms of enforcement and increase the perception of the risk of arrest if they are adequately publicized and highly visible to the public.

Attachment: Resolution

Report Prepared By: Steve Albanese, Chief of Police

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing Acceptance and Appropriation of)
The California Highway Patrol Cannabis Tax) RESOLUTION NO. 24-
Fund Grant for DUI Drug Enforcement Program)

WHEREAS, the Police Department has applied for and was awarded $52,000 in grant program funds from the California Highway Patrol Cannabis Tax Fund Grant Program; and

WHEREAS, the grant funds are intended to pay the City's overtime costs for supervisors, uniformed officers and civilian staff to conduct selective traffic enforcement operations including; driving under the influence (DUI-D) checkpoints, DUI-D roving patrols, collaborative roving patrols, equipment and travel during the one year grant period.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager or designee to accept the funds from the California Highway Patrol Cannabis Tax Fund Grant Program, establish necessary fiscal accounting and execution of all necessary documents, and utilize the funds to pay costs associated with Police Department DUI-D enforcement activities to reduce the number of victims killed and injured in automobile crashes.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 7th day of October 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk