CITY OF PITTSBURG
AGENDA

February 05, 2018

CITY HALL COUNCIL CHAMBER
65 CIVIC AVENUE, PITTSBURG, CA

COMMISSION CANDIDATE INTERVIEWS
5:45 P.M.

CLOSED SESSION
6:00 P.M.

REGULAR MEETINGS
7:00 P.M.

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

PRESIDING

Dwaine "Pete" Longmire, Mayor/Chair
Sal Evola, Vice-Mayor/Chair
Juan Antonio Banales, Council Member/Board Member
Jelani Killings, Council Member/Board Member
Marilyn "Merl" Craft, Council Member/Board Member

FOR HOUSING AUTHORITY:

Michelle Bond, Housing Authority Member
Annie Hill Herring, Housing Authority Member

Pittsburg City Council 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.ci.pittsburg.ca.us. 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.

NOTICE TO PUBLIC (Attached)

COUNCIL COMMITTEES LIST (Attached)

COMMISSIONS/COMMITTEES MEETING SCHEDULE (Attached)

5:45 P.M.

COMMISSION CANDIDATE INTERVIEWS

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 P.M.

CONVENE IN CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Section 54956.8):

   Property: APN's 095-150-032, 094-080-011, 095-160-001, 095-160-002, 094-090-001, and 094-080-002; Negotiators for City: Joe Sbranti and Garrett Evans; Negotiating Parties: EDS LLC; Under negotiation: both price and terms of payment

   Property: 1425 Railroad Avenue (APN 086-180-031); Negotiators for the Successor Agency: Joe Sbranti and Maria Aliotti; Negotiating Parties: Lewis White; Under negotiation: Both price and terms of payment

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION FOR THE CITY OF PITTSBURG (Paragraph (1) of subdivision (d) of Section 54956.9):

   Genon Energy, Inc. Chapter 11, US Bankruptcy Court for the Southern District of Texas, Houston Division, Case No. 17-33695(DRJ)

3. CONFERENCE WITH LEGAL COUNSEL – ANITICIPATED LITIGATION FOR THE CITY OF PITTSBURG; Significant exposure to litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:

   One (1) case

7:00 P.M.

CONVENE IN OPEN SESSION FOR REGULAR MEETING

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

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)

CITIZENS REMARKS

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)

CITY COUNCIL MEETING

PUBLIC HEARING

4. Adoption of a City Council Resolution to Authorize Vacation of 6,346 Square Feet of Right of Way on a Portion of Los Medanos Street South of 10th Street

   The portion of Los Medanos Street south of 10th Street has been unused and has not been maintained by the City for more than five years. With its adoption of Resolution 17-13411, the City Council declared its intent to abandon a portion of Los Medanos Street south of 10th Street and set the Public Hearing for its scheduled regular meeting of February 5, 2018.

5. Introduction and Waive First Reading of an Ordinance to Amend the Avila Road Overlay District in Order to Allow Limited Warehousing and Storage Uses, AP-17-1253 (RZ)

   This is a public hearing on a request for approval of an amendment to the land use regulations of the existing Avila Road Overlay District (Ordinance Nos. 07-1284 and 91-1016) in order to allow “Warehousing and Storage, Limited” subject to use permit and design review approval. On December 12, 2017, the Planning Commission adopted Resolution No. 10080, recommending adoption of the ordinance as presented.

6. Adoption of a City Council Resolution to Amend Water Rates

   On January 16, 2017 and November 20, 2017, the following was presented: In 2013, the City Council adopted a multi-year water and sewer rate structure for the period through October 2017. Since that time the City’s costs for raw water, energy and other related costs have risen. In addition, the City has prioritized approximately $21 million in capital improvements to the Water Treatment Plant and system infrastructure needed to maintain or improve water quality and reliability of the supply to customers. For these reasons, staff recommends a schedule of cost increases for residential and commercial water customers of 6.0 percent per year over the next four years.

CONFLICT OF INTEREST STATEMENT

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

COUNCIL MEMBER REPORTS/REMARKS

Council Members may make brief announcements or informal comments at this time. Council members may ask questions for clarification from City staff, and make a report on their activities, including reports on committee assignments (see attached list of ad hoc committees and other public agencies in which Council members participate). (No Action Required)

CONSENT CALENDAR

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

7. Minutes

   Minutes of January 16, 2018

8. Adoption of an Ordinance Approving a Development Agreement for the Tuscany Meadows Residential Subdivision, AP-12-843 (SUB, DA, ANNEX)

   On March 21, 2016, the City Council introduced and waived further reading of an ordinance that would approve a development agreement between the City of Pittsburg and Seecon Built Homes, Inc. for the Tuscany Meadows Residential Subdivision. Pursuant to Government Code section 65865, the City Council may approve a development agreement involving unincorporated territory only after the land has been brought into the city’s sphere of influence. On November 8, 2017, the Contra Costa Local Agency Formation Commission (LAFCo) adopted a resolution bringing the project site into the city’s sphere of influence. Now that the site is within the city’s sphere, the Council may adopt Ordinance No. 16-1405 approving the Tuscany Meadows Development Agreement.

9. Adoption of a City Council Resolution to Create a Master Pay Schedule as Required by California Public Employees’ Retirement System

   To comply with CalPERS’ interpretation of the requirements of Code of Regulations section 570.5 by affirming the single master pay schedule already on the City’s website representing all previously approved actions on the individual classifications of the pay schedule. The single master salary schedule will be submitted to Council for approval each time any single MOU or compensation plan is brought to the City Council for approval.

10. Adoption of a City Council Resolution Accepting Properties from the Successor Agency Located at and Adjacent to 1595 Railroad Avenue, APNs 086 180 026 and 086 180 027

    The former Redevelopment Agency of the City of Pittsburg (the “Agency”), now known as the Successor Agency, owns certain real properties located at and adjacent to 1595 Railroad Avenue, also known as Contra Costa County APNs 086 180 026 and 086 180 027 (collectively, the “Properties). The Successor Agency and Oversight Board to the Successor Agency (the “Oversight Board”) approved the transfer of the Properties to the City of Pittsburg (the “City”) for the purpose of constructing public improvements.

11. Adoption of a City Council Resolution to Accept a Federal Highway Safety Improvement Program (HSIP) Grant for Contract 2017-02, Stoneman Avenue Intersection Improvements Project

The City applied for, and has been awarded, an HSIP grant in the amount of $880,000 for Contract 2017-02, Stoneman Avenue Intersection Improvements Project (the “Project”). The project will construct safety improvements at three intersections on Stoneman Avenue. Adopting the attached Resolution will accept the grant for the Project.

12. Adoption of a City Council Resolution Establishing the Maximum Number of Condominium Conversions for Calendar Year 2018

Section 17.44.070 of the Pittsburg Municipal Code (PMC), limits the number of apartments that can be converted annually to condominiums to an amount established by the City Council at the beginning of each calendar year. If approved by Council, the proposed resolution would establish the maximum number of condominium conversions for the year 2018.

ADJOURNMENT to February 20, 2018

NOTICE TO PUBLIC

GENERAL INFORMATION

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 City holidays). The full packets are also located on the City's website at www.ci.pittsburg.ca.us. 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

Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the agenda 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. Speakers are not permitted to yield their time to another speaker. 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. Pursuant to the Brown Act, no action may be taken by the City Council on items not already scheduled on the agenda; however, the City Council may refer your comments/concerns to staff or request that the item be placed on a future agenda.

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 take 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 citizens. 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 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.ci.pittsburg.ca.us on the Streaming Media page. Past meetings are also archived on that webpage. City Council meetings are also broadcast live on CCTV, Channel 24 also re-run at a later date. For more information, please contact the City Clerk's office at 252-4850.

City Council Outside Agency / Liaison / Sub-Committees Assignments - 2018

Updated December 18, 2017

OUTSIDE AGENCY BOARDS	COUNCIL MEMBER(S)	TYPE	MEETS	STAFF
ABAG	Merl Craft / Pete Longmire Alternate	Standing	Annual	J. Sbranti
SF Bay Regional Water Quality Board	Merl Craft / Pete Longmire Alternate	Standing	As needed	J. Sbranti
Contra Costa County Fire Dist.	Pete Longmire / Jelani Killings Alternate	Standing	2nd Monday	J. Sbranti
Delta Diablo**	Pete Longmire / Juan Banales Alternate	Standing	2nd Wednesday	F. McKinley
East Co.Co.County Habitat Conservancy	Sal Evola / Juan Banales Alternate	Standing	Monthly	K. Pollot
East County Water Management	Merl Craft / Pete Longmire Alternate	Standing	Annual	F. McKinley
MCE Clean Energy Board	Juan Banales / Pete Longmire Alternate	Standing	4 Per Year	G. Evans
TRANSPLAN / ECCRFFA	Sal Evola / Juan Banales Alternate	Standing	2nd Thursday	J. Hecht
Tri-Delta Transit (2 reps)***	Pete Longmire& Merl Craft / Jelani Killings Alt.	Standing	Last Wednesday	J. Hecht

LIAISON TO	COUNCIL MEMBER(S)	TYPE	MEETS	STAFF
East Bay League of Calif. Cities	Sal Evola / Merl Craft Alternate	Standing	3rd Thursday	*Rotational
Mayor’s Conference	Pete Longmire / Sal Evola Alternate	Standing	1st Thursday	J. Sbranti/G. Evans
School Districts Committee	Merl Craft &Jelani Killings / Juan Banales Alt.	Standing	4th Thursday even months	J. Sbranti

SUBCOMMITTEES	COUNCIL MEMBER(S)	TYPE	MEETS	STAFF
CAC/CDBG	Juan Banales & Jelani Killings / Pete Longmire Alt.	Standing	As needed	M. Aliotti
Concord Hills Working Group	Sal Evola & Juan Banales / Merl Craft Alt.	Ad Hoc	As needed	J. Sbranti
Pittsburg Recognition Committee	Merl Craft / Pete Longmire Alt.	Ad Hoc	As needed	J. Hecht
Economic Develop/Waterfront Subcommittee	Pete Longmire &Juan Banales / Sal Evola Alt.	Standing	Quarterly	G. Evans
Finance Subcommittee	Sal Evola & Pete Longmire / Merl Craft Alt.	Standing	As needed	B. Farmer
Land Use Subcommittee	Sal Evola &Juan Banales / Merl Craft Alt.	Ad Hoc	As needed	K. Pollot
Local Contracting & Preference Policy	Merl Craft & Sal Evola	Ad Hoc	As needed	J. Sbranti
Pittsburg Arts & Community Foundation	Merl Craft& Jelani Killings / Pete Longmire Alt.	Standing	As needed	J. Sbranti
Pittsburg Police Activities League (PAL)	Juan Banales & Pete Longmire / Killings Alt.	Standing	Monthly	B. Addington
Power Company Advisory	Pete Longmire & Juan Banales / Merl Craft Alt.	Standing	As needed	G. Evans
Sister City Committee	Sal Evola&Merl Craft/ Pete Longmire Alt.	Ad Hoc	As needed	G. Evans
Successor Agency Subcommittee	Merl Craft &Jelani Killings / Pete Longmire Alt.	Standing	As needed	M. Aliotti

*Rotational Staff as assigned by City Manager
**Stipend of $209 per month
***Stipend of $100 per month

COMMISSION/SUBCOMMITTEE MEETING SCHEDULE

Following is a tentative list of currently scheduled Commission meetings for the upcoming month. For further information, please visit our website at www.ci.pittsburg.ca.us and click on the CALENDAR link for meetings, dates, times and locations.

Commission	Tentative Meeting Dates
Planning Commission	2nd and 4th Tuesdays
Community Advisory Commission	1st Wednesday

Planning Commission meetings are regularly held the second and fourth Tuesdays of the month in the Pittsburg City Hall Council Chambers.

Community Advisory Commission meetings are regularly held the first Wednesday of the monthin the Pittsburg City Hall Council Chambers.

In addition to the Commission Meetings listed above, there are several Council Member Subcommittees that meet on an “as needed basis”.For a list of subcommittees that Council Members and staff are assigned to, please see the “Council Committee List” attached to the agenda.

Subcommittee Meetings that are anticipated to occur in the coming month vary. The meeting dates, times and locations for these meetings are yet to be determined. This information will be posted on the City’s website, www.ci.pittsburg.ca.us, as soon as it is determined. Please check the Calendar on the City’s website for information.

For further information, contact the City staff member assigned to that Commission or Subcommittee.

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

DATE: 1/17/2018

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution to Authorize Vacation of 6,346 Square Feet of Right of Way on a Portion of Los Medanos Street South of 10th Street

MEETING DATE: 2/5/2018

EXECUTIVE SUMMARY

The portion of Los Medanos Street south of 10th Street has been unused and has not been maintained by the City for more than five years. With its adoption of Resolution 17-13411, the City Council declared its intent to abandon a portion of Los Medanos Street south of 10th Street and set the Public Hearing for its scheduled regular meeting of February 5, 2018.

FISCAL IMPACT

None from this action.

RECOMMENDATION

City Council adopt the attached Resolution declaring 6,346 square feet of a portion of Los Medanos Street south of 10th Street is no longer needed and ordering the vacation of City owned right-of-way.

BACKGROUND

On November 14, 2017 the City's Planning Commission adopted Resolution No. 10078 determining that the proposed partial vacation of Los Medanos Street is consistent with the City's General Plan.

The vacation proceeding was conducted in accordance with Chapter 3, Part 3, Division 9 of the California Streets and Highways Code and Government Code 8320.

SUBCOMMITTEE FINDINGS

Not Applicable

STAFF ANALYSIS

The proposed vacation of a portion of Los Medanos Street south of 10th Street, as described in Exhibit A and shown on Exhibit B attached to this report, is necessary to eliminate the City's obligation for continuous maintenance of surface improvements for an unused street.

The City will reserve an easement for the maintenance of the subsurface City water and sewer facilities. In addition, vacation of this roadway will facilitate the disposition and future development of adjacent properties. Vacation of the roadway will not landlock the adjacent parcels. A portion of Los Medanos Street south of 10th Street will remain a public roadway and serve as the public access to 10th Street for the parcels at the southeastern and southwestern corners of East 10th Street and Los Medanos Street. Documents conveying title to the property must note these easements.

ATTACHMENTS: Resolution
Exhibit A Legal Description
Exhibit B Site Plan

Report Prepared By: Shelby Rose, Permit Technician

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing Vacation of 6,346 Square)
Feet Of Right of Way on a Portion of) RESOLUTION NO. 18-
Los Medanos Street South of 10th Street)

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the portion of Los Medanos Street south of 10th Street has been an unused, unmaintained portion of a dead-end road for more than five years; and

WHEREAS, the proposed vacation of a portion of Los Medanos Street south of 10th Street, as described on Exhibit “A” and shown on Exhibit “B” to this Resolution, is necessary to eliminate the City’s obligation for continuous maintenance of surface improvements for an unused street; and

WHEREAS, this portion of the street right-of-way is not needed for street purposes; and

WHEREAS, the City will reserve an easement for the maintenance of the subsurface water and sewer facilities; and,

WHEREAS, on December 18, 2017 the City Council adopted Resolution 17-13411 declaring its intent to vacate a portion of Los Medanos Street south of 10th Street and set the date of the Public Hearing for February 5, 2018; and

WHEREAS, vacation of this roadway will facilitate the disposition and future development of adjacent properties; and

WHEREAS, pursuant to Government Code 65402, the Planning Commission adopted Resolution No. 10078 on November 14, 2017, confirming that the vacation of the 6,346 square foot of right-of-way is consistent with the Pittsburg General Plan.

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1. The above recitals are true and correct, are incorporated herein.

Section 2. The City Council finds the right-of-way as described on Exhibit “A” and shown on Exhibit “B” is in excess of the City’s needs for immediate or future street.

Section 3. The City Council finds the facts and justification for the vacation of the right-of-way segment and orders that the excess right-of-way in Exhibits “A” and “B” be vacated pursuant to Streets and Highways Code Chapter 3, Part 3, Section 8324.

Section 4. The City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Contra Costa County Recorder.

Section 5. The City Manager is authorized to execute necessary documents to convey interest in the real property to the owner of the adjacent parcels:

1. 1085 Cumberland Street (APN 085-205-013); and
2. 1051 Los Medanos Street (APN 085-183-015)

Section 6. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 5th day of February 2018, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

____
Dwaine “Pete” Longmire, Mayor

ATTEST:

____
Alice E. Evenson, City Clerk

R.E.Y. Engineers, Inc.
905 Sutter Street, Suite 200
Folsom, CA 95630

October 13, 2017
Job Number 6969.006
Page 1 of 2

EXHIBIT "A"
LEGAL DESCRIPTION
LOS MEDANOS STREET VACATION AND UTILITY EASEMENT RESERVATION

That certain parcel of land situated in the City of Pittsburg, County of Contra Costa, State of California being that portion of Los Medanos Street as shown on a Record of Survey filed in Book 141 of Licensed Surveyors Maps, at Page 24 on July 17, 2009 in the Office of the County Recorder of said Contra Costa County described as follows:

BEGINNING at the intersection of the westerly right-of-way of Los Medanos Street and the northerly right of way of the A.T. & S.F.R.R. as said Street and A.T. & S.F. R. R. are shown and so designated on said Record of Survey (141 LSM 24);

Thence, along said westerly right-of-way, North 17˚50'05" East, 132.81 feet, to the southeasterly corner of the parcel of land described in the document to the Redevelopment Agency of Pittsburg, recorded as document 2008-240441, in said Office of the County Recorder and as shown on said Record of Survey (141 LSM 24);

Thence, South 72˚09'34" East, 50 feet, to the easterly right-of-way of said Los Medanos Street;

Thence, along said easterly right-of-way, South 17˚50'05" West, 121.30 feet to the northerly right-of-way of said A.T. & S.F.R.R. as shown on said Record of Survey (141 LSM 24);

Thence, along a said A.T. & S.F.R.R. and along anon-tangent 3919.83 foot radius curve to the left, to which point a radial line bears North 05˚03'43" East, through a central angle of 00˚45'02", an arc distance of 51.35 feet to the **POINT OF BEGINNING.**

CONTAINING 6,346 square feet, more or less

RESERVING THEREFROM an easement for public utility purposes.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

EXHIBIT "B" attached and by this reference made a part hereof.

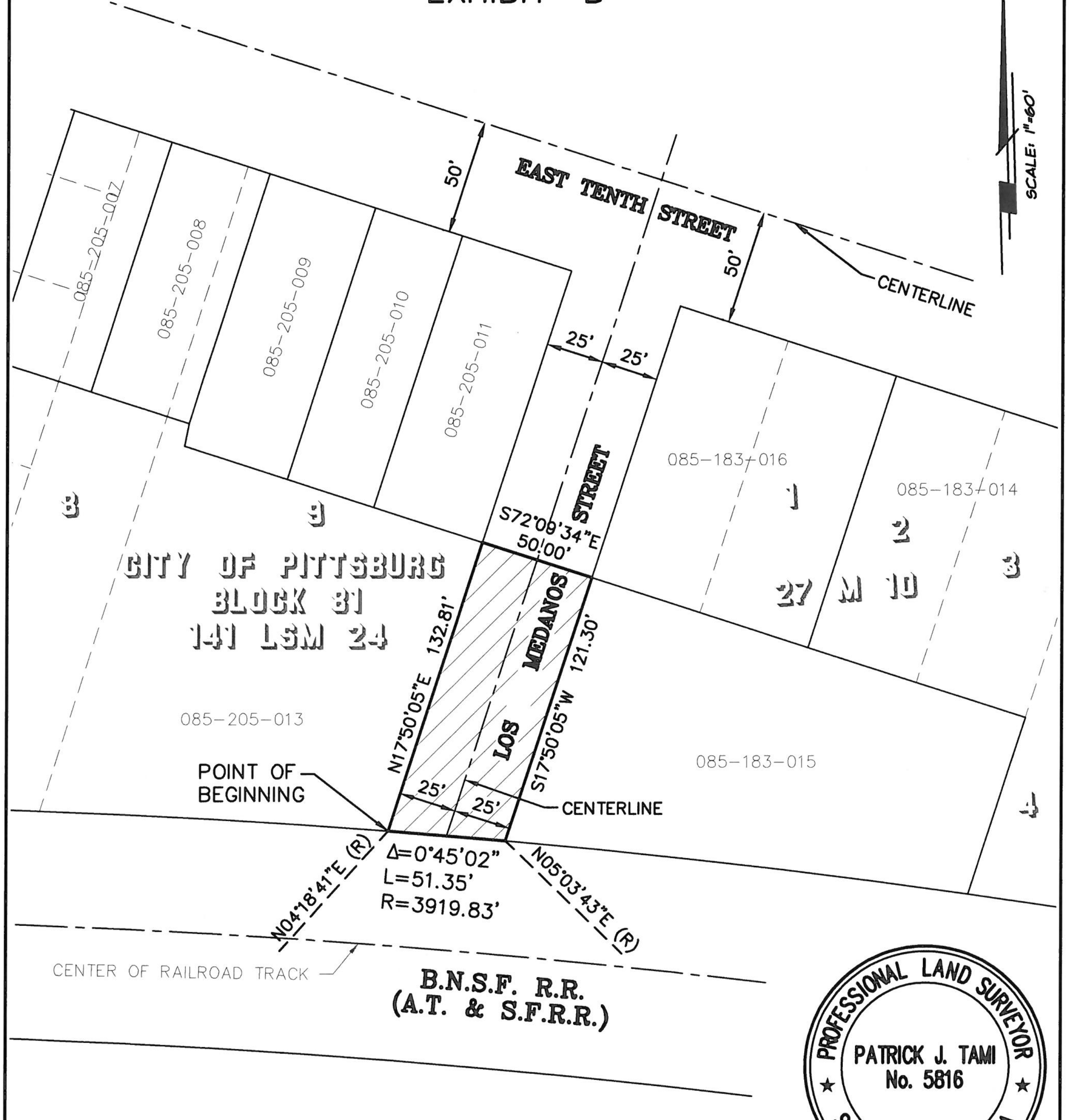
Prepared by:
R.E.Y. Engineers, Inc.

Patrick J Tami

Patrick J. Tami, P.L.S.
License expires 6/30/2018

PATRICK J. TAMI
No. 5816

EXHIBIT "B"



PROFESSIONAL LAND SURVEYOR
PATRICK J. TAMI
No. 5816
STATE OF CALIFORNIA

JOB NO. 6969.XXX
DATE: 10.12.2017
SCALE: 1"=60'
DRAWN BY: BE
CHECKED BY: PT

TITLE: LOS MEDANOS VACATION
AND UTLITY EASEMENT RESERVATION

CLIENT: CITY OF PITTSBURG

905 Sutter Street, Ste 200 Folsom CA 95630
(916) 366-3040 Fax (916) 366-3303
R. E. Y. ENGINEERS, Inc
Civil Engineers / Land Surveyors

DRAWING FILE NO. S:\6969\XXX Los Medanos\10 - CAD Drawings\6969.XXX Vacation Exhibit.dwg

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

DATE: 1/26/2018

TO: Mayor and Council Members

FROM: Alice E. Evenson, City Clerk

SUBJECT: Introduction and Waive First Reading of an Ordinance to Amend the Avila Road Overlay District in Order to Allow Limited Warehousing and Storage Uses, AP-17-1253 (RZ)

MEETING DATE: 2/5/2018

EXECUTIVE SUMMARY

This is a public hearing on a request for approval of an amendment to the land use regulations of the existing Avila Road Overlay District (Ordinance Nos. 07-1284 and 91-1016) in order to allow “Warehousing and Storage, Limited” subject to use permit and design review approval. On December 12, 2017, the Planning Commission adopted Resolution No. 10080, recommending adoption of the ordinance as presented.

FISCAL IMPACT

There is no fiscal impact on the City from the proposed ordinance. Standard business license fees would be collected on an annual basis for any new businesses proposed in the future under the terms of this amendment.

RECOMMENDATION

City Council move to introduce, waive further reading, and pass to second reading the attached ordinance amending the land use regulations of the existing Avila Road Overlay District in order to allow “Warehousing and Storage, Limited” subject to limitations.

BACKGROUND

On July 23, 1991, the City of Pittsburg initiated proceedings to prezone land consistent with the Pittsburg General Plan Open Space land use designation and annex into the City of Pittsburg the 129+ acre project site (Z-91-08) bordered on the north by State Highway 4, to the west and south by unincorporated property and the east by the existing City Limits. A negative declaration was posted for that project having found that no significant effects upon the environment would occur as result of the project.

On November 18, 1991, in conjunction with this project the City Council adopted Avila Road Prezoning Ordinance No. 91-1016, which established a Limited Overlay District for the project area. The Limited Overlay included pre-existing commercial and industrial uses that would not usually be found in the Open Space land use designation

This original OS-O (Open Space Overlay, Ordinance No. 91-1016) District remained in effect until it was amended by the City Council on April 17, 2007, through the adoption of Ordinance No. 07-1284, which amended the district in order to allow commercial recreation, commercial filming and artist studio uses. The ordinance also modified the overlay's definition for commercial recreation and entertainment uses, located within a building, to only allow scale model courses, shooting galleries, and exposition halls for animal shows and trade fairs (all subject to a use permit).

On June 27, 2017, David and Kathy Rege filed an application to amend the existing Avila Road Overlay District in order to add "Warehousing and Storage, Limited" as an allowable use in the area, subject to approval of a use permit. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review approval.

On September 12, 2017, the Planning Commission held a public hearing to consider the proposed overlay district amendment to allow warehousing and storage uses. Following close of the public hearing, the Planning Commission voted four to one, with two abstentions, to adopt Resolution No. 10075, recommending approval of the amendments as presented by staff.

On December 12, 2017, the Planning Commission held another public hearing to modify their recommendation on the Overlay District amendment, as requested by staff. The modified recommendation included additional limitations in order to maintain better conformance with the General Plan Open Space designation for the area. Following the close of the public hearing, the Planning Commission voted unanimous approval to rescind Resolution No. 10075 and adopt a new Resolution No. 10080 recommending City Council approval of the amendment as re-presented by staff.

PROJECT DESCRIPTION: As stated above, the project proposal is to revise the existing 'Land Use Regulations' table associated with the OS-O (Ordinance Nos. 07-1284 and 91-1016) District by adding the "Warehousing and Storage, Limited" classification to the list. This use is defined by PMC 18.08.080 as a commercial use including, "Provision of space, within an enclosed building, for the storage of privately owned household goods, personal property, business records, documents, and supplies. This classification includes ministorage facility but excludes wholesaling and storage, and vehicle storage."

As proposed, the new use would be allowed, subject to the following limitation:

"Use permit required, provided that: 1) such structures shall be of a temporary nature; 2) temporary and/or portable structure height shall not exceed 12-feet maximum; 3) use shall be screened from Avila Road and Highway 4; and 4) design review shall be required."

SUBCOMMITTEE FINDINGS

None

STAFF ANALYSIS

Staff believes that the City Council can make the necessary findings to approve the overlay district amendment, as proposed.

The use of “warehousing and storage, limited” would be compatible with the existing commercial and industrial uses in the area, which include contractor yards, vehicle and boat storage facilities. Future warehousing and storage applications would require design review and a use permit to assure continued compatibility in use, visibility and environmental compliance, as well as conformity with public convenience, general welfare and good zoning practice.

There are currently no public warehousing and storage businesses located within the overlay area, nor in the immediate vicinity. The lack of such facilities in the area paired with the high number of existing and planned residential units in the same area, indicates that there is a community need for this use

By requiring a use permit for new applications, the City would further retain site development and operational controls to ensure that new businesses do not become a nuisance for the surrounding neighbors and the City as a whole.

ATTACHMENTS: 1. Proposed Ordinance
2. Exhibit A to Proposed Ordinance
3. Adopted Planning Commission Resolution No. 10080
4. December 12, 2017 PC Staff Report with Attachments
5. Public Hearing Notice

Report Prepared By: Christine Gregory, Contract Planner

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Ordinance Amending the Land Use Regulations of the Existing Avila Road OS-O (Open Space Overlay, Ordinance Nos. 07-1284 and 91-1016) District in Order to Allow "Warehousing and Storage, Limited" Subject to Limitations. AP-17-1253 (RZ)	)	ORDINANCE NO. 18-_____

SECTION 1. Recitals

A. On June 27, 2017 the applicant filed Application No.17-1253, to add the "Warehousing and Storage Limited" land use classification, as defined in the Pittsburg Municipal Code (PMC) section 18.08.080.30, to the existing OS-O (Open Space Overlay, Ordinance No. 91-1016) District, as amended by Ordinance No. 07-1284. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.

B. On September 12, 2017, the Planning Commission held a public hearing to consider the draft amendments related to "Warehousing and Storage, Limited" in the Open Space Overlays 07-1284 and 91-1016 in the OS-O District, subject to limitations. Following close of the public hearing, the Planning Commission voted four to one, with two abstentions, to recommend City Council approval of the amendment as presented by staff.

C. On December 12, 2017, the Planning Commission held another public hearing to modify their recommendation on the Overlay District amendment, as requested by staff. The modified recommendation included additional limitations in order to maintain better conformance with the General Plan Open Space designation for the area. Following the close of the public hearing, the Planning Commission voted unanimous approval to rescind Resolution No. 10075 and adopt a new Resolution No. 10080 recommending City Council approval of the amendment as re-presented by staff.

D. Before adoption of an ordinance, the City Council shall make findings that the proposed amendment is consistent with the policies of the General Plan and the notice and hearing provisions of PMC Title 18, in accordance with PMC section 18.74.070, Chapter 18.48.

E. On or prior to January 26, 2018, notice of the February 5, 2018, public hearing to consider this application was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East Contra Costa County Times); and was mailed via first class mail or electronic mail to interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

F. On February 5, 2018, the City Council held a public hearing on the proposed overlay district amendment, at which time oral and/or written testimony was considered.

SECTION 2. Findings

A. Based on the City Council Staff Report entitled, “Introduction and Waive First Reading of an Ordinance to Amend the Avila Road Overlay District in Order to Allow Limited Warehousing and Storage Uses, AP-17-1253 (RZ),” and based on all the information contained in the Planning Division files, 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 meeting, the City Council finds that:

1. All recitals above are true and correct and are incorporated herein by reference.

2. The proposed amendment conforms to the General Plan and the Open Space land use designation, in that allowing warehousing and storage uses to only occupy structures of a temporary nature, such as storage containers and/or pods, would allow for easier removal of facilities in the future (if needed) thereby allowing space to function as an urban buffer, which is appropriate in open spaces areas, as discusses on page 2-21 of the General Plan. This limitation would also allow for future facilities to be easily reverted to unoccupied open space, if ever needed/desired.

3. The warehousing and storage limited overlay amendment proposal generally complies with and is compatible with uses and regulations of the base district within which it is proposed, in that it would provide the community with storage options while still providing site development and operational controls through the use permit and design review process to ensure that new businesses do not become a nuisance for the surrounding neighbors, nor the City as a whole. In addition, the existing OS-O District currently allows other similar uses, including Vehicle/Equipment Sales and Service, Vehicle Storage, and Industrial Contractor Yards, so the proposed addition of “Warehousing and Storage, Limited” would not be out of character or inconsistent with existing land use regulations.

4. There is a community need for the change proposed as the proposed project fulfills the community’s need for public warehousing and storage in the overlay area, and in the immediate vicinity. The lack of such facilities in the area paired with the high number of existing and planned residential units in the same area, indicates that there is a community need for this use in the area proposed.

SECTION 3. CEQA

This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of "Warehousing and Storage, Limited" uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a structure or container. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site-specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

SECTION 4. Decision.

Based on the findings and the authority set forth above, the City Council hereby amends the land use regulations of the OS-O (Open Space Overlay, Ordinance No. 91-1016, as amended by Ordinance No. 07-1284) District by adding the "Warehousing and Storage, Limited" classification to the land use table, subject to limitations, as described in the attached "Exhibit A." The land use table from Ordinance No. 91-1016, as amended by Ordinance No. 07-1284, shall be replaced in its entirety by the new table depicted in the attached "Exhibit A."

SECTION 5. 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 thereof.

SECTION 6. Effective Date

This Ordinance shall be in full force and effective thirty (30) days after its adoption.

SECTION 8. Publication

The City Clerk shall either (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or (b) have a summary of the ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again 20 days after its adoption.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on February 5 2018, and was adopted and ordered published at a meeting of the City Council held on February 20, 2018, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Pete Longmire, Mayor

ATTEST:

Alice E. Evenson, City Clerk

LAND USE REGULATIONS

In the following schedule, the letter "P" designates use classifications permitted in commercial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use and Development Regulations" that follow after the schedule. The letter "U" designates use classifications permitted on approval of a use permit (Chapter 18.28 PMC). The letter "T" designates temporary use classifications permitted on approval of a temporary activity permit. The letter "Z" designates accessory use classifications permitted on approval of the zoning administrator. Any use classifications not specifically listed on this table are considered not allowed in the district.

OS-O District: Land Use Regulations Schedule

P = Permitted
U = Use Permit, Planning Commission
Z = Use Permit, Zoning Administrator
T = Temporary Activity Permit
L = Limited (See Additional Use Regulations)

	OS-O District
Residential	
Single-family residential	L-168
Governmental and Quasipublic	
Cemetery	L-36
Government office	L-23
Park and recreation facility	U
Public safety facility	U
Telecommunication facility	P
Utility, minor	P
Commercial	
Animal Services	
Animal Boarding	P
Animal Grooming	P

Animal Hospital	P
Animal Retail Sales	P
Commercial Recreation and Entertainment	
Within a Building	L-37
Outdoor Facilities	L-38
Eating and Drinking Establishment	
Restaurant, Full-Service	P
Horticulture, Limited	P
School, Commercial	L-39
Vehicle/Equipment Sales and Service	
Vehicle Storage	U
Visitor Accommodations	L-40
Warehousing and Storage, Limited	L-167
Industrial	
Industrial Services	
Contractor Yard	U
Agricultural and Extractive	
Animal husbandry	P
Crop production	P
Mining and processing	U
Accessory Uses	
Accessory uses	L-30
Accessory structures	
Nonresidential accessory structure	P
Accessory dwelling unit	Z
Accessory living quarters	P
Caretaker's quarters	U

Temporary Uses	
Animal show	T
Christmas tree sales	T
Circus and carnival	T
Commercial filming, limited	T
Holiday boutique	P
Personal property sales	P
Real property sales	P
Religious assembly	T

OS-O DISTRICT – ADDITIONAL USE AND DEVELOPMENT REGULATIONS

L-23	Permitted as part of a park or recreational, public service, or utility facility.
L-36	Limited to burial of pets, including taxidermy, crematory, columbarium, mausoleum and mortuary.
L-37	Limited to scale model course, shooting gallery, and exposition hall for animal shows, and trade fairs. All subject to a use permit
L-38	Limited to animal shows and exhibits.
L-39	Limited to training of animal handlers
L-40	Limited to recreational vehicle hookups for participants and attendees.
L-167	A Use Permit Required, provided that: 1) such uses shall be of temporary nature; 2) use is screened from Avila Road, and not visible from Highway 4; 3). Temporary and/or portable structure height 10' max.
L-168	Minimum lot area is 20 acres per dwelling unit.

Development Regulations

Development regulations are as specified by a use permit or design review where required. A permitted use or ancillary activity not specifically regulated by a use permit or design review approval is regulated by the property development regulations specified in the Rural Residential District, except as otherwise prescribed by this Chapter.

Review of Plans:
All projects require design review (chapter 18.36)

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Rescind Resolution 10075, and Adopt Resolution Recommending that the City Council Approve an Amendment to Ordinance No. 07-1284, and Ordinance No. 91-1016 by reference, to add "Warehousing and Storage, Limited," Subject to Limitations, for "Avila Road Overlay Amendment, AP-17-1253 (RZ)."	))))))))	Resolution No. 10080

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

A. On June 27, 2017 the applicant filed Application No.17-1253, to add the "Warehousing and Storage Limited" land use classification, as defined in the Pittsburg Municipal Code (PMC) section 18.08.080.30, to the existing OS-O (Open Space Overlay District, Ordinance No. 91-1016) District, as amended by Ordinance No. 07-1284. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.

B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, the Open Space Overlay 91-1016 District, as amended by Ordinance No. 07-1284, and the Pittsburg Municipal Code (PMC).

C. This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of "Warehousing and Storage, Limited" uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a structure or container. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site-specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

D. On September 12, 2017, the Planning Commission held a public hearing to consider a recommendation on the proposed amendment to the Open Space Overlay District.

After close of the public hearing, the Commission voted 4-1 to adopt Resolution No. 10075, recommending City Council approval of the Overlay District amendment, as proposed.

E. Subsequent to the Planning Commission's action, staff felt it pertinent to assist future project application reviews by further refining the warehousing and storage use limitations in order to maintain better conformance with the General Plan Open Space designation for the area. The amended staff recommendation is to allow the use subject to the following limitation: "Use permit required, provided that: 1) such structures shall be of a temporary nature; 2) temporary and/or portable structure height shall not exceed 12-feet maximum; 3) use shall be screened from Avila Road and Highway 4; and 4) design review shall be required."

F. On or prior to December 1, 2017, notice of the December 12, 2017 public hearing to re-consider this application was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

G. Pittsburg Municipal Code (PMC) section 18.48.030.A specifies that the following determinations must be made in order to recommend approval of an amendment to the Zoning Ordinance:

1. the amendment is consistent with the objectives, policies, general land uses and programs in the General Plan;

2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;

3. there is a community need for the change proposed; and

4. the change will be in conformity with the public convenience, general welfare, and good zoning practice.

H. Pittsburg Municipal Code (PMC) section 18.74.060. specifies that the following determinations must be made in order to recommend approval of an amendment of an overlay plan:

1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;

2. Conforms to the general plan; and

3. Generally complies with the land use and development regulations of the base zoning district.

I. On December 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1253, at which time oral and/or written testimony was considered.

Section 2. Findings

A. Based on the Planning Commission Staff Report entitled "Rescind Resolution 10075, and Revise Recommendation on an Amendment of an Open Space Overlay District near Avila Road, AP-17-1253 (RZ)," 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 meeting, the Planning Commission finds that:

1. All recitals above are true and correct and are incorporated herein by reference.

2. The proposed amendment is consistent with the General Plan and the Open Space land use designation, in that allowing warehousing and storage uses to only occupy structures of a temporary nature, such as storage containers and/or pods, would allow for easier removal of facilities in the future (if needed) thereby allowing space to function as an urban buffer, which is appropriate in open spaces areas, as discusses on page 2-21 of the General Plan. This limitation would also allow for future facilities to be easily reverted to unoccupied open space, if ever needed/desired.

3. The proposed land use regulations are compatible with uses and regulations of the land use district for which they are proposed, in that they would provide the community with storage options while still providing site development and operational controls through the use permit and design review process to ensure that new businesses do not become a nuisance for the surrounding neighbors, nor the City as a whole. In addition, the existing OS-O District currently allows other similar uses, including Vehicle/Equipment Sales and Service, Vehicle Storage, and Industrial Contractor Yards, so the proposed addition of "Warehousing and Storage, Limited" would not be out of character or inconsistent with existing land use regulations.

4. There is currently no public "Warehousing and Storage, Limited" use in the overlay area, and the use permit and design review requirement will ensure that future applications for development of this type of use will be in conformity with public convenience, general welfare and good zoning practice.

5. The change will be in conformity with the public convenience as it would provide residents with an easily accessible storage and warehousing option along Avila Road, as no mini-storage exists in the area surrounding the project. The

amendment would provide an option for future mini-storage that is currently unavailable to nearby residents.

Section 3. Decision

A. Based on the findings and the authority set forth above, the Planning Commission hereby:

1. Rescinds Planning Commission Resolution No. 10075 in its entirety; and

2. Recommends that the City Council adopt an ordinance amending Ordinance No. 07-1284, and Ordinance No. 91-1016 by reference, to add "Warehousing and Storage, Limited" as an allowable use within the Avila Road Overlay District, subject to the following limitation:

   "L-41. Use permit required, provided that: 1) such structures shall be of a temporary nature; 2) temporary and/or portable structure height shall not exceed 12-feet maximum; 3) use shall be screened from Avila Road and Highway 4; and 4) design review shall be required."

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Croskey, seconded by Commissioner Coniglio, the foregoing resolution was passed and adopted the 12 th day of December, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Coniglio, Croskey, Foster, Gargalikis, Robinson, Ward

NAYES: None

ABSTAIN: None

ABSENT: None

I hereby certify that the above Resolution No. 10080 was adopted by the Planning Commission of the city of Pittsburg on December 12, 2017.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
December 12, 2017

ITEM: **Rescind Resolution 10075, and Revise Recommendation on an Amendment of an Open Space Overlay District near Avila Road, AP-17-1253 (RZ)**

ORIGINATED BY: David and Kathy Rege, PO Box 507, Clayton, CA 94517

SUBJECT: This is a public hearing on a request by Dave and Kathy Rege to revise a recommendation for City Council approval of an Overlay District Amendment to add the land use category “warehousing and storage limited,” subject to a use permit and limitations, within the existing Open Space Overlay District No. 07-1284, located in the vicinity of 100 - 104 Avila Road. APN’s 097-140-014; -015; -016; -017; -018; and 097-130-009.

RECOMMENDATION:

Staff recommends that the Commission rescind Resolution 10075, adopted September 12, 2017, and adopt Resolution No. 10080, recommending City Council approval of an amendment to the land use regulations of an existing OS-O District in order to add the land use category “Warehousing and Storage, Limited” with further refined limitations, and subject to a use permit and design review.

BACKGROUND:

On September 12, 2017, the Planning Commission held a public hearing to consider the proposed amendment to the Open Space Overlay District in order to allow warehousing and storage uses, subject to a use permit (see September 12, 2017, staff report attached for more details). After close of the public hearing, the Commission voted 4-1 to adopt Resolution No. 10075, recommending City Council approval of the Overlay District amendment, as proposed.

Subsequent to the Planning Commission’s action, staff felt it pertinent to assist future project application reviews by further refining the warehousing and storage use limitations in order to maintain better conformance with the General Plan Open Space designation for the area. The amended staff recommendation (described below) requires re-review and approval by the Planning Commission before it can move forward to the City Council for formal consideration.

PROJECT DESCRIPTION:

The project proposal is to revise the existing ‘Land Use Regulations’ table associated with the OS-O (Ordinance No. 07-1284, and Ordinance No. 91-1016, by reference) District by adding the “Warehousing and Storage, Limited” classification to the list. This use is defined by PMC 18.08.080 as a commercial use including, “Provision of space, within an enclosed building, for the storage of privately owned household goods, personal property, business records, documents, and supplies. This classification includes ministorage facility but excludes wholesaling and storage, and vehicle storage." The previously adopted recommendation was to allow this use within the OS-O District, subject to approval of a use permit. The current refined recommendation is to allow the use subject to the following limitation:

"Use permit required, provided that: 1) such structures shall be of a temporary nature; 2) temporary and/or portable structure height shall not exceed 12-feet maximum; 3) use shall be screened from Avila Road and Highway 4; and 4) design review shall be required."

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site has a General Plan land use designation of Open Space, and according to the description "much of the City's Planning Area is rural privately-owned land that falls within the open space designation. This classification accommodates any greenbelts and/or urban buffer areas that may be designated in the future. Greenbelts are open space, parkland, and agricultural areas located outside urban areas, as opposed to urban parks located within developed areas" (General Plan, page 2-21). Staff believes that the revised limitation on warehousing and storage uses which would only allow structures of a temporary nature, such as storage containers and/or pods, would be more consistent with the General Plan Open Space designation in that it would allow for easier removal of facilities in the future (if needed) thereby allowing space to function as an urban buffer but also be easily reverted to unoccupied open space if ever needed/desired.

Pittsburg Municipal Code: Pursuant to PMC sections 18.16.020 and 18.48.030, the Planning Commission shall include written findings to support any recommendation it makes to the City Council to amend a zoning district or land use regulation of the Municipal Code.

Required Findings: In order to recommend approval of an amendment to the Zoning Ordinance, the Commission must find (in accordance with PMC Section 18.48.030) that:

1. The changes proposed are consistent with the objectives, policies, general land uses and programs specified in the General Plan.

2. In the case of a base district, 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.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.

In order to recommend approval of an overlay plan or amendment to an overlay, the Commission must also find (in accordance with PMC section18.74.060) that the proposed overlay:

1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;

2. Conforms to the general plan; and

3. Generally complies with the land use and development regulations of the base zoning district.

Environmental: This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of "warehousing and storage, limited" uses, as defined in PMC section 18.08.080.30, would include storage of non-sensitive items that occur entirely inside of a structure or container. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

Public Notice: On or prior to December 2, 2017, notice of the December 12, 2017, public hearing to consider this application was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

STAFF ANALYSIS:

Staff believes that the Commission can make the necessary findings to recommend approval of the revised recommendation to add the "Warehousing and Storage, Limited" classification to the existing Overlay District, subject to approval of a use permit and design review with limitations to require structures to be of a temporary nature, no taller than 12-feet in height, and screened from Avila Road and Highway 4.

The warehousing and storage limited amendment proposal is compatible with the existing commercial and industrial uses within the area, such as contractor yard, vehicle and boat storage. Limiting these uses to only utilized structures of a temporary nature (such as cargo containers or pods) would be more consistent with the General Plan Open Space designation in that it would allow for easier removal of facilities in the future (if needed) thereby allowing space to function as more of an urban buffer, but also allowing easier reversion to unoccupied open space if ever needed/desired. Future warehousing and storage applications would still require a use permit and design review, even though structures would be temporary in nature. These permits would assure continued compatibility in use, visibility and environmental compliance, as well as conformity with public convenience, general welfare and good zoning practice.

Lastly, there are currently no public warehousing and storage facilities within the overlay area, (see attached “Existing Mini Storage Locations Map”), or in the immediate vicinity. The lack of such facilities in the area paired with the high number of existing and planned residential units in the same area, indicates that there is a community need for this use in the area proposed.

ACTION REQUIRED:

If the Commission concurs with staff, then the Commission must move to rescind Resolution No. 10075, and adopt Resolution No. 10080, recommending City Council approval of an amendment to the land use regulations of an existing OS-O District in order to add the land use category “Warehousing and Storage, Limited” with further refined limitations, and subject to a use permit and design review.

ATTACHMENTS:

1. Proposed Resolution No. 10080
2. Proposed Resolution No. 10080, “Exhibit A”
3. Previously Approved Resolution No. 10075
4. Planning Commission Staff Report, dated September 12, 2017
5. Excerpt from Ordinance No. 07-1284 Amending OS-O (1016)
6. Ordinance No. 91-1016
7. Avila Road Photos
8. Existing Mini Storage Locations Map
9. Public Hearing Notice & Vicinity Map

Prepared by: Christine Gregory, Contract Planner

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Rescind Resolution 10075 and Resolution)
Recommending that the City Council)
Approve an Amendment to the Open)
Space Overlay District 91-1016, to add) Resolution No. 10080
“Warehousing and Storage, Limited,”)
Subject to Use Permit, for “Avila Road)
Overlay Amendment, AP-17-1253 (RZ).”

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

A. On September 12, 2017 the Planning Commission approved Resolution 10075 at a public hearing. Subsequently staff determined that additional constraints would be appropriate for greater conformity to the “Open space Designation.” The limitations are: A Use Permit Required, provided that: 1) such structures shall be of temporary nature; 2) temporary and or portable structure height 12-feet maximum; 3) use is screened from Avila Road and Highway 4; 4) Design Review required.

B. On June 27, 2017 the applicant filed Application No.17-1253 to add the “Warehousing and Storage Limited” land use classification, as defined in the Pittsburg Municipal Code (PMC) section 18.08.080.30, to the existing OS-O (Open Space Overlay District, Ordinance No. 91-1016) District, as amended by Ordinance No. 07-1284. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.

C. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, the Open Space Overlay 91-1016 District, as amended by Ordinance No. 07-1284, and the Pittsburg Municipal Code (PMC).

D. This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of “Warehousing and Storage, Limited” uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a building. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

E. On or prior to December 1, 2017, notice of the December 12, 2017 public hearing to consider this application was posted at City Hall and on the ‘public notices’ page of the City’s website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

F. Pittsburg Municipal Code (PMC) section 18.48.030.A specifies that the following determinations must be made in order to recommend approval of an amendment to the Zoning Ordinance:

   1. the amendment is consistent with the objectives, policies, general land uses and programs in the General Plan;

   2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;

   3. there is a community need for the change proposed; and

   4. the change will be in conformity with the public convenience, general welfare, and good zoning practice.

G. Pittsburg Municipal Code (PMC) section 18.74.060. specifies that the following determinations must be made in order to recommend approval of an amendment of an overlay plan:

   1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;

   2. Conforms to the general plan; and

   3. Generally complies with the land use and development regulations of the base zoning district.

H. On September 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1253, at which time oral and/or written testimony was considered.

I. On December 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1253, at which time oral and/or written testimony was considered.

Section 2. Findings

A. Based on the Planning Commission Staff Report entitled “Recommendation on a Zoning Text Amendment to the Avila Road Open Space Overlay District to Allow Warehousing and Storage Limited, AP-17-1253 (RZ),” 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 meeting, the Planning Commission finds that:

1. All recitals above are true and correct and are incorporated herein by reference.

2. The proposed amendment is not inconsistent with the General Plan.

3. The proposed land use regulations are compatible with uses and regulations of the land use district for which they are proposed, in that they would provide the community with storage options while still providing site development and operational controls through the use permit and design review process to ensure that new businesses do not become a nuisance for the surrounding neighbors, nor the City as a whole. In addition, the existing OS-O District currently allows other similar uses, including Vehicle/Equipment Sales and Service, Vehicle Storage, and Industrial Contractor Yards, so the proposed addition of “Warehousing and Storage, Limited” would not be out of character or inconsistent with existing land use regulations.

4. There is currently no public “Warehousing and Storage, Limited” use in the overlay area, and the use permit and design review requirement will ensure that future applications for development of this type of use will be in conformity with public convenience, general welfare and good zoning practice.

5. The change will be in conformity with the public convenience as it would provide residents with an easily accessible storage and warehousing option along Avila Road, as no mini storage exists in the area surrounding the project. The amendment would provide an option for future mini storage that is currently unavailable to nearby residents.

Section 3. Decision

A. Based on the findings and the authority set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance amending Ordinance No. 91-1016, Exhibit “A” OS-O (1016) Zoning District, as amended by Ordinance No. 07-1284, “Land use and development regulations,” as identified below:

1. The schedule is amended to add the following land use category under the "Commercial" heading, as follows (new text shown with underlines):

Warehousing and Storage, Limited	U

2. PMC section 18.58.020 "OS DISTRICT – ADDITIONAL USE AND DEVELOPMENT REGULATIONS," Limitation L-167, is added to read as follows (new text shown with underlines):

L-167. A Use Permit Required, provided that: 1) such structures shall be of temporary nature; 2) temporary and or portable structure height 12-feet maximum; 3) use is screened from Avila Road and Highway 4; 4) Design Review required.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _________, the foregoing resolution was passed and adopted the 12 th day of December, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

I hereby certify that the above Resolution No. 10080 was adopted by the Planning Commission of the city of Pittsburg on December 12, 2017.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Exhibit A of Resolution No. 10080
OS-O (OPEN SPACE WITH LIMITED OVERLAY) DISTRICT
LAND USE REGULATIONS

18.58.020 Land use regulations as modified by OS-O 1016, and as amended by OS-O-1284, and including 10080 (Avila Road Overlay)

P = Permitted
– = Not Permitted
U = Use Permit, Planning Commission
Z = Use Permit, Zoning Administrator
T = Temporary Activity Permit
L = Limited (See Additional Use Regulations)

Open Space Overlays 1016 & 1284 amended by adding "Warehousing and Storage, Limited" OSO-10080 **(bolded)**	Open Space 18.58.020 (for reference)	OS-O 1016 OS-O 1284 Deletions in Strikeout and Additions in italics
Single-family residential	P (A)	P (A)
Cemetery	U	L36
Government office	L-29	L23
Hazardous waste facility, residential repository	U	---
Park and recreation facility	L-2	U
Public safety facility	U	U
Telecommunication facility	P	----
Utility, minor	P	P
Commercial recreation and entertainment, outdoor facility	L-24	L38
Commercial recreation and entertainment, within a building	---	L37
Commercial Filming and Communications and Artist Studio	---	Z
Horticulture, limited	P	P

Open Space Overlays 1016 & 1284 amended by adding "Warehousing and Storage, Limited" OSO-10080 **(bolded)**	Open Space 18.58.020 (for reference)	OS-O 1016 OS-O 1284 Deletions in Strikeout and Additions in italics
Animal Boarding	---	P
Animal Grooming	---	P
Animal Hospital	---	P
Animal Retail Sales	---	P
Eating and Drinking Establishment, Restaurant, Full-Service	---	P
Horticulture, Limited	----	P
Warehousing and Storage Limited OS-O 10080	**----**	**U**
Industrial Services Contractor Yard	---	U
Animal husbandry	P	P
Crop production	P	P
Mining and processing	U	U
Accessory uses	L-30	L-30
Accessory structures		
Nonresidential accessory structure	P	P
Accessory dwelling unit	L-107	Z
Accessory living quarters	P	P
Caretaker's quarters	U	U
Animal show	T	T
Christmas tree sales	T	T

Open Space Overlays 1016 & 1284 amended by adding "Warehousing and Storage, Limited" OSO-10080 **(bolded)**	Open Space 18.58.020 (for reference)	OS-O 1016 OS-O 1284 Deletions in Strikeout and Additions in italics
Circus and carnival	T	T
Commercial filming, limited	T	T
Holiday boutique	P	P
Personal property sales	P	P
Real property sales	P	P
Religious assembly	T	T

OS DISTRICT – ADDITIONAL USE AND DEVELOPMENT REGULATIONS

Open Space Overlays 1016 & 1284 amended by adding "L-167" per OSO-10080	Open Space 18.58.020	OS-O 1284 & 1016
Minimum lot area is 20 acres per dwelling unit.	(A)	(A)
Publicly owned facilities permitted. Privately owned noncommercial facilities, including swim clubs or tennis clubs, shall be subject to a use permit.	L-2	---
Permitted as part of a park or recreational, public service, or utility facility.	L-24	L-23
Limited to city facilities.	L-29	---
Permitted except that a home occupation is governed by PMC 18.50.400 through 18.50.430.	L-30	---
Permitted, subject to the requirements in PMC 18.50.300 through 18.50.315.	L-107	L-107
Limited to burial of pets, including taxidermy, crematory, columbarium, mausoleum and	---	L-36

mortuary.		
Limited to *scale model course, shooting gallery, and* exposition hall for animal shows, *and* trade fairs. ~~meetings, live performing arts and social functions.~~ All subject to a use permit	---	L-37
Limited to animal shows and exhibits.	---	L-38
Limited to training of animal handlers	---	L-39
Limited to recreational vehicle hookups for participants and attendees.	---	L-40
A Use Permit Required, provided that: 1) such structures shall be of temporary nature; 2) temporary and or portable structure height 12-feet maximum; 3) use is screened from Avila Road and Highway 4; 4) Design Review required.	---	L-167

Development Regulations
Development regulations are as specified by a use permit or design review where required. A permitted use or ancillary activity not specifically regulated by a use permit or design review approval is regulated by the property development regulations specified in the Rural Residential District, except as otherwise prescribed by this Chapter.

Review of Plans: All projects require design review (chapter 18.36)

OS-O [Ord. 16-1418 § 4 (Exh. A), 2016; Ord. 15-1390 § 3 (Exh. C), 2015; Ord. 07-1284 § 3 (Exh. D), 2007; Ord. 05-1257 § 4 (Exh. F), 2005; Ord. 1026 § 6 (Exh. E), 1991; Ord. 979 § 2 (Exh. A), 1990.]

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Recommending that the City)
Council Approve an Amendment to the)
Open Space Overlay District 91-1016, to)
add "Warehousing and Storage, Limited,") Resolution No. 10075
Subject to Use Permit, for "Avila Road)
Overlay Amendment, AP-17-1253 (RZ).")

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

A. On June 27, 2017 the applicant filed Application No.17-1253 to add the "Warehousing and Storage Limited" land use classification, as defined in the Pittsburg Municipal Code (PMC) section 18.08.080.30, to the existing OS-O (Open Space Overlay District, Ordinance No. 91-1016) District, as amended by Ordinance No. 07-1284. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.

B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, the Open Space Overlay 91-1016 District, as amended by Ordinance No. 07-1284, and the Pittsburg Municipal Code (PMC).

C. This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of "Warehousing and Storage, Limited" uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a building. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

D. On or prior to September 2, 2017, notice of the September 12, 2017 public hearing to consider this application was posted at City Hall and on the 'public notices' page of the City's website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

E. Pittsburg Municipal Code (PMC) section 18.48.030.A specifies that the following determinations must be made in order to recommend approval of an amendment to the Zoning Ordinance:

1. the amendment is consistent with the objectives, policies, general land uses and programs in the General Plan;

2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;

3. there is a community need for the change proposed; and

4. the change will be in conformity with the public convenience, general welfare, and good zoning practice.

F. Pittsburg Municipal Code (PMC) section 18.74.060. specifies that the following determinations must be made in order to recommend approval of an amendment of an overlay plan:

1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;

2. Conforms to the general plan; and

3. Generally complies with the land use and development regulations of the base zoning district.

G. On September 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1253, at which time oral and/or written testimony was considered.

Section 2. Findings

A. Based on the Planning Commission Staff Report entitled “Recommendation on a Zoning Text Amendment to the Avila Road Open Space Overlay District to Allow Warehousing and Storage Limited, AP-17-1253 (RZ),” 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 meeting, the Planning Commission finds that:

1. All recitals above are true and correct and are incorporated herein by reference.

2. The proposed amendment is not inconsistent with the General Plan.

3. The proposed land use regulations are compatible with uses and regulations of the land use district for which they are proposed, in that they would provide the community with storage options while still providing site development and operational controls through the use permit and design review process to ensure that new businesses do not become a nuisance for the surrounding neighbors, nor the City as a whole. In addition, the existing OS-O District currently allows other similar uses, including Vehicle/Equipment Sales and Service, Vehicle Storage, and Industrial Contractor Yards, so the proposed addition of "Warehousing and Storage, Limited" would not be out of character or inconsistent with existing land use regulations.

4. There is currently no public "Warehousing and Storage, Limited" use in the overlay area and the use permit and design review requirement will ensure that future applications for development of this type of use will be in conformity with public convenience, general welfare and good zoning practice.

5. The change will be in conformity with the public convenience as it would provide residents with an easily accessible storage and warehousing option along Avila Road, as no mini storage exists in the area surrounding the project. The amendment would provide an option for future mini storage that is currently unavailable to nearby residents.

Section 3. Decision

A. Based on the findings and the authority set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance amending Ordinance No. 91-1016, Exhibit "A" OS-O (1016) Zoning District, as amended by Ordinance No. 07-1284, "Land use and development regulations," as identified below:

   1. The schedule is amended to add the following land use category under the "Commercial" heading, as follows (new text shown with underlines):

Warehousing and Storage, Limited	U

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Ward, seconded by Commissioner Coniglio, the foregoing resolution was passed and adopted the 12th day of September, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:	Gargalikis, Coniglio, Croskey, Ward
NAYES:	Robinson
ABSTAIN:	None
ABSENT:	Guerrero, Foster

I hereby certify that the above Resolution No. 10075 was adopted by the Planning Commission of the city of Pittsburg on September 12, 2017.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Avila Road Prezoning)
Z-91-08) Ordinance No. 91-1016
APN 097-130-033, 097-140-004,)
008, & 009)

The Pittsburg City Council does ordain as follows:

Section 1. Background

1. On July 23, 1991, the City of Pittsburg initiated proceedings to prezone consistent with the Pittsburg General Plan and to annex into the City of Pittsburg, 129+ acres bordered on the north by State Highway 4 and east by the existing city limits, on the south and west by unincorporated property. APN 097-130-003, 097-140-004, 008 & 009.

2. A Negative Declaration was posted for this proposed project on July 23, 1991 and October 1, 1991 the Community Development Director having found that no significant effects upon the environment will occur as result of this project.

3. On August 12, 1991 the Planning Commission adopted Resolution No. 8538 approving Z-91-08.

4. On October 22, 1991 the Planning Commission adopted Resolution No. 8559 approving a Limited Overlay District to OS-S.

5. The proposed prezoning conforms with the policies and guidelines of the Pittsburg General Plan.

6. On November 4, 1991, the City Council held a public hearing on Z-91-08 at which time oral and/or written testimony was considered.

Section 2. Findings

Based on evidence presented at the public hearing, the City Council finds that:

1. Negative Declarations were prepared in compliance with CEQA, State and City Guidelines and that it has reviewed and considered the information contained therein.

2. The zoning district classification and Limited Overlay District assigned to the affected parcels is consistent with the land use designation indicated on the Pittsburg General Plan and with the development regulations of the Pittsburg Municipal Code.

Section 3. Approval

Based on the findings as set forth above, this City Council hereby certifies the Negative Declarations except in regards to General Plan consistency which incorrectly indicates that the southwest portion of the annexation area is within the Williamson Act Agricultural Preserve and approves Z-91-08 as described in Exhibit "A" and "D".

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg, California, held November 4, 1991 and was duly passed adopted at a meeting of said City Council held on the 18th day of November , 1991 by the following vote:

AYES: Councilpersons Currie, Lewis, Parent, Davis & Mayor Canciamilla

NAYS: None

ABSENT: None

ABSTAINED: None

JOSEPH E. CANCIAMILLA, MAYOR

ATTEST:

Lillian J Pride

LILLIAN J. PRIDE, CITY CLERK

CB/fb

A:AVILAPZ.CC

Ordinance No. 91-1016
Exhibit "A"

OS-O(1016) Zoning District

Land Use Regulations

In the following schedule, the letter "P" designates use classifications permitted in OS districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit (chapter 18.28). The letter "Z" designates accessory use classifications permitted on approval of the zoning administrator. The letter "T" designates temporary use classifications permitted on approval of a temporary activity permit. Letters in parentheses in the "Additional Use and Development Regulations" column refer to development regulations which follow after the schedule.

OS-O(1016) DISTRICT: LAND USE REGULATIONS

P - Permitted
U - Use Permit
Z - Zoning Administration Approval
T - Temporary Activity Permit
L - Limited (See Additional Use Regulations)

	OS-O(1016)	**ADDITIONAL AND DEVELOPMENT USE REGULATIONS**
Residential		
Single Family Residential	P	(A)
Governmental and Semipublic		
Cemetery	L36	
Government Office	L23	
Park and Recreation Facility	U	
Public Safety Facility	U	
Utility, Minor	P	
Commercial		
Animal Services		
Animal Boarding	P	
Animal Grooming	P	
Animal Hospital	P	
Animal Retail Sales	P	
Commercial Recreation and Entertainment		

Within a Building	L37
Outdoor Facilities	L38
Eating and Drinking Establishment	
Restaurant, Full-service	P
Horticulture, Limited	P
School, Commercial	L39
Vehicle/Equipment Sales and Service	
Vehicle Storage	U
Visitor Accommodations	L40
Industrial	
Industrial Services	
Contractor Yard	U
Agricultural and Extractive	
Animal Husbandry	P
Crop Production	P
Mining and Processing	U
Accessory Uses	
Accessory Uses	L30
Accessory Structures	
Nonresidential Accessory Structure	
Accessory Dwelling Unit	Z
Accessory Living Quarters	P
Caretaker's Quarters	U
Temporary Uses	
Animal Show	T
Christmas Tree Sales	T
Circus and Carnival	T
Commercial Filming, Limited	T
Holiday Boutique	P
Personal Property Sales	P
Real Property Sales	P
Religious Assembly	T

OS-O(1016) DISTRICT: ADDITIONAL USE REGULATIONS AND DEVELOPMENT REGULATIONS

(A) Minimum lot area is 20 acres per dwelling unit.

L23 Permitted as part of a park or recreational public service, or utility facility.

L36 Limited to burial of pets including taxidermy, crematory, columbarium, mausoleum and mortuary.

L37	Limited to exposition hall for animal shows, trade fairs, meetings, live performing arts and social functions.
L38	Limited to animal shows and exhibits.
L39	Limited to training of animal handlers.
L40	Limited to recreational vehicle hookups for participants and attendees.

Development Regulations

Development regulations are as specified by a use permit or design review where required. A permitted use or ancillary activity not specifically regulated by a use permit or design review approval is regulated by the property development regulations specified in the Rural Residential District, except as otherwise prescribed by this Chapter.

Review of Plans

All projects require design review (chapter 18.36).

CB/ly
a:landuse.reg

*OS-O DISTRICT: ADDITIONAL USE REGULATIONS AND DEVELOPMENT REGULATIONS

(A)	Minimum lot area is 20 acres per dwelling unit.
L23	Permitted as part of a park or recreational public service, or utility facility.
***L36**	**LIMITED TO BURIAL OF PETS INCLUDING TAXIDERMY, CREMATORY, COLUMBARIUM, MAUSOLEUM AND MORTUARY.**
***L37**	**LIMITED TO EXPOSITION HALL FOR ANIMAL SHOWS, TRADE FAIRS, MEETINGS, LIVE PERFORMING ARTS AND SOCIAL FUNCTIONS.**
***L38**	**LIMITED TO ANIMAL SHOWS AND EXHIBITS.**
***L39**	**LIMITED TO TRAINING OF ANIMAL HANDLERS.**
***L40**	**LIMITED TO RV HOOKUPS FOR PARTICIPANTS AND ATTENDEES.**

CB/ly
a:landuse.reg

Avila Road Prezoning & Annexatic
Z-91 Annexation #116
July 23, 1991

CITY OF PITTSBURG
NOTICE OF NEGATIVE DECLARATION

1. Project Description and Location:

This is a City-initiated proposal to annex into the City of Pittsburg approximately 129 acres located directly west of the proposed San Marco project, which was included in Southwest Hills Annexation #109, and south of Highway 4. Avila Road, an existing arterial street, generally bisects the site north from south. The project involves annexation of four parcels into the City of Pittsburg and prezoning of the property to OS, Open Sapce. The site contains the Ridge Farms horse stables on the north side of Avila Road and De Bonneville animal training center which includes three residential mobile homes. The remaining site is hilly ranch land.

2. Finding:

The Community Development Director has determined that the project described above will not have a significant effect on the environment for the reasons as stated in No. 3 below.

3. Statement of Reasons to Support the Finding:

   A. General Plan Consistency: The site is proposed to be prezoned to OS, Open Space. This zoning classification is consistent with the current General Plan designation of Open Space. The southern corner of the site is in a Williamson Act contract (agricultural preserve). The OS zoning will not affect this contract.

   B. Transportation/Circulation: The General Plan designates Avila Road as an existing arterial street which will eventually connect to West Leland Road with the construction of this street in the San Marco development.

   C. Utilities: The site will concurrently be annexed into Delta Diablo Sanitation District No. 7-A and Contra Costa Water District at the time of annexation into the City. The project site is located in the planned ultimate sewer service area of Delta Diablo Sanitation District. All four parcels need to be added to CCWD's Sphere of Influence (SOI).

4. Initial Study:

A precise description of the project and an environmental analysis of the potential effects of the subject proposal may be reviewed at the City of Pittsburg Community Development Department, Planning Division, 65 Civic Avenue, Pittsburg, CA 94565.

5. Appeal Procedure:

The determination of the Community Development Director may be appealed, by any person, not later than the twenty-first (21st) day following the above date. The appeal shall be filed with the City Clerk, 2020 Railroad Avenue, Pittsburg, CA 94565.

Ronald J. Zapf

Avila Road zoning Overlay &
Annexation
Z-91-08, Annexation #116
October 1, 1991

CITY OF PITTSBURG
NOTICE OF NEGATIVE DECLARATION

1. Project Description and Location:

This is a City-initiated proposal to annex into the City of Pittsburg approximately 129 acres located directly west of the proposed San Marco project, which was included in Southwest Hills Annexation #109, and south of Highway 4 and to amend the zoning ordinance (Title 18) and establish a limited overlay zone to allow for flexibility of land uses consistent with the General Plan. Avila Road, an existing arterial street, generally bisects the site north from south. The project involves annexation of four parcels into the City of Pittsburg and prezoning of the property to OS, Open Space. The site contains the Ridge Farms horse stables on the north side of Avila Road and De Bonneville animal training center which includes three residential mobile homes. The animal center will include a full-care veterinarian hospital, pet training and grooming facilities, show facilities that include a multipurpose exhibition hall, dog kennels, cemetary and crematorian. The animal center was previously approved by the County and is referred to in the Southwest Hills Annexation and General Plan Amendment Environmental Impact Report. The remaining site is hilly ranch land.

2. Finding:

The Community Development Director has determined that the project described above will not have a significant effect on the environment for the reasons as stated in No. 3 below.

3. Statement of Reasons to Support the Finding:

A. General Plan Consistency: The site is proposed to be prezoned to OS, Open Space with an overlay zone to allow animal sales and services. This zoning classification is consistent with the current General Plan designation of Open Space. Animal sales and services is currently permitted or conditionally permitted in commercial zones and limited industrial zone.

B. Transportation/Circulation: The General Plan designates Avila Road as an existing arterial street which will eventually connect to West Leland Road with the construction of this street in the San Marco development.

C. Utilities: The site will concurrently be annexed into Delta Diablo Sanitation District No. 7-A and Contra Costa Water District at the time of annexation into the City. The project site is located in the planned ultimate sewer service area of Delta Diablo Sanitation District. All four parcels need to be added to CCWD's Sphere of Influence (SOI).

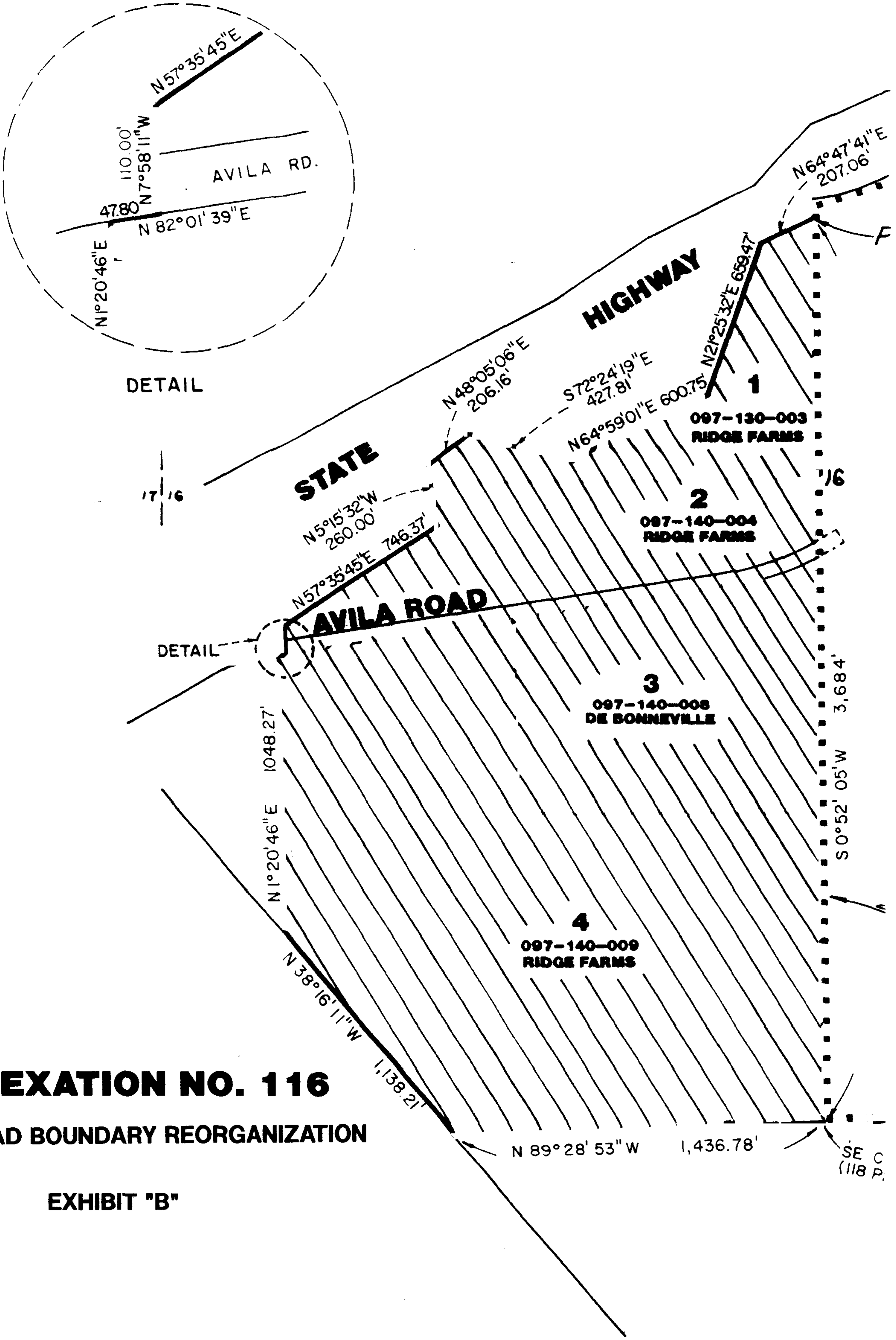
4. Initial Study:

A precise description of the project and an environmental analysis of the potential effects of the subject proposal may be reviewed at the City of Pittsburg Community Development Department, Planning Division, 65 Civic Avenue, Pittsburg, CA 94565.

5. Appeal Procedure:

The determination of the Community Development Director may be appealed, by any person, not later than the twenty-first (21st) day following the above date. The appeal shall be filed with the City Clerk, 2020 Railroad Avenue, Pittsburg, CA 94565.

Ronald J. Zapf
Community Development Director



ANNEXATION NO. 116

AVILA ROAD BOUNDARY REORGANIZATION

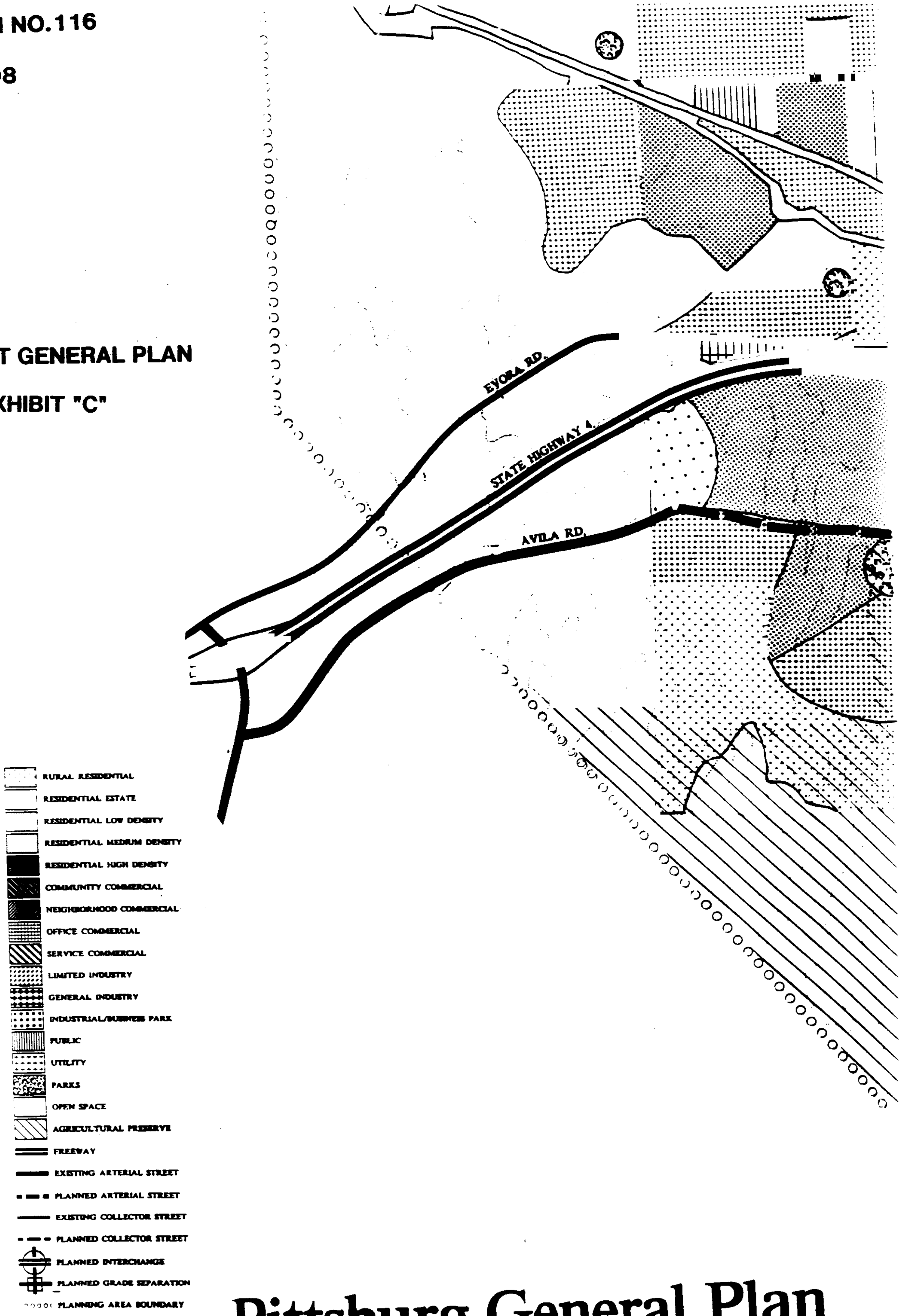
EXHIBIT "B"

ANNEXATION NO. 116

Z-91-08

CURRENT GENERAL PLAN

EXHIBIT "C"

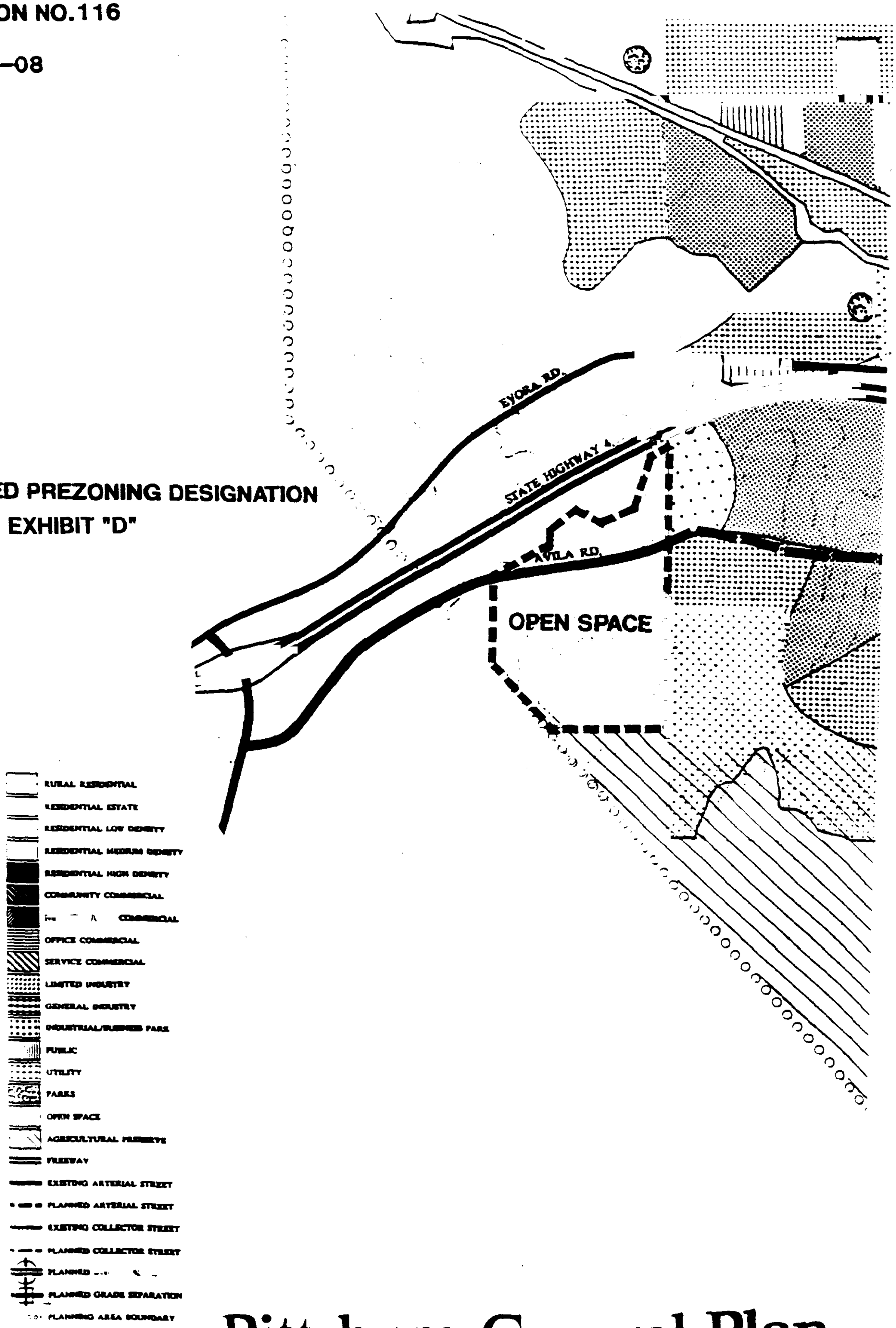


Pittsburg General Plan

ANNEXATION NO.116

Z-91-08

PROPOSED PREZONING DESIGNATION
EXHIBIT "D"



Pittsburg General Plan

ITEM 5: AVILA ROAD ANNEXATION NO. 116 PREZONING/BOUNDARY REORGANIZATION
City initiated request to annex and prezone to OS (Open Space) 129.481 acres between State Highway 4 and existing City limits on the east and adjacent to unincorporated land on the south and west; APN 097-130-003; **097-140-004, 008 and 009.**

Mr. Jerome reported that the action to be taken by the Commission would be in relation to the prezoning of the Avila Road Annexation. He added that the City intended to annex the 130± acres to an Open Space designation.

Mr. Bekiaris, the project planner, stated that the annexation was contiguous to City boundaries, was consistent with the General Plan and was appropriate. He further clarified the location of the property to be annexed.

PUBLIC HEARING OPENED

PROPONENT: The City of Pittsburg

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Riccio to adopt Resolution No. 8538, recommending that the City Council approve Z-91-08, Avila Road Prezoning and Boundary Reorganization, Annexation 116, as shown on Exhibit D. The motion was seconded by Commissioner Garcia and carried by the following vote:

Ayes:	Commissioners Beck, Bedford, Burns, Garcia, Moline, Riccio, Gordon
Noes:	None
Abstain:	None
Absent:	None

COMMENTS FROM AUDIENCE:

There were no comments from the audience.

STAFF COMMUNICATIONS:

There were no comments from staff.

COMMENTS FROM COMMISSIONERS:

Commissioner Riccio referred the Commission to the two articles in the newspaper she presented, and offered a letter to the editor for discussion.

Ms. Lord explained that the area was well-lit, but vandals frequently broke the mercury vapor lights which were required to be replaced an average of four times a week. She also clarified that the gates were kept closed during the day for security reasons.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Riccio to adopt Resolution No. 8558, approving FE-91-03, St. Vincent De Paul Fence Exception, with the addition of the indemnity section. The motion was seconded by Commissioner Garcia and carried by the following vote:

Ayes: Commissioners Bedford, Beck, Burns, Garcia, Riccio, Gordon
Noes: None
Abstain: None
Absent: None

***ITEM 6: AVILA ROAD ANNEXATION NO. 116 PREZONING TO AN OPEN SPACE/LIMITED OVERLAY ZONE. Z-91-08.**

City-initiated request to annex and prezone to Open Space with a Limited Overlay Zone (OS-O) allowing expanded land use classifications on the 129.481 acres between State Highway 4 and existing city limits on the east and adjacent to unincorporated land on the south and west. APN **097-130-003; 097-140-004, 008 and 009.**

Mr. Jerome explained the City-initiated request to annex and prezone to Open Space with a Limited Overlay Zone, to allow expanded land use classifications on the 129.481 acre site.

Chris Bekiaris, the project planner, explained that in August, the Commission adopted a resolution recommending approval of the prezoning of the site to the City Council. Because County-approved uses in the area were not included in the prezoning designation, the limited overlay district was proposed to allow the existing uses and uses permitted by the County, to facilitate the annexation process. Mr. Bekiaris introduced Exhibit "A" to identify the changes and to clarify the uses of the overlay zone.

PUBLIC HEARING OPENED

PROPONENTS: The City of Pleasant Hill

CHERI DEBONNEVILLE, the owner of the affected property, supported the application and questioned when the utilities and other improvements would be provided to the adjoining development.

From the audience, the developer's representative estimated that the improvements could be completed by the Spring of 1993.

OPPONENTS: None

PUBLIC HEARING CLOSED

MOTION:

Motion by Commissioner Garcia to adopt Resolution No. 8559, recommending City Council approval of Z-91-08, Avila Road Prezoning, with the addition of *taxidermy* under L-36, Additional Use Regulations and Development Regulations. The motion was seconded by Commissioner Beck and carried by the following vote:

Ayes: Commissioners Bedford, Beck, Burns, Garcia, Riccio, Gordon
Noes: None
Abstain: None
Absent: None

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STAFF COMMUNICATIONS

November 26, 1991 Meeting

Mr. Jerome polled the Commission to insure that there would be a quorum of Commissioners present for the November 26 meeting, scheduled during Thanksgiving week.

Commission Vacancy

Mr. Jerome also reported that the Commission vacancy had been noticed in the paper.

COMMENTS FROM COMMISSIONERS

In light of the recent disastrous East County brush fire, Chairman Gordon brought up the question of the appropriateness of shake roofs and questioned whether the City had regulations to restrict the use of shake roofs. He emphasized that the City's remaining buildable land, adjacent to hillsides, should be developed utilizing more fire retardant roof material.

Mr. Jerome explained that it would be inappropriate to place such a restriction in a zoning ordinance, but it could be included in the municipal code. With reference to new developments only, a general policy statement or design guidelines could be established to address fire resistant and aesthetic roof values.

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Avila Road Prezoning and)
Boundary Reorganization,) Resolution No. 8538
Annexation 116, Z-91-08)
APN 097-130-003, 097-140-004,)
088 & 009)
Resolution of Approval)

The Pittsburg Planning Commission does resolve as follows:

Section 1. Background

1. On July 23, 1991, the City of Pittsburg initiated proceedings to prezone consistent with the Pittsburg General Plan and to annex into the City of Pittsburg, 129± acres bordered on the north by State Highway 4 and east by the existing city limits, on the south and west by unincorporated property. APN 097-130-003, 097-140-004, 008 & 009.

2. A Negative Declaration was posted for this proposed project on July 23, 1991, the Community Development Director having found that no significant effects upon the environment will occur as result of this project.

3. Notice of the August 13, 1991 public hearing for this project was mailed, published and posted August 2, 1991.

4. The proposed prezoning conforms with the policies and guidelines of the Pittsburg General Plan.

5. On August 13, 1991, the Planning Commission held a public hearing on Z-91-08 at which time oral and/or written testimony was considered.

Section 2. Findings

Based on evidence presented at the public hearing, the Planning Commission finds that:

1. The Negative Declaration was prepared in compliance with CEQA, State and City Guidelines and that it has reviewed and considered the information contained therein.

2. The zoning district classification assigned to the affected parcels is consistent with the land use designation indicated on the Pittsburg General Plan.

3. The public necessity, convenience and general welfare require the subject site be prezoned.

4. It is recommended that the City Council hold the necessary public hearings and approve Z-91-08.

Section 3. Approval

Based on the findings as set forth above, this Commission hereby recommends that the City Council certify the Negative Declaration and adopt an ordinance to approve Z-91-08 as shown on Exhibit "B" and "D".

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Riccio , seconded by Commissioner Garcia , the foregoing resolution was passed and adopted this 13th day of August , 1991, by the Planning Commission of Pittsburg, California by the following vote:

AYES: Beck, Bedford, Burns, Garcia, Gordon, Moline, Riccio

NAYS: None

ABSENT: None

ABSTAINED: None

FRANK GORDON, CHAIRPERSON
PITTSBURG PLANNING COMMISSION

I hereby attest the above signature and certify that the above Resolution No. 8538 was adopted by the Planning Commission of the City of Pittsburg on August 13, 1991.

RANDY JEROME, SECRETARY
PITTSBURG PLANNING COMMISSION

I, the undersigned, acknowledge that the above stated conditions are required to be fulfilled as a part of the approval of this application.

APPLICANT'S NAME (please print)

APPLICANT'S SIGNATURE

PROPERTY OWNER'S NAME (please print)

PROPERTY OWNER'S SIGNATURE

2092P

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Avila Road Prezoning)
Z-91-08) Resolution No. 8559
APN 097-130-003)
097-140-004, 008 & 009)
Resolution of Approval)

The Pittsburg Planning Commission does resolve as follows:

Section 1. Background

1. On July 23, 1991, the City of Pittsburg initiated proceedings to prezone consistent with the Pittsburg General Plan and to annex into the City of Pittsburg, approximately 129 acres bordered on the north by State Highway 4 and east by the existing city limits, on the south and west by unincorporated property. APN 097-130-003, 097-140-004, 008 & 009.

2. On August 13, 1991, the Planning Commission adopted Resolution No. 8538 recommending the City Council certify the Negative Declaration and adopt an ordinance approving Z-91-08.

3. On September 25, 1991 the involved parties and City staff met to discuss existing uses and uses approved by Contra Costa County.

4. A Negative Declaration was reposted for this proposed project on October 1, 1991 the Community Development Director having found that no significant effects upon the environment will occur as result of this project.

5. Notice of the October 22, 1991 public hearing for this project was mailed, published and posted October 11, 1991.

6. On October 22, 1991, the Planning Commission held a public hearing Z-91-08 at which time oral and/or written testimony was considered.

Section 2. Findings

Based on evidence presented at the public hearing, the Planning Commission finds that:

1. The Negative Declaration was prepared in compliance with CEQA, State and City Guidelines and that it has reviewed and considered the information contained therein.

2. The public necessity, convenience and general welfare require that the Limited Overlay District be adopted as indicated in the attached Exhibit "A" for the area indicated on Exhibit "B".

3. The proposed Limited Overlay District conforms with the policies and guidelines at the Pittsburg General Plan and with the development regulations of the Municipal Code.

4. It is recommended that the City Council hold the necessary public hearings and approve the rezoning request.

Section 3. Approval

Based on the findings as set forth above, this Commission hereby approves Z-91-08.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Garcia, seconded by Commissioner Burns, the foregoing resolution was passed and adopted this 22nd day of October, 1991, by the Planning Commission of Pittsburg, California by the following vote:

AYES:Beck, Bedford, Burns, Garcia, Gordon, Riccio

NAYS: None

ABSENT: None

ABSTAINED: None

FRANK GORDON, CHAIRPERSON
PITTSBURG PLANNING COMMISSION

I hereby attest the above signature and certify that the above Resolution No. 8559 was adopted by the Planning Commission of the City of Pittsburg on October 22, 1991.

RANDY JEROME, SECRETARY
PITTSBURG PLANNING COMMISSION

I, the undersigned, acknowledge that the above stated conditions are required to be fulfilled as a part of the approval of this application.

APPLICANT'S NAME (please print)

APPLICANT'S SIGNATURE

PROPERTY OWNER'S NAME (please print)

PROPERTY OWNER'S SIGNATURE

CB/ly
a:avilard.8559

WILLIAMS, WOODS & SCHEIDIG
an association including a professional corporation

Charles J. Williams
a professional corporation
Michael R. Woods
Kenneth C. Scheidig

One Summit Center
2530 Arnold Drive, Suite 360
Martinez, California 94553

Tel. 415.228.3840
Fax 415.228.1703

September 18, 1991

MEMORANDUM

TO: Yolanda Lopez, Administrative Assistant

FROM: Charles J. Williams, City Attorney
Michael R. Woods, Assistant City Attorney

RE: Ordinance Prohibiting the Defacing of Public Property

In response to your request we have reviewed the provisions of the Municipal Code regarding defacing of public property, currently found at the back of Chapter 12.08, entitled "Obstructions and Interference with Public Streets."

We determined that these provisions are more properly placed in a separate chapter under Title 9, Public Peace, Safety and Morals, and have therefore drafted the enclosed ordinance. The language has been modified somewhat; violation of this new chapter 9.74 is a misdemeanor.

You questioned whether the City might broaden the application of these provisions to include private property as well as public property. This appears to be unnecessary. California Penal Code section 594 provides criminal penalties for vandalism against private and public property. This section applies to a broad range of malicious mischief, including but not limited to acts of writing graffiti. Penal Code Section 594.1 regulates the sale of certain aerosol containers of paint to minors, and possession of such containers by minors. (Copies of sections 594 and 594.1 are enclosed for your reference.)

Given these state offenses, it seems that little could be added by broadening provisions of the Municipal Code to apply to private property. Such inclusion might well expand the City's enforcement burden without really creating any new offense that could not already be prosecuted.[1/]

[1/] There seems little harm in retaining existing code provisions protecting public property. Whenever the City enforces these provisions, staff should note the availability of the Penal Code sections referenced here, particularly section 594(c), which allows the court to order the damage to be repaired by or at the expense of the person convicted.

If you have any questions, please call us.

MRW:sb

cc: S. A. Donato, City Manager
Robert Soderbery, Public Services Director
Sue DeLapp, Code Enforcement

Enclosures

pitts\ord\mdeface.prp

OFFICE OF THE CITY MANAGER
Administrative Offices
2020 Railroad Avenue
Pittsburg, California 94565

MEMO: November 4, 1991

TO: Mayor and City Council

FROM: S. Anthony Donato, City Manager

SUBJECT: **AVILA ROAD ANNEXATION NO. 116 PREZONING TO AN OPEN SPACE/LIMITED OVERLAY ZONE. Z-91-08 CITY INITIATED REQUEST TO ANNEX AND PREZONE TO OPEN SPACE WITH LIMITED OVERLAY ZONE (OS-0) ALLOWING EXPANDED LAND USE CLASSIFICATION ON THE 129.481 ACRES BETWEEN STATE HIGHWAY 4 AND EXISTING CITY LIMITS ON THE EAST AND ADJACENT TO UNINCORPORATED LAND ON THE SOUTH AND WEST. APN 097-130-003; 097-140-004, 008 & 009.**

On August 13, 1991 the Planning Commission adopted Resolution No. 8538 by unanimous vote recommending that the City Council approve the prezoning of the Avila Road site to Open Space.

This unincorporated area located in the southwestern part of Pittsburg is within the City's planning area boundary. The City can annex this area because it is contiguous to City boundaries. The affected parcels must be prezoned in order for the City to initiate the annexation. The proposal is to prezone each parcel with a zoning district classification that corresponds to the current General Plan land use designation. No development projects are proposed or forthcoming as a result of this zoning action and annexation. As such, a Negative Declaration was prepared and posted on July 23, 1991.

The affected properties are as follows:

1. Two parcels totaling 30.156 acres between State Highway 4 and Avila Road presently occupied by horse stables, truck parking and storage of various miscellaneous items. (Sites No. 1 and 2)

2. A 25 acre parcel on the south side of Avila Road to its easternmost terminus contains several residences and grazing land. (Site No. 3)

3. A 71.368 acre parcel located west and southwest of Site No. 3 and south of Avila Road consists of grazing land. (Site

The present General Plan land use classification for the area is OS (Open Space) and is indicated on Exhibit "C". The proposed prezoning district will be consistent with the current General Plan land use designation of Open Space (Exhibit "D").

Planning staff subsequently met with the involved parties to discuss uses on their property relating to enumerated uses in the land use matrix for the OS zone. Currently the area is used for grazing, stables, residences, dog kennel, vehicle storage yard and contractor storage. In 1984, the County of Contra Costa approved a land use permit on the 25 acre De Bonneville parcel (Site No. 3 Exhibit "A") for "a commercial dog kennel, veterinary hospital, pet cemetery, three dwelling units and related accessory structures." It was determined that most of the existing and proposed uses are not permitted in the OS base district. These uses, nonetheless, are generally consistent with the Pittsburg General Plan and were evaluated in the Southwest Hill General Amendment EIR. The owners will agree to the annexation if their existing and approved uses with the County are allowed in the City. A limited overlay district is required to allow these existing uses and uses permitted by the County.

On October 22, 1991 the Planning Commission adopted Resolution No. 8559 by unanimous vote recommending the City Council approve the Limited Overlay Zone.

The proposed change involves adding the following land uses to the land use matrix for the proposed Limited Overlay District:

Commercial

A. Animal Sales and Services

    Animal Boarding
    Animal Grooming
    Animal Hospital
    Animal Retail Sales

B. Commercial Recreation and Entertainment within a Building

C. Eating and Drinking Establishment

    Full Service Restaurant

D. School, Commercial

E. Vehicle/Equipment Sales and Service
    Vehicle Storage

Industrial

F. Contractor Yard

A negative declaration was reposted on October 1, 1991 having determined that the zoning amendment will not have a significant effect on the environment.

ATTACHMENT:
- Resolution of Approval
- Proposed Limited Overlay District Exhibit "A"
- Negative Declarations Dated July 23 and October 1, 1991
- Avila Road Annexation No. 116 Map Exhibit "B"
- Current General Plan Map Exhibit "C"
- Proposed Prezoning Designation Map Exhibit "D"
- Planning Commission Minutes of August 13 and October 22, 1991
- Planning Commission Resolution No. 8538 and No. 8539

CB/fb

A:AVILARD.PRE

This space is for County Clerk's Filing Stamp

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Contra Costa

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the California Delta Newspapers, Inc. A newspaper of general circulation, printed and published at 1650 Cavallo Road in the City of Antioch, County of Contra Costa, 94509.

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of March 26, 1870. Case Number 7467370.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

DEC. 2

all in the year of 19 91.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed at Antioch, California.

On this 2 day of DEC., 19 91.

Norma

Signature

California Delta Newspapers, Inc.
Daily Ledger • Post Dispatch • Brentwood News
P.O. Box 2299
Antioch, CA 94531-2299
(415) 757-2525

Proof of Publication of 91-1396

ORDINANCE 91-1016

AVILA ROAD PREZONING

BEFORE THE CITY COUNCIL OF

In the Matter of:

Avila Road Prezoning
Z-91-08
APN 097-130-033, 097-140-004,
008, & 009

The Pittsburg City Council does ordain as follows:

Section 1. Pr[illegible]

1. On July 23, 1991, the City of Pittsburg initiated proceedin with the Pittsburg General Plan and to annex into the City of P bordered on the north by State Highway 4 and east by the existing south and west by unincorporated property. APN 097-130-003, 097-140

2. A Negative Declaration was posted for this proposed project on July and October 1, 1991 the Community Development Director having found that no significant effects upon the environment will occur as result of this project.

3. On August 12, 1991 the Planning Commission adopted Resolution No. 8538 approving Z-91-08.

4. On October 22, 1991 the Planning Commission adopted Resolution No. 8559 approving a Limited Overlay District to OS-S.

5. The proposed prezoning conforms with the policies and guidelines of the Pittsburg General Plan.

6. On November 4, 1991, the City Council held a public hearing on Z-91-08 at which time oral and/or written testimony was considered.

Section 2. Findings

Based on evidence presented at the public hearing, the City Council finds that:

1. Negative Declarations were prepared in compliance with CEQA, State and City Guidelines and that it has reviewed and considered the information contained therein.

2. The zoning district classification and Limited Overlay District assigned to the affected parcels is consistent with the land use designation indicated on the Pittsburg General Plan and with the development regulations of the Pittsburg Municipal Code.

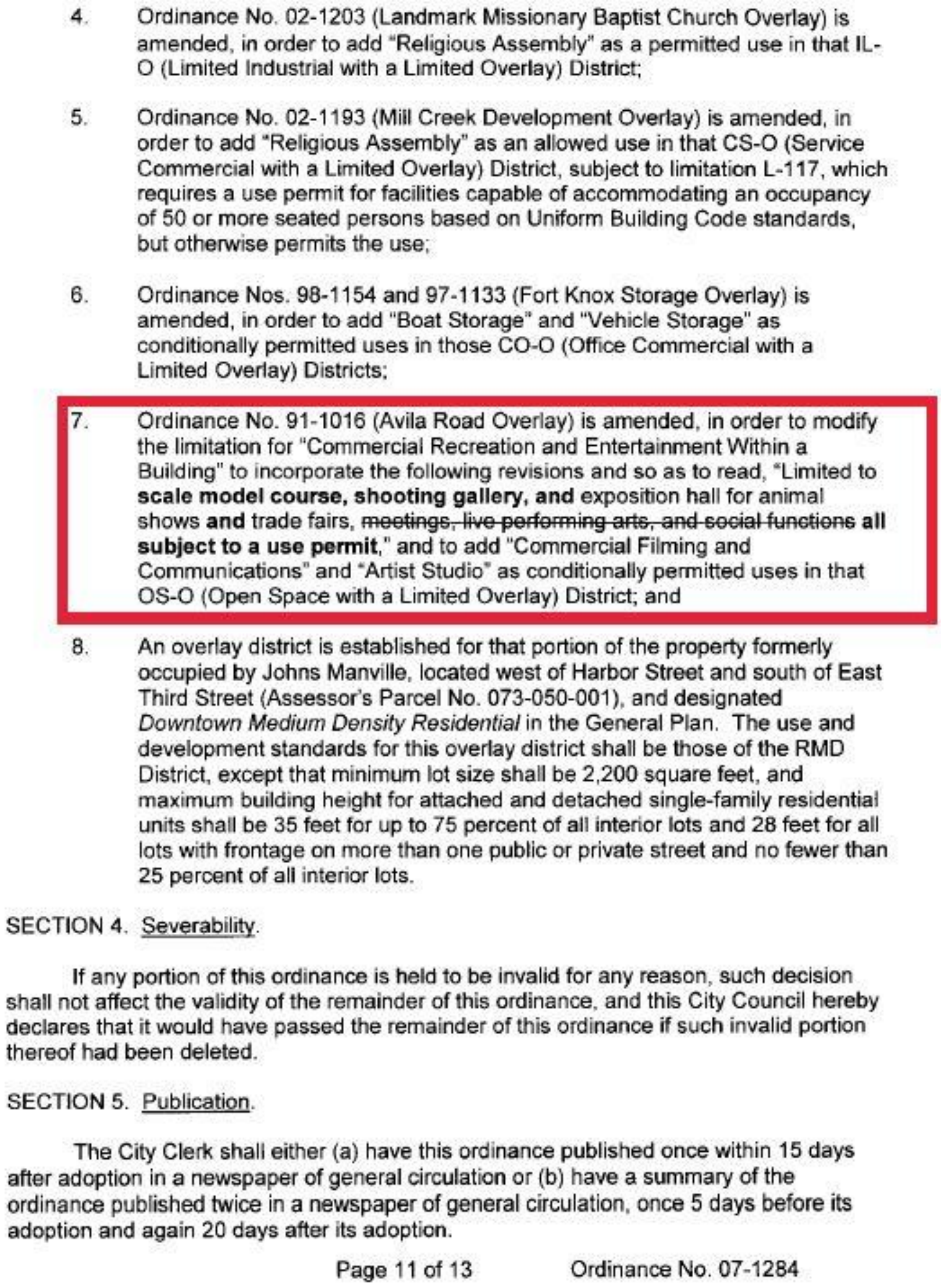
Section 3. Approval

Based on the findings as set forth above, this City Council hereby certifies the Negative Declarations except in regards to General Plan c[illegible]y which incorrectly indicates that the southwest portion of the annexation area is within the Williamson Act Agricultural Preserve and approves Z-91-08 as described in Exhibit "A" and "D".

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg, California, held November 4, 1991 and was duly passed adopted at a meeting of said City Council held on the 18th day of November, 1991 by the following vote:

AYES: Councilpersons Currie, Lewis, Parent, Davis & Mayor Canciamilla
NAYS: None
ABSENT: None
ABSTAINED: None
/s/ JOSEPH E. CANCIAMILLA, MAYOR
ATTEST: LILLIAN J. PRIDE,
CITY CLERK
Exhibit's available at the City Clerk's Office.
Legal 91-1396
Publish: December 2, 1991

Attachment 3 Excerpt from Ordinance No. 07-1284 Amending OS-O (1016)



4. Ordinance No. 02-1203 (Landmark Missionary Baptist Church Overlay) is amended, in order to add "Religious Assembly" as a permitted use in that IL-O (Limited Industrial with a Limited Overlay) District;

5. Ordinance No. 02-1193 (Mill Creek Development Overlay) is amended, in order to add "Religious Assembly" as an allowed use in that CS-O (Service Commercial with a Limited Overlay) District, subject to limitation L-117, which requires a use permit for facilities capable of accommodating an occupancy of 50 or more seated persons based on Uniform Building Code standards, but otherwise permits the use;

6. Ordinance Nos. 98-1154 and 97-1133 (Fort Knox Storage Overlay) is amended, in order to add "Boat Storage" and "Vehicle Storage" as conditionally permitted uses in those CO-O (Office Commercial with a Limited Overlay) Districts;

7. Ordinance No. 91-1016 (Avila Road Overlay) is amended, in order to modify the limitation for "Commercial Recreation and Entertainment Within a Building" to incorporate the following revisions and so as to read, "Limited to **scale model course, shooting gallery, and** exposition hall for animal shows **and** trade fairs, ~~meetings, live performing arts, and social functions~~ **all subject to a use permit**," and to add "Commercial Filming and Communications" and "Artist Studio" as conditionally permitted uses in that OS-O (Open Space with a Limited Overlay) District; and

8. An overlay district is established for that portion of the property formerly occupied by Johns Manville, located west of Harbor Street and south of East Third Street (Assessor's Parcel No. 073-050-001), and designated *Downtown Medium Density Residential* in the General Plan. The use and development standards for this overlay district shall be those of the RMD District, except that minimum lot size shall be 2,200 square feet, and maximum building height for attached and detached single-family residential units shall be 35 feet for up to 75 percent of all interior lots and 28 feet for all lots with frontage on more than one public or private street and no fewer than 25 percent of all interior lots.

SECTION 4. Severability.

If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance, and this City Council hereby declares that it would have passed the remainder of this ordinance if such invalid portion thereof had been deleted.

SECTION 5. Publication.

The City Clerk shall either (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or (b) have a summary of the ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again 20 days after its adoption.

Attachment 4 Avila Road Photos

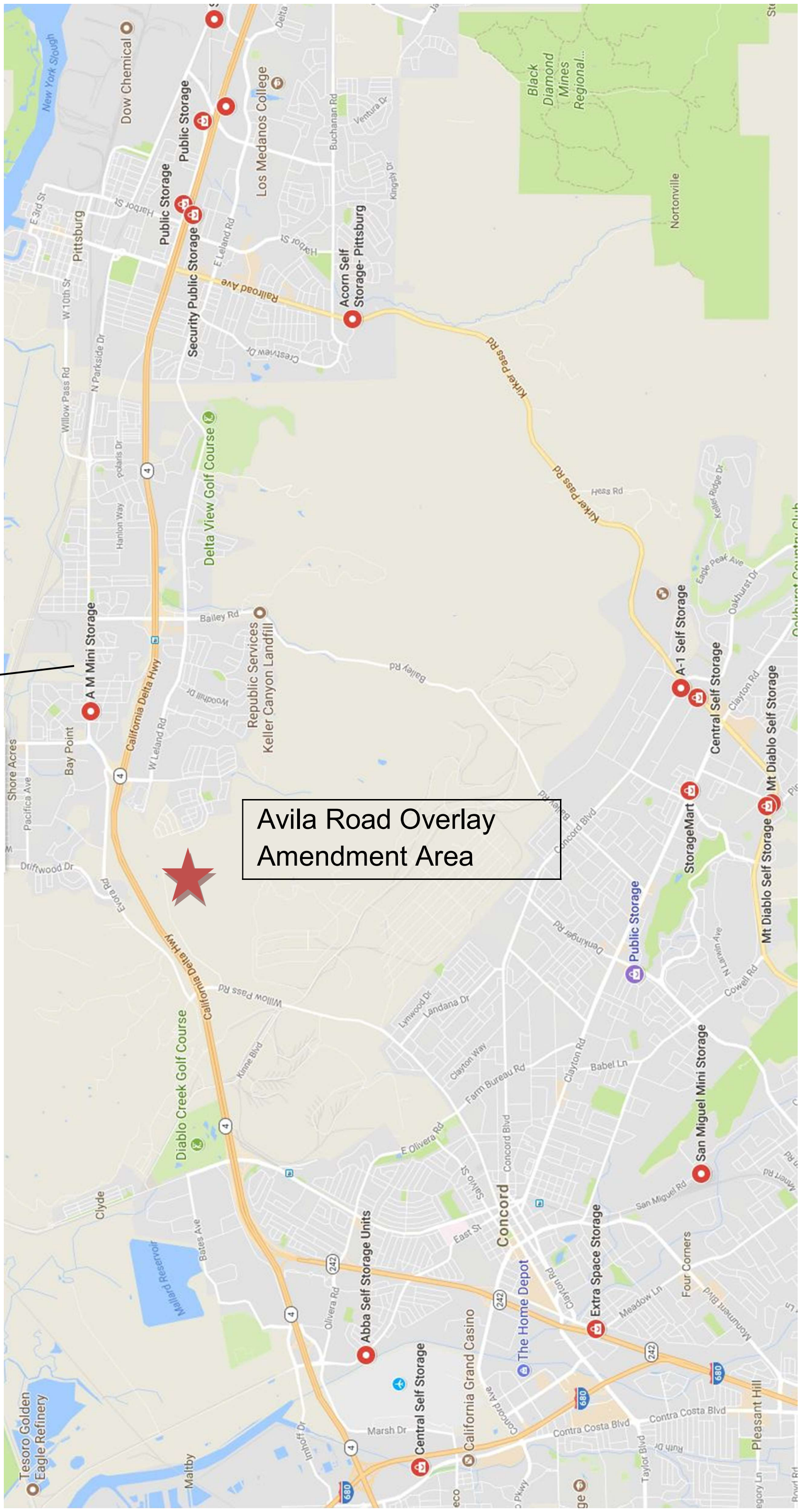
Photo 1 Looking Northeasterly along Avila Road (applicant’s property behind fence)

Photo 2 Looking Easterly along Avila road. RV storage on left and industrial contractor yard on right

Photo 3 Looking north from Avila Road at applicant’s industrial contractor yard

Photo 4 Looking South at RV storage

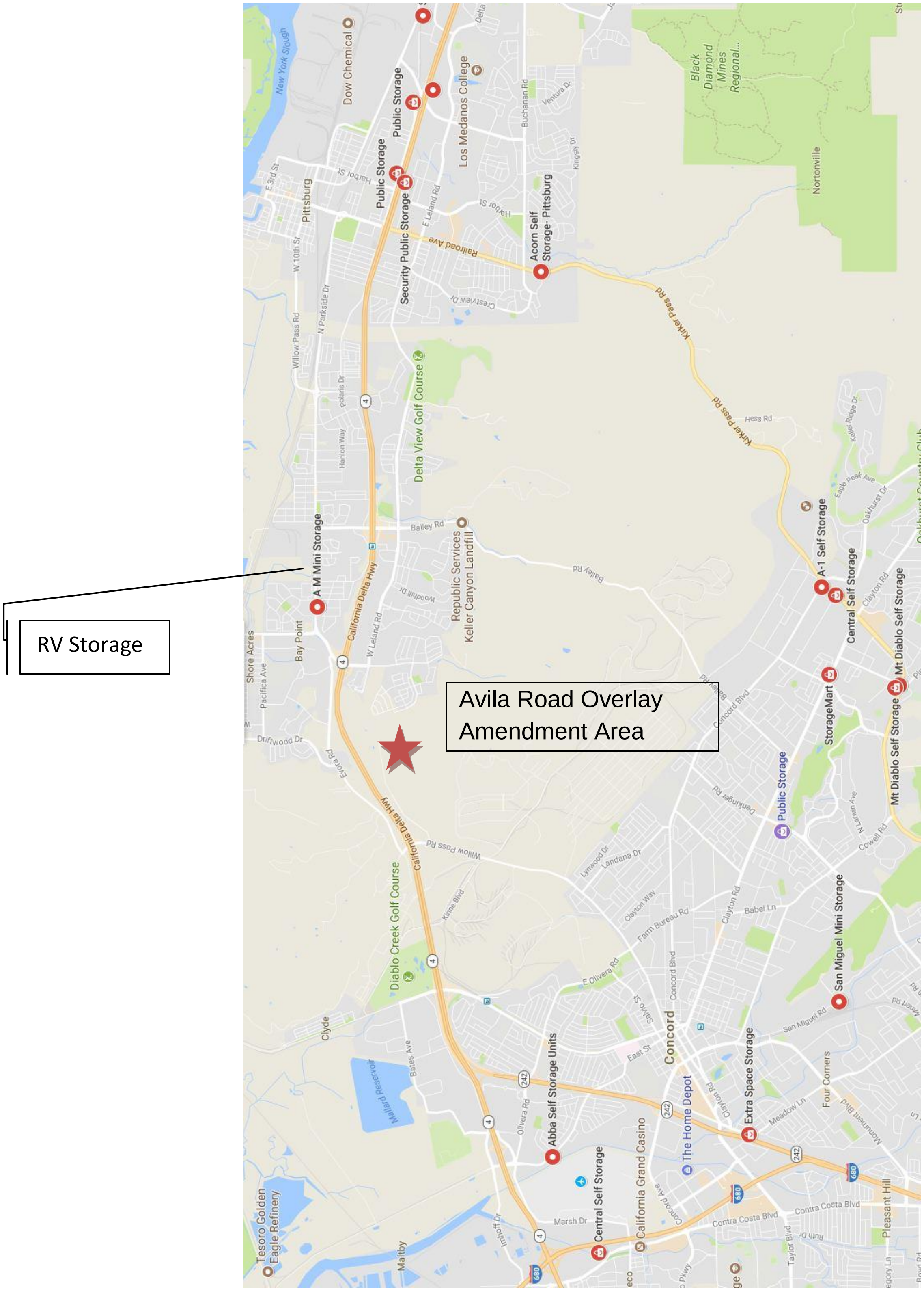
Attachment 7: EXISTING MINI STORAGE GOOGLE LOCATIONS MAP



RV Storage

Avila Road Overlay Amendment Area

Attachment 5 EXISTING MINI STORAGE GOOGLE LOCATIONS MAP



City of Pittsburg
Community Development Department – Planning Division
65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **PLANNING COMMISSION** of the City of Pittsburg will conduct a public hearing on:

DATE: **December 12, 2017**
TIME: **7:00 p.m.**
PLACE: **City Council Chamber at City Hall**
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Avila Road Overlay Amendment. Rescind Resolution No. 10075 and Revise Recommendation on an Amendment of an Open Space Overlay District near Avila Road, AP-17-1253 (RZ).

This is a public hearing on a request to revise a recommendation for City Council approval of an Overlay District Amendment to add the land use category “warehousing and storage limited,” subject to a use permit and limitations, within the existing Open Space Overlay District No. 07-1284, located in the vicinity of 100 - 104 Avila Road.

PROJECT PLANNER: Christine Gregory (925) 252-4824 or cgregory@ci.pittsburg.ca.us

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Why am I receiving this notice? You are receiving this notice because you have either previously requested notifications from the Planning Division, or a project has been proposed in your neighborhood and all property owners within a minimum 300-foot radius of the project site are required to be notified under the Pittsburg Municipal Code.

Where can I get more information about this project?
The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

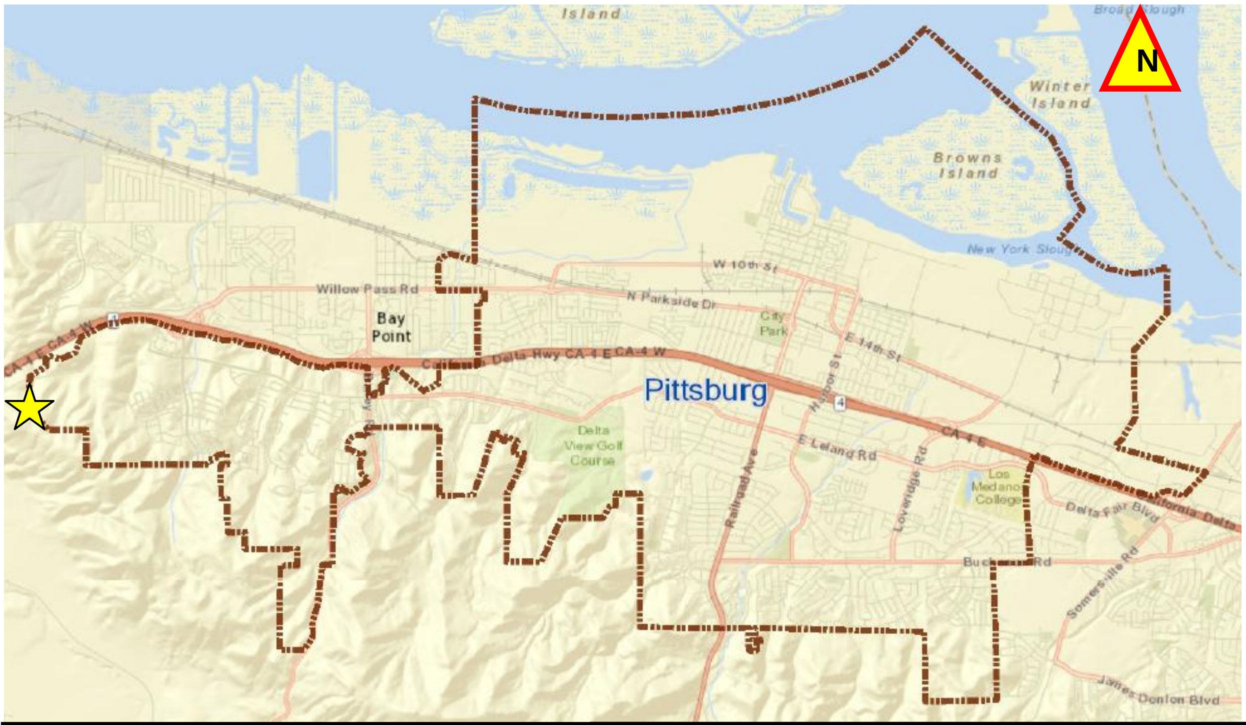
What can I do if I have comments on the project?
Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. You may also register your comments or objections by attending the public hearing on the date and time listed above.

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.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

City of Pittsburg

Community Development Department – Planning Division
65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814



Project Title: Avila Road Overlay Amendment
AP-17-1253

Location: 100, 101,102, 103, & 104 Avila Road
APN’s: 097-140-014, 015, 016, 017, 018, and 097-130-009

City of Pittsburg
Community Development Department – Planning Division
65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

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DATE: **December 12, 2017**
TIME: **7:00 p.m.**
PLACE: **City Council Chamber at City Hall**
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Avila Road Overlay Amendment. Rescind Resolution No. 10075 and Revise Recommendation on an Amendment of an Open Space Overlay District near Avila Road, AP-17-1253 (RZ).

This is a public hearing on a request to revise a recommendation for City Council approval of an Overlay District Amendment to add the land use category "warehousing and storage limited," subject to a use permit and limitations, within the existing Open Space Overlay District No. 07-1284, located in the vicinity of 100 - 104 Avila Road.

PROJECT PLANNER: Christine Gregory (925) 252-4824 or cgregory@ci.pittsburg.ca.us

---

Why am I receiving this notice? You are receiving this notice because you have either previously requested notifications from the Planning Division, or a project has been proposed in your neighborhood and all property owners within a minimum 300-foot radius of the project site are required to be notified under the Pittsburg Municipal Code.

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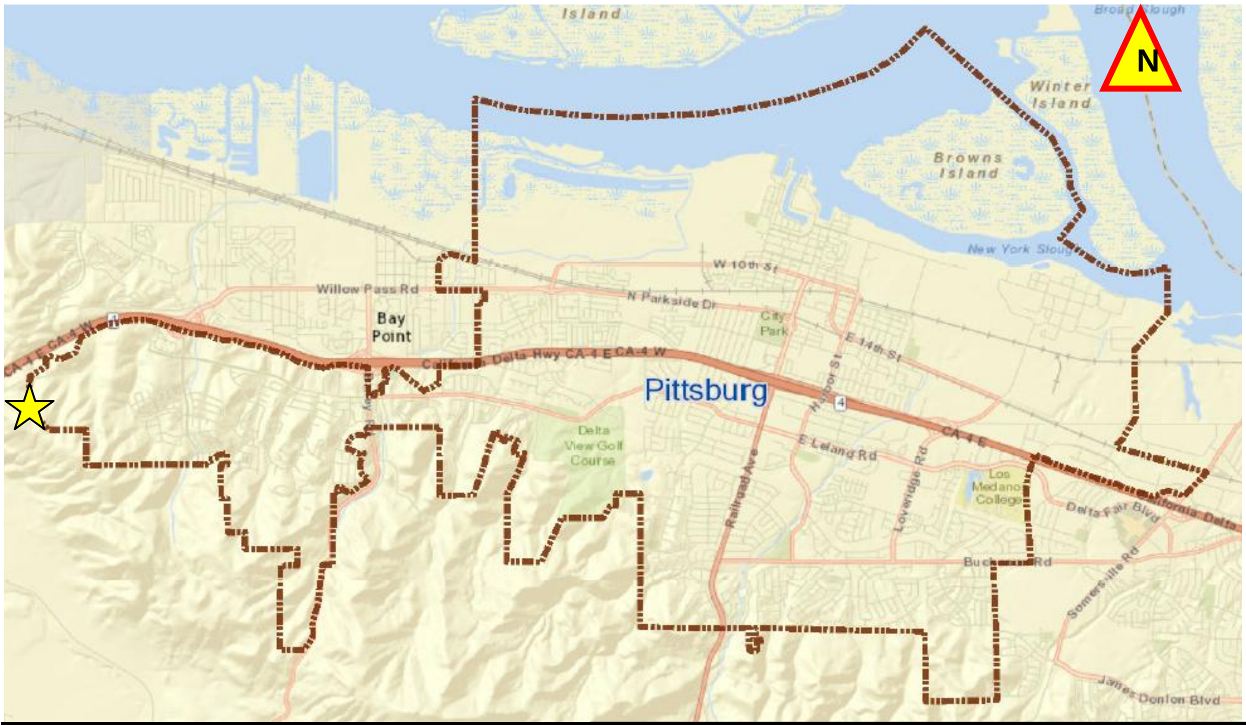
Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public 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.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

City of Pittsburg

Community Development Department – Planning Division
65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814



<u>Project Title</u>: Avila Road Overlay Amendment AP-17-1253	**<u>Location</u>:** 100, 101,102, 103, & 104 Avila Road APN's: 097-140-014, 015, 016, 017, 018, and 097-130-009

CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
September 12, 2017

ITEM: **No. 6 - Recommendation on a Zoning Text Amendment to the Avila Road Open Space Overlay District to Allow Warehousing and Storage Limited, AP-17-1253 (RZ)**

ORIGINATED BY: David and Kathy Rege, PO Box 507, Clayton, CA 94517

SUBJECT: This is a public hearing on a request by Dave and Kathy Rege for a recommendation for City Council approval of a Zoning Text Amendment to add “warehousing and storage limited” subject to a use permit and design review to the Open Space Overlays 07-1284 and 91-1016 located at 101 - 104 Avila Road.

RECOMMENDATION:

Staff recommends that the Commission adopt Resolution No. 10075, recommending City Council approval of an amendment to the land use regulations of an existing OS-O District in order to add the land use category “Warehousing and Storage, Limited” subject to a use permit and design review.

BACKGROUND:

Prior to the annexation to the City, the overlay area was used for grazing, stables, residences, dog kennel, vehicle storage yard, and contractor storage. In 1984, the County of Contra Costa approved a land use permit for "a commercial dog kennel, veterinary hospital, pet cemetery, three dwelling units and related accessory structures." It was determined that most of the existing and proposed uses at the time were not permitted in the OS base district. These uses, nonetheless, were determined to be generally consistent with the Pittsburg General Plan and were evaluated in the Southwest Hill General Plan Amendment EIR. Since annexation, permits have been issued for industrial contractor’s yard, RV storage, modular office and storage building, and telecommunications towers.

On July 23, 1991, the City of Pittsburg initiated proceedings to prezone consistent with the Pittsburg General Plan and annex into the City of Pittsburg the 129+ acres (Z-91-08) bordered on the north by State Highway 4, to the west and south by unincorporated property and the east by the existing City Limits. A negative declaration was posted for that project having found that no significant effects upon the environment would occur as result of the project.

On November 18, 1991, in conjunction with this project the City Council adopted Avila Road Prezoning Ordinance No. 91-1016, which established a Limited Overlay District (OS-O) for the project area. The Limited Overlay included pre-existing commercial and industrial uses that would not usually be found in the Open Space land use designation (see Attachment 2, OS-O 1016 Exhibit A Land Use Regulations).

This original OS-O (Ordinance No. 91-1016) District remained in effect until it was amended by the City Council on April 17, 2007, through the adoption of Ordinance No. 07-1284, which amended the district in order to allow commercial recreation, commercial filming and artist studio uses (see Attachment 3 for an excerpt from Ordinance No. 07-1284 amending OS-O No. 1016).

On June 27, 2017, David and Kathy Rege filed an application to further amend the existing OS-O District in order to add “Warehousing and Storage, Limited” as an allowable use in the area, subject to approval of a use permit. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.

PROJECT DESCRIPTION:

The project proposal is to revise the existing ‘Land Use Regulations’ table associated with the OS-O (Ordinance No. 91-1016) District by adding the “Warehousing and Storage, Limited” classification to the list. The PMC 18.08.080 definition for this commercial use is: “Provision of space, within an enclosed building, for the storage of privately owned household goods, personal property, business records, documents, and supplies. This classification includes ministorage facility but excludes wholesaling and storage, and vehicle storage.” No changes to the use classifications or other special regulations are proposed as part of this project.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site has a General Plan land use designation of Open Space, and according to the description “much of the City’s Planning Area is rural privately-owned land that falls within the open space designation. This classification accommodates any greenbelts and/or urban buffer areas that may be designated in the future. Greenbelts are open space, parkland, and agricultural areas located outside urban areas, as opposed to urban parks located within developed areas” (General Plan, page 2-21). Staff reviewed all applicable policies in the General Plan related to the Open Space land use designation and while there were no specific policies related to warehousing and storage uses, staff did determine that the proposed use would not be inconsistent with existing policies.

Pittsburg Municipal Code: Pursuant to PMC sections 18.16.020 and 18.48.030, the Planning Commission shall include written findings to support any recommendation it makes to the City Council to amend a zoning district or land use regulation of the Municipal Code.

Required Findings: In order to recommend approval of an amendment to the Zoning Ordinance, the Commission must find (in accordance with PMC Section 18.48.030) that:

1. The changes proposed are consistent with the objectives, policies, general land uses and programs specified in the General Plan.

2. In the case of a base district, 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.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.

In order to recommend approval of an overlay plan or amendment to an overlay, the Commission must also find (in accordance with PMC section18.74.060) that the proposed overlay:

1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;

2. Conforms to the general plan; and

3. Generally complies with the land use and development regulations of the base zoning district.

Environmental: This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of “warehousing and storage, limited” uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a building. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

Public Notice: On or prior to September 2, 2017, notice of the September 12, 2017, public hearing to consider this application was posted at City Hall and on the ‘public notices’ page of the City’s website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

STAFF ANALYSIS:

Staff believes that the Commission can make the necessary findings to recommend approval of the proposed amendment to the overlay district in order to revise the existing Land Use Regulations table associated with Overlay District 91-1016, as amended by Ordinance No. 07-1284, by adding the “Warehousing and Storage, Limited” classification- subject to approval of a use permit and design review- to the list. While the applicant of a couple parcels has requested the amendment, staff determined that due to the existing allowable industrial and commercial uses in the overlay district, adding ”Warehousing and Storage, Limited” would best apply to the entire OS-O 1016 district.

The warehousing and storage limited amendment proposal is compatible with the existing commercial and industrial uses within the area, such as contractor yard, vehicle and boat storage. Future warehousing and storage limited applications would require design review and a use permit to assure continued compatibility in use, visibility and environmental compliance, as well as conformity with public convenience, general welfare and good zoning practice.

There is currently no public warehousing and storage in the overlay area, (See Attachment 5 Existing Mini Storage Locations Google Map), or in the immediate vicinity. The lack of such facilities in the area paired with the high number of existing and planned residential units in the same area, indicates that there is a community need for this use in the area proposed.

ACTION REQUIRED:

If the Commission concurs with staff, then the Commission must move to adopt Resolution No. 10075, recommending City Council approval of an amendment to the land use regulations of an existing OS-O (Ordinance No. 91-1016) as amended by Ordinance No. 07-1284, District in order to add the land use category “Warehousing and Storage, Limited,” subject to a use permit, and design review.

ATTACHMENTS:

1. Proposed Resolution No. 10075
2. Exhibit A from Ordinance No. 91-1016 “OS-O (1016) Zoning District Land Use Regulations”
3. Excerpt from Ordinance No. 07-1284 Amending OS-O (1016)
4. Avila Road Photos
5. Existing Mini Storage Locations Google Map
6. Public Hearing Notice & Vicinity Map

Prepared by: Christine Gregory, Contract Planner

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Recommending that the City)
Council Approve an Amendment to the)
Open Space Overlay District 91-1016, to)
add “Warehousing and Storage, Limited,”) Resolution No. 10075
Subject to Use Permit, for “Avila Road)
Overlay Amendment, AP-17-1253 (RZ).”)

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

A. On June 27, 2017 the applicant filed Application No.17-1253 to add the “Warehousing and Storage Limited” land use classification, as defined in the Pittsburg Municipal Code (PMC) section 18.08.080.30, to the existing OS-O (Open Space Overlay District, Ordinance No. 91-1016) District, as amended by Ordinance No. 07-1284. While the applicant currently has no specific plan to add this business to his property, the use classification would enable storage uses at his site, and other sites within in the OS-O District boundaries, in the future subject to a use permit and design review.

B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan, the Open Space Overlay 91-1016 District, as amended by Ordinance No. 07-1284, and the Pittsburg Municipal Code (PMC).

C. This project is exempt from the requirements of the California Environmental Quality Act under the general rule of State CEQA Guidelines, section 15061, in that there is no possibility that the activity in question may have a significant negative physical impact on the environment. The proposed addition of “Warehousing and Storage, Limited” uses, as defined in PMC section 18.08.080.30 Commercial use classifications, would include storage of non-sensitive items that occur entirely within a building. This type of use would present no greater impacts than the existing allowable uses in the OS-O District, such as Vehicle/Equipment Sales and Service, Vehicle Storage, and/or Industrial Contractor Yards. Further, individual site specific proposals that may be initiated in the future would require a discretionary use permit and design review application that would undergo a separate CEQA-specific review, under a separate application process.

D. On or prior to September 2, 2017, notice of the September 12, 2017 public hearing to consider this application was posted at City Hall and on the ‘public notices’ page of the City’s website; was delivered to the Pittsburg Library; was published in the local newspaper (East County Times); and was mailed via first class mail or email to the property owner, all property owners within 300 feet of the project area, and all interested parties and individuals and organizations that requested such notice, in accordance with PMC sections 18.14.010, and Government Code section 65091.

E. Pittsburg Municipal Code (PMC) section 18.48.030.A specifies that the following determinations must be made in order to recommend approval of an amendment to the Zoning Ordinance:

   1. the amendment is consistent with the objectives, policies, general land uses and programs in the General Plan;

   2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;

   3. there is a community need for the change proposed; and

   4. the change will be in conformity with the public convenience, general welfare, and good zoning practice.

F. Pittsburg Municipal Code (PMC) section 18.74.060. specifies that the following determinations must be made in order to recommend approval of an amendment of an overlay plan:

   1. Is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;

   2. Conforms to the general plan; and

   3. Generally complies with the land use and development regulations of the base zoning district.

G. On September 12, 2017, the Planning Commission held a public hearing on Planning Application No. 17-1253, at which time oral and/or written testimony was considered.

Section 2. Findings

A. Based on the Planning Commission Staff Report entitled “Recommendation on a Zoning Text Amendment to the Avila Road Open Space Overlay District to Allow Warehousing and Storage Limited, AP-17-1253 (RZ),” 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 meeting, the Planning Commission finds that:

1. All recitals above are true and correct and are incorporated herein by reference.

2. The proposed amendment is not inconsistent with the General Plan.

3. The proposed land use regulations are compatible with uses and regulations of the land use district for which they are proposed, in that they would provide the community with storage options while still providing site development and operational controls through the use permit and design review process to ensure that new businesses do not become a nuisance for the surrounding neighbors, nor the City as a whole. In addition, the existing OS-O District currently allows other similar uses, including Vehicle/Equipment Sales and Service, Vehicle Storage, and Industrial Contractor Yards, so the proposed addition of "Warehousing and Storage, Limited" would not be out of character or inconsistent with existing land use regulations.

4. There is currently no public "Warehousing and Storage, Limited" use in the overlay area and the use permit and design review requirement will ensure that future applications for development of this type of use will be in conformity with public convenience, general welfare and good zoning practice.

5. The change will be in conformity with the public convenience as it would provide residents with an easily accessible storage and warehousing option along Avila Road, as no mini storage exists in the area surrounding the project. The amendment would provide an option for future mini storage that is currently unavailable to nearby residents.

Section 3. Decision

A. Based on the findings and the authority set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance amending Ordinance No. 91-1016, Exhibit "A" OS-O (1016) Zoning District, as amended by Ordinance No. 07-1284, "Land use and development regulations," as identified below:

   1. The schedule is amended to add the following land use category under the "Commercial" heading, as follows (new text shown with underlines):

Warehousing and Storage, Limited	U

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Ward, seconded by Commissioner Coniglio, the foregoing resolution was passed and adopted the 12th day of September, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Gargalikis, Coniglio, Croskey, Ward

NAYES: Robinson

ABSTAIN: None

ABSENT: Guerrero, Foster

I hereby certify that the above Resolution No. 10075 was adopted by the Planning Commission of the city of Pittsburg on September 12, 2017.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Ordinance No. 91-1016
Exhibit "A"

OS-O(1016) Zoning District

Land Use Regulations

In the following schedule, the letter "P" designates use classifications permitted in OS districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of a use permit (chapter 18.28). The letter "Z" designates accessory use classifications permitted on approval of the zoning administrator. The letter "T" designates temporary use classifications permitted on approval of a temporary activity permit. Letters in parentheses in the "Additional Use and Development Regulations" column refer to development regulations which follow after the schedule.

OS-O(1016) DISTRICT: LAND USE REGULATIONS

P - Permitted
U - Use Permit
Z - Zoning Administration Approval
T - Temporary Activity Permit
L - Limited (See Additional Use Regulations)

	OS-O(1016)	**ADDITIONAL AND DEVELOPMENT USE REGULATIONS**
Residential		
Single Family Residential	P	(A)
Governmental and Semipublic		
Cemetery	L36	
Government Office	L23	
Park and Recreation Facility	U	
Public Safety Facility	U	
Utility, Minor	P	
Commercial		
Animal Services		
Animal Boarding	P	
Animal Grooming	P	
Animal Hospital	P	
Animal Retail Sales	P	
Commercial Recreation and Entertainment		

Within a Building	L37
Outdoor Facilities	L38
Eating and Drinking Establishment	
Restaurant, Full-service	P
Horticulture, Limited	P
School, Commercial	L39
Vehicle/Equipment Sales and Service	
Vehicle Storage	U
Visitor Accommodations	L40
Industrial	
Industrial Services	
Contractor Yard	U
Agricultural and Extractive	
Animal Husbandry	P
Crop Production	P
Mining and Processing	U
Accessory Uses	
Accessory Uses	L30
Accessory Structures	
Nonresidential Accessory Structure	
Accessory Dwelling Unit	Z
Accessory Living Quarters	P
Caretaker's Quarters	U
Temporary Uses	
Animal Show	T
Christmas Tree Sales	T
Circus and Carnival	T
Commercial Filming, Limited	T
Holiday Boutique	P
Personal Property Sales	P
Real Property Sales	P
Religious Assembly	T

OS-O(1016) DISTRICT: ADDITIONAL USE REGULATIONS AND DEVELOPMENT REGULATIONS

(A)	Minimum lot area is 20 acres per dwelling unit.
L23	Permitted as part of a park or recreational public service, or utility facility.
L36	Limited to burial of pets including taxidermy, crematory, columbarium, mausoleum and mortuary.

L37	Limited to exposition hall for animal shows, trade fairs, meetings, live performing arts and social functions.
L38	Limited to animal shows and exhibits.
L39	Limited to training of animal handlers.
L40	Limited to recreational vehicle hookups for participants and attendees.

Development Regulations

Development regulations are as specified by a use permit or design review where required. A permitted use or ancillary activity not specifically regulated by a use permit or design review approval is regulated by the property development regulations specified in the Rural Residential District, except as otherwise prescribed by this Chapter.

Review of Plans

All projects require design review (chapter 18.36).

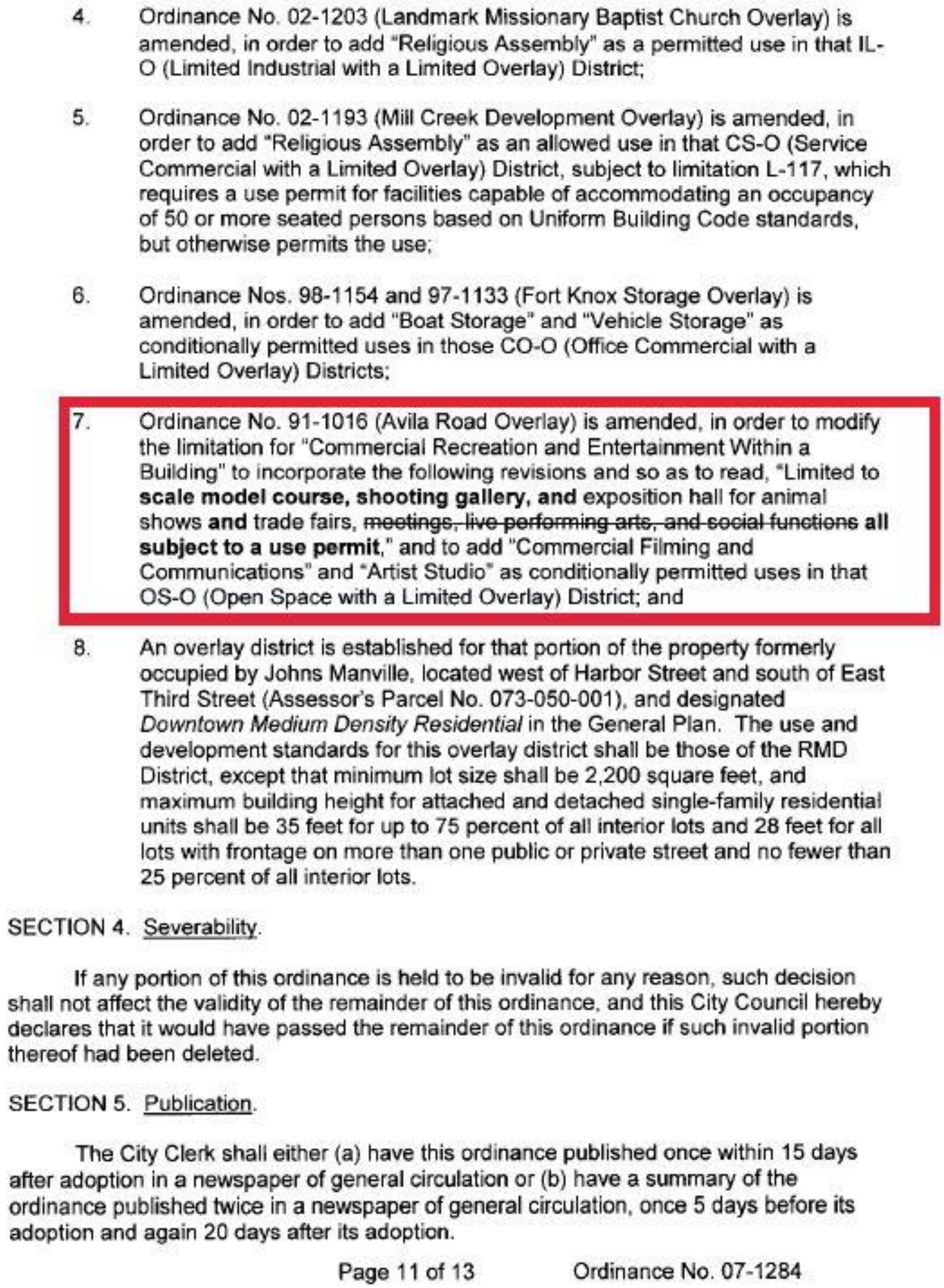
CB/ly
a:landuse.reg

*OS-O DISTRICT: ADDITIONAL USE REGULATIONS AND DEVELOPMENT REGULATIONS

(A)	Minimum lot area is 20 acres per dwelling unit.
L23	Permitted as part of a park or recreational public service, or utility facility.
***L36**	**LIMITED TO BURIAL OF PETS INCLUDING TAXIDERMY, CREMATORY, COLUMBARIUM, MAUSOLEUM AND MORTUARY.**
***L37**	**LIMITED TO EXPOSITION HALL FOR ANIMAL SHOWS, TRADE FAIRS, MEETINGS, LIVE PERFORMING ARTS AND SOCIAL FUNCTIONS.**
***L38**	**LIMITED TO ANIMAL SHOWS AND EXHIBITS.**
***L39**	**LIMITED TO TRAINING OF ANIMAL HANDLERS.**
***L40**	**LIMITED TO RV HOOKUPS FOR PARTICIPANTS AND ATTENDEES.**

CB/ly
a:landuse.reg

Attachment 3 Excerpt from Ordinance No. 07-1284 Amending OS-O (1016)



4. Ordinance No. 02-1203 (Landmark Missionary Baptist Church Overlay) is amended, in order to add "Religious Assembly" as a permitted use in that IL-O (Limited Industrial with a Limited Overlay) District;

5. Ordinance No. 02-1193 (Mill Creek Development Overlay) is amended, in order to add "Religious Assembly" as an allowed use in that CS-O (Service Commercial with a Limited Overlay) District, subject to limitation L-117, which requires a use permit for facilities capable of accommodating an occupancy of 50 or more seated persons based on Uniform Building Code standards, but otherwise permits the use;

6. Ordinance Nos. 98-1154 and 97-1133 (Fort Knox Storage Overlay) is amended, in order to add "Boat Storage" and "Vehicle Storage" as conditionally permitted uses in those CO-O (Office Commercial with a Limited Overlay) Districts;

7. Ordinance No. 91-1016 (Avila Road Overlay) is amended, in order to modify the limitation for "Commercial Recreation and Entertainment Within a Building" to incorporate the following revisions and so as to read, "Limited to **scale model course, shooting gallery, and** exposition hall for animal shows **and** trade fairs, ~~meetings, live performing arts, and social functions~~ **all subject to a use permit**," and to add "Commercial Filming and Communications" and "Artist Studio" as conditionally permitted uses in that OS-O (Open Space with a Limited Overlay) District; and

8. An overlay district is established for that portion of the property formerly occupied by Johns Manville, located west of Harbor Street and south of East Third Street (Assessor's Parcel No. 073-050-001), and designated *Downtown Medium Density Residential* in the General Plan. The use and development standards for this overlay district shall be those of the RMD District, except that minimum lot size shall be 2,200 square feet, and maximum building height for attached and detached single-family residential units shall be 35 feet for up to 75 percent of all interior lots and 28 feet for all lots with frontage on more than one public or private street and no fewer than 25 percent of all interior lots.

SECTION 4. Severability.

If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance, and this City Council hereby declares that it would have passed the remainder of this ordinance if such invalid portion thereof had been deleted.

SECTION 5. Publication.

The City Clerk shall either (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or (b) have a summary of the ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again 20 days after its adoption.

Attachment 4 Avila Road Photos

Photo 1 Looking Northeasterly along Avila Road (applicant's property behind fence)

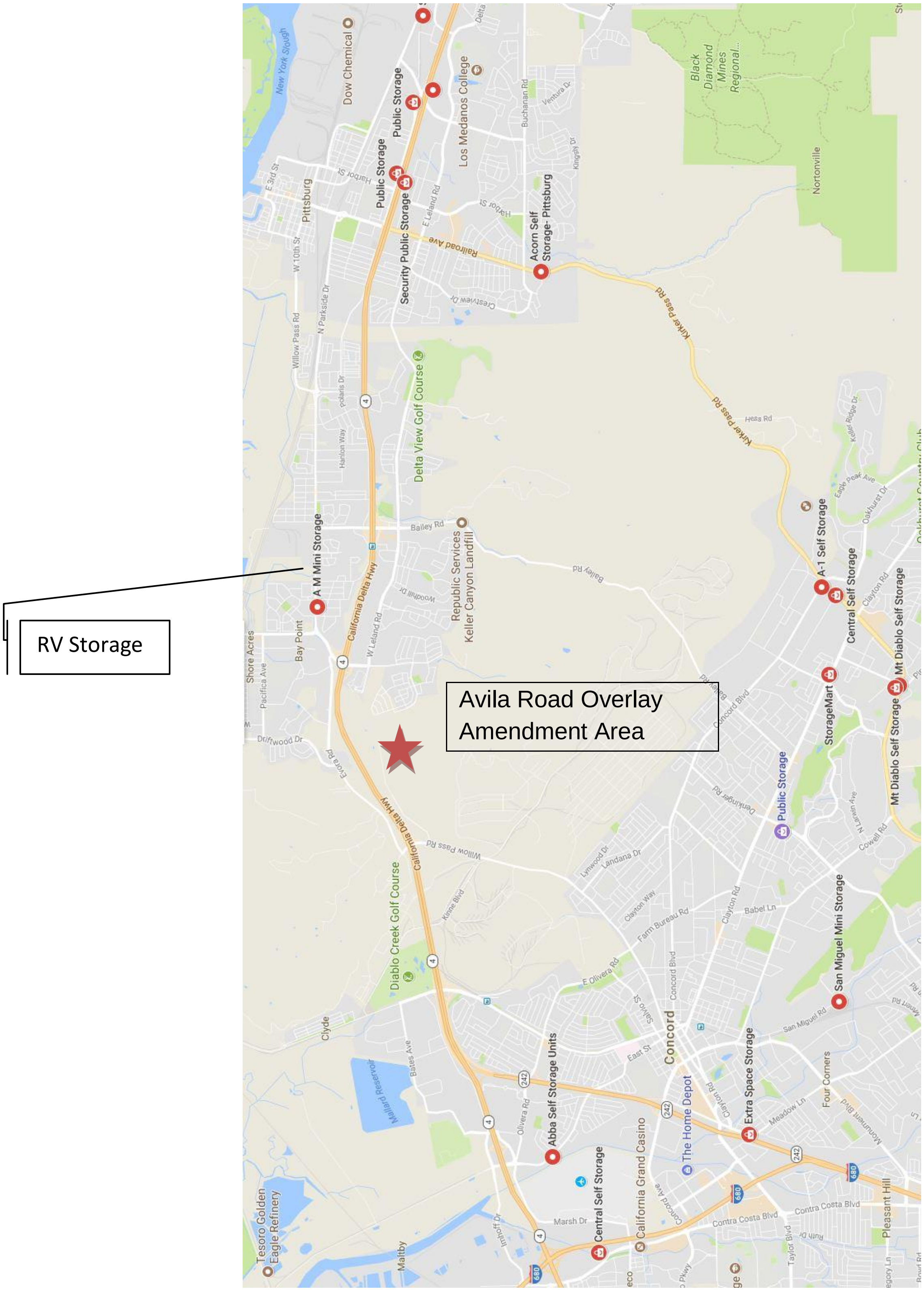
Photo 2 Looking Easterly along Avila road. RV storage on left and industrial contractor yard on right

Photo 3 Looking north from Avila Road at applicant's industrial contractor yard

Photo 4 Looking South at RV storage

Planning Commission Staff Report
Avila Road Overlay Amendment for Warehousing and Storage Limited
September 12, 2017

Attachment 5 EXISTING MINI STORAGE GOOGLE LOCATIONS MAP



City of Pittsburg
Community Development Department – Planning Division
65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **PLANNING COMMISSION** of the City of Pittsburg will conduct a public hearing on:

DATE: **September 12, 2017**
TIME: **7:00 p.m.**
PLACE: **City Council Chamber at City Hall**
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Avila Road Overlay Amendment AP-17-1253.

This is a public hearing on a request by Dave and Kathy Rege for a recommendation for City Council approval of a Zoning Text Amendment to add “warehousing and storage limited” subject to a use permit to the Open Space Overlays 07-1284 and 91-1016 located at 100 - 104 Avila Road.

PROJECT PLANNER: Christine Gregory (925) 252-4824 or cgregory@ci.pittsburg.ca.us

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Why am I receiving this notice? You are receiving this notice because you have either previously requested notifications from the Planning Division, or a project has been proposed in your neighborhood and all property owners within a minimum 300-foot radius of the project site are required to be notified under the Pittsburg Municipal Code.

Where can I get more information about this project?
The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

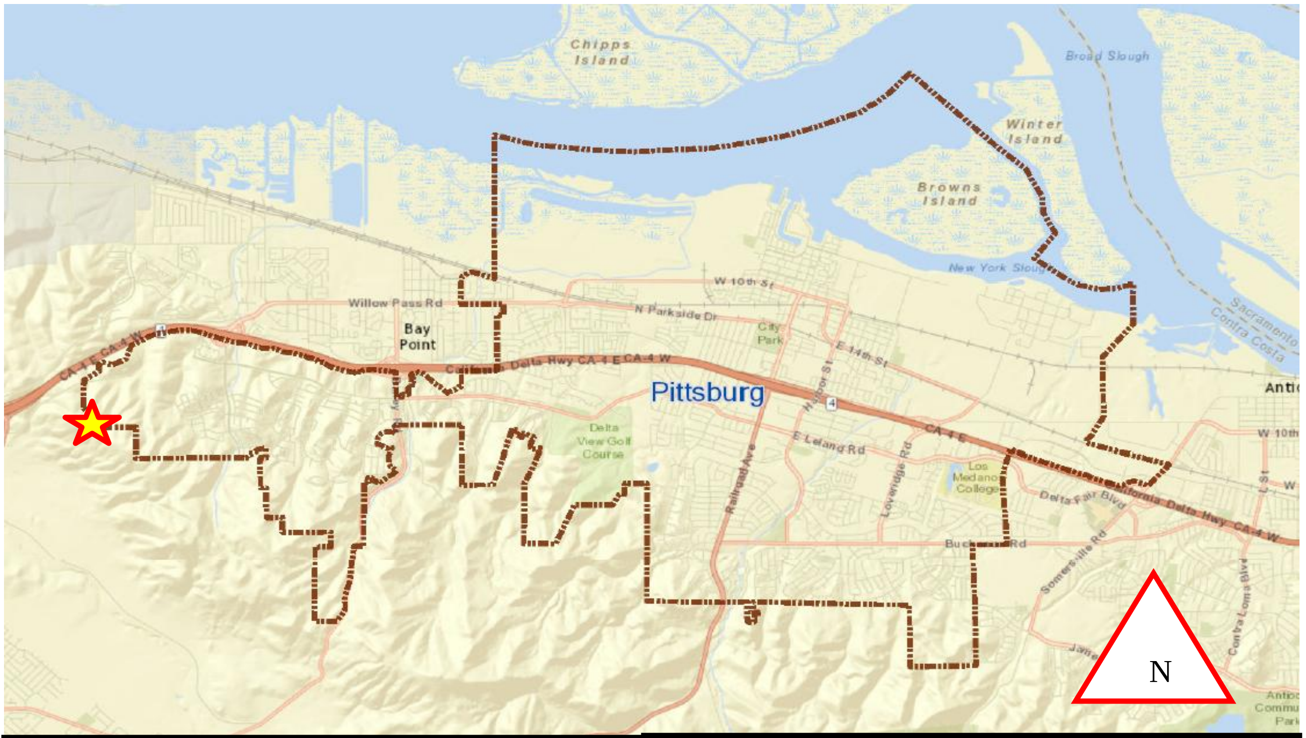
What can I do if I have comments on the project?
Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. You may also register your comments or objections by attending the public hearing on the date and time listed above.

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.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

City of Pittsburg

Community Development Department – Planning Division
65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814



Project Title:	Avila Road Overlay Amendment AP-17-1253	**Location:**	100, 101,102, 103, & 104 Avila Road APN's: 097-140-014, 015, 016, 017, 018, and 097-130-009

NOTICE OF PUBLIC HEARING

The Pittsburg City Council will hold a public hearing on:

Date: **February 5, 2018**

Time: **7:00 p.m.**

Place: **City Council Chamber at City Hall**
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Introduction and Waive First Reading of an Ordinance to Amend the Avila Road Overlay District in Order to Allow Limited Warehousing and Storage Uses, AP-17-1253 (RZ)

This is a public hearing on a request for approval of an amendment to the land use regulations of the existing Avila Road Overlay District (Ordinance Nos. 07-1284 and 91-1016) in order to allow "Warehousing and Storage, Limited" subject to use permit and design review approval. On December 12, 2017, the Planning Commission adopted Resolution No. 10080, recommending adoption of the ordinance as presented.

You are invited to submit comments regarding any aspect of this matter in writing or verbally at the public hearing. If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

For further details on this matter, contact **Christine Gregory, Contract Planner,** at 65 Civic Avenue, Pittsburg, by telephone at (925) 252-4824, through e-mail at cgregory@ci.pittsburg.ca.us, or by fax at (925) 252-4814.

/s/

ALICE E. EVENSON, CITY CLERK
CITY OF PITTSBURG

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

DATE: 1/29/2018

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution to Amend Water Rates

MEETING DATE: 2/5/2018

EXECUTIVE SUMMARY

On January 16, 2017 and November 20, 2017, the following was presented: In 2013, the City Council adopted a multi-year water and sewer rate structure for the period through October 2017. Since that time the City's costs for raw water, energy and other related costs have risen. In addition, the City has prioritized approximately $21 million in capital improvements to the Water Treatment Plant and system infrastructure needed to maintain or improve water quality and reliability of the supply to customers. For these reasons, staff recommends a schedule of cost increases for residential and commercial water customers of 6.0 percent per year over the next four years.

FISCAL IMPACT

The proposed increase for adoption by the City Council will help meet the financial requirements of the Water Enterprise Fund for annual operations and maintenance. Additionally, revenues generated will provide funding for $22 million in additional funds needed for capital improvements for the Water Enterprise Fund. A forecast for water revenues and expenses is attached to this report as part of the Municipal Financial Services Water Rate Study.

RECOMMENDATION

The City Council on November 20, 2017 opened the public hearing and authorized the publication of a Proposition 218 Notice, and kept the hearing open for continued comments through the February 5, 2018 City Council meeting. At this meeting, the City Council will continue to accept public comment and consider adoption of the attached resolution to amend water rates.

BACKGROUND

On January 21, 2014, the City Council adopted Resolution 13-12064 amending and establishing updated water and sewer rates and charges for a four-year period. The last of the four rate increases took effect January 1, 2017.

Staff evaluated increases in operational costs for the City's Water utility and proposes an average increase to residential single-family water bills of 6.0% annually for the next four years for water service. Staff presented its proposal for rates and increases to the Finance Subcommittee on October 18, 2017.

A Proposition 218 notice letter was sent in November, and a notice of the proposed increase to water rates was printed on water utility bills in December.

On November 20, 2017, the City Council opened a public hearing and continued it to January 16, 2018 and February 5, 2018. As of the writing of this report the City has received customer questions and comments by phone and email, and approximately 390 notices of protest from water customers.

SUBCOMMITTEE FINDINGS

At a meeting held on October 18, 2017, the Finance Subcommittee reviewed and supported staff's recommendation to increase the water rates as presented in this report and attached supporting documentation.

STAFF ANALYSIS

Water Rate Analyses
Earlier this year, the City engaged the services of consultant Municipal Financial Services to conduct a cost of service water rate study and make recommendations about future water rates for residents and commercial businesses in Pittsburg.

Based upon the findings of the study, including increasing raw water costs, increasing operational costs and current infrastructure needs, staff recommends the City increase water rates to cover increased operational costs and for repair and replacement of capital assets. Increases to water operational costs for the past four years are attributable to (1) increases from raw water costs from Contra Costa Water District; (2) increases from PG&E (per million gallons of water treated); and (3) costs for regulatory compliance. Additionally, the City has completed an audit of the water use in its system and trimmed personnel costs through a reorganization resulting in the eliminating one management position at the Water Treatment Plant.

Staff recommends a change to the tier "break" point from 14 hundred cubic feet (HCF) (344 gallons per day) in water usage per month to 9 HCF (221 gallons per day.) The change reflects the success of conservation programs that have reduced the average use by single family residential customers and the blended use of raw water from the City's wells. A new rate of $3.76 per hundred cubic feet (HCF) of water use would apply to single family customers using up to 9 HCF per month. For 80% of single-family residential customer, average use is 9 HCF or less per month. For customers using more than 9 HCF per month, the rate for only that portion of their monthly water use more than 9 HCF would be charged at $5.45 per HCF.

Residential single-family customers in zone 1 and 2 using 9 HCF per month will have a new bill of $59.64 (Rate of $3.76 x 9 HCF = $33.84 + meter charge $25.80 = $59.64) resulting in an increase of $3.31 per month, starting with the billing cycle starting after February 1, 2018. This bill with the same water usage will rise to $63.17 in January 2019, to $ 66.91 in January 2020, and to $ 70.87 in January 2021.

Failure to increase the water rates will impact the City's ability to construct necessary capital improvements to ensure that the water system can be operated effectively and with fewer disruptions in service. Water system pipe failures raise overall operational costs. Including night, weekend and other emergency responses, and water lost due to the pipe failure. The failures also disrupt service to customers and can also affect business operations for non-residential customers.

The City offers discounted water and garbage rates for seniors and disabled customers. Details and an application for the program are available on the City's website under "Water utility billing forms" and are titled "Application for Discounted Water/Garage Rates for Senior Citizen."

Current Capital Improvement Needs

The City's Water System has about 226 miles of water mains that include numerous lines that are at the end of their life cycle. Aging water mains require increased maintenance until they can be replaced.

In the past four years the City has made approximately $25.1 million in capital improvements funded by Water Enterprise Funds and a loan from the Infrastructure Bank (I-Bank). P projects include replacing aging waterlines in Delta Hawaii and Bayside Knolls subdivisions, replacement of a well, improvements to the water distribution system and water treatment plant, water meter replacements, and water reservoir rehabilitation. Additional projects need to be done to maintain reliability in the older parts of the city. A prioritized listing of these projects is attached to this report.

Existing Water Capital Deficiencies

Staff has identified six priority areas in need of immediate replacement of waterlines totaling $21 million. These areas experience water main breaks more often than other areas of the City, requiring a significant amount of Staff time to repair. On occasion, these breaks have also caused flooding, resulting in damage claims against the City. These areas are listed and prioritized on the attached 2017 Water System Rehabilitation Priority Projects spreadsheet.

Fire Service Charges

The study recommends fire system service charges based upon the connection size. The recommended charges as outlined in the attached study and Proposition 218 Notice enables the City to recover the cost of providing this service. Fire service charges are currently not charged to single family residential customers. Commercial, industrial and multi-family residential water customers are billed for this service.

Zone Pumping Charges

Zone Pumping charges were adopted to help the City recover costs of pumping water to customers at higher elevations. The City currently recognizes four different zones and anticipates adding two additional zones (Zones 5 and 6) at a future date as development occurs. The pumping charges help to ensure that developments in the upper pressure zones pay more of the cost to deliver water to their service area and are incorporated into the rates shown in the study and the Proposition 218 notice.

Water Fund Debt Service Financial Obligations

In November 2016, the City issued Refunding Water Revenue Bonds in the amount of $34.3 million to refinance the existing 2008 Water Revenue Bonds. In addition to the 2016 bonds, the City in November 2014 took a loan from the California Infrastructure and Economic Development Bank to finance the expansion of the Water Treatment Plant. Annual debt service requirements for the City's Water Enterprise fund total $2,847,601 in FY 2017-18.

Staff has concluded the operational outline for the proposed cost increases to the City's Water Rates would become effective February 6, 2018. All legal and regulatory compliance with Prop 218 requirements have been achieved and required public notification has been completed to affected rate payers in the City's Water System.

ATTACHMENTS: Resolution
Proposition 218 Notice
2017 Water System Rehabilitation Priority
Water System Study

Report Prepared By: Fritz McKinley, Director of Public Works/City Engineer, and Brad Farmer, Director of Finance

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending the City's Multi-Year Water)
Rates Effective February 6, 2018) RESOLUTION NO. 17-13400
through December 31, 2021)

The PITTSBURG City Council DOES RESOLVE as follows:

WHEREAS, the City of Pittsburg operates and maintains a potable water system for Pittsburg water customers; and,

WHEREAS, the City Council of the City of Pittsburg last adopted multi-year water rate changes on December 13, 2013 for a four-year period; and,

WHEREAS, the City's Water rates are being increased to pay for operational cost increases, and to provide funding for necessary capital replacement projects for the next four years.

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1. Findings

A. The recitals set forth above are true and correct statements and are hereby incorporated.

B. Now, therefore, the City Council of the City of Pittsburg does hereby resolve, modify and amend as follows:

SECTION 1. Pursuant to Section 13.12.035 (Qualifying Senior Citizens) of the Pittsburg Municipal Code

a. The monthly quantity usage charge for qualifying residential customers shall be as per Section 2. The consumption amount above 9 HCF will be the same as single family residential.

SECTION 2. Pursuant to Section 13.12.030 (Water Rates) of the Pittsburg Municipal Code

a. Monthly Meter Service Charge

The monthly meter service charge for water service within the city limits, shall be as follows:

Effective Date>	2/1/2018	1/1/2019	1/1/2020	1/1/2021
5/8 x ¾-inch or ¾-inch meter	$25.80	$26.90	$ 28.30	$ 30.10

1-inch meter	56.00	58.00	62.00	65.00
1 ½-inch meter	106.00	111.00	117.00	124.00
2-inch meter	167.00	174.00	183.00	195.00
3-inch meter	330.00	340.00	360.00	380.00
4-inch meter	510.00	530.00	560.00	590.00
6-inch meter	1,010.00	1,060.00	1,110.00	1,180.00
8-inch meter	1,820.00	1,900.00	2,000.00	2,120.00
10-inch meter	2,930.00	3,060.00	3,220.00	3,410.00

b. Fire line service

The monthly fire service charge for water service, shall be as follows:

Effective Date>	2/1/2018	1/1/2019	1/1/2020	1/1/2021
2-inch line or smaller	$ 24.95	$ 24.95	$ 24.95	$ 24.95
3-inch line	48.29	48.29	48.29	48.29
4-inch line	74.59	74.59	76.00	81.00
6-inch line	200.00	209.00	220.00	234.00
8-inch line	426.00	445.00	469.00	498.00
10-inch line or larger	766.00	800.00	843.00	896.00
Residential	25.8	26.90	28.30	30.10

c. Quantity charge (per dwelling unit)

The monthly quantity usage charge for water service within the city limits, shall be as follows:

Non-Residential

Effective Date>	2/1/2018	1/1/2019	1/1/2020	1/1/2021
Zones 1 and 2	$ 4.44	$ 4.71	$ 5.04	$ 5.44
Zone 3	4.57	4.84	5.18	5.58
Zone 4	4.63	4.91	5.25	5.66
Zones 5 and 6	4.76	5.05	5.39	5.80

Single Family

Effective Date>	2/1/2018	1/1/2019	1/1/2020	1/1/2021
Tier 1	**0 – 9 HCF**	**0 – 9 HCF**	**0 – 9 HCF**	**0 – 9 HCF**
Zone 1 and 2	$ 3.76	$ 4.03	$ 4.29	$ 4.53
Zone 3	3.85	4.16	4.43	4.67
Zone 4	3.89	4.22	4.50	4.75
Zones 5 and 6	3.97	4.36	4.64	4.89
Tier 2	**> 9 HCF**	**> 9 HCF**	**> 9 HCF**	**> 9 HCF**
Zone 1 and 2	5.45	5.66	5.92	6.26

Zone 3	5.58	5.79	6.06	6.40
Zone 4	5.64	5.86	6.13	6.48
Zones 5 and 6	5.77	6.00	6.27	6.62

Qualified Senior Citizen Residential

Effective Date>	2/1/2018	1/1/2019	1/1/2020	1/1/2021
Tier 1	**0 – 4 HCF**	**0 – 4 HCF**	**0 – 4 HCF**	**0 – 4 HCF**
Zone 1 and 2	$ 1.50	$ 1.64	$ 1.72	$ 1.81
Zone 3	1.63	1.77	1.86	1.95
Zone 4	1.69	1.84	1.93	2.03
Zones 5 and 6	1.82	1.98	2.07	2.17
Tier 2	**5 - 9 HCF**	**5 - 9 HCF**	**5 - 9 HCF**	**5 - 9 HCF**
Zone 1 and 2	3.76	4.03	4.29	4.53
Zone 3	3.85	4.16	4.43	4.67
Zone 4	3.89	4.22	4.50	4.75
Zones 5 and 6	3.97	4.36	4.64	4.89
Tier 3	**> 9 HCF**	**> 9 HCF**	**> 9 HCF**	**> 9 HCF**
Zone 1 and 2	5.45	5.66	5.92	6.26
Zone 3	5.58	5.79	6.06	6.40
Zone 4	5.64	5.86	6.13	6.48
Zones 5 and 6	5.77	6.00	6.27	6.62

SECTION 3. The fees established by this resolution shall take effect with the beginning of billing periods on or after February 6, 2018.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 5th day of February 2018, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

____
Dwaine "Pete" Longmire, Mayor

ATTEST:

____
Alice E. Evenson, City Clerk

CITY OF PITTSBURG

Notice of Public Hearing on Proposed Water Rate Increases

Tuesday, January 16, 2018 at 7:00 p.m. and
Monday, February 5, 2018 at 7:00 p.m.
Council Chambers – 65 Civic Avenue, Pittsburg, CA 94565

La Ciudad de Pittsburg le desea notificar de una Audiencia Pública del Consejo Municipal en Enero 16, 2018 y en Febrero 5, 2018 a las 7:00 pm en la Sala Principal del Consejo Municipal para discutir un aumento en las tarifas del agua. Una versión en el idioma inglés de este aviso está disponible en el sitio web de la Ciudad de Pittsburg en www.ci.pittsburg.ca.us. Si Usted desea protestar, por favor llene la forma que se encuentra al final de este anuncio y mándelo por correo al 65 Civic Avenue, Pittsburg, CA 94565 durante horas publicadas o someta su protesta personalmente en la Audiencia Pública Enero 16, 2018 o en Febrero 5, 2018.

Public Hearing

The City of Pittsburg wishes to notify you of a Public Hearing of the City Council on January 16, 2018 at 7:00 p.m. at the City Hall Council Chambers to discuss Water rate increases for fiscal years (FY) 2017/18 through 2020/21. The City will accept public comments at the Public Hearing. The City Council may act to implement increases at this meeting. The meeting facility is accessible to the handicapped. Auxiliary aides will be made available upon request, in advance, for persons with hearing or vision disabilities.

Protests

Any customer or owner of record who is subject to the proposed utility charge that is the subject of the hearing may submit a written protest to the City by:

- Hand deliver or mail the City Clerk, 65 Civic Avenue, Pittsburg, CA 94565 during published business hours; or
- Personally, submitting the protest at the Public Hearing.

Protests must be received by the end of the public hearing, including those mailed to the City. No postmarks will be accepted. Protests not actually received by the close of the hearing, (whether mailed prior to the hearing) shall not be counted. Only one protest will be counted per parcel. Emailed, faxed and photocopies protests shall not be counted.
Although oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing on the proposed charges. A written protest must include the following, and shall not be counted if any of these required elements are omitted: a statement protesting the proposed water rate increase; name of the customer or owner of record who is submitting the protest; identity, by street address or Assessor's Parcel Number; original signature and legibly printed name of the customer or owner of record who is submitting the protest.

Need for Rate Increases

The proposed increases are necessary to maintain the financial stability and structural integrity of the City's Water Program, and to address new Federal and State regulatory mandates, as well as increasing costs affecting Water operations. Utility fee calculations are based on the cost of operation and maintenance expenses (including labor, utilities, supplies and materials), capital expenditures for infrastructure, and adequate reserves for meeting capital and operational needs. This rate increase addresses the rising costs of raw water and treatment of water as well as maintaining water distribution; and the need to meet increasing mandates from both Federal and State agencies. The City is committed to proactively improving and maintaining our aging systems while providing excellent services at all levels within our programs. The City is recommending annual rate adjustments in monthly commodity and service charges.

Water Rates - Proposed Rate Structure (Table 1): The rate structure has three components: 1) a monthly meter service charge which varies by meter size: 2) a quantity rate for actual metered water usage, and 3) Fire Line Service connection. Quantity rates increase for higher elevation zones because of additional electricity costs associated with pumping water to higher elevations. Most single-family customers have a ⅝ x ¾-inch meter. Average monthly water usage for single family customers decreased from 14 HCF in 2005 to 9 HCF in 2016. The first-tier quantity rate applies to water use equal to or below average monthly water use for the whole single-family customer class; the second-tier quantity rate applies to above average water use. All proposed rates for customers, both single family and non-single-family rates are detailed in Table I. The proposed rate structure includes a three-year schedule of rate increases.

If approved, the new rates and charges will go into effect on February 6, 2018, and thereafter rates and charges will increase pursuant to the schedule of rate increase.

For further information, please contact Fritz McKinley, Director of Public Works/City Engineer at fmckinley@ci.pittsburg.ca.us or at (925) 252-4928.

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YOU MAY USE THIS FORM TO PROTEST THE PROPOSED WATER RATE INCREASES

I, ____ protest the proposed water rate increases.
(print first and last name)

Property Address or Assessor's Parcel Number ____

Signature ____

If you wish to use this form as your protest, please fill out and hand deliver or mail in a stamped envelope to:

City of Pittsburg, City Clerk
Water Rate Protest
65 Civic Avenue, Pittsburg, CA 94565

Table 1. Monthly Water Rate Summary

Rates *effective date >*	2/6/2018	11/1/2018	11/1/2019	11/1/2020
Quantity Rates, \$/HCF[1]				
Non-residential				
Zones 1 and 2	\$4.44	\$4.71	\$5.04	\$5.44
Zone 3	\$4.57	\$4.84	\$5.18	\$5.58
Zone 4	\$4.63	\$4.91	\$5.25	\$5.66
Zones 5 and 6	\$4.76	\$5.05	\$5.39	\$5.80
Single Family[2]				
Tier 1	*0 - 9 HCF*	*0 - 9 HCF*	*0 - 9 HCF*	*0 - 9 HCF*
Zones 1 and 2	\$3.76	\$4.03	\$4.29	\$4.53
Zone 3	\$3.85	\$4.16	\$4.43	\$4.67
Zone 4	\$3.89	\$4.22	\$4.50	\$4.75
Zones 5 and 6	\$3.97	\$4.36	\$4.64	\$4.89
Tier 2	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*
Zones 1 and 2	\$5.45	\$5.66	\$5.92	\$6.26
Zone 3	\$5.58	\$5.79	\$6.06	\$6.40
Zone 4	\$5.64	\$5.86	\$6.13	\$6.48
Zones 5 and 6	\$5.77	\$6.00	\$6.27	\$6.62
Senior				
Tier 1	*0 - 4 HCF*	*0 - 4 HCF*	*0 - 4 HCF*	*0 - 4 HCF*
Zones 1 and 2	\$1.50	\$1.64	\$1.72	\$1.81
Zone 3	\$1.63	\$1.77	\$1.86	\$1.95
Zone 4	\$1.69	\$1.84	\$1.93	\$2.03
Zones 5 and 6	\$1.82	\$1.98	\$2.07	\$2.17
Tier 2	*5 - 9 HCF*	*5 - 9 HCF*	*5 - 9 HCF*	*5 - 9 HCF*
Zones 1 and 2	\$3.76	\$4.03	\$4.29	\$4.53
Zone 3	\$3.85	\$4.16	\$4.43	\$4.67
Zone 4	\$3.89	\$4.22	\$4.50	\$4.75
Zones 5 and 6	\$3.97	\$4.36	\$4.64	\$4.89
Tier 3	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*
Zones 1 and 2	\$5.45	\$5.66	\$5.92	\$6.26
Zone 3	\$5.58	\$5.79	\$6.06	\$6.40
Zone 4	\$5.64	\$5.86	\$6.13	\$6.48
Zones 5 and 6	\$5.77	\$6.00	\$6.27	\$6.62
Meter Service, \$/meter-month				
? x ¾-inch or ¾-inch	\$25.80	\$26.90	\$28.30	\$30.10
1-inch	\$56.00	\$58.00	\$62.00	\$65.00
1½-inch	\$106.00	\$111.00	\$117.00	\$124.00
2-inch	\$167.00	\$174.00	\$183.00	\$195.00
3-inch	\$330.00	\$340.00	\$360.00	\$380.00
4-inch	\$510.00	\$530.00	\$560.00	\$590.00
6-inch	\$1,010.00	\$1,060.00	\$1,110.00	\$1,180.00
8-inch	\$1,820.00	\$1,900.00	\$2,000.00	\$2,120.00
10-inch	\$2,930.00	\$3,060.00	\$3,220.00	\$3,410.00
Fire Line Service, \$/connection-month				
Commercial				
2-inch or smaller	\$24.95	\$24.95	\$24.95	\$24.95
3-inch	\$48.29	\$48.29	\$48.29	\$48.29
4-inch	\$74.59	\$74.59	\$76.00	\$81.00
6-inch	\$200.00	\$209.00	\$220.00	\$234.00
8-inch	\$426.00	\$445.00	\$469.00	\$498.00
10-inch	\$766.00	\$800.00	\$843.00	\$896.00
Residential	\$25.80	\$26.90	\$28.30	\$30.10

1 - Hundred Cubic Feet (HCF) = 748 gallons

2 - Tier break changed from 14 HCF to 9 HCF due to conservation

2017 Water System Rehabilitation Priority Projects

Priority	Project Area	Limits	Approximate Age	System Need	Total Cost
1	11th Street Area	Black Diamond Street to Beacon Street and W. 10th Street to W. Santa Fe Avenue	90 - 100 Years	Pipe Replacement	$ 5,000,000
2	Central Addition (Phase I)	Columbia Street to Harbor Street and Central Avenue to E. 14th Street	80 Years	Pipe Replacement/ Backyard Services	$ 6,800,000
3	Cornwall Area	Somers Street to Railroad Avenue and E. 15th Street to School Street	86 Years	Pipe Replacement	$ 3,000,000
4	Central Addition (Phase II)	Columbia Street to Harbor Street and E. Santa Fe Avenue to Central Avenue	91 Years	Pipe Replacement	$ 2,700,000
5	Central Addition (Phase III)	Harbor Street to Solari Avenue and E. Santa Fe Avenue to Solari Street	65 -79 Years	Pipe Replacement	$ 2,300,000
6	Pittsburg Heights Area	Madoline Street to Seeno Street and Alturas Boulevard to Tiffany Drive	65 Years	Pipe Replacement	$ 1,300,000
				Total	**$ 21,100,000**

DRAFT

Water Rates Study

Prepared for
City of Pittsburg, California
November 2017

MUNICIPAL
FINANCIAL
SERVICES
2960 Valley Basin Avenue
Henderson, Nevada 89052

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List of Abbreviations

AF	acre feet (equal to 325,851 gallons)
PMC	Pittsburg Municipal Code
AWWA	American Water Works Association
CAFR	Comprehensive Annual Financial Report
CCI	Construction Cost Index
CCWD	Contra Costa Water District
CIP	Capital Improvement Program
City	City of Pittsburg
DSC	debt service coverage
DWR	Department of Water Resources
FY	Fiscal year (July 1 to June 30)
ENR	Engineering News Record
FY18	July 1, 2017 to June 30, 2018
gpd	gallons per day
HCF	Hundred Cubic Feet (~ 748.052 gallons)
mgd	million gallons per day
O&M	Operation and maintenance
R/R	Repair and replacement
SWRCB	State Water Resources Control Board
ULL	Urban Limit Line

Executive Summary

The City of Pittsburg, in conjunction with Municipal Financial Services, has analyzed the adequacy of revenues from rates to meet projected expenditures of the water enterprise fund to determine whether revenues will be adequate to cover operating and maintenance costs as well as needed capital costs while meeting reserve policy and debt management policy. Water rates and charges were developed for the six-year period Fiscal Year 2017–18 (FY18) through FY23. Water rates and charges are recommended FY18 through FY21 (four fiscal years).

Water Fund 501 Revenues, Expenditures and Cash Balances

	$millions	
Beginning Cash Balance, July 1, 2017 (FY18)	**$10,600**	
Revenues		
Water Service Charges	$89,500	*92%*
Other Fees & Revenue Adjustments	$4,100	*4%*
Transfer in from Bond Proceeds	$300	*0.3%*
Transfer in from General Fund	$200	*0.2%*
Transfer in from Sewer Fund & Card Trans Fees	$3,000	*3%*
Total Revenues	**$97,100**	***100%***
Expenditures		
Water Lines	$16,700	*17%*
Water Purification	$48,400	*49%*
Finance/Utility Billing	$6,000	*6%*
Debt Service	$12,300	*12%*
Capital Projects	$13,600	*14%*
Transfers	$2,600	*3%*
Total Expenditures	**$99,600**	***100%***
Net Revenues	-$2,500	
Ending Cash Balance, June 30, 2021 (FY21)	**$8,100**	
Ending Cash Balance Reserve Target	*$5,900*	

Water rates were developed to generate sufficient revenues to cover operating and maintenance expenditures, fund capital expenditures, satisfy debt service coverage requirements and meet target reserve levels. A summary of the projected expenditures, revenues, beginning (FY18) and ending (FY21) fund balances and the FY21 target reserve amount are shown in the adjacent table.

The approximate amount of revenues required from water rates for the four-year period, FY18 through FY21, is $89,500,000.

Projected operations and transfers funding requirements are approximately $73,700,000 (74 percent of expenditures).

Projected capital expenditure funding requirements are approximately $13,600,000 (14 percent of expenditures).

Projected debt service funding (principal and interest payments) requirements are approximately $12,300,000 (12 percent of expenditures).

Note that no new debt service is proposed for this fund. Debt service coverage requirements for debt previously issued are met in all years.

Recommended Water Rates

The recommended rates were developed using a rate structure that is consistent with the requirements of Proposition 218[1] as codified in the State of California Constitution, Articles XIIIC and XIIID, which require that each customer class pay its proportionate share of the required revenue in proportion to their beneficial use of the water system.

For recommended Water Quantity rates, the break point between Tier 1 and Tier 2 Single Family water use decreases from 14 HCF (hundred cubic feet) to 9 HCF and reflects the substantial decrease in Single Family water use since the 14 HCF value was developed in 2003. The basis for the recommended Single Family tiered rates is described in Section 2. The quantity rate for the first tier (0 – 4 HCF of water use) for Senior customers was designated by the City as 40 percent of the Single Family first tier rate. Recommended Water Quantity rates are listed in the table below.

Table ES-1. Currant and Recommended Water Quantity Rates

---

[1] Article XIIIC and Article XIIID were added to the California Constitution in 1996 by Proposition 218, the Right to Vote on Taxes Act. Article XIIID, Section 6(b) lists the five substantive requirements for "property related fees and charges."

	Adopted	Recommended			
	FY17	FY18	FY19	FY20	FY21
Rates *effective date >*	1/1/2017	2/1/2018	11/1/2018	11/1/2019	11/1/2020
Quantity Rates, $/HCF					
Non-residential					
Zones 1 and 2	$4.17	$4.44	$4.71	$5.04	$5.44
Zone 3	$4.23	$4.57	$4.84	$5.18	$5.58
Zone 4	$4.25	$4.63	$4.91	$5.25	$5.66
Zones 5 and 6	$4.27	$4.76	$5.05	$5.39	$5.80
Single Family					
Tier 1	*0 - 14 HCF*	*0 - 9 HCF*	*0 - 9 HCF*	*0 - 9 HCF*	*0 - 9 HCF*
Zones 1 and 2	$3.56	$3.76	$4.03	$4.29	$4.53
Zone 3	$3.62	$3.85	$4.16	$4.43	$4.67
Zone 4	$3.64	$3.89	$4.22	$4.50	$4.75
Zones 5 and 6	$3.66	$3.97	$4.36	$4.64	$4.89
Tier 2	*> 14 HCF*	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*
Zones 1 and 2	$5.27	$5.45	$5.66	$5.92	$6.26
Zone 3	$5.33	$5.58	$5.79	$6.06	$6.40
Zone 4	$5.35	$5.64	$5.86	$6.13	$6.48
Zones 5 and 6	$5.37	$5.77	$6.00	$6.27	$6.62
Senior					
Tier 1	*0 - 4 HCF*	*0 - 4 HCF*	*0 - 4 HCF*	*0 - 4 HCF*	*0 - 4 HCF*
Zones 1 and 2	$1.40	$1.50	$1.64	$1.72	$1.81
Zone 3	$1.46	$1.63	$1.77	$1.86	$1.95
Zone 4	$1.48	$1.69	$1.84	$1.93	$2.03
Zones 5 and 6	$1.50	$1.82	$1.98	$2.07	$2.17
Tier 2	*5 - 14 HCF*	*5 - 9 HCF*	*5 - 9 HCF*	*5 - 9 HCF*	*5 - 9 HCF*
Zones 1 and 2	$3.56	$3.76	$4.03	$4.29	$4.53
Zone 3	$3.62	$3.85	$4.16	$4.43	$4.67
Zone 4	$3.64	$3.89	$4.22	$4.50	$4.75
Zones 5 and 6	$3.66	$3.97	$4.36	$4.64	$4.89
Tier 3	*> 14 HCF*	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*
Zones 1 and 2	$5.27	$5.45	$5.66	$5.92	$6.26
Zone 3	$5.33	$5.58	$5.79	$6.06	$6.40
Zone 4	$5.35	$5.64	$5.86	$6.13	$6.48
Zones 5 and 6	$5.37	$5.77	$6.00	$6.27	$6.62
Meter Service, $/meter-month					
⅝ x ¾-inch or ¾-inch	$24.29	$25.80	$26.90	$28.30	$30.10
1-inch	$53.03	$56.00	$58.00	$62.00	$65.00
1½-inch	$101.09	$106.00	$111.00	$117.00	$124.00
2-inch	$158.68	$167.00	$174.00	$183.00	$195.00
3-inch	$312.25	$330.00	$340.00	$360.00	$380.00
4-inch	$485.02	$510.00	$530.00	$560.00	$590.00
6-inch	$965.08	$1,010.00	$1,060.00	$1,110.00	$1,180.00
8-inch	$1,733.09	$1,820.00	$1,900.00	$2,000.00	$2,120.00
10-inch	$2,789.05	$2,930.00	$3,060.00	$3,220.00	$3,410.00
Fire Line Service, $/connection-month					
Commercial					
2-inch or smaller	$24.95	$24.95	$24.95	$24.95	$24.95
3-inch	$48.29	$48.29	$48.29	$48.29	$48.29
4-inch	$74.59	$74.59	$74.59	$76.00	$81.00
6-inch	$147.48	$200.00	$209.00	$220.00	$234.00
8-inch	$264.22	$426.00	$445.00	$469.00	$498.00
10-inch	$424.65	$766.00	$800.00	$843.00	$896.00
Residential	$24.29	$25.80	$26.90	$28.30	$30.10

For Meter Service rates, costs associated with meter size are allocated based on the California Public Utilities Commission Water Division, "Rate Design for Water and Sewer System Utilities Including Master Metered Facilities", July 2006 (Standard Practice U-7-W).

For Fire Line Service rates, costs are allocated based on demand factors based on the nominal connection size as explained in the American Water Works Association (AWWA) *Manual of Water Supply Practices M1 Principles of Water Rates, Fees and Charges*. Residential customers with water meters increased to 1-inch to accommodate a combined domestic-fire sprinkler system are charged the ¾-inch meter charge.

Recommended rates are listed in the table below.

Table ES-2. Currant and Recommended Meter Service and Fire Line Service Rates

		Adopted	Recommended			
		FY17	FY18	FY19	FY20	FY21
Rates	*effective date >*	1/1/2017	2/1/2018	11/1/2018	11/1/2019	11/1/2020
Meter Service, $/meter-month						
⅝ x ¾-inch or ¾-inch		$24.29	$25.80	$26.90	$28.30	$30.10
1-inch		$53.03	$56.00	$58.00	$62.00	$65.00
1½-inch		$101.09	$106.00	$111.00	$117.00	$124.00
2-inch		$158.68	$167.00	$174.00	$183.00	$195.00
3-inch		$312.25	$330.00	$340.00	$360.00	$380.00
4-inch		$485.02	$510.00	$530.00	$560.00	$590.00
6-inch		$965.08	$1,010.00	$1,060.00	$1,110.00	$1,180.00
8-inch		$1,733.09	$1,820.00	$1,900.00	$2,000.00	$2,120.00
10-inch		$2,789.05	$2,930.00	$3,060.00	$3,220.00	$3,410.00
Fire Line Service, $/connection-month						
Commercial						
2-inch or smaller		$24.95	$24.95	$24.95	$24.95	$24.95
3-inch		$48.29	$48.29	$48.29	$48.29	$48.29
4-inch		$74.59	$74.59	$74.59	$76.00	$81.00
6-inch		$147.48	$200.00	$209.00	$220.00	$234.00
8-inch		$264.22	$426.00	$445.00	$469.00	$498.00
10-inch		$424.65	$766.00	$800.00	$843.00	$896.00
Residential		$24.29	$25.80	$26.90	$28.30	$30.10

City of Pittsburg Resolution 09-11335 stated, “The ‘new’ Municipal well rate for the City of Pittsburg’s water consumption and the meter charge will be set at 30% of the non-residential rate.” Effective January 1, 2018, the City intends to set Municipal rates at 35% of the non-residential rate. Quantity and meter service rates for Municipal connections are not listed in the tables above but may be derived from the non-residential quantity rates and meter service rates in the tables.

Section 1

Introduction

This section describes the organization of the report, rate-making objectives, the rate-setting process, and a general description of the water system.

1.1 Organization of the Report

This report is divided into seven sections. This introduction provides an overview of the study objectives and an overview of the rate development process.

Section 2 discusses characteristics of customers and their use of the water system. The number and type of connections to the system and water use projected for FY17 – FY21 is developed in this section.

Section 3 describes the evaluation of revenue required from rates.

Section 4 describes the allocation of costs and development of unit costs of service.

Section 5 describes the impact of rates changes on customer bills.

Section 6 describes the limitations of the study document.

1.2 Rate-Making Objectives

There are numerous rate-making objectives that must be considered when developing rates and rate structures.

Revenue sufficiency. Generate sufficient revenue to fund operating costs, capital costs and bonded debt, and maintain adequate reserves.

Revenue stability. Recover revenue from fixed and variable charges that will cover fixed and variable costs (barring water shortages when rationing may be required).

Conservation signal. Reward customer for efficient water use and discourage its waste.

Administrative efficiency. Enable efficient implementation and ongoing administration, including monitoring and updating.

Affordability. Be as affordable as possible while maintaining the utilities sound financial position and credit rating.

Customer acceptance. Be as simple as possible to facilitate customer understanding and acceptance.

Fairness. Provide for each customer class to pay its proportionate share of the required revenue in compliance with legal rate-making requirements.

1.3 Overview of Utility Rate Setting Process

Rate studies classically have three categories of technical analysis – the development of revenue required from rates, the allocation of costs among functional cost categories (cost-of-service analysis) and the design of a rate structure. An overview of the rate-setting analytical steps is shown in Figure 1-1.

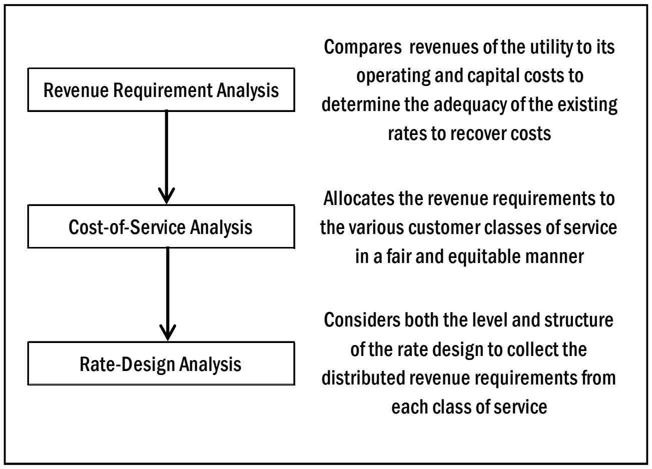

Figure 1-1. Overview of Rate Setting Analytical Steps

The revenue required from rates is net of non-rate revenues (for example interest earned on fund balances, loan disbursements and revenue from new connections to the water system) and other revenues not required from rates (such as revenue from meter turn on/off services). The allocation of costs are structured so that the revenue required from charges is distributed proportionally for every level of service in a manner that allows the development of unit costs. The rate structure uses the unit costs as a basis for aggregating costs into rates that are applicable to the various customer classes.

Information and data for the development of water rates and preparation of this report comes from several documents provided by the City. The list of documents, and the key information and data from each used in this study, are summarized below.

City of Pittsburg Fiscal Year 2017-18 Adopted Budget and Accounting Reports. This document shows the recommended FY 2017-18 Annual Budget. In addition to the published Budget, the City provided detailed expenditure and revenue data in separate expenditure and revenue reports from its accounting system. The water enterprise fund is funded primarily from user charges.

City of Pittsburg Municipal Code. Ordinances relating to the water enterprise are codified in various sections of Title 13, Division 1, of the Pittsburg Municipal Code listed below:

- 13.04 City Duties and Responsibilities
- 13.08 Water Service Connections
- 13.10 Collection of Contra Costa Water District's Facilities Reserve Charge
- 13.12 Water Rates
- 13.14 Regulations for the Control of Backflow and Cross Connections to the City's Water System
- 13.16 Consumer Deposits – Service Beyond the City
- 13.18 Water Conservation

***City of Pittsburg 2015 Water System Master Plan Final Draft December 2015* (2015 Water Master Plan).** The 2015 Water Master Plan summarizes the City's existing distribution system infrastructure, and documents the City's acceptable design criteria and current growth assumptions. The master plan documents the capacity evaluation of the existing system and lists facility improvements needed to meet the water demand needs of existing users, as well as the needs of planned future developments. Finally, the master plan includes a capital improvement program and a cost allocation analysis.

5-Year Capital Improvement Program (5-Year CIP). The 5-Year CIP is a multi-year planning instrument for the construction of new and expansion, rehabilitation, or replacement of existing City owned assets. The 5-Year CIP is used by City staff members as a guide for project prioritization to accomplish community goals. The Program is updated annually to account for projects that have been completed, changing priorities, new priorities, and funding availability. The current 5-Year CIP is for Fiscal Years 2017/18 through 2021/22.

Utility Billing System data. Monthly water use data for each of the City's metered accounts, for the period July 2016 through June 2017, were provided in an Excel file. Each account record had descriptive information of the account's customer class, meter size and elevation pressure zone.

Policy and Procedures. Policy and procedures relating to the water enterprise are codified in various sections of the Pittsburg Municipal Code and in policies adopted by the City. Policy and procedures relating to the water enterprise are listed below.

- Capital Assets Policy and Procedures
- Debt Management Policy (June 2012)
- Fiscal Sustainability and Reserve Funds (PMC Title 3, Chapter 3.26)

1.4 Water Enterprise Funds

The water enterprise fund accounts for activities that are financed and operated in a manner similar to private business enterprises. The City Council has determined that the costs of providing water services to the public be recovered primarily through user charges.

The Water Utility Fund accounts for the revenues and expenses associated with management, operation, and maintenance of water treatment and distribution system to water customers of the City of Pittsburg. It also accounts for the maintenance of water plant, distribution reservoirs, and water lines.

The city has 11 funds in the water enterprise. The purpose of each fund is summarized below.

Fund 501: Water Operations

Funds 502 – 511 (10 funds): Water Facility Reserves for various asset groups.

Revenue from water charges are accrued in Fund 501. This study models cash flow in Fund 501 only. Cash flow in funds for Water Facility Reserves ensure that Water Facility Reserve Charges are allocated to the appropriate asset group.

1.5 Pittsburg Water Utility

The City of Pittsburg provides potable water service to approximately 18,500 residential, commercial, industrial, and institutional accounts.

The City of Pittsburg is located on the eastern side of California's San Francisco Bay in Contra Costa County. It is bound on the north by the Suisun Bay, the City of Antioch on the east, and is surrounded by undeveloped hills to the south and the Concord Naval Weapons Station on the west. The area included in this study is outlined by the City of Pittsburg Urban Limit Line (ULL). The City currently provides domestic water service to the currently developed areas within the ULL and plans to provide service to the anticipated growth areas when they become developed.[1]

The City's municipal water system consists of a water treatment facility, groundwater wells, storage reservoirs, pump stations, over 214 miles of transmission and distribution mains, fire hydrants, and pressure reducing valves. The City's service area is currently divided into five existing pressure zones servicing elevations from sea level in Zone 1 to 510 feet in Zone 4 West, and will eventually be expanded to twelve pressure zones (including Zone 5 and Zone 6) to service anticipated future developments in the southeast and southwest hills. The existing pressure zones are interconnected and include 8 storage reservoirs and 7 booster stations. In addition, 5 major PRVs provide increased supply reliability for Zone 1.

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[1] Water service to Bay Point, in the northwest, and other unincorporated areas is provided by California Cities Water Company, who also receive their water from the Contra Costa Water District.

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. The City's water treatment plant has a hydraulic design capacity of 32 million gallons per day (MGD), and is currently limited by the California Department of Public Health (CDPH) to 12 MGD when the water temperature is less than 10 degrees Celsius (50 degrees Fahrenheit), which has not occurred; and 28 MGD when the water temperature is less than 20 degrees Celsius (68 degrees Fahrenheit), which usually occurs between the months of November and April. The City's water treatment plant currently operates at 6 to 18 MGD.

1.6 Current Water Rates

Water rates are established per Title 13 (Waters and Sewers), Division I (Water Regulations) of the Pittsburg Municipal Code (PMC). Water rates were last increased on January 1, 2017. The City's current water use (quantity) rates, water meter service rates and fire line service rates and are shown in the sidebar. The City bills water accounts monthly.

Table 1-1. Current Water Rates

Quantity Rates, $/HCF		Quantity Rates, $/HCF		Meter Service, $/meter-month		Fire Line Service, $/connection-month	
Non-residential		Senior		⅝ x ¾-inch or ¾-inch	$24.29	Commercial	
Zones 1 and 2	$4.17	Tier 1	*0 - 4 HCF*	1-inch	$53.03	2-inch or smaller	$24.95
Zone 3	$4.23	Zones 1 and 2	$1.40	1½-inch	$101.09	3-inch	$48.29
Zone 4	$4.25	Zone 3	$1.46	2-inch	$158.68	4-inch	$74.59
Zones 5 and 6	$4.27	Zone 4	$1.48	3-inch	$312.25	6-inch	$147.48
Single Family		Zones 5 and 6	$1.50	4-inch	$485.02	8-inch	$264.22
Tier 1	*0 - 14 HCF*	Tier 2	*5 - 14 HCF*	6-inch	$965.08	10-inch	$424.65
Zones 1 and 2	$3.56	Zones 1 and 2	$3.56	8-inch	$1,733.09	Residential	$24.29
Zone 3	$3.62	Zone 3	$3.62	10-inch	$2,789.05		
Zone 4	$3.64	Zone 4	$3.64				
Zones 5 and 6	$3.66	Zones 5 and 6	$3.66				
Tier 2	*> 14 HCF*	Tier 3	*> 14 HCF*				
Zones 1 and 2	$5.27	Zones 1 and 2	$5.27				
Zone 3	$5.33	Zone 3	$5.33				
Zone 4	$5.35	Zone 4	$5.35				
Zones 5 and 6	$5.37	Zones 5 and 6	$5.37				

Each water account has one or more meters and each meter is billed for metered water use at the rates shown (except fire service accounts which are not billed for water use).

Qualifying senior citizens are eligible for reduced water rates per a special exemption provision in PMC Section 13.12.035. The quantity rate for first tier 0 – 4 HCF of water use for Senior customers was designated by the City as 40 percent of the Single Family first tier rate.

Residential customers with water meters increased to 1-inch to accommodate a combined domestic-fire sprinkler system are charged the ¾-inch meter charge. Water use by fire line service meters is charged at the nonresidential quantity rate.

City of Pittsburg Resolution 09-11335 stated, "The 'new' Municipal well rate for the City of Pittsburg's water consumption and the meter charge will be set at 30% of the non-residential rate." Quantity and meter service rates for Municipal connections are not listed in the table above but are derived from the non-residential quantity rates and meter service rates shown in the table.

Section 2

User Characteristics

The purpose of this section is to summarize the identification of residential and nonresidential users and their corresponding water use characteristics. The data used in this section comes from the City's utility billing system.

2.1 FY17 Water Deliveries

Historical water delivery and service connection data for July 2016 through June 2017 (FY17) was gathered from the City's billing system. Detailed water delivery and service connection data is summarized in Table A-1a of Appendix A. Water delivery and service connection data for Municipal accounts is summarized in Table A-1b of Appendix A. Metered water deliveries by customer class and month for FY17 are shown in Figure 2-1 in units of hundred cubic feet (HCF). Total water deliveries for FY17 were approximately 3,100,000 HCF.

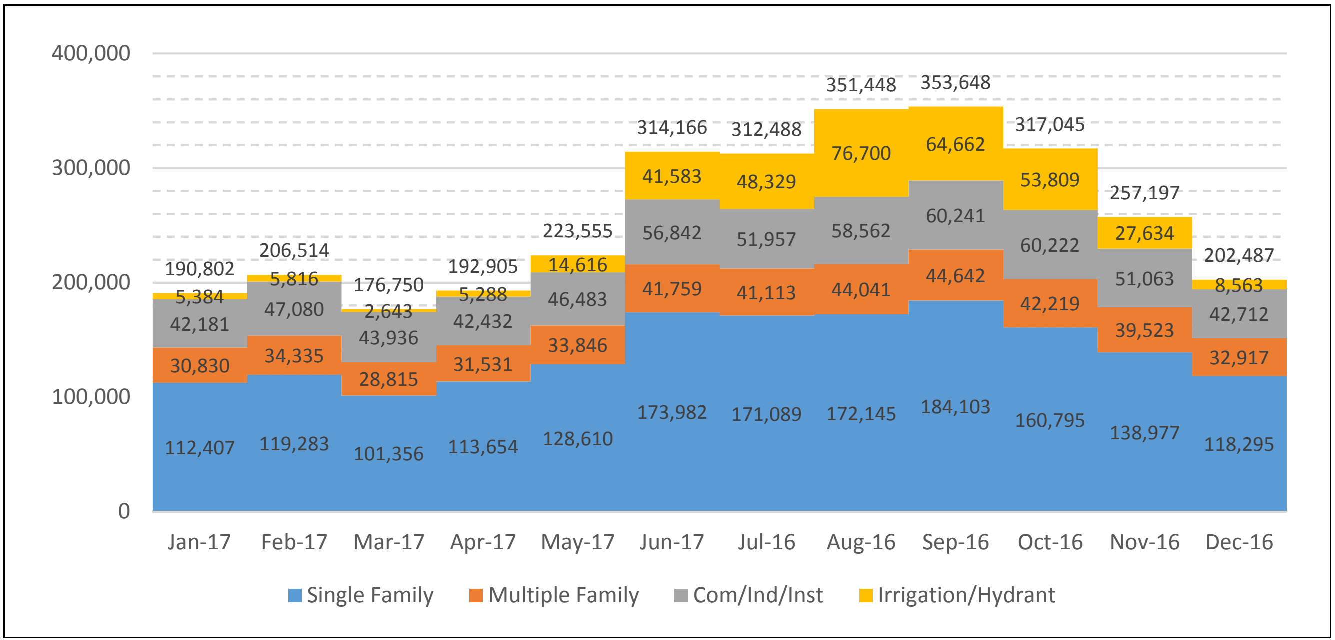

Figure 2-1. Metered Water Use by Customer Class and Month for FY17

Water delivery projections for FY18 – FY23 are based upon the net impact of two variables: 1) increase in water use due to the growth in the number of metered accounts; and 2) decrease in water use due to conservation. Growth in the number of metered accounts includes approximately 300 single family connections per year. Projected water use for FY18 – FY21 is based on a percent reduction from the previous years' value. Metered water use for single family accounts for FY18 – FY21 are projected to be similar to FY17 levels. Reductions in metered water use are projected to be 1 percent per year for all other customer classes. Detailed water delivery is summarized in Table A-2a of Appendix A. Water delivery data for Municipal accounts is summarized in Table A-2b of Appendix A. Projected metered water deliveries, by customer class (excluding Municipal use), are shown in the figure below.

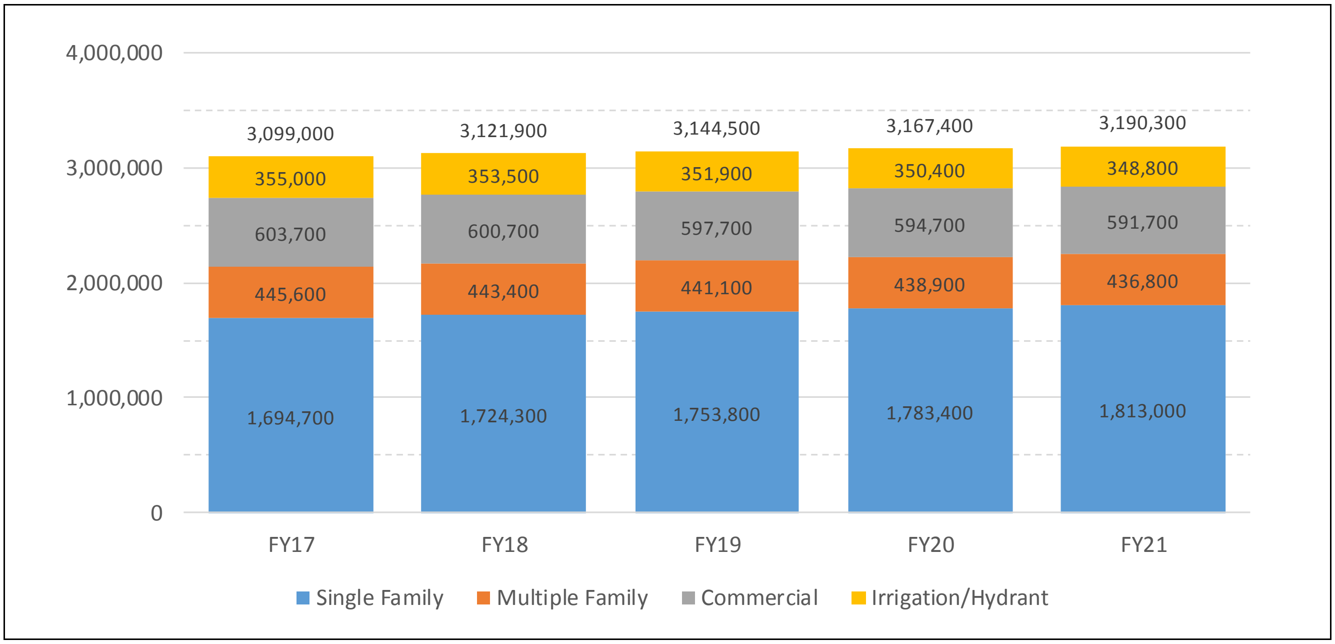

Figure 2-2. Projected Metered Water Use by Customer Class

2.2 Evaluation of Water Use by Customer Class and Pressure Zone

FY17 data from the City's Utility Billing System summarizing water use, by customer class (excluding Municipal use) and elevation zone, are shown in the figures below. The annual units of water demand shown in the customer class figure (3,100,000 HCF) are equivalent to approximately 6.3 million gallons per day. Water use (excluding Municipal use) for FY17 by pressure zone excludes water used through fire hydrants.

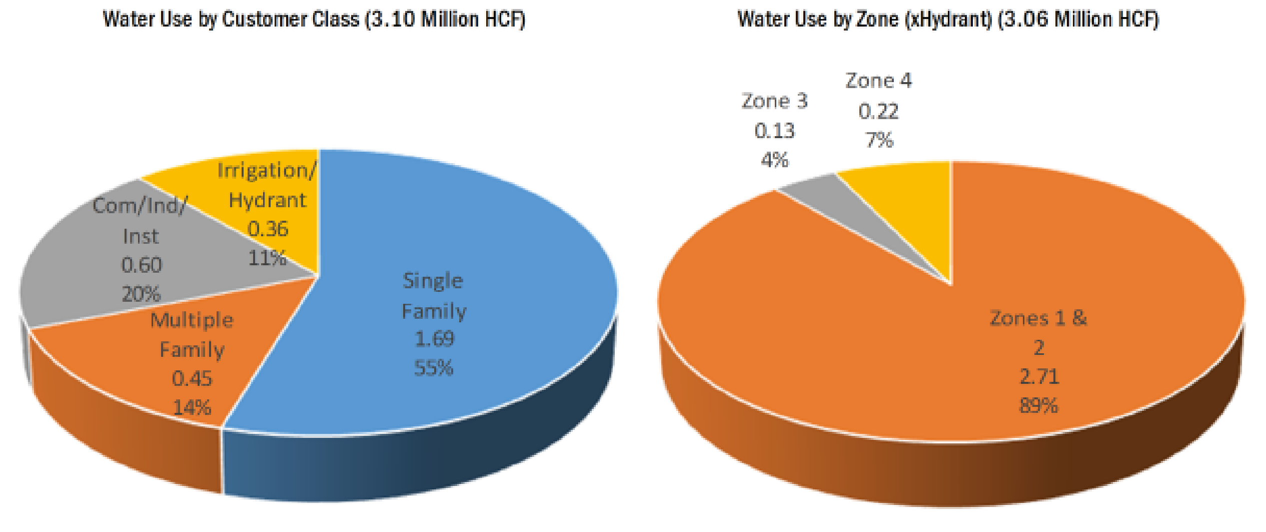

Figure 2-3. FY17 Water Use by Customer Class and Elevation Zone

FY17 data from the City's Utility Billing System summarizing the number of meters by customer class and size, is shown in the figure below.

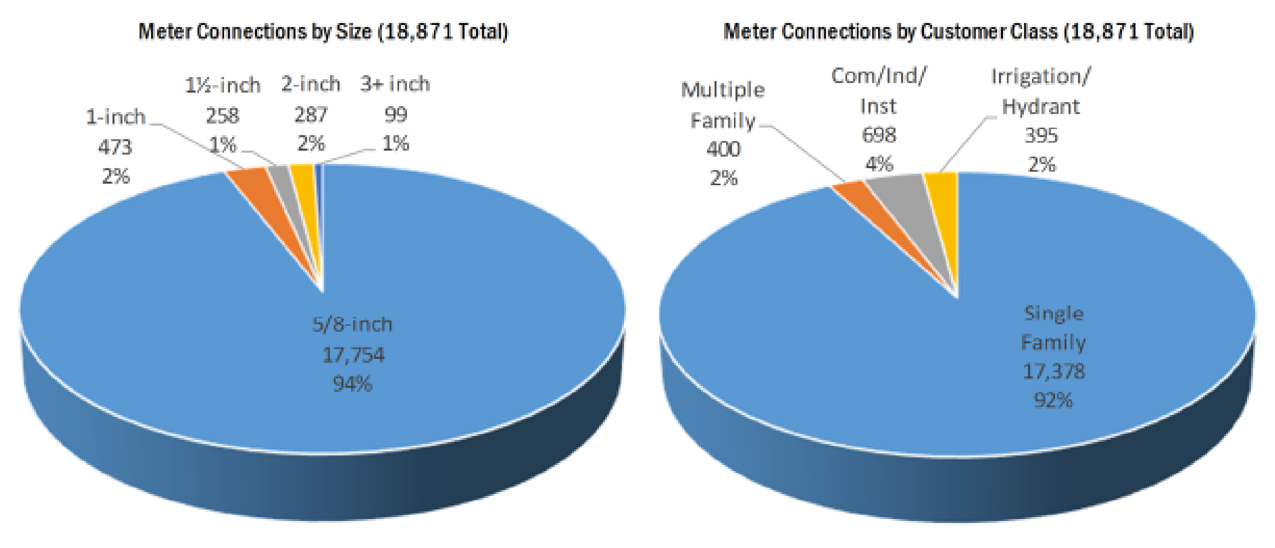

Figure 2-4. FY17 Meter Connections by Customer Class and Size

2.3 Evaluation of Water Use by Block for Single Family Residential

Annual average water use is a commonly used as a break point for inclining block rate structures for single family residential accounts. An inclining block rate structure is a schedule of rates applicable to blocks of increasing usage in which the usage in each succeeding (higher usage) block is charged a higher unit rate than in the previous block. In this study, a two-block structure, with the first block including water use equal to or below annual average water use, will be evaluated. Note that the terms "block" and "tier" will be used interchangeably.

Average monthly water use for single family residential accounts for the 12-month period ending June 2017 is shown below in Figure 2-5. Single Family annual average water use for FY17 was approximately 8.2 HCF per month.

The tier break point for current water rates (14 HCF) was developed in 2005 using utility billing data from 2001 – 2003. Single Family annual average water use for those three years was approximately 14 HCF per month. Single family water use declined by approximately 40 percent since 2003.

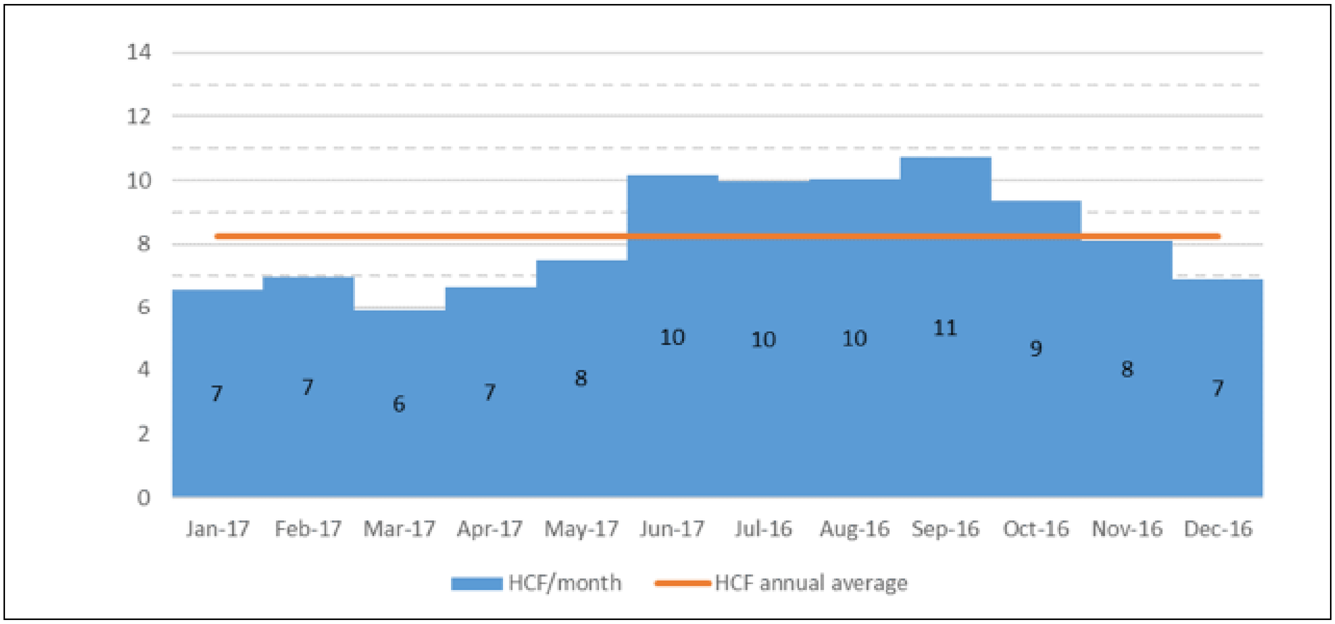

Figure 2-5. Single Family Residential Average Monthly Water Use, HCF

Using a first block with water use less than or equal to 9 HCF, water use in each block was calculated for the 12-month period ending June 2017. On an annual basis, the first block, Tier 1, contains approximately 72 percent of all water use. The next block Tier 2, contains approximately 28 percent of all water use. Water use is shown below in Figure 2-6.

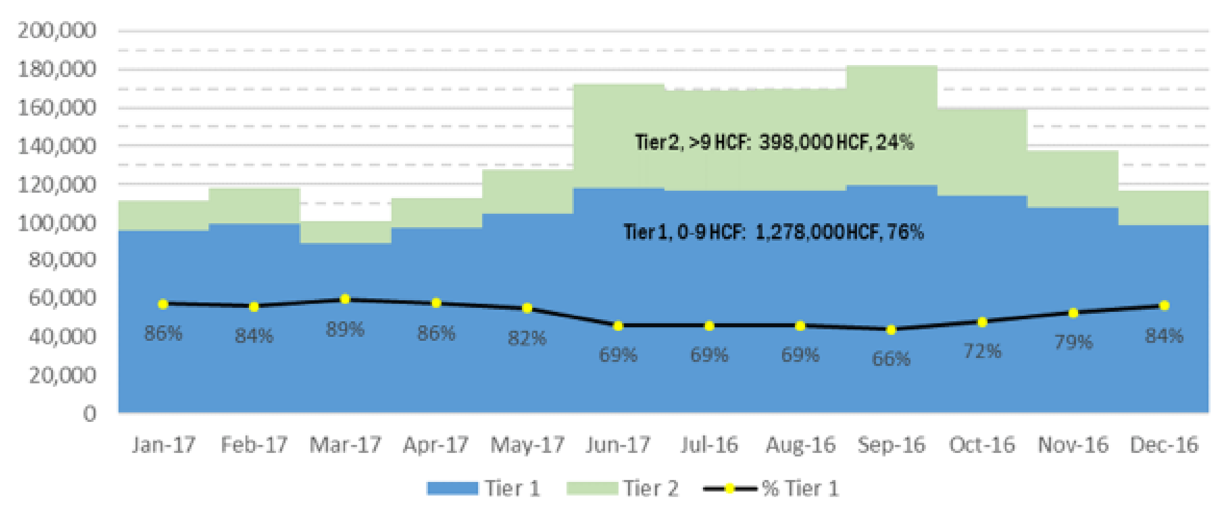

Figure 2-6. Single Family Residential Projected Tier Water Use, HCF

Using the tier break point for current water rates (14 HCF) that was developed in 2005, the first block, Tier 1, contains approximately 89 percent of all water use. The next block Tier 2, contains approximately 11 percent of all water use. Water use is shown below in Figure 2-7. Update of the tier break point will shift recovery of revenue from quantity charges from 15 percent to 30 percent of total quantity charge revenue from Single Family customers.

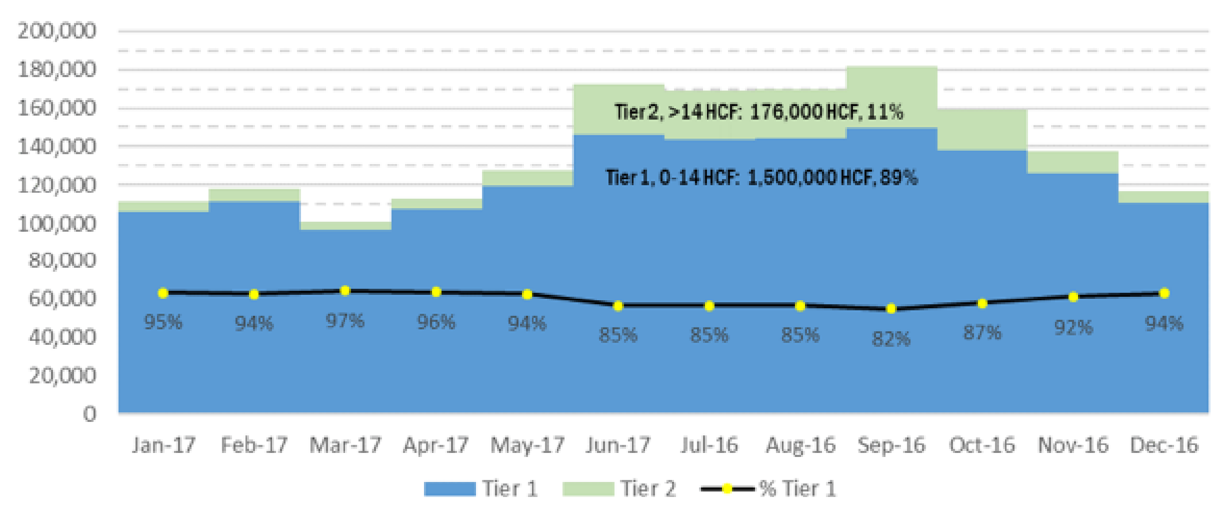

Figure 2-7. Single Family Residential FY17 Tier Water Use, HCF

2.4 Water Meter Equivalency Factors

Meter charges for meter sizes greater than ⅝ x ¾-inch (0.625 inches) are based, in part, on an "equivalency factor" that relates the design maximum flow capacity of a meter (in gallons per minute, gpm) to that of a standard 0.625-inch meter. The water meter service charge ratios (equivalency factors) and maximum flow capacity used in this study are shown in the table below and are based on values published by the California Public Utilities Commission Water Division.

The equivalency factors used in the development of current service charges are not known but may be approximated by calculating the ratio of the monthly charges for each meter size in relation to the monthly charge for a 0.625-inch meter. The implied equivalency factors based on the current service charges are shown in the table below for comparison to those used in this study.

Table 2-1. Water Meter Equivalency Factors

Meter Size	Maximum Flow Capacity	Recommended Meter Capacity Ratios*	Current Meter Capacity Ratios
0.625	20	1	1
1	50	2.5	2.2
1.5	100	5	4
2	160	8	7
3	320	16	13
4	500	25	20
6	1000	50	40
8	1800	90	71
10	2900	145	115

** Source: California Public Utilities Commission Water Division, Standard Practice U-7-W, "Rate Design For Water And Sewer System Utilities Including Master Metered Facilities", July 2006*

2.5 Water Meters

The projected number of water meters, by size, was based on data from the City's utility billing system as of June 2017. Detailed FY17 data is in Table A-3a of Appendix A. Detailed FY17 data for Municipal accounts is shown in Table A-3b of Appendix A.

Detailed projection data is shown in Table A-4a of Appendix A. Detailed projection data for Municipal accounts is shown in Table A-4b of Appendix A. Values from the utility billing system and the projected number of meters for FY18 – FY21 (excluding Municipal meters) are summarized in the table below.

Table 2-2. Projected Number of Water Meter Connections

Meter	Actual	Projected			
Size (inches)	FY17	FY18	FY19	FY20	FY21
0.625	17,707	18,007	18,307	18,607	18,907
1	520	520	520	520	520
1.5	258	258	258	258	258
2	287	287	287	287	287
3	70	70	70	70	70
4	18	18	18	18	18
6	10	10	10	10	10
8	0	0	0	0	0
10	1	1	1	1	1
Totals	18,871	19,171	19,471	19,771	20,071

The equivalent number of water meters was developed using water meter equivalency factor. The projected number of equivalent number of water meters for FY18 – FY21 are shown in Table A-5 of Appendix A and in the table below.

Table 2-3. Projected Number of Equivalent Water Meters

Meter Size	Maximum Flow Capacity	Meter Capacity Ratios*	Actual	Projected			
			FY17	FY18	FY19	FY20	FY21
0.625	20	1	17,707	18,007	18,307	18,607	18,907
1	50	2.5	1,300	1,300	1,300	1,300	1,300
1.5	100	5	1,290	1,290	1,290	1,290	1,290
2	160	8	2,296	2,296	2,296	2,296	2,296
3	320	16	1,120	1,120	1,120	1,120	1,120
4	500	25	450	450	450	450	450
6	1000	50	500	500	500	500	500
8	1800	90	0	0	0	0	0
10	2900	145	145	145	145	145	145
Totals			24,808	25,108	25,408	25,708	26,008

** Source: California Public Utilities Commission Water Division, Standard Practice U-7-W, "Rate Design For Water And Sewer System Utilities Including Master Metered Facilities", July 2006.*

2.6 Fire Line Service Connections

The projected number of fire line service connections, by size, was based on data from the City's utility billing system as of June 2017. Values from the utility billing system and projected number of connections for FY18 – FY21 are shown in Table A-6 of Appendix A and in the table below.

Table 2-4. Projected Number of Fire Line Service Connections

	Demand	Actual	Projected [1]			
Connection Type	*Factor [2]*	FY17	FY18	FY19	FY20	FY21
Public Fire Protection						
Fire Hydrants	*111.3*	1,500	1,520	1,540	1,560	1,580
Equivalent Connections		166,966	169,193	171,419	173,645	175,871
Private Fire Protection Service						
Connections						
2-inch or smaller		7	7	7	7	7
3-inch		0	0	0	0	0
4-inch		58	58	58	58	58
6-inch		86	88	90	92	94
8-inch		27	27	27	27	27
10-inch		6	6	6	6	6
Totals		184	186	188	190	192
Equivalent Connections						
2-inch or smaller	*6.2*	43	43	43	43	43
3-inch	*18.0*	0	0	0	0	0
4-inch	*38.3*	2,223	2,223	2,223	2,223	2,223
6-inch	*111.3*	9,573	9,795	10,018	10,241	10,463
8-inch	*237.2*	6,405	6,405	6,405	6,405	6,405
10-inch	*426.6*	2,559	2,559	2,559	2,559	2,559
Totals		20,803	21,025	21,248	21,471	21,693
Summary						
Public Equivalent Connections		166,966	169,193	171,419	173,645	175,871
Private Equivalent Connections		20,803	21,025	21,248	21,471	21,693
Total		187,769	190,218	192,667	195,116	197,564

1 The number of new connections per year are listed below. All values provided by the City.

	FY18	FY19	FY20	FY21
Public Fire Hydrants	20	20	20	20
Private				
2-inch or smaller	0	0	0	0
3-inch	0	0	0	0
4-inch	0	0	0	0
6-inch	2	2	2	2
8-inch	0	0	0	0
10-inch	0	0	0	0
Totals	2	2	2	2

2 Demand factors are based on the nominal connection size raised to the 2.63 power as explained in the AWWA M1 Manual. All Fire Hydrants are assumed to have a 6.0-inch connection.

Section 3

Revenue Required from Water Rates

Revenue from water rates must adequately fund water utility operations, capital costs, reserves, and bonded debt related to the provision of water service. The City established Water Fund 501 as a Water Operations Fund that accounts for the revenues and expenditures related to providing water service through approximately 18,800 services. The cost of treating the water, transporting it and maintaining the distribution infrastructure, including 214 miles of mainlines, is also accounted for in this fund. The Water Fund includes the following programs: Water Lines, Water Purification, and Finance/Utility Billing.

A separate set of funds for Water Facility Reserves (Funds 502 – 511) ensure that Water Facility Reserve Charges are allocated to the appropriate asset group.

3.1 Current Water Rates and Revenue from Rates

Elevation Zone, Water Quantity, Meter Service and Fire Line Service charges (Water Rates) were adopted in Resolution No. 14-12075 effective March 1, 2014. Subsequent increases were effective every January 1 for the next three years, beginning in 2015 and ending in 2017.

Service Type	Revenue	%
Quantity Rates	$11,578,000	62.7%
Meter Service	$6,558,000	35.5%
Fire Line Service	$321,000	1.7%
Total	$18,457,000	100%

Estimated revenues from Water Rates for FY17, based on rates that went into effect January 1, 2017, are shown in the adjacent table. Note that revenue from Quantity charges comprise approximately 63 percent of total revenue from rates.

3.2 Projected Expenditures

Budgeted and projected expenditures are shown in the table below. All actual and budgeted expenditure values were provided by the City. Projected operating expenditures are based on annual escalation rates provided by the City. A new, separate category of Capital Improvement Program (CIP) expenditures for pipe Repair and Replacement (R/R) is included in the list of expenditures.

Table 3-1. Water Fund 501 Budgeted and Projected Expenditures

All Values in $1000						Annual Percent Increase		
Expense Category		FY18	FY19	FY20	FY21	FY19	FY20	FY21
44101	Water Lines	3,980	4,100	4,220	4,350	3.0%	3.0%	3.0%
44111	Water Purification							
	Labor/Supplies	3,760	3,870	3,990	4,110	3.0%	3.0%	3.0%
	Raw Water	5,940	6,360	6,810	7,150	7.0%	7.0%	5.0%
	Chemicals/Gas/Water	720	760	800	840	5.0%	5.0%	5.0%
	Electric	750	800	850	900	6.0%	6.0%	6.0%
40121	Finance/Utility Billing	1,430	1,470	1,510	1,560	3.0%	3.0%	3.0%
44131	Debt Service							
	2016A Bonds	2,199	2,523	2,515	2,504	not applicable		
	2014 I-Bank	649	648	647	646	not applicable		
	Projected	0	0	0	0	not applicable		
44254	CIP - Improvements	400	410	420	430	2.5%	2.4%	2.4%
44255	CIP - Infrastructure	80	1,000	1,000	800	1150%	0%	-20%
	CIP - Pipe R/R	2,100	2,210	2,320	2,440	5.2%	5.0%	5.2%
44999	Transfers In/(Out)	620	640	660	680	3.0%	3.0%	3.0%
Total		22,628	24,791	25,742	26,410	10%	4%	3%
Annual $ Increase			2,163	951	669			

Projected annual CIP funding for underground pipe R/R is summarized in the figure below. Annual funding is for accrual in a restricted reserve. Annual funding requirements are based on the expected useful life of pipe segments and the future cost of repair or replacement. Funding requirements totaling $9.07 million are included in revenue required from rates for FY18 – FY21.

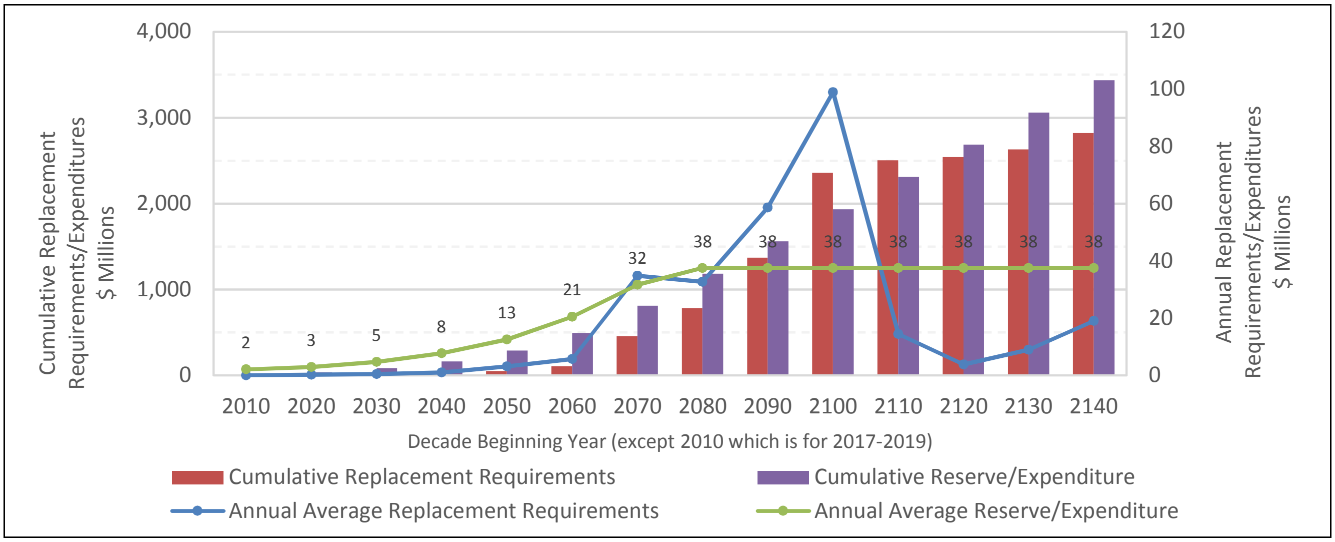

Figure 3-1. Projected Funding for Pipe Repair and Replacement

3.3 Projected Revenues, Cash Flow and Debt Service Coverage

The City plans to fund its projected operating and capital expenditures through a mix of revenues from water rates, other operating and nonoperating revenues, and use of fund balance. Approximately 92 percent of revenues are from water rates. The table below shows projected revenues, fund balances, debt service coverage and operating reserve level targets. Note that revenues from “Transfer in from Sewer Fund & Card Trans Fees” are included to offset Finance/Utility Billing expenditures for the Sewer Fund that are included in Water Fund 501 include expenditures.

Table 3-2. Projected Revenues, Cash Flow and Debt Service Coverage

Fund 501	FY18	FY19	FY20	FY21	Totals FY18-FY21
Beginning Cash Balance, July 1 *	13,743	10,087	8,777	7,875	
Revenues					
Water Service Charges	20,137	21,703	23,010	24,607	89,457
Other Fees & Revenue Adjustments	979	999	1,029	1,060	4,066
Transfer in from Bond Proceeds	277				277
Transfer in from General Fund	43	43	43	43	172
Transfer in from Sewer Fund & Card Trans Fees	715	736	759	781	2,991
Total Revenues	22,150	23,481	24,840	26,491	96,962
Expenditures					
Water Lines	3,980	4,100	4,220	4,350	16,650
Water Purification	11,170	11,790	12,450	13,000	48,410
Finance/Utility Billing	1,430	1,470	1,510	1,560	5,970
Debt Service	2,848	3,171	3,162	3,150	12,330
Capital Projects (net of loan disbursements)	2,580	3,620	3,740	3,670	13,610
Total Expenditures	22,008	24,151	25,082	25,730	96,970
Transfers	620	640	660	680	2,600
Net Revenues	(477)	(1,310)	(902)	81	(2,608)
Ending Cash Balance, June 30 *	13,266	8,777	7,875	7,956	
Encumbered CIP FY18					
CIP - Carryover Revenue	824				
CIP - Carryover Expense	4,003				
CIP - Net Carryover Revenue	(3,179)				
Available Cash Balance, July 1 *	10,087				
Debt Service Coverage					
Adjusted Net Revenues	4,950	5,481	6,000	6,901	
Debt Service	2,848	3,171	3,162	3,150	
Coverage Ratio	1.74x	1.73x	1.90x	2.19x	
$ Over/(Under) 1.25 Coverage Reqt	1,391	1,518	2,048	2,963	
Operating Reserve Target					
Operating Expenses					
Water Lines	3,980	4,100	4,220	4,350	
Water Purification	11,170	11,790	12,450	13,000	
Finance/Utility Billing	1,430	1,470	1,510	1,560	
Transfer in from Sewer Fund & Card Trans Fees	(715)	(736)	(759)	(781)	
Net Operating Expenses	15,865	16,624	17,421	18,129	
30% of Net Operating Expenses	4,760	4,987	5,226	5,439	
Calculated Available Cash Reserve Percentage	64%	53%	45%	44%	

** Cash is unrestricted cash in short term notes or cash. FY18 Beginning balance and Encumberence data was provided by the Finance Division Managerr on 9/5/17.*

Debt service coverage ratios exceed the minimum ratio of 1.25 in all years. Operating reserves exceed the policy target level of 30 percent of Operating expenses in all years.

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Section 4

Allocation of Costs

The total amount of revenue required from water rates is allocated between amounts to be recovered from Elevation Zone, Water Quantity, Meter Service and Fire Line Service charges. Allocation is accomplished by the development of factors that allocate costs among functional cost categories.

4.1 Base – Extra Capacity Cost Allocation

Allocation of functional costs to cost components is performed using the "base-extra capacity" method. Using this method, costs are separated into six cost components. Each component is described below.[3]

1. Base costs – costs that tend to vary with the total quantity of water used plus those O&M expenses and capital costs associated with service to customer under average demand conditions;
2. Extra-capacity costs – costs associated with meeting peak demand rate of use requirements in excess of average (base) use and include O&M expenses and capital costs for system capacity beyond that required average rate of use; these costs are subdivided into costs necessary to meet maximum-day extra demand and maximum-hour demand in excess of maximum-day demand;
3. Electricity costs for pump station operation – electricity costs associated with pumping water to higher elevations zones;
4. Customer costs – costs associated with serving customers, irrespective of the amount or rate of water use; these costs include those for meter reading and billing, customer accounting and collection, and financial and regulatory reporting;
5. Meter Size-related costs – costs associated with serving customers, contingent on the amount or rate of water use; these costs include maintenance and capital costs related to customer meters and services;
6. Fire protection – costs that apply solely to the fire protection function; these costs include those directly related to public fire hydrants and related branches and mains; and private fire protection costs.

4.2 Allocation of Costs to Functional Categories

The total amount of revenue required from water rates is allocated between amounts to be recovered from Elevation Zone, Water Quantity, Meter Service and Fire Line Service charges. Allocation is accomplished by the development of factors that allocate costs among functional cost categories.

The functional cost categories and the allocations are based on principles and methodology found in the American Water Works Association Manual of Water Supply Practices, *M1 Principles of Water Rates, Fees, and Charges*. The use of these industry standard principles and methods ensures that revenue requirements are equitably recovered from classes of customers in proportion to the cost of serving those customers.

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[3] A more complete discussion of functional cost categories as they apply to the base-extra capacity method may be found in the American Water Works Association, *Manual of Water Supply Practices, M1 Principles of Water Rates, Fees, and Charges*, 2012 Sixth Edition, page 62.

The cost of service allocation process includes the following steps:

1. Identification of annual revenue requirements by function;
2. Allocation of functional costs to cost components (which may include annual water usage, peak water demand, customer meters and bills, and fire protection);
3. Development of units of service by customer class for each cost component;
4. Development of unit costs of service for each cost component; and
5. Distribution of costs to customer classes.

The development of cost allocation percentages for the base year are shown in detail in Appendix B. Tables in Appendix B include Table B-1 (Water System "Plant in Service" Factors, Table B-2 (Water Fund FY 2017-18 Cost Allocations), Table B-3 (Evaluation of Jul-15 to Jun-16 Electricity Use and Water Use by Zone), and Table B-4 (Projected Electricity Use and Water Use by Zone).

Allocation of revenue required from rates to functional cost categories are summarized in the table below.

Table 4-1. Allocation of Costs to Functional Categories

Item		FY18	FY19	FY20	FY21
Revenue Required from Water Rates (x$1000)					
	Expenditures	22,628	24,791	25,742	26,410
	Add/(Use) Fund Balance	-1,040	-1,990	-1,460	-330
	Total	21,588	22,801	24,282	26,080
Percent Allocations					
Commodity Charges	Base	*43%*	*43%*	*43%*	*43%*
	Extra Capacity	*20%*	*20%*	*20%*	*20%*
	Electricity (Zones 3, 4, 5 and 6)	*1%*	*1%*	*1%*	*1%*
Meter / Connection Charges	Public Fire Protection	*17%*	*17%*	*17%*	*17%*
	Private Fire Protection	*2%*	*2%*	*2%*	*2%*
	Service Laterals/Meters	*11%*	*11%*	*11%*	*11%*
	Customer/Billing	*6%*	*6%*	*6%*	*6%*
	Total	*100%*	*100%*	*100%*	*100%*
Dollar Allocations					
Commodity Charges	Base	9,364	9,891	10,533	11,313
	Extra Capacity	4,263	4,503	4,795	5,150
	Electricity (Zones 3, 4, 5 and 6)	142	150	160	172
Meter / Connection Charges	Public Fire Protection	3,644	3,849	4,099	4,402
	Private Fire Protection	453	478	509	547
	Service Laterals/Meters	2,429	2,565	2,732	2,934
	Customer/Billing	1,307	1,380	1,470	1,579
	Total	21,602	22,816	24,298	26,097
Summary					
Dollars					
	Commodity Charges	13,769	14,544	15,488	16,635
	Meter/Connection Charges	7,833	8,272	8,810	9,462
	Total	21,602	22,816	24,298	26,097
Percent					
	Commodity Charges	*64%*	*64%*	*64%*	*64%*
	Meter/Connection Charges	*36%*	*36%*	*36%*	*36%*
	Total	*100%*	*100%*	*100%*	*100%*

4.3 Water Quantity Rates

Allocation of revenue required from rates to functional cost categories shown in the previous table is merged with units of service shown in Section 2 to develop water quantity rates.

The water quantity rates for Residential users are based on allocation of revenue requirements to Residential customers and development of inclining block rates (tiered rates) based on water use below average annual use (Tier 1) and above average annual use (Tier 2). Note that the tier break is recommended to decrease from 14 HCF to 9 HCF due to water conservation within the Residential customer class. Development of inclining block rates for Residential users is shown in the table below.

Table 4-2. Water Quantity Rates - Residential

Item		FY18	FY19	FY20	FY21
Residential Water Use Characteristics					
Average Monthly Water Use, HCF		9.0	9.0	9.0	9.0
Tier Breaks					
Tier 1		0 - 9 HCF	0 - 9 HCF	0 - 9 HCF	0 - 9 HCF
Tier 2		> 9 HCF	> 9 HCF	> 9 HCF	> 9 HCF
Annual Water Use, HCF (differences due to rounding)					
Total		1,724,260	1,753,830	1,783,400	1,812,970
Tier 1		1,314,920	1,337,450	1,359,990	1,382,540
Tier 2		409,350	416,380	423,400	430,430
Residential Revenue Requirements					
Base Cost Allocation					
Total All Users, Dollars		$9,364,000	$9,891,000	$10,533,000	$11,313,000
Single Family Allocation based on Water Use					
Percent		55%	55%	55%	55%
Dollars		$5,189,537	$5,481,601	$5,837,398	$6,269,675
Extra Capacity Cost Allocation					
Total All Users, Dollars		$4,263,000	$4,503,000	$4,795,000	$5,150,000
Single Family Allocation based on Water Use					
Percent		52%	52%	52%	52%
Dollars		$2,230,177	$2,355,732	$2,508,491	$2,694,208
Residential Inclining Block Quantity Charges, $/HCF					
Inclining Block Quantity Charges					
Tier 1 (Base Component)					
Dollar Allocation	*Current*	$5,189,537	$5,481,601	$5,837,398	$6,269,675
Single Family Water Use in Tier 1	*Rate*	1,314,920	1,337,450	1,359,990	1,382,540
Tier 1 Quantity Charge	$3.56	$3.95	$4.10	$4.29	$4.53
Tier 2 (Extra Capacity Component)					
Dollar Allocation	*Current*	$2,230,177	$2,355,732	$2,508,491	$2,694,208
Single Family Water Use in Tier 2	*Rate*	409,350	416,380	423,400	430,430
Tier 2 Quantity Charge	$5.27	$5.45	$5.66	$5.92	$6.26

Development of the water quantity rate for Non-residential users is shown in the table below.

Table 4-3. Water Quantity Rates – Non-residential

Item		FY18	FY19	FY20	FY21
Non-residential Quantity Charges					
Revenue Requirements					
Base Cost Allocation					
Total All Users, Dollars		$9,364,000	$9,891,000	$10,533,000	$11,313,000
Single Family Allocation based on Water Use					
Percent		45%	45%	45%	45%
Dollars		$4,174,463	$4,409,399	$4,695,602	$5,043,325
Extra Capacity Cost Allocation					
Total All Users, Dollars		$4,263,000	$4,503,000	$4,795,000	$5,150,000
Single Family Allocation based on Water Use					
Percent		48%	48%	48%	48%
Dollars		$2,032,823	$2,147,268	$2,286,509	$2,455,792
Total Revenue Requirement	*Current*	$6,207,286	$6,556,667	$6,982,111	$7,499,117
Water Use	*Rate*	1,397,520	1,390,750	1,384,010	1,377,290
Non-Single Family Rate, $/HCF	$4.17	$4.44	$4.71	$5.04	$5.44

4.4 Elevation Zone Rates

Elevation Zone rates recover electricity costs associated with pumping water to higher elevations zones. Development of the elevation zone quantity rates is shown in Table B-4 of Appendix B. A summary of Elevation Zone rates from Table B-4 is shown in the table below.

Table 4-4. Elevation Zone Rates

Elevation Zone Commodity Rates		FY18	FY19	FY20	FY21
Water Use, HCF					
Zone 3		223,127	225,127	227,127	229,127
Zone 4		125,449	130,449	135,449	140,449
Zone 5 and 6		250,898	255,898	260,898	265,898
Total		599,474	611,474	623,474	635,474
Electricity Charges, $					
Zone 3		$76,900	$81,514	$86,405	$91,589
Zone 4		$24,450	$25,917	$27,472	$29,120
Zone 5 and 6		$32,600	$34,556	$36,629	$38,827
Total		$133,950	$141,987	$150,506	$159,537
Unit Costs-Zone, $/HCF					
Zone 3		$0.128	$0.133	$0.139	$0.144
Zone 4		$0.065	$0.067	$0.069	$0.072
Zone 5 and 6	*Current*	$0.130	$0.135	$0.140	$0.146
Commodity Rates, $/HCF (rounded to $0.10)	*Rates*				
Zone 3	$0.06	$0.13	$0.13	$0.14	$0.14
Zone 4	$0.08	$0.19	$0.20	$0.21	$0.22
Zone 5	$0.10	$0.32	$0.34	$0.35	$0.36
Zone 6	$0.12	$0.32	$0.34	$0.35	$0.36

4.5 Water Meter Rates

Allocation of revenue required from rates to functional cost categories shown in the previous table is merged with units of service shown in Section 2 to develop water meter rates.

Meter rates are the sum of three unit costs: 1) the customer unit cost; 2) the public fire protection unit cost times the meter capacity ratio; and 2) the meters/service laterals unit cost times the meter capacity ratio.

Development of water meter rates is shown in the table below.

Table 4-5. Water Meter Rates

Item			FY18	FY19	FY20	FY21
Revenue Required from Water Rates						
Public Fire Protection			$3,644,000	$3,849,000	$4,099,000	$4,402,000
Service Laterals/Meters			$2,429,000	$2,565,000	$2,732,000	$2,934,000
Customer/Billing			$1,307,000	$1,380,000	$1,470,000	$1,579,000
Total			$7,380,000	$7,794,000	$8,301,000	$8,915,000
Public Fire Protection Unit Cost						
Revenue Allocation			$3,644,000	$3,849,000	$4,099,000	$4,402,000
Units of Use (equivalent meters)			25,108	25,408	25,708	26,008
Publc Fire Protection Rate ($/eq. mtr-month)			$12.09	$12.62	$13.29	$14.10
Meters/Service Laterals Unit Cost						
Revenue Allocation			$2,429,000	$2,565,000	$2,732,000	$2,934,000
Units of Use (equivalent meters)			25,108	25,408	25,708	26,008
Meter/Lateral Rate ($/eq. mtr-month)			$8.06	$8.41	$8.86	$9.40
Customer Unit Cost						
Revenue Allocation			$1,307,000	$1,380,000	$1,470,000	$1,579,000
Units of Use (accounts)			19,171	19,471	19,771	20,071
Account Rate ($/acct-month)			$5.68	$5.91	$6.20	$6.56
Meter Size, Inches	Meter Capacity Ratios	*Current Rates*				
0.625	1.0	$24.29	$25.80	$26.90	$28.30	$30.10
1	2.5	$53.03	$56.00	$58.00	$62.00	$65.00
1.5	5.0	$101.09	$106.00	$111.00	$117.00	$124.00
2	8.0	$158.68	$167.00	$174.00	$183.00	$195.00
3	16	$312.25	$330.00	$340.00	$360.00	$380.00
4	25	$485.02	$510.00	$530.00	$560.00	$590.00
6	50	$965.08	$1,010.00	$1,060.00	$1,110.00	$1,180.00
8	90	$1,733.09	$1,820.00	$1,900.00	$2,000.00	$2,120.00
10	145	$2,789.05	$2,930.00	$3,060.00	$3,220.00	$3,410.00

4.6 Fire Line Service Rates

Allocation of revenue required from rates to functional cost categories shown in the previous table is merged with units of service shown in Section 2 to develop fire line service rates.

Fire line service rates are the fire line service unit cost times the connection capacity ratio.

Development of fire line service rates is shown in the table below.

Table 4-6. Fire Line Service Rates

Item			FY18	FY19	FY20	FY21
Fire Line Service Unit Costs						
Revenue Allocation			$453,000	$478,000	$509,000	$547,000
Units of Use (equivalent connections)			21,025	21,248	21,471	21,693
Fire Line Service Unit Cost ($/eq. connection-month)			$1.80	$1.87	$1.98	$2.10
Connection Size, Inches	Connection Capacity Ratios	*Current Rates*				
2-inch or smaller	6.2	$24.95	$11.10	$11.60	$12.20	$13.00
3-inch	18.0	$48.29	$32.30	$33.70	$35.50	$37.80
4-inch	38.3	$74.59	$69.00	$72.00	$76.00	$81.00
6-inch	111.3	$147.48	$200.00	$209.00	$220.00	$234.00
8-inch	237.2	$264.22	$426.00	$445.00	$469.00	$498.00
10-inch	426.6	$424.65	$766.00	$800.00	$843.00	$896.00

4.7 Recommended Water Rates

Recommended Water Quantity rates are listed in the table below. Note that Quantity rates include Elevation Zone rates.

Quantity rates for Single Family Tier 1 and Senior Tier 2 (identical rates) for FY18 and FY19 developed based on cost of service methodology have been adjusted as follows:

- Adjusted FY18 rates are the average of current (FY17) rates and cost of service FY18 rates
- Adjusted FY19 rates are the average of adjusted FY18 rates and cost of service FY19 rates

An example of the adjustment is for the adjusted FY18 Single Family Tier 1 rate for Zone 3: average the current FY17 rate ($3.62 from Table 1-1) and the cost of service FY18 rate ($3.95 Tier 1 rate from Table 4-2 plus $0.13 Zone 3 Elevation Zone rate from Table 4-4) => average $3.62 and $4.08 => $3.85. All rates are in units of $/HCF.

Table 4-7. Currant and Recommended Water Quantity Rates

		Adopted	Recommended			
		FY17	FY18	FY19	FY20	FY21
Rates	*effective date >*	1/1/2017	2/1/2018	11/1/2018	11/1/2019	11/1/2020
Quantity Rates, $/HCF						
Non-residential						
Zones 1 and 2		$4.17	$4.44	$4.71	$5.04	$5.44
Zone 3		$4.23	$4.57	$4.84	$5.18	$5.58
Zone 4		$4.25	$4.63	$4.91	$5.25	$5.66
Zones 5 and 6		$4.27	$4.76	$5.05	$5.39	$5.80
Single Family						
Tier 1		*0 - 14 HCF*	*0 - 9 HCF*	*0 - 9 HCF*	*0 - 9 HCF*	*0 - 9 HCF*
Zones 1 and 2		$3.56	$3.76	$4.03	$4.29	$4.53
Zone 3		$3.62	$3.85	$4.16	$4.43	$4.67
Zone 4		$3.64	$3.89	$4.22	$4.50	$4.75
Zones 5 and 6		$3.66	$3.97	$4.36	$4.64	$4.89
Tier 2		*> 14 HCF*	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*
Zones 1 and 2		$5.27	$5.45	$5.66	$5.92	$6.26
Zone 3		$5.33	$5.58	$5.79	$6.06	$6.40
Zone 4		$5.35	$5.64	$5.86	$6.13	$6.48
Zones 5 and 6		$5.37	$5.77	$6.00	$6.27	$6.62
Senior						
Tier 1		*0 - 4 HCF*	*0 - 4 HCF*	*0 - 4 HCF*	*0 - 4 HCF*	*0 - 4 HCF*
Zones 1 and 2		$1.40	$1.50	$1.64	$1.72	$1.81
Zone 3		$1.46	$1.63	$1.77	$1.86	$1.95
Zone 4		$1.48	$1.69	$1.84	$1.93	$2.03
Zones 5 and 6		$1.50	$1.82	$1.98	$2.07	$2.17
Tier 2		*5 - 14 HCF*	*5 - 9 HCF*	*5 - 9 HCF*	*5 - 9 HCF*	*5 - 9 HCF*
Zones 1 and 2		$3.56	$3.76	$4.03	$4.29	$4.53
Zone 3		$3.62	$3.85	$4.16	$4.43	$4.67
Zone 4		$3.64	$3.89	$4.22	$4.50	$4.75
Zones 5 and 6		$3.66	$3.97	$4.36	$4.64	$4.89
Tier 3		*> 14 HCF*	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*	*> 9 HCF*
Zones 1 and 2		$5.27	$5.45	$5.66	$5.92	$6.26
Zone 3		$5.33	$5.58	$5.79	$6.06	$6.40
Zone 4		$5.35	$5.64	$5.86	$6.13	$6.48
Zones 5 and 6		$5.37	$5.77	$6.00	$6.27	$6.62

Recommended Water, Meter Service and Fire Line Service rates are listed in the table below.

Fire Service Line rates for connections 2-inch or smaller, 3-inch and 4-inch based on cost of service methodology have been adjusted as follows:

- Adjusted FY18 – FY21 rates for 2-inch or smaller connections are set equal to current FY17 rates
- Adjusted FY18 – FY21 rates for 3-inch connections are set equal to current FY17 rates
- Adjusted FY18 – FY19 rates for 4-inch connections are set equal to current FY17 rates

An example of the adjustment is for the adjusted 3-inch connection rate: the current FY17 rate ($48.29 from Table 1-1) is retained for FY18 – FY21 instead of the FY18 – FY21 cost of service rates which range from $32.30 - $37.80 (see Table 4-6). All rates are in units of $/connection per month.

Table 4-8. Currant and Recommended Meter Service and Fire Line Service Rates

Rates	effective date >	Adopted FY17 1/1/2017	Adjusted Cost of Service FY18 1/1/2018	FY19 11/1/2018	FY20 11/1/2019	FY21 11/1/2020
Months Rate in Effect During Fiscal Year		*5*	*5*	*7*	*7*	*7*
Meter Service, $/meter-month						
⅝ x ¾-inch or ¾-inch		$24.29	$25.10	$27.20	$28.30	$30.10
1-inch		$53.03	$54.00	$59.00	$61.00	$65.00
1½-inch		$101.09	$103.00	$112.00	$117.00	$124.00
2-inch		$158.68	$162.00	$176.00	$183.00	$195.00
3-inch		$312.25	$320.00	$350.00	$360.00	$380.00
4-inch		$485.02	$490.00	$540.00	$560.00	$590.00
6-inch		$965.08	$980.00	$1,070.00	$1,110.00	$1,180.00
8-inch		$1,733.09	$1,760.00	$1,920.00	$1,990.00	$2,120.00
10-inch		$2,789.05	$2,840.00	$3,080.00	$3,210.00	$3,420.00
Fire Line Service, $/connection-month						
Commercial						
2-inch or smaller		$24.95	$24.95	$24.95	$24.95	$24.95
3-inch		$48.29	$48.29	$48.29	$48.29	$48.29
4-inch		$74.59	$74.59	$74.59	$76.00	$81.00
6-inch		$147.48	$195.00	$212.00	$220.00	$235.00
8-inch		$264.22	$415.00	$451.00	$470.00	$500.00
10-inch		$424.65	$746.00	$811.00	$844.00	$900.00
Residential		$24.29	$25.10	$27.20	$28.30	$30.10

City of Pittsburg Resolution 09-11335 stated, “The ‘new’ Municipal well rate for the City of Pittsburg’s water consumption and the meter charge will be set at 30% of the non-residential rate.” Effective January 1, 2018, the City intends to set Municipal rates at 35% of the non-residential rate.

Quantity and meter service rates for Municipal connections are not listed in the tables above but may be derived from the non-residential quantity rates and meter service rates in the tables.

4.8 Revenue from Water Rates

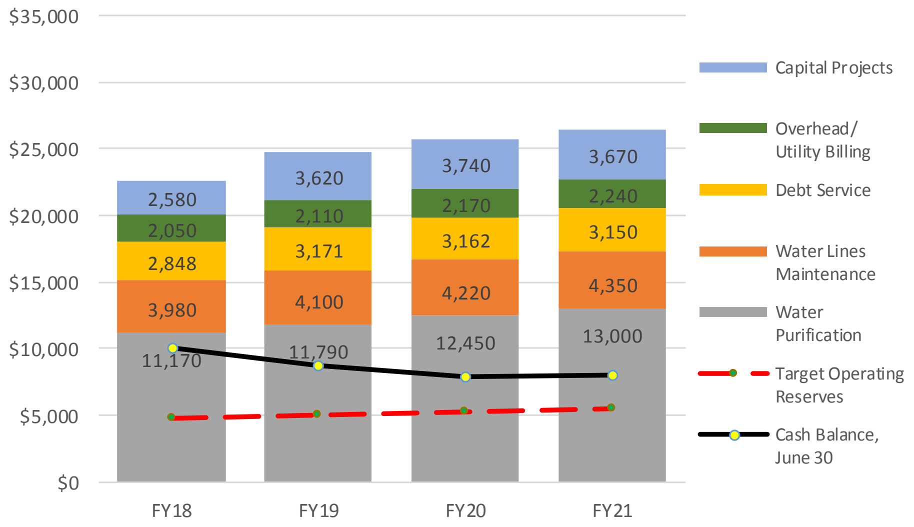
Revenue from water rates, by rate category, is summarized in the table below. Note that rate increases occur part way through each fiscal year.

Table 4-9. Revenue by Rate Category

	Estimated	Projected			
Rate Category	FY17	FY18	FY19	FY20	FY21
Elevation Zone	$40,000	$80,000	$140,000	$150,000	$160,000
Quantity	$11,540,000	$12,630,000	$13,460,000	$14,410,000	$15,450,000
Meter Service	$6,560,000	$6,910,000	$7,460,000	$7,920,000	$8,490,000
Fire Line Service	$320,000	$370,000	$460,000	$490,000	$510,000
Total	$18,460,000	$19,990,000	$21,520,000	$22,970,000	$24,610,000
Annual $ Increase		$1,530,000	$1,530,000	$1,450,000	$1,640,000
Annual % Increase		8%	8%	7%	7%

4.9 Water Fund 501 Cash Flow and Single Family Monthly Bills

Annual projected expenditures, ending fund balances, target operating reserves, and Single Family monthly bills are shown in the figure below for FY18 – FY21. Note that the "average" Single Family monthly bill is based on projected average annual use within the Single Family customer class – 9 HCF per month.



Note: "Finance/Utility Billing" expenditures are net of payments from the Sewer Fund

	FY17	FY18	FY19	FY20	FY21
Monthly Bill	$56.33	$59.64	$63.17	$66.91	$70.87
based on 9HCF	4.0%	5.9%	5.9%	5.9%	5.9%

Figure 4-1. Projected Cash Flow for Water Fund 501 and Single Family Monthly Bills

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Section 5

Impact of Water Rate Changes on Customer Bills

Customer bills vary between customer classes and within customer classes. Variation between customer classes is due to different level of services (larger meters and/or fire line services for non-residential) and different rate structures (uniform water quantity rate for non-residential versus inclining block water quantity rates for Single Family customers). Variation within customer classes are due to different levels of water use.

5.1 Single Family Residential Monthly Water Bills

The impact of water rate changes on monthly water bills vary within the Single Family customer class due to different seasonal levels of water use and a change in the water quantity rate structure that reflects water conservation efforts since 2003.

The figure below compares Single Family monthly water bills over a range of water use from 0 to 20 HCF for customers in Elevation Zone 2 with a ⅝ x ¾-inch meter connection. Note that for water use below 9 HCF per month, the percentage change in monthly bills primarily reflects the increase in the monthly water meter service charge. For water use of 9, 10, 11, 12, 13 or 14 units, the increase in the water bill is due primarily to a portion of water use billed at the Tier 2 rate rather than the Tier 1 rate and the higher percentage increase in the Tier 2 rate.

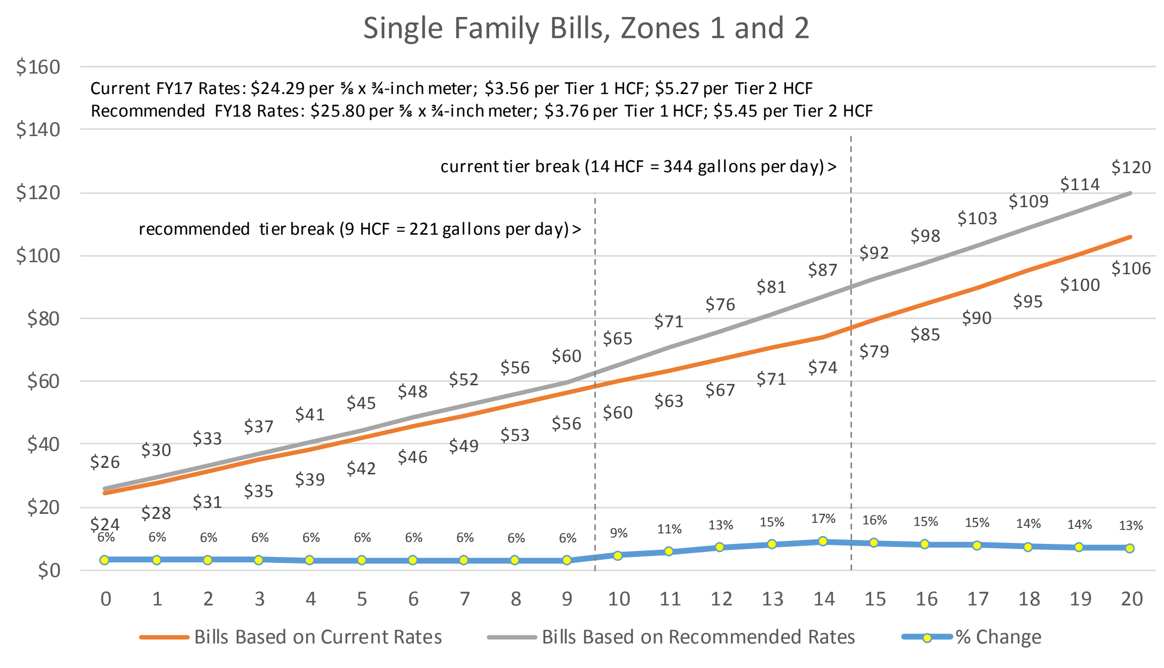


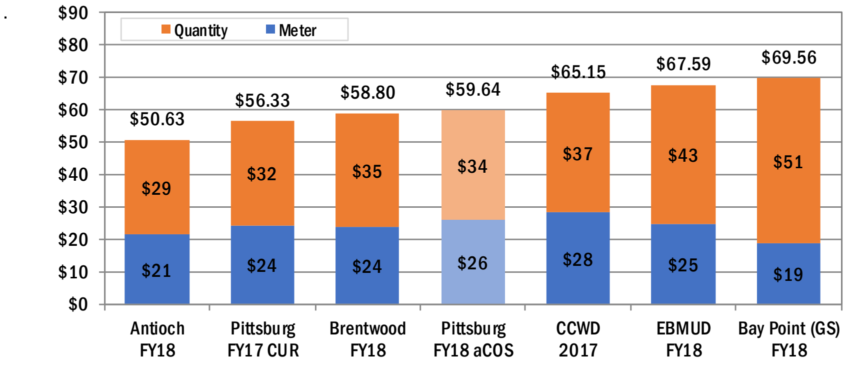
Figure 5-1. Monthly Single Family Water Bills for 0 – 20 HCF, Current vs Recommended Rates

Monthly bills are for a ⅝ x ¾-inch meter connection in Elevation Zone 2; 20 HCF = ~500 gallons per day

Detailed tabulation of monthly water bills over a range of water use from 0 to 40 HCF using current and recommended FY18 water rates are shown in Table C-1 and Table C-2 of Appendix C. Table C-1 includes detailed bill calculations for each elevation zone. Table C-2 includes detailed bill increase comparisons for each elevation zone.

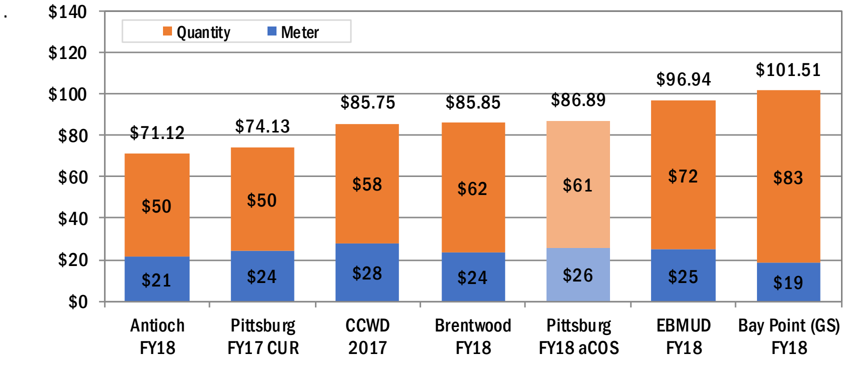
5.2 Residential Monthly Water Bills Surveys

Monthly water bills for Single Family users were compared to those for other agencies. The comparison was for a user with the smallest meter size using 9, 14 or 30 HCF of water per month in Zone 2. Results of the survey are shown in the figure below.



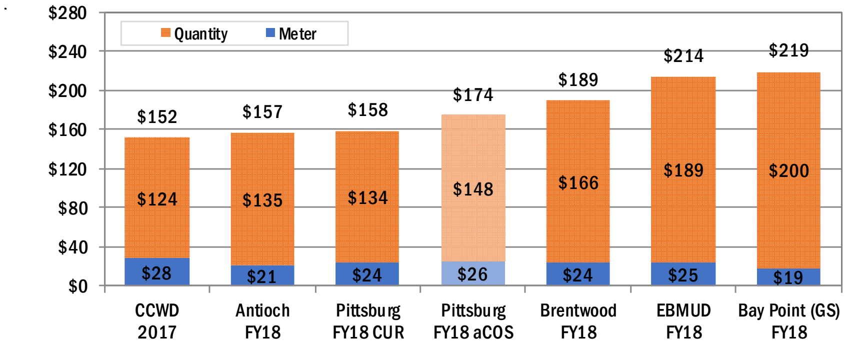
Based on 9 HCF/month (221 gallons per day) water use

CUR - Current; aCOS - Adjusted Cost of Service



Based on 14 HCF/month (344 gallons per day) water use

CUR - Current; aCOS - Adjusted Cost of Service



Based on 30 HCF/month (738 gallons per day) water use

CUR - Current; aCOS - Adjusted Cost of Service

Figure 5-2. Single Family Monthly Water Bills Survey

Section 6

Limitations

This document was prepared solely for the City of Pittsburg in accordance with professional standards at the time the services were performed and in accordance with the agreement between the City of Pittsburg and Municipal Financial Services. This document is governed by the specific scope of work authorized by the City of Pittsburg in the Municipal Financial Services proposal dated August 29, 2016; it is not intended to be relied upon by any other party. We have relied on information or instructions provided by the City of Pittsburg and, unless otherwise expressly indicated, have made no independent investigation as to the validity, completeness, or accuracy of such information.

Appendix A: Water Use Data

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Appendix A
Table A-1a
FY17 Water Use, HCF

Class	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Total
SFR													
Tier 1	143,675	144,444	149,876	138,388	125,925	110,517	105,779	111,175	96,945	107,663	119,629	146,355	1,500,371
Tier 2	25,385	25,544	31,857	20,604	11,532	6,555	5,587	7,009	3,477	4,947	7,850	26,061	176,408
Total	169,060	169,988	181,733	158,992	137,457	117,072	111,366	118,184	100,422	112,610	127,479	172,416	1,676,779
SFR-Dv													
Tier 1	231	256	290	234	185	135	77	60	48	52	49	190	1,807
Tier 2	253	260	352	93	13	13	0	16	0	0	1	33	1,034
Total	484	516	642	327	198	148	77	76	48	52	50	223	2,841
SFR-Sr													
Tier 1	729	735	728	715	690	632	610	624	593	606	640	675	7,977
Tier 2	700	742	790	639	529	401	335	366	272	332	413	606	6,125
Tier 3	116	164	210	122	103	42	19	33	21	54	28	62	974
Total	1,545	1,641	1,728	1,476	1,322	1,075	964	1,023	886	992	1,081	1,343	15,076
MFR	40,134	43,145	43,879	41,488	38,804	32,388	30,223	33,596	28,185	30,887	33,272	40,881	436,882
MFR-Sr	979	896	763	731	719	529	607	739	630	644	574	878	8,689
COM	17,195	19,112	18,789	19,054	18,049	15,463	14,279	16,467	14,416	15,306	15,340	16,985	200,455
COMIND	28,125	33,377	33,916	34,547	27,965	24,424	25,283	27,728	26,578	24,131	27,983	34,470	348,527
COMINS	6,637	6,073	7,536	6,621	5,049	2,825	2,619	2,885	2,942	2,995	3,160	5,387	54,729
IRR	47,787	57,626	59,885	47,170	26,463	7,172	3,794	2,831	2,087	4,065	14,270	40,781	313,931
HYD	542	19,074	4,777	6,639	1,171	1,391	1,590	2,985	556	1,223	346	802	41,096
Totals	312,488	351,448	353,648	317,045	257,197	202,487	190,802	206,514	176,750	192,905	223,555	314,166	3,099,005
% of Total	10%	11%	11%	10%	8%	7%	6%	7%	6%	6%	7%	10%	3,057,909
Totals (MGD	7.792	8.764	8.819	7.906	6.414	5.049	4.758	5.150	4.408	4.810	5.575	7.834	6.352
Totals (MG)	234	263	265	237	192	151	143	154	132	144	167	235	2,318
													7,115

Accounts

Class	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Average
SFR	16,965	16,965	16,965	16,965	16,965	16,965	16,965	16,965	16,965	16,965	16,965	16,965	16,965
SFR-Dv	204	204	204	204	204	204	204	204	204	204	204	204	204
SFR-Sr	209	209	209	209	209	209	209	209	209	209	209	209	209
MFR	398	398	398	398	398	398	398	398	398	398	398	398	398
MFR-Sr	2	2	2	2	2	2	2	2	2	2	2	2	2
COM	584	584	584	584	584	584	584	584	584	584	584	584	584
COMIND	26	26	26	26	26	26	26	26	26	26	26	26	26
COMINS	88	88	88	88	88	88	88	88	88	88	88	88	88
IRR	356	356	356	356	356	356	356	356	356	356	356	356	356
HYD	39	39	39	39	39	39	39	39	39	39	39	39	39
Totals	18,871	18,871	18,871	18,871	18,871	18,871	18,871	18,871	18,871	18,871	18,871	18,871	18,871
SF HCF/mo >	10.0	10.0	10.7	9.4	8.1	6.9	6.6	7.0	5.9	6.6	7.5	10.2	8.2

gpd

Class	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Annual
days/mo >	*31*	*31*	*30*	*31*	*30*	*31*	*31*	*28*	*31*	*30*	*31*	*30*	*365*
SFR	240	242	267	226	202	167	158	186	143	166	181	253	203
SFR-Dv	57	61	78	39	24	18	9	10	6	6	6	27	29
SFR-Sr	178	189	206	170	158	124	111	131	102	118	125	160	148
MFR	2,433	2,616	2,749	2,515	2,431	1,964	1,832	2,255	1,709	1,935	2,017	2,561	2,250
MFR-Sr	11,812	10,811	9,513	8,820	8,964	6,383	7,324	9,872	7,601	8,029	6,926	10,946	8,904
COM	710	790	802	787	771	639	590	753	596	654	634	725	703
COMIND	26,103	30,977	32,527	32,063	26,820	22,668	23,465	28,492	24,667	23,143	25,971	33,058	27,473
COMINS	1,820	1,665	2,135	1,816	1,431	775	718	876	807	849	867	1,526	1,275
IRR	3,239	3,906	4,194	3,197	1,854	486	257	212	141	285	967	2,856	1,807
HYD	335	11,802	3,054	4,108	749	861	984	2,045	344	782	214	513	2,160
Totals	400	449	467	405	340	259	244	292	226	255	286	415	337

Legend

SFR - (Single Family Residence)
SFR-Sr - (Single Family Residence - Senior)
SFR-Dv - (Single Family Residence - Developer)

MFR - (Multiple Family Residence)
MFR-Sr (Multiple Family Residence - Senior)

COM - (Commercial/Business)
COMIND - (Commercial/Industrial)
COMINS - (Commercial/Institution)

IRR - (Irrigation)
HYD - (Hydrant)

Appendix A
Table A-1b
FY17 Municipal Water Use, HCF

Class	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Total
SFR													
Tier 1													0
Tier 2													0
Total													0
SFR-Dv													
Tier 1													0
Tier 2													0
Total													0
SFR-Sr													
Tier 1													0
Tier 2													0
Tier 3													0
Total													0
MFR													0
MFR-Sr													0
COM	12	13	25	96	11	7	10	29	41	49	23	18	334
COMIND													0
COMINS	425	472	438	405	323	256	325	248	323	274	312	408	4,209
IRR	19,834	26,904	24,189	18,448	8,400	1,212	1,176	824	500	1,284	9,516	16,860	129,147
HYD	173	76	146	243	267	319	1,342	271	242	370	199	379	4,027
Totals	20,444	27,465	24,798	19,192	9,001	1,794	2,853	1,372	1,106	1,977	10,050	17,665	137,717
% of Total	15%	20%	18%	14%	7%	1%	2%	1%	1%	1%	7%	13%	133,690
Totals (MGD	0.510	0.685	0.618	0.479	0.224	0.045	0.071	0.034	0.028	0.049	0.251	0.441	0.282
Totals (MG)	15	21	19	14	7	1	2	1	1	1	8	13	103

Accounts

Class	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Average
SFR													0
SFR-Dv													0
SFR-Sr													0
MFR													0
MFR-Sr													0
COM	582	582	582	582	582	582	582	582	582	582	582	582	582
COMIND													
COMINS	26	26	26	26	26	26	26	26	26	26	26	26	26
IRR	177	177	177	177	177	177	177	177	177	177	177	177	177
HYD	54	54	54	54	54	54	54	54	54	54	54	54	54
Totals	839	839	839	839	839	839	839	839	839	839	839	839	839

gpd

Class	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Annual
days/mo >	*31*	*31*	*30*	*31*	*30*	*31*	*31*	*28*	*31*	*30*	*31*	*30*	*365*
SFR													
SFR-Dv													
SFR-Sr													
MFR													
MFR-Sr													
COM	0	1	1	4	0	0	0	1	2	2	1	1	1
COMIND													
COMINS	394	438	420	376	310	238	302	255	300	263	290	391	332
IRR	2,704	3,668	3,408	2,515	1,183	165	160	124	68	181	1,297	2,375	1,495
HYD	77	34	67	109	123	143	600	134	108	171	89	175	153
Totals	588	790	737	552	268	52	82	44	32	59	289	525	336

Legend

SFR - (Single Family Residence)
SFR-Sr - (Single Family Residence - Senior)
SFR-Dv - (Single Family Residence - Developer)
MFR - (Multiple Family Residence)
MFR-Sr (Multiple Family Residence - Senior)
COM - (Commercial/Business)
COMIND - (Commercial/Industrial)
COMINS - (Commercial/Institution)
IRR - (Irrigation)
HYD - (Hydrant)

Appendix A

Table A-2a

Projected Water Use, HCF

Class	*Actual % per Tier*	Actual Jul-16 to Jun-17 (FY17)	*Projected % per Tier*	Projected						Total FY18 - FY23
				FY18	FY19	FY20	FY21	FY22	FY23	
SFR	*0 - 14 HCF*		*0 - 9 HCF*							
Tier 1	*89%*	1,500,370	*76%*	1,300,930	1,323,530	1,346,140	1,368,740	1,391,350	1,413,960	6,843,720
Tier 2	*11%*	176,410	*24%*	405,500	412,550	419,590	426,640	433,690	440,730	2,133,200
Total		1,676,780		1,706,430	1,736,080	1,765,730	1,795,380	1,825,040	1,854,690	8,976,920
SFR-Dv										
Tier 1	*64%*	1,810	*52%*	1,480	1,480	1,470	1,470	1,460	1,460	7,340
Tier 2	*36%*	1,030	*48%*	1,350	1,340	1,340	1,330	1,330	1,320	6,660
Total		2,840		2,830	2,820	2,810	2,800	2,790	2,780	14,000
SFR-Sr										
Tier 1	*53%*	7,980	*53%*	7,940	7,900	7,860	7,830	7,790	7,750	39,130
Tier 2	*41%*	6,130	*30%*	4,570	4,540	4,520	4,500	4,480	4,460	22,500
Tier 3	*6%*	970	*17%*	2,500	2,490	2,470	2,460	2,450	2,440	12,310
Total		15,080		15,000	14,930	14,860	14,790	14,720	14,650	73,950
MFR		436,880		434,700	432,530	430,370	428,220	426,080	423,950	2,141,150
MFR-Sr		8,690		8,650	8,610	8,570	8,530	8,490	8,450	42,650
COM		200,460		199,460	198,460	197,470	196,480	195,500	194,520	982,430
COMIND		348,530		346,790	345,060	343,330	341,610	339,900	338,200	1,708,100
COMINS		54,730		54,460	54,190	53,920	53,650	53,380	53,110	268,250
IRR		313,930		312,360	310,800	309,250	307,700	306,160	304,630	1,538,540
HYD		41,100		41,100	41,100	41,100	41,100	41,100	41,100	205,500
Totals		3,099,020		3,121,780	3,144,580	3,167,410	3,190,260	3,213,160	3,236,080	15,951,490
Annual Change										
HCF				22,760	22,800	22,830	22,850	22,900	22,920	
Percent				1%	1%	1%	1%	1%	1%	

Water use projections are based on the following assumptions:

SFR								
meters, current	16,965							
annual growth			300	300	300	300	300	300
meters, projected			17,265	17,565	17,865	18,165	18,465	18,765
avg monthly HCF/meter, current	8.2							
annual conservation			0%	0%	0%	0%	0%	0%
avg monthly HCF/meter, projected			8.2	8.2	8.2	8.2	8.2	8.2
Other customer classes annual conservation								
SFR-Dv			0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
SFR-Sr			0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
MFR			0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
MFR-Sr			0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
COM			0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
COMIND			0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
COMINS			0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
IRR			0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
HYD			0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Water use by tier projections are based on the following assumptions:

SFR			
less than or equal to	9	1,278,322	*76%*
greater than	9	398,457	*24%*
		1,676,779	*100%*
SFR-Dv			
less than or equal to	9	1,490	*52%*
greater than	9	1,351	*48%*
		2,841	*100%*
SFR-Sr			
less than or equal to	4	7,977	*53%*
between	4 and 9	4,589	*30%*
greater than	9	2,510	*17%*
		15,076	*100%*

Legend

SFR - (Single Family Residence)
SFR-Sr - (Single Family Residence - Seni
SFR-Dv - (Single Family Residence - Developer)
MFR - (Multiple Family Residence)
MFR-Sr (Multiple Family Residence - Senior)
COM - (Commercial/Business)
COMIND - (Commercial/Industrial)
COMINS - (Commercial/Instituition)
IRR - (Irrigation)
HYD - (Hydrant)

Appendix A
Table A-2b
Projected Water Use, HCF

	Actual Jul-16 to	Projected						Total
Class	Jun-17 (FY17)	FY18	FY19	FY20	FY21	FY22	FY23	FY18 - FY23
SFR								
Tier 1								0
Tier 2								0
Total								0
SFR-Dv								
Tier 1								0
Tier 2								0
Total								0
SFR-Sr								
Tier 1								0
Tier 2								0
Tier 3								0
Total								0
MFR								0
MFR-Sr								0
COM	330	327	324	321	318	315	312	1,590
COMIND								0
COMINS	4,210	4,168	4,126	4,085	4,044	4,004	3,964	20,223
IRR	129,150	127,860	126,580	125,310	124,060	122,820	121,590	620,360
HYD	4,030	4,030	4,030	4,030	4,030	4,030	4,030	20,150
Totals	137,720	136,385	135,060	133,746	132,452	131,169	129,896	662,323
Annual Change								
HCF		-1,335	-1,325	-1,314	-1,294	-1,283	-1,273	
Percent		-1%	-1%	-1%	-1%	-1%	-1%	
Annual percent conservation								
COM		1%	1%	1%	1%	1%	1%	
COMIND		1%	1%	1%	1%	1%	1%	
COMINS		1%	1%	1%	1%	1%	1%	
IRR		1%	1%	1%	1%	1%	1%	
HYD		0%	0%	0%	0%	0%	0%	

Legend

SFR - (Single Family Residence)
SFR-Sr - (Single Family Residence - Seni
SFR-Dv - (Single Family Residence - Developer)
MFR - (Multiple Family Residence)
MFR-Sr (Multiple Family Residence - Senior)
COM - (Commercial/Business)
COMIND - (Commercial/Industrial)
COMINS - (Commercial/Instituition)
IRR - (Irrigation)
HYD - (Hydrant)

Appendix A
Table A-3a
June 2017 Meter Connections

Class	0.625	1.00	1.50	2.00	3.00	4.00	6.00	8.00	10.00		Total
SFR	15,735	1,228	1	1							16,965
SFR-Dv	1	203									204
SFR-Sr	208	1									209
MFR	96	78	121	88	6	3	5		1		398
MFR-Sr					2						2
COM	329	113	58	78	3	3					584
COMIND	1	5	2	8	3	5	2				26
COMINS	23	13	16	19	9	6	2				88
IRR	86	107	60	93	8	1	1				356
HYD										39	39
Totals	16,479	1,748	258	287	31	18	10	0	1	39	18,871

Legend

SFR - (Single Family Residence)
SFR-Sr - (Single Family Residence - Senior)
SFR-Dv - (Single Family Residence - Developer)
MFR - (Multiple Family Residence)
MFR-Sr (Multiple Family Residence - Senior)
COM - (Commercial/Business)
COMIND - (Commercial/Industrial)
COMINS - (Commercial/Institution)
IRR - (Irrigation)
HYD - (Hydrant)

Appendix A
Table A-3b
July 2017 Municipal Meter Connections

Class	0.625	1.00	1.50	2.00	3.00	4.00	6.00	8.00	10.00		Total
SFR											0
SFR-Dv											0
SFR-Sr											0
MFR											0
MFR-Sr											0
COM	3	1	1								5
COMIND											0
COMINS	7	3	3	6	2	1					22
IRR	62	62	14	34	2	1	1		1		177
HYD										11	11
Totals	72	66	18	40	4	2	1	0	1	11	215

Legend

SFR - (Single Family Residence)
SFR-Sr - (Single Family Residence - Senior)
SFR-Dv - (Single Family Residence - Developer)
MFR - (Multiple Family Residence)
MFR-Sr (Multiple Family Residence - Senior)
COM - (Commercial/Business)
COMIND - (Commercial/Industrial)
COMINS - (Commercial/Institution)
IRR - (Irrigation)
HYD - (Hydrant)

Appendix A
Table A-4a
Projected Meter Connections

Meter	Actual	Projected					
Size (inches)	FY17	FY18	FY19	FY20	FY21		
0.625	17,707	18,007	18,307	18,607	18,907	19,207	19,507
1	520	520	520	520	520	520	520
1.5	258	258	258	258	258	258	258
2	287	287	287	287	287	287	287
3	70	70	70	70	70	70	70
4	18	18	18	18	18	18	18
6	10	10	10	10	10	10	10
8	0	0	0	0	0	0	0
10	1	1	1	1	1	1	1
Totals	18,871	19,171	19,471	19,771	20,071	20,371	20,671

1 Residential customers with water meters increased to 1-inch to accommodate a combined domestic-fire sprinkler system are charged the 0.625-meter charge.
There are 1,228 combined system accounts as of June 2017.

	Total 1-inch	1-inch combined	Net 1-inch
1-inch meters	1,748	1,228	520
0.625-inch meters	16,479	1,228	17,707

2 Projections are based on the following assumptions:

SFR (0.625 inches)	annual growth >	300	300	300	300	300	300

Appendix A
Table A-4b
Projected Municipal Meter Connections

Meter	Actual	Projected					
Size (inches)	FY17	FY18	FY19	FY20	FY21	FY22	FY23
0.625	72	72	72	72	72	72	72
1	66	66	66	66	66	66	66
1.5	18	18	18	18	18	18	18
2	40	40	40	40	40	40	40
3	15	15	15	15	15	15	15
4	2	2	2	2	2	2	2
6	1	1	1	1	1	1	1
8	0	0	0	0	0	0	0
10	1	1	1	1	1	1	1
Totals	215	215	215	215	215	215	215

Appendix A
Table A-5
Projected Equivalent Meter Connections

Meter	Maximum Flow	Meter Capacity	Actual	Projected					
Size	Capacity	Ratios*	FY17	FY18	FY19	FY20	FY21	FY22	FY23
0.625	20	1	17,707	18,007	18,307	18,607	18,907	19,207	19,507
1	50	2.5	1,300	1,300	1,300	1,300	1,300	1,300	1,300
1.5	100	5	1,290	1,290	1,290	1,290	1,290	1,290	1,290
2	160	8	2,296	2,296	2,296	2,296	2,296	2,296	2,296
3	320	16	1,120	1,120	1,120	1,120	1,120	1,120	1,120
4	500	25	450	450	450	450	450	450	450
6	1000	50	500	500	500	500	500	500	500
8	1800	90	0	0	0	0	0	0	0
10	2900	145	145	145	145	145	145	145	145
Totals			24,808	25,108	25,408	25,708	26,008	26,308	26,608

** Source: California Public Utilities Commission Water Division, Standard Practice U-7-W,*
"Rate Design For Water And Sewer System Utilities Including Master Metered Facilities", July 2006.

Appendix A

Table A-6

Projected Fire Line Service Connections

Connection Type	*Demand Factor [2]*	Actual	Projected [1]					
		FY17	FY18	FY19	FY20	FY21	FY22	FY23
Public Fire Protection								
Fire Hydrants	*111.3*	1,500	1,520	1,540	1,560	1,580	1,600	1,620
Equivalent Connections		166,966	169,193	171,419	173,645	175,871	178,097	180,324
Private Fire Protection Service								
Connections								
2-inch or smaller		7	7	7	7	7	7	7
3-inch		0	0	0	0	0	0	0
4-inch		58	58	58	58	58	58	58
6-inch		86	88	90	92	94	96	98
8-inch		27	27	27	27	27	27	27
10-inch		6	6	6	6	6	6	6
Totals		184	186	188	190	192	194	196
Equivalent Connections								
2-inch or smaller	*6.2*	43	43	43	43	43	43	43
3-inch	*18.0*	0	0	0	0	0	0	0
4-inch	*38.3*	2,223	2,223	2,223	2,223	2,223	2,223	2,223
6-inch	*111.3*	9,573	9,795	10,018	10,241	10,463	10,686	10,908
8-inch	*237.2*	6,405	6,405	6,405	6,405	6,405	6,405	6,405
10-inch	*426.6*	2,559	2,559	2,559	2,559	2,559	2,559	2,559
Totals		20,803	21,025	21,248	21,471	21,693	21,916	22,138
Summary								
Public Equivalent Connections		166,966	169,193	171,419	173,645	175,871	178,097	180,324
Private Equivalent Connections		20,803	21,025	21,248	21,471	21,693	21,916	22,138
Total		187,769	190,218	192,667	195,116	197,564	200,013	202,462

1 The number of new connections per year are listed below. All values provided by the City.

	FY18	FY19	FY20	FY21	FY22	FY23
Public Fire Hydrants	20	20	20	20	20	20
Private						
2-inch or smaller	0	0	0	0	0	0
3-inch	0	0	0	0	0	0
4-inch	0	0	0	0	0	0
6-inch	2	2	2	2	2	2
8-inch	0	0	0	0	0	0
10-inch	0	0	0	0	0	0
Totals	2	2	2	2	2	2

2 Demand factors are based on the nominal connection size raised to the 2.63 power as explained in the AWWA M1 Manual.
All Fire Hydrants are assumed to have a 6.0-inch connection.

Appendix B: Water "Plant in Service Factors" and Allocation of Costs

Table B-1

Water System "Plant in Service" Factors

All Values in $thousands Plant in Service	Valuation [1] Dollars	Useful Life, Years	Capital Recovery Expense [2] Dollars	Base (BAS)	Extra Capacity Maximum Day (XMD)	Fire Protection (FP)	Meters and Service Laterals (MTR)	Billing and Collection (CUS)	Basis of Allocation [3,4,5]				
									(BAS)	(XMD)	(FP)	(MTR)	(CUS)
Water Treatment Plant	50,000	55	2,683	1,807	823	54			67%	31%	2%		
WTP Recl/Sludge	7,700	55	413	278	127	8			67%	31%	2%		
WTP Z2 PS	9,013	40	525	156	71	257	42		30%	13%	49%	8%	
Southwest Hills and Infill													
4W/5W	867	80	44	13	6	22	4		30%	13%	49%	8%	
1W/2W/3W/6W	5,659	80	289	86	39	141	23		30%	13%	49%	8%	
8W	1,149	80	59	17	8	29	5		30%	13%	49%	8%	
T-5 W. Leland	2,682	40	156	55	25	76			35%	16%	49%		
PS-1 VdM Z3	2,513	40	146	51	23	72			35%	16%	49%		
Southeast Hills and Infill													
Distribution Z1 Buy In	147,461	80	7,525	2,231	1,016	3,676	602		30%	13%	49%	8%	
Distribution Z2 Buy In	59,236	80	3,023	896	408	1,477	242		30%	13%	49%	8%	
Segment 1E	568	80	29	9	4	14	2		30%	13%	49%	8%	
Segments 2E -6E	5,174	80	264	78	36	129	21		30%	13%	49%	8%	
T-19 Zone 1	6,133	40	357	126	57	175			35%	16%	49%		
T-18 Zone 2	2,719	40	158	56	25	77			35%	16%	49%		
Totals	300,875		15,673	5,859	2,667	6,205	941	0					
% of Total			100%	37.4%	17.0%	39.6%	6.0%	0.0%					

Notes:

1 The list of Plant Assets, valuations and useful lives were provided by the City.

2 The capital recovery expense is the capital recovery factor times the present value of the asset.
The capital recovery factor is the ratio of a constant annuity to the present value of receiving that annuity for the useful life of the asset using the estimated real interest rate. The capital recovery expense is calculated using an interest rate of > 5.0%

3 The Fire Protection allocation for the Treatment Plant and Reservoir is based on the volume of water used for public and private fire protection.

4 Fire Protection allocation for Booster Pump Station, PRVs, Transmission Lines and Distribution Lines is based on concepts presented in the American Water Works Association, Manual of Water Supply Practices, M1 Principles of Water Rates, Fees, and Charges, 2012 Sixth Edition, page 143.
The allocation is calculated using a formula developed by the Insurance Services Office that relates the percentage of total revenue allocated as fire protection costs based on the population served.

Fire Demand = $1{,}020\, x^{1/2}\,(1 - 0.01x^{1/2})$ in gallons per minute (gpm) where x = population in thousands; x = 65 for the Pittsburg Service Area
Fire Demand = 7,561 gpm
Average Maximum Day Demand = 11.4 mgd
Maximum Day Demand = 7,917 gpm
Fire Protection Allocation = 7,561 / (7,561 + 7,917)
Fire Protection Allocation = 49%

5 Base (BAS) and Maximum Day (XMD) allocations are calculated as shown below:

Average Day Demand = 6.4 mgd July 2016 - June 2017
Average Day Demand = 7.8 mgd during peak month (June 2017)
Average Maximum Day Demand = 11.4 mgd
Peak Day Factor = 1.46

$$\text{Base Allocation} = \frac{7.8}{11.4} = 68.7\%$$

$$\text{Maximum Day Allocation} = \frac{11.4 - 7.8}{11.4} = 31.3\%$$

Table B-2
Water Fund FY 2017-18 Cost Allocations, $

Expense Category	Budget Adopted 2017-18	Base (BAS)	Extra Capacity (XMD)	Elevation Zones Electricity Costs (ELE)	Fire Protection (FP)	Meters and Service Lat. (MTR)	Customer Billing (CUS)	Basis of Allocation [see footnotes]
Operating Expenses								
Water Lines	3,980	1,488	677	0	1,576	239	0	"Plant in Service"
Water Purification	3,760	1,406	640	0	1,489	226	0	"Plant in Service"
Raw Water	5,940	4,000	1,821	0	119	0	0	"Water Use"
Chemicals/Gas/Water	720	485	221	0	14	0	0	"Water Use"
Finance/Utility Billing	750	0	0	0	0	0	750	"Customer"
Electric	1,430	891	405	134	0	0	0	"Water Use/Zones"
Debt Service	2,848	1,323	602	0	579	343	0	"Composite"
CIP - Improvements	400	186	85	0	81	48	0	"Composite"
CIP - Infrastructure	80	37	17	0	16	10	0	"Composite"
CIP - R/R Pipe	2,100	0	0	0	420	1,680	0	"Pipe Replacement"
Transfers UB/Eng/OPEB	620	0	0	0	0	0	620	"Customer"
Totals	22,628	9,816	4,468	134	4,294	2,546	1,370	
% allocation		43%	20%	1%	19%	11%	6%	

Notes:

1 The "Plant in Service" factors are from Table B-1 and allocates costs as shown below.

(BAS)	(XMD)	(ELE)	(FP)	(MTR)	(CUS)
37%	17%	0%	40%	6%	0%

2 The "Water Use" factors are based on allocation between BAS, XMD and FP.

(BAS)	(XMD)	(ELE)	(FP)	(MTR)	(CUS)
67%	31%	0%	2%	0%	0%

3 The "Water Use Zones" factors are based on allocation between BAS, XMD and ELE.

	(BAS)	(XMD)	(ELE)	(FP)	(MTR)	(CUS)
Electric Budget (BAS)+(XMD) less Zones 2/3 >	1,296		134			
Allocate (BAS)+(XMD) >	891	405	134			
	62%	28%	9%			

4 The "Pipe Replacement" factors are based on allocation between FP and MTR.

(BAS)	(XMD)	(ELE)	(FP)	(MTR)	(CUS)
0%	0%	0%	20%	80%	0%

5 The "Finance/Utility Billing" and "Transfer" factors are based on allocation solely to CUS.

(BAS)	(XMD)	(ELE)	(FP)	(MTR)	(CUS)
0%	0%	0%	0%	0%	100%

6 The "Composite" factor is based on labor allocation for system operation.

Total	(BAS)	(XMD)	(ELE)	(FP)	(MTR)	(CUS)
17,796	8,269	3,765	na	3,618	2,145	0
100%	46%	21%	0%	20%	12%	0%

Table B-3

Evaluation of Jul-15 to Jun-16 Electricity Use and Water Use by Zone

List of Pump Stations Serving Each Zone

Zone	Pump Stations	Elevation Above Mean Sea Level
1		0 to <=300 feet
2		>150 to <=300 feet
3	Buchanan	>300 to <=450 feet
4	Shadybrook	>450 feet
5		currently not in service
6		currently not in service

Electricity and Gas Charges by Month at Each Location

Meter	Name	Zone	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16
1003870424 E	Buchanan Pump Station	3	1,117	1,334	1,046	905	814	543	697	804	784	834	1,335	1,432
1009536489 E	Well Pump Station	1	2,823	2,898	1,382	1,676	1,235	1,129	1,432	1,580	4,198	4,902	6,768	5,785
105718968 E	Shadybrook Pump Station	4	1,531	1,860	1,582	1,339	930	723	843	912	893	1,249	2,052	2,361
1009539071 E	Highland Ranch Reservoir	2	2,052	2,829	2,400	2,649	2,898	1,582	1,608	1,694	1,892	1,898	2,185	3,013
1003746228 E	High Level Booster Station	2	49,650	51,841	47,814	41,620	29,884	26,524	28,050	25,179	23,985	30,444	47,952	53,876
45228821 G	Booster Station West	1	1,457	2,340	1,026	1,574	81	90	90	100	72	82	109	136
1009506675	Dover Way (Bodega Well)	1	7,264	8,718	8,287	6,742	4,418	4,315	4,945	4,623	2,819	4,432	3,914	7,652
1004464572 E	Vista del Mar Pump Station	3	1,646	1,901	2,137	2,383	1,946	1,392	2,122	1,811	1,362	1,874	1,741	2,436
60711123 G	300 Olympia Dr. - WTP	1	220	140	100	112	217	664	921	563	395	347	335	238
1005718969 E	Oakhills Pump Station	3	1,161	1,785	763	228	150	195	496	206	489	556	2,417	1,897
Total			68,921	75,646	66,537	59,229	42,573	37,157	41,205	37,474	36,889	46,618	68,809	78,825

Summary by Month, Dollars		Total	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16
Zone 3	Buch/VDM/Oakhills PS	44,740	3,924	5,020	3,946	3,515	2,911	2,130	3,316	2,822	2,635	3,263	5,493	5,764
Zone 4	Shadybrook PS	16,275	1,531	1,860	1,582	1,339	930	723	843	912	893	1,249	2,052	2,361
Total		61,015	5,455	6,881	5,528	4,855	3,841	2,853	4,159	3,734	3,528	4,513	7,545	8,125

WITHOUT ZONE 5/6		Water Pump Volumes, HCF				Unit Costs-Zone	Commodity Rates, $/HCF			
Elevation Zone Commodity Rates	Electricity Charges	Zone 3	Zone 4	Zone 5/6	Total	$/HCF	Zone 3	Zone 4	Zone 5/6	Total
Zone 3 *	$44,700	223,127	125,449		348,576	$0.13	$0.13			$0.13
Zone 4 *	$16,300		125,449		125,449	$0.13	$0.13	$0.13		$0.26
Total	$61,000									

WITH ZONE 5/6		Water Pump Volumes, HCF				Unit Costs-Zone	Commodity Rates, $/HCF			
Elevation Zone Commodity Rates	Electricity Charges	Zone 3	Zone 4	Zone 5/6	Total	$/HCF	Zone 3	Zone 4	Zone 5/6	Total
Zone 3	$76,900	223,127	125,449	250,898	599,474	$0.13	$0.13			$0.13
Zone 4	$24,450		125,449	250,898	376,347	$0.06	$0.13	$0.06		$0.19
Zone 5 and 6 **	$32,600			250,898	250,898	$0.13	$0.13	$0.06	$0.13	$0.32
Total	$133,950									

* Water pump volumes for Zone 3 and Zone 4 are based on July 2016 - June 2017 data provided by the City.

** Annual E/G charges and water pump volumes for Zone 5/6 are estimates provided by the City.

Table B-4
Projected Electricity Use and Water Use by Zone

Elevation Zone Commodity Rates		FY18	FY19	FY20	FY21	FY22	FY23
Water Use, HCF							
Zone 3		223,127	225,127	227,127	229,127	231,127	233,127
Zone 4		125,449	130,449	135,449	140,449	145,449	150,449
Zone 5 and 6		250,898	255,898	260,898	265,898	270,898	275,898
Total		599,474	611,474	623,474	635,474	647,474	659,474
Electricity Charges, $							
Zone 3		$76,900	$81,514	$86,405	$91,589	$97,084	$102,910
Zone 4		$24,450	$25,917	$27,472	$29,120	$30,868	$32,720
Zone 5 and 6		$32,600	$34,556	$36,629	$38,827	$41,157	$43,626
Total		$133,950	$141,987	$150,506	$159,537	$169,109	$179,255
Unit Costs-Zone, $/HCF							
Zone 3		$0.128	$0.133	$0.139	$0.144	$0.150	$0.156
Zone 4		$0.065	$0.067	$0.069	$0.072	$0.074	$0.077
Zone 5 and 6	*Current*	$0.130	$0.135	$0.140	$0.146	$0.152	$0.158
Commodity Rates, $/HCF (rounded to $0.10)	*Rates*						
Zone 3	$0.06	$0.13	$0.13	$0.14	$0.14	$0.15	$0.16
Zone 4	$0.08	$0.19	$0.20	$0.21	$0.22	$0.22	$0.23
Zone 5	$0.10	$0.32	$0.34	$0.35	$0.36	$0.38	$0.39
Zone 6	$0.12	$0.32	$0.34	$0.35	$0.36	$0.38	$0.39

Appendix C: Single Family Monthly Water Bills Tables

Table C-1

Single Family Inclining Block Quantity Charges

		CURRENT RATES										RECOMMENDED RATES FY 2017-18											
				Quantity Charge										Quantity Charge									
		⅝ x ¾-inch		Zone 1&2	Zone 3	Zone 4	Zone 5&6					⅝ x ¾-inch		Zone 1&2	Zone 3	Zone 4	Zone 5&6					Zone 3	
Monthly		Meter			$0.06	$0.08	$0.10					Meter			$0.13	$0.19	$0.32					Change In	
Water Use		Service	Tier 1 >	$3.56	$3.62	$3.64	$3.66	Total Monthly Bill				Service	Tier 1 >	$3.76	$3.89	$3.95	$4.08	Total Monthly Bill				Monthly Bill	
HCF	gpd	$24.29	Tier 2 >	$5.27	$5.33	$5.35	$5.37	Zone 1/2	Zone 3	Zone 4	Zone 5/6	$25.80	Tier 2 >	$5.45	$5.58	$5.64	$5.77	Zone 1/2	Zone 3	Zone 4	Zone 5/6	Dollar	%
0	0	$24.29		$0.00	$0.00	$0.00	$0.00	$24.29	$24.29	$24.29	$24.29	$25.80		$0.00	$0.00	$0.00	$0.00	$25.80	$25.80	$25.80	$25.80	$1.51	6%
1	25	$24.29		$3.56	$3.62	$3.64	$3.66	$27.85	$27.91	$27.93	$27.95	$25.80		$3.76	$3.89	$3.95	$4.08	$29.56	$29.69	$29.75	$29.88	$1.78	6%
2	49	$24.29		$7.12	$7.24	$7.28	$7.32	$31.41	$31.53	$31.57	$31.61	$25.80		$7.52	$7.78	$7.90	$8.16	$33.32	$33.58	$33.70	$33.96	$2.05	7%
3	74	$24.29		$10.68	$10.86	$10.92	$10.98	$34.97	$35.15	$35.21	$35.27	$25.80		$11.28	$11.67	$11.85	$12.24	$37.08	$37.47	$37.65	$38.04	$2.32	7%
4	98	$24.29		$14.24	$14.48	$14.56	$14.64	$38.53	$38.77	$38.85	$38.93	$25.80		$15.04	$15.56	$15.80	$16.32	$40.84	$41.36	$41.60	$42.12	$2.59	7%
5	123	$24.29		$17.80	$18.10	$18.20	$18.30	$42.09	$42.39	$42.49	$42.59	$25.80		$18.80	$19.45	$19.75	$20.40	$44.60	$45.25	$45.55	$46.20	$2.86	7%
6	148	$24.29		$21.36	$21.72	$21.84	$21.96	$45.65	$46.01	$46.13	$46.25	$25.80		$22.56	$23.34	$23.70	$24.48	$48.36	$49.14	$49.50	$50.28	$3.13	7%
7	172	$24.29		$24.92	$25.34	$25.48	$25.62	$49.21	$49.63	$49.77	$49.91	$25.80		$26.32	$27.23	$27.65	$28.56	$52.12	$53.03	$53.45	$54.36	$3.40	7%
8	197	$24.29		$28.48	$28.96	$29.12	$29.28	$52.77	$53.25	$53.41	$53.57	$25.80		$30.08	$31.12	$31.60	$32.64	$55.88	$56.92	$57.40	$58.44	$3.67	7%
9	221	$24.29		$32.04	$32.58	$32.76	$32.94	$56.33	$56.87	$57.05	$57.23	$25.80		$33.84	$35.01	$35.55	$36.72	$59.64	$60.81	$61.35	$62.52	$3.94	7%
10	246	$24.29		$35.60	$36.20	$36.40	$36.60	$59.89	$60.49	$60.69	$60.89	$25.80		$39.29	$40.59	$41.19	$42.49	$65.09	$66.39	$66.99	$68.29	$5.90	10%
11	271	$24.29		$39.16	$39.82	$40.04	$40.26	$63.45	$64.11	$64.33	$64.55	$25.80		$44.74	$46.17	$46.83	$48.26	$70.54	$71.97	$72.63	$74.06	$7.86	12%
12	295	$24.29		$42.72	$43.44	$43.68	$43.92	$67.01	$67.73	$67.97	$68.21	$25.80		$50.19	$51.75	$52.47	$54.03	$75.99	$77.55	$78.27	$79.83	$9.82	14%
13	320	$24.29		$46.28	$47.06	$47.32	$47.58	$70.57	$71.35	$71.61	$71.87	$25.80		$55.64	$57.33	$58.11	$59.80	$81.44	$83.13	$83.91	$85.60	$11.78	17%
14	344	$24.29		$49.84	$50.68	$50.96	$51.24	$74.13	$74.97	$75.25	$75.53	$25.80		$61.09	$62.91	$63.75	$65.57	$86.89	$88.71	$89.55	$91.37	$13.74	18%
15	369	$24.29		$55.11	$56.01	$56.31	$56.61	$79.40	$80.30	$80.60	$80.90	$25.80		$66.54	$68.49	$69.39	$71.34	$92.34	$94.29	$95.19	$97.14	$13.99	17%
16	394	$24.29		$60.38	$61.34	$61.66	$61.98	$84.67	$85.63	$85.95	$86.27	$25.80		$71.99	$74.07	$75.03	$77.11	$97.79	$99.87	$100.83	$102.91	$14.24	17%
17	418	$24.29		$65.65	$66.67	$67.01	$67.35	$89.94	$90.96	$91.30	$91.64	$25.80		$77.44	$79.65	$80.67	$82.88	$103.24	$105.45	$106.47	$108.68	$14.49	16%
18	443	$24.29		$70.92	$72.00	$72.36	$72.72	$95.21	$96.29	$96.65	$97.01	$25.80		$82.89	$85.23	$86.31	$88.65	$108.69	$111.03	$112.11	$114.45	$14.74	15%
19	467	$24.29		$76.19	$77.33	$77.71	$78.09	$100.48	$101.62	$102.00	$102.38	$25.80		$88.34	$90.81	$91.95	$94.42	$114.14	$116.61	$117.75	$120.22	$14.99	15%
20	492	$24.29		$81.46	$82.66	$83.06	$83.46	$105.75	$106.95	$107.35	$107.75	$25.80		$93.79	$96.39	$97.59	$100.19	$119.59	$122.19	$123.39	$125.99	$15.24	14%
21	516	$24.29		$86.73	$87.99	$88.41	$88.83	$111.02	$112.28	$112.70	$113.12	$25.80		$99.24	$101.97	$103.23	$105.96	$125.04	$127.77	$129.03	$131.76	$15.49	14%
22	541	$24.29		$92.00	$93.32	$93.76	$94.20	$116.29	$117.61	$118.05	$118.49	$25.80		$104.69	$107.55	$108.87	$111.73	$130.49	$133.35	$134.67	$137.53	$15.74	13%
23	566	$24.29		$97.27	$98.65	$99.11	$99.57	$121.56	$122.94	$123.40	$123.86	$25.80		$110.14	$113.13	$114.51	$117.50	$135.94	$138.93	$140.31	$143.30	$15.99	13%
24	590	$24.29		$102.54	$103.98	$104.46	$104.94	$126.83	$128.27	$128.75	$129.23	$25.80		$115.59	$118.71	$120.15	$123.27	$141.39	$144.51	$145.95	$149.07	$16.24	13%
25	615	$24.29		$107.81	$109.31	$109.81	$110.31	$132.10	$133.60	$134.10	$134.60	$25.80		$121.04	$124.29	$125.79	$129.04	$146.84	$150.09	$151.59	$154.84	$16.49	12%
26	639	$24.29		$113.08	$114.64	$115.16	$115.68	$137.37	$138.93	$139.45	$139.97	$25.80		$126.49	$129.87	$131.43	$134.81	$152.29	$155.67	$157.23	$160.61	$16.74	12%
27	664	$24.29		$118.35	$119.97	$120.51	$121.05	$142.64	$144.26	$144.80	$145.34	$25.80		$131.94	$135.45	$137.07	$140.58	$157.74	$161.25	$162.87	$166.38	$16.99	12%
28	689	$24.29		$123.62	$125.30	$125.86	$126.42	$147.91	$149.59	$150.15	$150.71	$25.80		$137.39	$141.03	$142.71	$146.35	$163.19	$166.83	$168.51	$172.15	$17.24	12%
29	713	$24.29		$128.89	$130.63	$131.21	$131.79	$153.18	$154.92	$155.50	$156.08	$25.80		$142.84	$146.61	$148.35	$152.12	$168.64	$172.41	$174.15	$177.92	$17.49	11%
30	738	$24.29		$134.16	$135.96	$136.56	$137.16	$158.45	$160.25	$160.85	$161.45	$25.80		$148.29	$152.19	$153.99	$157.89	$174.09	$177.99	$179.79	$183.69	$17.74	11%
31	762	$24.29		$139.43	$141.29	$141.91	$142.53	$163.72	$165.58	$166.20	$166.82	$25.80		$153.74	$157.77	$159.63	$163.66	$179.54	$183.57	$185.43	$189.46	$17.99	11%
32	787	$24.29		$144.70	$146.62	$147.26	$147.90	$168.99	$170.91	$171.55	$172.19	$25.80		$159.19	$163.35	$165.27	$169.43	$184.99	$189.15	$191.07	$195.23	$18.24	11%
33	812	$24.29		$149.97	$151.95	$152.61	$153.27	$174.26	$176.24	$176.90	$177.56	$25.80		$164.64	$168.93	$170.91	$175.20	$190.44	$194.73	$196.71	$201.00	$18.49	10%
34	836	$24.29		$155.24	$157.28	$157.96	$158.64	$179.53	$181.57	$182.25	$182.93	$25.80		$170.09	$174.51	$176.55	$180.97	$195.89	$200.31	$202.35	$206.77	$18.74	10%
35	861	$24.29		$160.51	$162.61	$163.31	$164.01	$184.80	$186.90	$187.60	$188.30	$25.80		$175.54	$180.09	$182.19	$186.74	$201.34	$205.89	$207.99	$212.54	$18.99	10%
36	885	$24.29		$165.78	$167.94	$168.66	$169.38	$190.07	$192.23	$192.95	$193.67	$25.80		$180.99	$185.67	$187.83	$192.51	$206.79	$211.47	$213.63	$218.31	$19.24	10%
37	910	$24.29		$171.05	$173.27	$174.01	$174.75	$195.34	$197.56	$198.30	$199.04	$25.80		$186.44	$191.25	$193.47	$198.28	$212.24	$217.05	$219.27	$224.08	$19.49	10%
38	935	$24.29		$176.32	$178.60	$179.36	$180.12	$200.61	$202.89	$203.65	$204.41	$25.80		$191.89	$196.83	$199.11	$204.05	$217.69	$222.63	$224.91	$229.85	$19.74	10%
39	959	$24.29		$181.59	$183.93	$184.71	$185.49	$205.88	$208.22	$209.00	$209.78	$25.80		$197.34	$202.41	$204.75	$209.82	$223.14	$228.21	$230.55	$235.62	$19.99	10%
40	984	$24.29		$186.86	$189.26	$190.06	$190.86	$211.15	$213.55	$214.35	$215.15	$25.80		$202.79	$207.99	$210.39	$215.59	$228.59	$233.79	$236.19	$241.39	$20.24	9%

Table C-2

Single Family Monthly Bills Comparison

		CURRENT RATES				RECOMMENDED RATES FY 2017-18											
Monthly Water Use		Total Monthly Bill				Total Monthly Bill				Dollar Change				Percent Change			
HCF	gpd	Zone 1&2	Zone 3	Zone 4	Zone 5&6	Zone 1&2	Zone 3	Zone 4	Zone 5&6	Zone 1&2	Zone 3	Zone 4	Zone 5&6	Zone 1&2	Zone 3	Zone 4	Zone 5&6
0	0	$24.29	$24.29	$24.29	$24.29	$25.80	$25.80	$25.80	$25.80	$1.51	$1.51	$1.51	$1.51	6%	6%	6%	6%
1	25	$27.85	$27.91	$27.93	$27.95	$29.56	$29.69	$29.75	$29.88	$1.71	$1.78	$1.82	$1.93	6%	6%	7%	7%
2	49	$31.41	$31.53	$31.57	$31.61	$33.32	$33.58	$33.70	$33.96	$1.91	$2.05	$2.13	$2.35	6%	7%	7%	7%
3	74	$34.97	$35.15	$35.21	$35.27	$37.08	$37.47	$37.65	$38.04	$2.11	$2.32	$2.44	$2.77	6%	7%	7%	8%
4	98	$38.53	$38.77	$38.85	$38.93	$40.84	$41.36	$41.60	$42.12	$2.31	$2.59	$2.75	$3.19	6%	7%	7%	8%
5	123	$42.09	$42.39	$42.49	$42.59	$44.60	$45.25	$45.55	$46.20	$2.51	$2.86	$3.06	$3.61	6%	7%	7%	8%
6	148	$45.65	$46.01	$46.13	$46.25	$48.36	$49.14	$49.50	$50.28	$2.71	$3.13	$3.37	$4.03	6%	7%	7%	9%
7	172	$49.21	$49.63	$49.77	$49.91	$52.12	$53.03	$53.45	$54.36	$2.91	$3.40	$3.68	$4.45	6%	7%	7%	9%
8	197	$52.77	$53.25	$53.41	$53.57	$55.88	$56.92	$57.40	$58.44	$3.11	$3.67	$3.99	$4.87	6%	7%	7%	9%
9	221	$56.33	$56.87	$57.05	$57.23	$59.64	$60.81	$61.35	$62.52	$3.31	$3.94	$4.30	$5.29	6%	7%	8%	9%
10	246	$59.89	$60.49	$60.69	$60.89	$65.09	$66.39	$66.99	$68.29	$5.20	$5.90	$6.30	$7.40	9%	10%	10%	12%
11	271	$63.45	$64.11	$64.33	$64.55	$70.54	$71.97	$72.63	$74.06	$7.09	$7.86	$8.30	$9.51	11%	12%	13%	15%
12	295	$67.01	$67.73	$67.97	$68.21	$75.99	$77.55	$78.27	$79.83	$8.98	$9.82	$10.30	$11.62	13%	14%	15%	17%
13	320	$70.57	$71.35	$71.61	$71.87	$81.44	$83.13	$83.91	$85.60	$10.87	$11.78	$12.30	$13.73	15%	17%	17%	19%
14	344	$74.13	$74.97	$75.25	$75.53	$86.89	$88.71	$89.55	$91.37	$12.76	$13.74	$14.30	$15.84	17%	18%	19%	21%
15	369	$79.40	$80.30	$80.60	$80.90	$92.34	$94.29	$95.19	$97.14	$12.94	$13.99	$14.59	$16.24	16%	17%	18%	20%
16	394	$84.67	$85.63	$85.95	$86.27	$97.79	$99.87	$100.83	$102.91	$13.12	$14.24	$14.88	$16.64	15%	17%	17%	19%
17	418	$89.94	$90.96	$91.30	$91.64	$103.24	$105.45	$106.47	$108.68	$13.30	$14.49	$15.17	$17.04	15%	16%	17%	19%
18	443	$95.21	$96.29	$96.65	$97.01	$108.69	$111.03	$112.11	$114.45	$13.48	$14.74	$15.46	$17.44	14%	15%	16%	18%
19	467	$100.48	$101.62	$102.00	$102.38	$114.14	$116.61	$117.75	$120.22	$13.66	$14.99	$15.75	$17.84	14%	15%	15%	17%
20	492	$105.75	$106.95	$107.35	$107.75	$119.59	$122.19	$123.39	$125.99	$13.84	$15.24	$16.04	$18.24	13%	14%	15%	17%
21	516	$111.02	$112.28	$112.70	$113.12	$125.04	$127.77	$129.03	$131.76	$14.02	$15.49	$16.33	$18.64	13%	14%	14%	16%
22	541	$116.29	$117.61	$118.05	$118.49	$130.49	$133.35	$134.67	$137.53	$14.20	$15.74	$16.62	$19.04	12%	13%	14%	16%
23	566	$121.56	$122.94	$123.40	$123.86	$135.94	$138.93	$140.31	$143.30	$14.38	$15.99	$16.91	$19.44	12%	13%	14%	16%
24	590	$126.83	$128.27	$128.75	$129.23	$141.39	$144.51	$145.95	$149.07	$14.56	$16.24	$17.20	$19.84	11%	13%	13%	15%
25	615	$132.10	$133.60	$134.10	$134.60	$146.84	$150.09	$151.59	$154.84	$14.74	$16.49	$17.49	$20.24	11%	12%	13%	15%
26	639	$137.37	$138.93	$139.45	$139.97	$152.29	$155.67	$157.23	$160.61	$14.92	$16.74	$17.78	$20.64	11%	12%	13%	15%
27	664	$142.64	$144.26	$144.80	$145.34	$157.74	$161.25	$162.87	$166.38	$15.10	$16.99	$18.07	$21.04	11%	12%	12%	14%
28	689	$147.91	$149.59	$150.15	$150.71	$163.19	$166.83	$168.51	$172.15	$15.28	$17.24	$18.36	$21.44	10%	12%	12%	14%
29	713	$153.18	$154.92	$155.50	$156.08	$168.64	$172.41	$174.15	$177.92	$15.46	$17.49	$18.65	$21.84	10%	11%	12%	14%
30	738	$158.45	$160.25	$160.85	$161.45	$174.09	$177.99	$179.79	$183.69	$15.64	$17.74	$18.94	$22.24	10%	11%	12%	14%
31	762	$163.72	$165.58	$166.20	$166.82	$179.54	$183.57	$185.43	$189.46	$15.82	$17.99	$19.23	$22.64	10%	11%	12%	14%
32	787	$168.99	$170.91	$171.55	$172.19	$184.99	$189.15	$191.07	$195.23	$16.00	$18.24	$19.52	$23.04	9%	11%	11%	13%
33	812	$174.26	$176.24	$176.90	$177.56	$190.44	$194.73	$196.71	$201.00	$16.18	$18.49	$19.81	$23.44	9%	10%	11%	13%
34	836	$179.53	$181.57	$182.25	$182.93	$195.89	$200.31	$202.35	$206.77	$16.36	$18.74	$20.10	$23.84	9%	10%	11%	13%
35	861	$184.80	$186.90	$187.60	$188.30	$201.34	$205.89	$207.99	$212.54	$16.54	$18.99	$20.39	$24.24	9%	10%	11%	13%
36	885	$190.07	$192.23	$192.95	$193.67	$206.79	$211.47	$213.63	$218.31	$16.72	$19.24	$20.68	$24.64	9%	10%	11%	13%
37	910	$195.34	$197.56	$198.30	$199.04	$212.24	$217.05	$219.27	$224.08	$16.90	$19.49	$20.97	$25.04	9%	10%	11%	13%
38	935	$200.61	$202.89	$203.65	$204.41	$217.69	$222.63	$224.91	$229.85	$17.08	$19.74	$21.26	$25.44	9%	10%	10%	12%
39	959	$205.88	$208.22	$209.00	$209.78	$223.14	$228.21	$230.55	$235.62	$17.26	$19.99	$21.55	$25.84	8%	10%	10%	12%
40	984	$211.15	$213.55	$214.35	$215.15	$228.59	$233.79	$236.19	$241.39	$17.44	$20.24	$21.84	$26.24	8%	9%	10%	12%
41	1,008	$216.42	$218.88	$219.70	$220.52	$234.04	$239.37	$241.83	$247.16	$17.62	$20.49	$22.13	$26.64	8%	9%	10%	12%
42	1,033	$221.69	$224.21	$225.05	$225.89	$239.49	$244.95	$247.47	$252.93	$17.80	$20.74	$22.42	$27.04	8%	9%	10%	12%
43	1,058	$226.96	$229.54	$230.40	$231.26	$244.94	$250.53	$253.11	$258.70	$17.98	$20.99	$22.71	$27.44	8%	9%	10%	12%
44	1,082	$232.23	$234.87	$235.75	$236.63	$250.39	$256.11	$258.75	$264.47	$18.16	$21.24	$23.00	$27.84	8%	9%	10%	12%
45	1,107	$237.50	$240.20	$241.10	$242.00	$255.84	$261.69	$264.39	$270.24	$18.34	$21.49	$23.29	$28.24	8%	9%	10%	12%
46	1,131	$242.77	$245.53	$246.45	$247.37	$261.29	$267.27	$270.03	$276.01	$18.52	$21.74	$23.58	$28.64	8%	9%	10%	12%
47	1,156	$248.04	$250.86	$251.80	$252.74	$266.74	$272.85	$275.67	$281.78	$18.70	$21.99	$23.87	$29.04	8%	9%	9%	11%
48	1,181	$253.31	$256.19	$257.15	$258.11	$272.19	$278.43	$281.31	$287.55	$18.88	$22.24	$24.16	$29.44	7%	9%	9%	11%
49	1,205	$258.58	$261.52	$262.50	$263.48	$277.64	$284.01	$286.95	$293.32	$19.06	$22.49	$24.45	$29.84	7%	9%	9%	11%
50	1,230	$263.85	$266.85	$267.85	$268.85	$283.09	$289.59	$292.59	$299.09	$19.24	$22.74	$24.74	$30.24	7%	9%	9%	11%

CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES

DATE: January 16, 2018

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL/AGENCY MEMBERS
Dwaine "Pete" Longmire, Mayor/Chair
Sal Evola, Vice-Mayor/Chair
Juan Antonio Banales, Council/Agency Member
Jelani Killings, Council/Agency Member
Marilyn Craft, Council/Agency Member
Michelle Bond, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS
Joe Sbranti, City Manager/Executive Director
Ruthann Ziegler, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

Mayor Longmire called the meeting of the City Council to order at 7:06 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA after convening at 5:45 P.M. for a Special Meeting Closed Session Only and 6:00 P.M. in Closed Session for the following items:

Special Closed Session held at 5:45 P.M.:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Section 54956.8):

Property: APN's 095-150-032, 094-080-011, 095-160-001, 095-160-002, 094-090-001, and 094-080-002; Negotiators for City: Joe Sbranti and Garrett Evans; Negotiating Parties: EDS LLC; Under negotiation: both price and terms of payment

2. PUBLIC EMPLOYMENT (Pursuant to Section 54957):

Title: City Attorney

Closed Session held at 6:00 P.M.:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Section 54956.8):

Property: E. 10th Street (APN 085-205-011); Negotiators for the Successor Agency: Joe Sbranti and Maria Aliotti; Negotiating Parties: Nazar Aryei; Under negotiation: both price and terms of payment

Property: 1595 Railroad Avenue (APN 086-180-026); Negotiators for the Successor Agency: Joe Sbranti and Maria Aliotti; Negotiating Parties: Forecast Land LLC; Under negotiation: both price and terms of payment

Property: Railroad Avenue (APN 086-180-027); Negotiators for the Successor Agency: Joe Sbranti and Maria Aliotti; Negotiating Parties: Forecast Land LLC; Under negotiation: both price and terms of payment

Property: 2125 Abbott Ave., 3878 Alta Vista Cir., 16 Castlewood Dr., 203 Odessa Ave., 8 Industry Rd., 6 Industry Rd.; Negotiators for the Housing Authority/City of Pittsburg: Garrett Evans; Negotiating Parties: Contra Costa County; Under negotiation: both price and terms of payment

Property: 615 Railroad Avenue; Negotiators for the Pittsburg Power Company: Joe Sbranti; Negotiating Parties: Natalie Cooper, dba Lumpy's Pittsburg; Under negotiation: both price and terms of payment

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION FOR THE CITY OF PITTSBURG (Paragraph (1) of subdivision (d) of Section 54956.9):

Genon Energy, Inc. Chapter 11, US Bankruptcy Court for the Southern District of Texas, Houston Division, Case No. 17-33695(DRJ)

Mayor Longmire stated there was no reportable action taken in Closed Session.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

Chief Addington led the Pledge of Allegiance.

CITIZENS REMARKS

Frank Aiello, Pittsburg, spoke about Keller Canyon Landfill issues and asked the City to become the LEA.

Randy Baugh, El Dorado Hills, owner of the Railroad Plaza Shopping Center noted Phase 3 has a letter of intent with a major corporation for full build-out of the parcel.

Ron Parsley, Pittsburg, voiced concerns and asked for better grocery stores, such as Whole Foods or other organic offerings.

Gregory Osorio, Pittsburg, thanked the Council for participation in the Martin Luther King, Jr. event and presented a plaque to the Police Department for their participation.

Mark Linde, Pittsburg, presented photos of garbage dumped behind Home Depot and asked the City to enter into Eminent Domain proceedings to clear the area.

Larry Reasoner, Pittsburg, stated his property was abated by an illegal warrant and presented documents to the Council to that effect.

PUBLIC HEARING

6. Adoption of a City Council Resolution to Amend Water Rates Adoption of a Pittsburg Power Company Resolution to Adopt the Revised Electric Tariff Schedules Applicable to Island Energy

Chair Longmire stated that the Public Hearing that was opened November 28, 2017 remains open. 375 Protests have been received.

The following spoke against the rate increase:

Frank Aiello, Pittsburg
Vera Lopez, Pittsburg
Wolfgang Croskey, Pittsburg
Ron Parsley, Pittsburg
Elaine Gonzales, Pittsburg
Mark Linde, Pittsburg
Pat Byrne, Pittsburg
Durie Foster, Pittsburg
Angie Turner, Pittsburg

There being no one to speak further to the item, the Public Hearing remains open until February 5, 2018.

CONFLICT OF INTEREST STATEMENT

There were no conflict of interest statements.

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

City Manager Sbranti clarified that in Item 9 the APN's numbers stated were incorrect and the correct APNs are 086-180-026 and 086-180-027 and also that the Exhibit A for Item 15 has been corrected.

Mayor/Chair Longmire stated there were several speakers on Item 12 and asked that it be removed and considered separately.

In regards to Items 12 and 15, and pursuant to Government Code Section 54953 (c) (3), Mayor Longmire orally reported the summary of a recommendation for a final action on salaries, salary schedules and compensation paid in the form of fringe benefits of local agency executives.

On motion by Vice Mayor/Chair Evola, seconded by Member Banales, to adopt without Item 12 and carried unanimously.

7. Minutes of December 18, 2017

8. Adoption of a Successor Agency Resolution Approving the July 1, 2018 – June 30, 2019 Recognized Obligation Payment Schedule

9. Adoption of a Successor Agency Resolution Transferring Properties Located at and Adjacent to 1595 Railroad Avenue, APNs 086 100 026 and 086 100 027 to the City of Pittsburg

10. Adoption a City Council Resolution to Designate Agents for Non-State Agencies

11. Adoption of a City Council Resolution to Approve Side Letter Agreements between the City of Pittsburg and All Employee Bargaining Units and Amendments to the Management Group and Senior Executive Team Salary and Benefits Schedules

13. Adoption of a City Council Resolution to Approve Incentive Pay

14. Adoption of an Ordinance Amending Title 18 of the Pittsburg Municipal Code Related to the CP District, AP-17-1277 (RZ)

15. Adoption of a City Council Resolution to Approve the Amended Senior Executive Team Salary and Benefits Schedule

16. Adoption of a City Council Resolution to Establish the Seasonal Salary Schedule Due to the State Minimum Wage Increase

The following item was considered separately:

As his employment agreement was being discussed, City Manager Sbranti left the dais at this time.

12. Adoption of a City Council Resolution to Authorize an Extension to the Employment Agreement for the City Manager

The following spoke against approval of the employment agreement:

Wolfgang Croskey, Pittsburg
Durie Foster, Pittsburg
Mark Linde, Pittsburg
Allen Lewellyn, Pittsburg (on behalf of Ric Eason, Pittsburg)

On motion by Vice Mayor/Chair Evola, seconded by Member Craft, to adopt and carried unanimously.

City Manager Sbranti returned to the dais at this time.

COUNCIL MEMBER REPORTS/REMARKS

Vice Mayor Evola thanked Gregory Osorio and Souljahs for organizing the Martin Luther King, Jr. Day celebration and also thanked the Police Department and Public Works for helping make it a successful event.

Member Craft attended the Spoken Word competition Friday night and the Prayer Breakfast at Martin Luther King Jr. Junior High School. She also thanked the NAACP and Gregory Osorio for continuing the yearly celebrations in Pittsburg.

Member Banales stated the City would be hosting the Delta Protection Commission here at City Hall on January 18 and invited everyone to attend.

Member Killings attended the 2x2 Subcommittee where they discussed updates on the Sister City trip and the Youth Empowerment Project, traffic issues and Safe Streets projects. He also attended the Martin Luther King, Jr. Day events throughout the weekend.

ADJOURNMENT

The City Council meeting was adjourned at 8:29 P.M. to February 5, 2018 ***in honor of Dr. Martin Luther King, Jr.***

Respectfully submitted,

Alice E. Evenson, City Clerk

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

DATE: 1/16/2018

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of an Ordinance Approving a Development Agreement for the Tuscany Meadows Residential Subdivision, AP-12-843 (SUB, DA, ANNEX)

MEETING DATE: 2/5/2018

EXECUTIVE SUMMARY

On March 21, 2016, the City Council introduced and waived further reading of an ordinance that would approve a development agreement between the City of Pittsburg and Seecon Built Homes, Inc. for the Tuscany Meadows Residential Subdivision. Pursuant to Government Code section 65865, the City Council may approve a development agreement involving unincorporated territory only after the land has been brought into the city's sphere of influence. On November 8, 2017, the Contra Costa Local Agency Formation Commission (LAFCo) adopted a resolution bringing the project site into the city's sphere of influence. Now that the site is within the city's sphere, the Council may adopt Ordinance No. 16-1405 approving the Tuscany Meadows Development Agreement.

FISCAL IMPACT

The applicant would be required to deposit a minimum of $5,000 on an annual basis to reimburse the City for staff time expended in the annual review of the development agreement terms.

RECOMMENDATION

City Council move to adopt Ordinance No. 16-1405, approving the Tuscany Meadows Development Agreement.

BACKGROUND

On May 10, 2012, Seecon Built Homes, Inc. filed a planning application with the City requesting approval of: 1) a vesting tentative map to subdivide a 170-acre parcel located west of Buchanan Road and Somersville Road for construction of up to 917 single-family homes, 365 multi-family apartments, and three parks totaling approximately 18.6 acres; and 2) a development agreement vesting the project entitlements for a 25-year period. The application also included a request to initiate LAFCo proceedings, bring the project site into Pittsburg's sphere of influence, and annex the same area into the city's municipal boundaries as well as the service boundaries for the Contra Costa Water District and Delta Diablo.

On August 3, 2015, the City Council adopted Resolution No. 15-13083 certifying the Final Environmental Impact Report (EIR) for the project (see Attachment 2).

On February 9, 2016, the Planning Commission adopted Resolution No. 10015, approving the vesting tentative map, subject to conditions of approval and contingent on further LAFCo action (see Attachment 3). Resolution No. 10015 also recommended City Council approval of the Tuscany Meadows Development Agreement.

On March 21, 2016, the City Council adopted Resolution No. 16-13159 approving CEQA findings, adopting a statement of overriding considerations, adopting an environmental mitigation monitoring and reporting program, and initiating the necessary LAFCo proceedings for the project (see Attachment 4). The City Council also introduced and waived further reading of Ordinance No. 16-1405, which would approve the Tuscany Meadows Development Agreement (see Attachment 1).

On November 8, 2017, LAFCo adopted Resolution No. 17-07 bringing the project site into Pittsburg's sphere of influence, and on December 13, 2017, it adopted Resolution No. 17-08 annexing the site into Pittsburg's municipal boundaries in addition to CCWD's and Delta Diablo's service boundaries (see Attachments 5 and 6).

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

After the City Council holds a public hearing and introduces an ordinance on a given matter, approval or denial of the matter is formalized by City Council adoption of the ordinance by a majority vote at a meeting no fewer than five days after the public hearing. The ordinance becomes effective 30 days after the date of its adoption. After the ordinance takes effect, the Tuscany Meadows Development Agreement would be executed by the City of Pittsburg and Seecon Built Homes, Inc.. The applicant expects to submit a design review application for Phase 1 of the project within the next 90 days (see Attachment 7).

ATTACHMENTS: 1. City Council Ordinance 16-1405 (proposed)*
2. City Council Resolution No. 15-13083
3. Planning Commission Resolution No. 10015
4. City Council Resolution No. 16-13159
5. LAFCo Resolution No. 17-07
6. LAFCo Resolution No. 17-08
7. Tuscany Meadows Preliminary Phasing Plan

*Includes Exhibit A, Tuscany Meadows Development Agreement

Report Prepared By: Hector J. Rojas, AICP, Senior Planner

Attachment 1

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Ordinance Approving a Development Agreement for “Tuscany Meadows Residential Subdivision, AP-12-843 (SUB, DA, ANNEX).”	))))	ORDINANCE NO. 16-1405

The City Council of the City of Pittsburg DOES ORDAIN as follows:

SECTION 1. Recitals.

A. On November 8, 2011, the City of Pittsburg voters approved the ‘Local Control Enhancement for Pittsburg/Antioch Southeast Border Area, General Plan Amendment and Prezoning Act’, also known as ‘Measure I’. Measure I approval resulted in the following actions:

1. Amendment of the voter-approved 2005 City of Pittsburg Urban Limit Line (ULL) to include the approximate 193.60-acre ‘Southeast Border Area’, west of Somersville Road and south of Buchanan Road;

2. Amendment of the Pittsburg General Plan Land Use Map to assign General Plan Land Use designations of ‘Low Density Residential’, ‘High Density Residential’, and ‘Industrial’ to the Southeast Border Area; and

3. Prezoning of the Southeast Border Area to ‘Single-Family Residential District – 4,000 Square Foot Minimum Lot Size (RS-4)’, ‘High-Density Residential District (RH)’, and ‘General Industrial District (IG)’. The prezoning of the Southeast Border Area would take effect upon annexation of area to the City of Pittsburg.

B. On May 10, 2012, Louis Parsons, on behalf of Seecon Built Homes Inc., filed Application No. 12-843, requesting approval of: 1) a vesting tentative map to subdivide a 170-acre site for construction of up to 917 single-family homes, 365 multi-family apartments, and three parks totaling approximately 18.6 acres; and 2) a development agreement vesting the project entitlements for an extended term of approval. The project requires Contra Costa Local Agency Formation (LAFCo) review and approval of amendments to the City of Pittsburg and City of Antioch Spheres of Influence (SOI) and annexations of land to both cities. The project also requires annexation to the Contra Costa Water District and Delta Diablo for the provision of water and wastewater services. The project site is on unincorporated land located between the cities of Pittsburg and Antioch. The project site is bordered by Buchanan Road to the north, the Contra Costa Canal and Somersville Road to the east, the Black Diamond Estates residential subdivision to the south, and the Highlands Ranch residential subdivision to the west. Assessor’s Parcel No. 089-150-016.

C. An Environmental Impact Report (EIR) was prepared for the proposed project (SCH #2012112061).

D. On August 3, 2015, the City Council adopted Resolution No.15-13083, certifying that the Final EIR for the proposed project was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Final EIR includes the Draft EIR, text changes to the Draft EIR, and responses to all comments received on the Draft EIR during the public review period. The resolution and certified Final EIR are incorporated herein by reference and is available for review in the Planning Division located at 65 Civic Avenue, Pittsburg during normal business hours.

E. On November 25, 1996, the City Council adopted Resolution No. 96-8371, establishing procedures and requirements for considering, adopting and reviewing development agreements, pursuant to Pittsburg Municipal Code (PMC) section 18.44.020. Article V, Section A, of City Council Resolution No. 96-8371 states that the Planning Commission shall hold a public hearing to consider the application for a development agreement and may make recommendations to the City Council concerning the application.

F. On February 9, 2016, after conducting a duly noticed public hearing, the Planning Commission adopted Resolution No. 10015, recommending City Council approval of the proposed development agreement and approving the vesting tentative subdivision map for the 'Tuscany Meadows Residential Subdivision', contingent on the LAFCo's approval of annexation of the project site to the City of Pittsburg, Delta Diablo, and Contra Costa Water District (CCWD).

G. Article V, Section B, Subsection 1, of City Council Resolution No. 96-8371, states that the City Council may adopt an ordinance approving a development agreement if it finds that:

1. the development agreement is consistent with the General Plan and any applicable specific plan; and

2. the development agreement will promote the public health, safety, and general welfare.

H. On or prior to Friday, March 11, 2016, in accordance with City Council Resolution No. 96-8371, Pittsburg Municipal Code (PMC) section 18.14.010, and Government Code section 65091, a 'Notice of Public Hearing' for the March 21, 2016, public hearing on this item was published in the East County Times; was posted at City Hall and in the 'Public Notices' section of the City website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the developer, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice.

I. On March 21, 2016, after having reviewed and considered the environmental documentation prepared for this project, the City Council adopted Resolution No. 16-13159, approving CEQA findings, adopting a Statement of Overriding Considerations, adopting a Mitigation Monitoring and Reporting Program, and initiating LAFCo proceedings for the 'Tuscany Meadows Residential Subdivision'.

J. On March 21, 2016, the City Council held a public hearing on Development Agreement Application No. 12-843, at which time oral and/or written testimony was considered.

K. On November 8, 2017, LAFCo adopted Resolution No. 17-07 bringing the project site into City of Pittsburg's sphere of influence.

L. On December 13, 2017, LAFCO adopted Resolution No. 17-08 annexing the project site into the City of Pittsburg's municipal boundaries in addition to CCWD's and Delta Diablo's service boundaries

SECTION 2. Findings.

A. Based on the City Council Staff Report entitled, "Consideration of a City Council Resolution Approving CEQA Findings and Authorizing Initiating of Annexation Proceedings, and Introduction and Waive First Reading of a City Council Ordinance Approving a Development Agreement for the Tuscany Meadows Residential Subdivision, AP-12-843 (SUB, DA, ANNEX)," dated March 21, 2016, 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:

1. All recitals above are true and correct and are incorporated herein by reference.

2. On or prior to Friday, March 11, 2016, in accordance with City Council Resolution No. 96-8371, Pittsburg Municipal Code (PMC) section 18.14.010, and Government Code section 65091, a 'Notice of Public Hearing' for the March 21, 2016, public hearing on this item was published in the East County Times; was posted at City Hall and in the 'Public Notices' section of the City website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the developer, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice.

3. The Final EIR for the Tuscany Meadows Residential Subdivision (SCH #2012112061), certified by the City Council on August 3, 2015 (Resolution No.15-13083), was prepared in compliance with Public Resources Code Section 21000 et seq., and the State CEQA Guidelines Section 15000 et seq.. All impacts have been analyzed in the EIR prepared for this project, and the City Council has independently reviewed and considered the

information contained therein, prior to approving the proposed development agreement.

4. The proposed Tuscany Meadows Development Agreement is consistent with General Plan, specifically Housing Element Policy P-1.5, in that it requires the construction of at least 92 accessory dwelling units which will allow extended families to live near each other, increase the City's affordable housing stock, and provide opportunities for homeowners to generate additional income.

5. The proposed Tuscany Meadows Development Agreement will promote the public health, safety, and general welfare in that it requires the developer to: a) construct drainage improvements serving the project; b) construct water infrastructure improvements required by the City's most current Water Master Plan; c) pay school impact and traffic mitigation fees; d) provide for installation of security cameras at nearby intersections; e) provide basic home security wiring in all new homes and offer one year of professional monitoring to new homeowners; f) install a solar roof system on at least one model home and offer installation as an option to new homeowners; g) extend Summit Way into the subdivision; h) dedicate right-of-way and provide frontage improvements along Buchanan Road; i) install traffic signals at the proposed Somersville Road/Sequoia Drive, Buchanan Road/Tuscany Meadows Drive, and Buchanan Road/Entrance to Parcel A intersections; j) install an additional eastbound left turn lane and an additional northbound left turn lane at the Somersville Road/Buchanan Road intersection along with signal timing modifications; k) install additional westbound through lanes on Buchanan Road along the approaches to and departures from Harbor Street and Loveridge Road; l) install additional eastbound through lanes on Buchanan Road along the approaches and departures from Ventura Drive, Tuscany Meadows Drive, and the Entrance to Parcel A; m) install left- and right-turn lanes to and from the Entrance to Parcel A on Buchanan Road and Sequoia Drive on Somersville Road; n) install westbound left-turn/acceleration lanes and eastbound right-turn/acceleration lanes at the proposed Buchanan Road/Tuscany Meadows Drive intersection; o) install bus turnouts, bus shelters, and bicycle racks on both sides of Buchanan Road adjacent to Tuscany Meadows Drive; p) provide a Class II bicycle lane and sidewalk along the north side of Buchanan Road; q) provide a direct multi-use pathway between the project and the Delta de Anza Regional Trail for use by pedestrians and bicyclists; r) redesign and reconstruct the Tuscany Meadows/James Donlon Boulevard intersection to eliminate the existing westbound free-right turn and raised median; s) construct 18.6 acres of parks/detention basins and pay a park in-lieu fee to the City of $9.40 per square foot of each dwelling unit; t) annex the subdivision into the City's Lighting and Landscaping District, Community Facilities District (CFD) 2007-1 for park maintenance, 2004-1 for police and other emergency services, and a future CFD for fire protection services; u) and pay $125.00 per building permit to help fund future updates of the City's General Plan.

B. The City Council Staff Report entitled, “Consideration of a City Council Resolution Approving CEQA Findings and Authorizing Initiating of Annexation Proceedings, and Introduction and Waive First Reading of a City Council Ordinance Approving a Development Agreement for the Tuscany Meadows Residential Subdivision, AP-12-843 (SUB, DA, ANNEX),” dated March 21, 2016, is referenced hereto as additional support for findings.

SECTION 3. Decision.

Based on the findings and the authority set forth above, the City Council hereby approves the Development Agreement identified as Exhibit A to this ordinance and incorporated herein by reference.

SECTION 5. Publication.

The City Clerk shall either (a) have this ordinance published once within 15 days after adoption in a newspaper of general circulation or (b) have a summary of the ordinance published twice in a newspaper of general circulation, once 5 days before its adoption and again 20 days after its adoption.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on March 21, 2016, and was adopted and ordered published at a meeting of the City Council held on February 5, 2018, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Dwaine “Pete” Longmire, Mayor

ATTEST:

Alice E. Evenson, City Clerk

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Seecon Built Homes, Inc.
Attn: Legal Dept.
4021 Port Chicago Hwy.
Concord, CA 94520

City of Pittsburg
Attn: City Clerk
65 Civic Avenue
Pittsburg, CA 94565

(SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY)

Exhibit A to Ordinance No. 16-1405

- REVISED DRAFT -

DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PITTSBURG, CALIFORNIA AND SEECON BUILT HOMES, INC.

(Tuscany Meadows Property)

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TUSCANY MEADOWS DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("**Agreement**") is entered into as of the Effective Date between SEECON BUILT HOMES, INC., a California corporation ("**Developer**"), and the CITY OF PITTSBURG, a California municipal corporation ("**City**"), pursuant to California Government Code § 65864 *et seq*. The Effective Date is ________, 2018.

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California enacted California Government Code § 65864 *et seq*., which authorizes City to enter into an agreement with any person having a legal or equitable interest in real property regarding the development of such property.

B. Pursuant to California Government Code § 65865, City has adopted procedures and requirements for the consideration of development agreements (Resolution No. 89-7466). This Development Agreement has been processed, considered and executed in accordance with such procedures and requirements.

C. Developer has a legal interest in certain real property consisting of approximately one hundred seventy (170) acres, as more particularly described in the attached ***Exhibit A*** attached hereto (the "**Property**" or "**Project**"), and as diagrammed in the attached ***Exhibit A-1*** (the "**Project Site**").

D. Developer filed applications with the City requesting to (i) include the Property in the City's sphere of influence; (ii) annex the Property to the City; and (iii) obtain a vesting tentative map to subdivide the Project Site into nine hundred seventeen (917) low-density, single-family residential lots, and a 14.6 acre high-density parcel to support development of up to three hundred sixty-five (365) multi-family units, respectively. On August 3, 2015, the City Council adopted Resolution No. 15-13083 certifying the final environmental impact report ("**FEIR**") for the Project, CEQA Findings, Statement of Overriding Considerations, and Mitigation and Monitoring Program, all of which were prepared in accordance with CEQA and the State CEQA Guidelines.

E. On February 9, 2016, the Planning Commission adopted Resolution No. 10015 approving Vesting Tentative Map No. 8654 to subdivide the Property into nine hundred seventeen (917) low-density, single-family residential lots and one (1) 14.6 acre high-density parcel.

F. On March 21, 2016, the City Council adopted Resolution No. 16-13159 initiating Contra Costa County Local Agency Formation ("**LAFCO**") proceedings to amend the sphere of influence and annex the Property into the City, Contra Costa Water District ("**CCWD**"), and Delta Diablo District ("**Delta Diablo**").

The approvals and development policies described in these Recitals, together with this Agreement, are collectively referred to herein as the "**Project Approvals**."

G. City has determined that the Project presents certain public benefits and opportunities which are advanced by City and Developer entering into this Agreement. This Agreement will, among other things, require conditions of approval and other exactions resulting in:

1. Developer's construction of drainage improvements that will serve the Project, as set forth in Section 3.01 of this Agreement;

2. Developer's construction of the Water Infrastructure Improvements required by the City's most current Water Master Plan, as set forth in Section 3.03 of this Agreement;

3. Developer's commitment that it will comply with PMC §18.86.080 by building a certain number of rental secondary units, as set forth in Section 3.10 of this Agreement;

4. The inclusion of the Project Site into the City's existing Community Facilities District 2007-1 and the Citywide Lighting and Landscape District No. 88-01, at no cost to the City, in order to provide funding for certain landscape and lighting costs, as set forth in Section 5.05 of this Agreement;

5. The development of 18.6 acres of parks/detention basins divided among three (3) locations as shown on the Vesting Tentative Map Subdivision 8654, and as set forth in Section 3.13 of this Agreement;

6. The inclusion of the Project Site into Community Facilities District 2005-1 Public Safety Services, at no cost to the City, in order to provide for police and other emergency services to the Project Site, as set forth in Section 5.06 of this Agreement;

7. The inclusion of the Project Site into a community facilities district formed by the City to help fund specified improvements and/or services to the Contra Costa Fire Protection District, as set forth in Section 5.07 of this Agreement;

8. The inclusion of the Project Site into a community facilities district formed by the City to help fund the maintenance of C.3 facilities to be constructed on the Project Site or offsite as set forth in Section 3.13 of this Agreement.

9. Developer's agreement to pay One Hundred Twenty Five Dollars ($125) per building permit for a General Plan Maintenance Fee, as set forth in Section 5.10 of this Agreement.

H. In exchange for the benefits to City described in the preceding Recital G and others set forth herein, Developer will receive by this Agreement assurances that it may proceed with the long term phased development of the Project in accordance with the "Applicable Law" (defined herein), and therefore desires to enter into this Agreement.

I. The City Council, after conducting a duly noticed public hearing on March 21, 2016, has found that this Agreement is consistent with the General Plan and has conducted all necessary proceedings in accordance with the City's rules and regulations for the approval of this Agreement.

J. The City Council, on February 5, 2018, adopted Ordinance No. 16-1405, approving and authorizing the execution of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants and obligations set forth herein, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

ARTICLE I
DEFINITIONS

"**Administrative Agreement Amendment**" shall have that meaning set forth in Section 7.02(a) of this Agreement.

"**Administrative Project Amendment**" shall have that meaning set forth in Section 7.01(a) of this Agreement.

"Affordable Housing Agreement" shall have that meaning set forth in Section 3.10 of this Agreement.

"**Agreement**" shall mean this Development Agreement.

"**Applicable Fees**" shall have that meaning set forth in Section 3.05 of this Agreement.

"**Applicable Law**" shall have that meaning set forth in Section 6.03 of this Agreement.

"**Buildout**" shall mean the City's issuance to Developer of the last certificate of occupancy required for any portion of the Project Site.

"**Bureau**" shall have that meaning set forth in Section 5.04 of this Agreement.

"**CCWD**" shall have that meaning set forth in Recital F of this Agreement.

"**CEQA**" shall mean the California Environmental Quality Act.

"**Changes in the Law**" shall have that meaning set forth in Section 6.08 of this Agreement.

"**City**" shall mean the City of Pittsburg, a California municipal corporation.

"**Complaining Party**" shall have that meaning set forth in Section 10.01 of this Agreement.

"**Day**" or "**days**" shall mean calendar day or calendar days.

"Delta Diablo" shall have that meaning set forth in Recital F of this Agreement.

“**Default Notice**” shall have that meaning set forth in Section 10.01 of this Agreement.

“Defaulting Party” shall have that meaning set forth in Section 10.01 of this Agreement.

“**Deficiencies**” shall have that meaning set forth in Section 9.02(a) of this Agreement.

“**Developer**” shall mean Seecon Built Homes, Inc., a California corporation.

“**Drainage Improvements**” shall have that meaning set forth in Section 3.01 of this Agreement.

“**Effective Date**” shall have that meaning set forth in Section 2.01 of this Agreement.

“**Fair Share**” shall mean the proportionate share which the Developer, or other party, shall bear of the improvement, facility, or structure which is providing service to the Project, Developer or other party. The term “fair share” or similar terms used herein are not intended by the parties to this Agreement to impose a different or higher burden of proof on the City as to its fees, charges, or other exactions, than exists under applicable State or federal law.

“**FEIR**” shall have that meaning set forth in Recital D of this Agreement.

“**Funding Mechanisms**” shall have that meaning set forth in Section 3.09 of this Agreement.

“**General Plan**” shall have that meaning set forth in Recital I of this Agreement.

“**HCP**” shall mean the East Contra Costa County Habitat Conservation Plan.

“**Judgment**” shall have that meaning set forth in Section 9.02(a) of this Agreement.

“**LLD**” shall have that meaning set forth in Section 5.05(a) of this Agreement.

“**Mitigation Monitoring Program**” shall have that meaning set forth in Section 6.06 of this Agreement.

“**Non-Assuming Transferee**” shall have that meaning set forth in Section 8.03 of this Agreement.

“**Notice of Compliance**” shall have that meaning set forth in Section 8.04 of this Agreement.

“**Periodic Review**” shall have that meaning set forth in Section 10.03(a) of this Agreement.

"Police Services District" shall have that meaning set forth in Section 5.06 of this Agreement.

"**Project**" shall have that meaning set forth in Recital C of this Agreement.

"**Project Approvals**" shall have that meaning set forth in Recitals A through F of this Agreement.

"**Project Site**" shall have that meaning set forth in Recital C of this Agreement.

"**Public Improvements**" shall have that meaning set forth in Article XI of this Agreement.

"**Subsequent Approvals**" shall mean those certain other land use approvals, entitlements, and permits other than the Project Approvals that are necessary or desirable for the Project. The Subsequent Approvals may include, without limitation, the following: (i) amendments of the Project Approvals, (ii) design review approvals, (iii) improvement agreements, (iv) use permits, (v) grading permits, (vi) building permits, (vii) lot line adjustments, (viii) sewer and water connection permits, (ix) certificates of occupancy, (x) subdivision maps, (xi) PD Plans, (xii) rezonings, (xiii) development agreements, (xiv) permits, (xv) resubdivisions, and (xvi) any amendments to, or repealing of, any of the foregoing.

"**Term**" shall have that meaning set forth in Section 2.02 of this Agreement.

"**Transfer Agreement**" shall have that meaning set forth in Section 8.02(a) of this Agreement.

If any capitalized terms contained in this Agreement are not defined above, then any such terms shall have the meaning otherwise ascribed to them in this Agreement.

ARTICLE II
EFFECTIVE DATE; TERM

Section 2.01 Effective Date. This Agreement shall become effective upon the date the ordinance approving this Agreement becomes effective (the "**Effective Date**").

Section 2.02 Term. The term of this Agreement shall commence upon the Effective Date and continue for a period of twenty five (25) years (the "**Term**").

ARTICLE III
OBLIGATIONS OF DEVELOPER

The parties acknowledge and agree that the City's agreement to perform and abide by the covenants and obligations of City set forth in this Agreement is a material consideration for Developer's agreement to perform and abide by its long term covenants and obligations, as set forth herein. The parties acknowledge that many of Developer's long term obligations set forth in this Agreement are in addition to Developer's agreement to perform all the mitigation measures identified in the Mitigation Monitoring Program. As material consideration for the long term assurances and vested rights provided by this Agreement and as a condition of approval to one or more of the Project Approvals, Developer agrees to each of the following:

Section 3.01 Drainage Improvements. Subject to the terms of this Agreement, as a condition of approval to one or more of the Project Approvals, Developer agrees to construct and offer for dedication to the City those Project storm water drainage improvements to be located within City's boundaries and required to serve the Project Site ("**Drainage Improvements**"). The City shall accept the offer of dedication of the Drainage Improvements, as long as the Drainage Improvements comply with the City's standards, applicable rules and regulations, and this Agreement. The parties agree that the construction of the Drainage Improvements shall be phased according to a construction schedule determined by Developer, subject to the written approval of the City Manager. City shall not require any improvements to onsite or offsite drainage facilities to address pre-existing deficiencies provided that Developer demonstrates to City's reasonable satisfaction that impact to downstream facilities are not being exacerbated.

Section 3.02 Facility Reserve Charges. Developer agrees to pay City's Facility Reserve Charges ("**FRC**") as set or modified by the City Council from time to time.

Section 3.03 Water Infrastructure. Developer shall comply with the 2015 Water System Master Plan, as amended. Developer shall have the option, subject to the written approval by the City Manager, to provide water infrastructure facilities as specified by the City or to construct the water infrastructure facilities in phases subject to a storage requirement and site analysis study, commissioned by the City, that incorporates the water infrastructure requirements pursuant to the 2015 Water System Master Plan, as amended.

Section 3.04 School Facilities Impact Mitigation. Developer shall pay in lieu school impact fees in accordance with Government Code §§ 65995 *et seq*. Compliance with this Section shall satisfy all of Developer's obligations required by City to mitigate school impacts resulting from the Project.

Section 3.05 Applicable Fees. City may levy development fees, and charges during the term of this Agreement relative to the development of the Project Site which are in force and effect as of the Effective Date, as more particularly described and according to the payment schedule set forth on ***Exhibit B*** ("**Applicable Fees**"). Unless otherwise provided in this Agreement, no development fees, or charges, or categories thereof, shall be imposed on the Project other than those fees (including categories within such fees), and charges identified as Applicable Fees on ***Exhibit B***, which exhibit shall exclusively govern the Applicable Fee payment schedule. The parties agree that any and all Project development fees, charges or exactions related to schools, fire prevention, water, sewer, stormwater, and storm drainage facilities, which are to be paid by Developer directly to third-party governmental agencies, are not subject to or within the scope of this Agreement whether such third party charges exist or are subsequently imposed by such third parties, whether directly upon Developer or through City. This provision shall not be construed to benefit any Non-Assuming Transferees, as such term is defined in herein.

Section 3.06 Applicable Fee Adjustments. Developer shall pay fees and charges consistent with Section 3.05, and the applicable adjustments currently provided in such fees, and as modified from time to time by the City, whether such adjustment or modification is an increase or decrease. Developer retains the right to challenge the imposition of any new fees not referenced in this Agreement or the modification, amendment or adjustment of all Applicable Fees pursuant to Government Code § 66000 *et seq.*, not already authorized by ordinances, resolutions or policies in place at the time of this Agreement's execution. Should the City Council approve a new AB 1600 fee study and/or authorize a decrease in any of the Applicable Fees during the term of this Agreement by ordinance or by resolution, Developer shall have the option, at its sole discretion, to pay the lower fee, as may be adjusted by the applicable CPI or ENR, unless otherwise bound by separate contract or memorandum of understanding with City. In no event shall Developer receive retroactive adjustments for lower fees.

Section 3.07 City Local Traffic Mitigation Fee. Developer shall pay the City Local Traffic Mitigation Fee, which fee is necessary to finance unmet City traffic improvement needs in the amount in effect as of the Effective Date and subject to adjustment in accordance with Resolution No. 07-10917 with credit for certain improvements constructed by Developer per Section 4.05 below. If the City Council approves a new AB 1600 fee study and/or authorize a decrease in any of the Applicable Fees during the term of this Agreement by ordinance or by resolution, Developer shall have the option, at its sole discretion, to pay the lower fee, as may be adjusted by the applicable CPI or ENR, unless otherwise bound by separate contract or memorandum of understanding with City. In no event shall Developer receive retroactive adjustments for lower fees.

Section 3.08 Regional Traffic Fee. Developer shall pay the ECCRFA regional traffic fee should it be imposed by the City in an amount equal to or less than the amount paid by projects in the Cities of Antioch, Brentwood, and Oakley or in accordance with the existing valid Memorandum of Understanding dated June 29, 2010, as amended, whichever is less.

Section 3.09 Fees, Assessments and/or Taxes to be Paid by Developer. Developer agrees to pay its fair share of any levies imposed by any assessment district, geologic hazard abatement district, landscaping and lighting district, community facilities district, tax-exempt financing mechanisms, or other funding mechanisms related to public safety; traffic; sewer; water; fire; the prevention, mitigation, abatement, or control of geologic hazards; or other infrastructure improvements (including, without limitation, design, acquisition, construction and maintenance costs) (collectively, "**Funding Mechanisms**") within the Project Site, provided that such Funding Mechanism is referenced herein and/or was legally created pursuant to applicable law.

Section 3.10 Affordable Housing. Developer shall comply with PMC 18.86.080 and VTM Condition of Approval No. 5 by constructing at least ninety two (92) rental attached accessory units within the Project. A covenant shall be recorded limiting the amount of rent that may be charged for these secondary units, consistent with the terms and conditions set forth in the affordable housing agreement. Forty six (46) of these units shall be constructed no later than the City's issuance of the four hundred and fiftieth (450th) building permit for the Project. Prior to the City's issuance of the first certificate of occupancy Developer agrees to enter into an affordable housing agreement with the City (the "**Affordable Housing Agreement**") which further memorializes the provisions of this Section 3.10 and is consistent with applicable law, including Pittsburg Municipal Code Chapter 18.50. Developer agrees that the attached accessory units referenced in this Section shall not be built or otherwise allowed on adjoining lots without the prior written approval of the City Manager. City agrees that Developer shall not be required to pay any additional fees (building permit, sewer, water, traffic fees etc.) associated with any attached, affordable secondary/accessory dwelling units.

(a) Timing. The Affordable Housing Agreement shall establish provisions to implement the affordable housing requirements within this Agreement and shall include, but not be limited to, implementation and monitoring provisions to ensure compliance with municipal law related to affordable housing. The agreement shall include provisions for the reasonable reimbursement of costs to the City for the administration and monitoring of the agreement.

(b) Inclusionary Housing Ordinance. Notwithstanding any provision of this Agreement, in the event that the City has rescinded its respective previously adopted affordable housing ordinance and not replaced it with another affordable housing or similar ordinance, or such ordinance has been declared illegal, Developer shall not be obligated to comply with the provisions for affordable housing set forth in this Agreement. In the event, prior to or during the development of the Project, the City amends or replaces or eliminates its affordable housing ordinance which would result in a reduction in the number of secondary units Developer is obligated to construct, then the Affordable Housing Agreement shall be modified to provide for an equivalent reduction in the number of secondary units required to be constructed in the Project or elimination of the requirement.

Section 3.11 Security Improvements.
Developer shall install the basic home security wiring in the Project homes (defined herein as wiring for a basic home security system on the first floor windows and doors only). Developer shall offer one year of professional monitoring service to new homeowners. The monitoring service shall be at the election of the new homeowner.

Section 3.12 Solar Roof System. Developer shall install a solar roof system on one of its model homes for example purposes only (which may consist of a few panels with photovoltaic compatibility or other comparable technologies) and offer solar installation as an option at the homeowner's expense.

Section 3.13 C.3 Facilities. Developer shall construct C.3 facilities as provided in the Project Approvals. In accordance with the City's NPDES permit, provision C.3.e.i.and ii., developer shall have the right to construct or participate in the funding of offsite C.3 facilities as approved by the City Engineer and memorialized by separate agreement with the City. If Developer elects to participate in offsite C.3 facilities in lieu of on-site C.3 facilities, Developer will work with the City to provide an appropriate funding mechanism for the continuous maintenance of these facilities in perpetuity.

Section 3.14 Traffic Conditions. Developer shall install at its sole cost the following traffic improvements in accordance with the provisions set forth below. In the event any improvements listed below are within the City of Antioch or the City of Antioch's control, Developer, at its option, shall not be required to construct such improvements but shall only be required to pay its proportionate share of the costs of such improvements. In such event, Developer shall deposit with the City of Pittsburg the amount that Developer and the City of Pittsburg City Engineer agree in writing is the Developer's appropriate proportionate share of the cost of such improvements. Upon the deposit of such sums with the City of Pittsburg, the restriction on the issuance of building permits, if any, with respect to such improvement shall be eliminated.

a) Traffic Control Plan: Developer shall obtain an encroachment permit and submit a traffic control plan for all construction related activities affecting the public right-of-way.

b) Summit Way Extension: Subject to prior written approval from the Antioch and Pittsburg City Engineers, Summit Way shall be extended into the subdivision to provide an additional point of pedestrian and vehicular access from James Donlon Boulevard. The extended street shall consist of a 40-foot-wide roadway and sidewalks that are at least six feet wide in accordance with the City of Pittsburg's standards, and comply with all other applicable City standards.

c) Buchanan Road Dedication and Widening: Prior to the first occupancy in the Project, Developer shall dedicate Buchanan Road right-of-way along the project frontage to provide 59 feet from centerline to property line or as requested by the City Engineer in writing. This represents half the width of the City's residential arterial standard. There shall be a transition to existing roadway improvements as approved and determined by the City Engineer in writing. Developer shall also provide all frontage improvements and reconstruct Buchanan Road as necessary to City Standards for a Residential Arterial Street as determined by the City Engineer, providing a consistent two percent maximum cross slope, Class II bicycle lane, sidewalk, and repair any pavement failure areas along the south Buchanan Road project frontage, from Highlands Ranch subdivision to the Contra Costa Canal, approximately 2,870 linear feet. The City Engineer, in writing, may allow occupancy if this work is underway.

d) Developer shall install a fully actuated and interconnected traffic signal system at the proposed Somersville Road/Sequoia Drive intersection at the time that Sequoia Drive is connected to Somersville Road. This includes left and right turning lanes to and from Sequoia Drive on Somersville Road.

e) Traffic Improvements: Developer shall design and construct the following improvements prior to issuance of a building permit for the 551st dwelling unit. These improvements shall be made with prior written approval of the City Engineer.

    1) An additional eastbound left turn lane and an additional northbound left turn lane at the Somersville Road/Buchanan Road intersection along with appropriate traffic signal modifications. This improvement shall not be

required if deemed infeasible by the City Engineer during the design process. If acquisition of additional right-of-way is required for this improvement, this improvement will be deemed infeasible. In addition, this improvement shall not be required if ECCRFFA or the City have extended James Donlon Boulevard to Kirker Pass Road or if the City of Pittsburg and TRANSPLAN have approved control point metering of traffic on Kirker Pass Road to 1,400 vehicles per hour during the afternoon peak hour in which case Developer shall design, construct, and fund implementation of such metering near City limits during the p.m. peak commute period.

2) An additional westbound through lane on Buchanan Road along the approach to and departure from Harbor Street. This improvement shall not be required if deemed infeasible by the City Engineer in writing during the design process. If acquisition of additional right-of-way is required for this improvement, this improvement will be deemed infeasible. In addition, this improvement shall not be required if ECCRFFA or the City has extended James Donlon Boulevard to Kirker Pass Road.

3) An additional westbound through lane on Buchanan Road along the approach to and departure from Loveridge Road. This improvement shall not be required if deemed infeasible by the City Engineer in writing during the design process. If acquisition of additional right-of-way is required for this improvement, this improvement will be deemed infeasible. In addition, this improvement shall not be required if ECCRFFA or the City has extended James Donlon Boulevard to Kirker Pass Road.

4) An additional eastbound through lane on Buchanan Road along the approach to and departure from Ventura Drive. This improvement shall not be required if deemed infeasible by the City Engineer in writing during the design process. If acquisition of additional right-of-way is required for this improvement, this improvement will be deemed infeasible. In addition, this improvement shall not be required if ECCRFFA or the City has extended James Donlon Boulevard to Kirker Pass Road or if the City of Pittsburg and TRANSPLAN have approved control point metering of traffic on Kirker Pass Road to 1,400 vehicles per hour during the afternoon peak hour in which case Developer shall design, construct, and fund implementation of such metering near City limits during the p.m. peak commute period.

5) An additional eastbound through lane on Buchanan Road along the approach to and departure from Tuscany Meadows Drive. This improvement shall not be required if ECCRFFA or the City has extended James Donlon Boulevard to Kirker Pass Road or if the City of Pittsburg and TRANSPLAN have approved control point metering of traffic on Kirker Pass Road to 1,400 vehicles per hour during the afternoon peak hour in which case Developer shall design, construct, and fund implementation of such metering near City limits during the p.m. peak commute period.

6) An additional eastbound through lane on Buchanan Road along the approach to and departure from the Entrance to Parcel A prior to

occupancy of this Project’s multifamily residential units. This improvement shall not be required if ECCRFFA or the City has extended James Donlon Boulevard to Kirker Pass Road or if the City of Pittsburg and TRANSPLAN have approved control point metering of traffic on Kirker Pass Road to 1,400 vehicles per hour during the afternoon peak hour in which case Developer shall design, construct, and fund implementation of such metering near City limits during the p.m. peak commute period.

7) Left and right turning lanes to and from Entrance to Parcel A on Buchanan Road prior to occupancy of this Project’s multifamily residential units.

8) Left and right turning lanes to and from Sequoia Drive on Somersville Road.

f) Other Traffic Improvements: Developer shall design and construct the following improvements prior to the issuance of the first building permit, with prior written approval of the City Engineer:

1) A fully actuated and interconnected traffic signal system at the proposed Buchanan Road/Tuscany Meadows Drive intersection.

2) Westbound left-turn/acceleration lanes and eastbound right-turn/acceleration lanes at the proposed Buchanan Road/Tuscany Meadows Drive intersection.

3) Bus turnouts, bus shelters, and bicycle racks on both sides of Buchanan Road adjacent to Tuscany Meadows Drive. Improvements to the north side of Buchanan Road that are deemed infeasible by the City Engineer in writing shall not be required. If additional right-of-way is required for these improvements, the construction of these improvements will be deemed infeasible.

4) Provide Class II bicycle lane and sidewalk along north side of Buchanan Road.

5) A direct multi-use pathway between the project and the Delta de Anza Regional Trail for use by pedestrians and bicyclists. The required timing of these improvements may be adjusted by the City Engineer to accommodate acquisition of necessary access rights.

g) When Tuscany Meadows Drive is connected to James Donlon Boulevard, Developer shall redesign and reconstruct the intersection of Tuscany Meadows Drive/James Donlon Boulevard to eliminate the westbound free-right turn, including removal of a raised island to the written satisfaction of the City Engineer.

h) When Tuscany Meadows Drive is connected to James Donlon Boulevard, a physical barrier may be installed, as determined by the City Engineer in writing, to prohibit public vehicle access from James Donlon Boulevard and allowing emergency vehicle access.

i) Developer shall design and construct a fully actuated and interconnected traffic signal system at the Buchanan Road/Entrance to Parcel A intersection prior to occupancy of this Project's multifamily residential units.

ARTICLE IV
OBLIGATIONS OF CITY

Section 4.01 Obligations of City Generally. The parties acknowledge and agree that Developer's agreement to perform and abide by its covenants and obligations set forth in this Agreement, including Developer's decision to process the siting of the Project in the City, is a material consideration for City's agreement to perform and abide by the long term covenants and obligations of City, as set forth herein.

Section 4.02 Processing of Annexation and Central Valley Project Inclusion. City shall promptly, in cooperation with Developer, process all documents necessary to achieve annexation of the Property to the City, CCWD, and Delta Diablo and inclusion into the Central Valley Project area.

Section 4.03 Availability of Public Services.

(a) General. To the extent permitted by law and consistent with its authority, City shall reserve such capacity for water services as may be necessary to serve the Project. This reservation of water infrastructure capacity shall be assured for the Term to the extent consistent with applicable law.

(b) Construction Water. City shall make construction water available to the Project by permitting the Project to hook up to existing City water supply infrastructure, at a location reasonably determined by the City, at Developer's cost and on those terms and conditions and charges customarily applied by City to similar projects consistent with City standards. City shall also permit Developer to install such temporary construction water pipelines and related infrastructure as reasonably necessary to provide construction water to the Project site for Developer's use in any and all Project grading and construction operations, as long as such water is unrelated to potable use.

Section 4.04 Developer's Right to Rebuild. City agrees that Developer, in Developer sole's discretion, may renovate or rebuild the Project within the Term of this Agreement should it become necessary due to natural disaster, changes in seismic requirements, acts of God, acts of terrorism, or damage to work in progress by reason of fire, floods or other casualties. Any such renovation or rebuilding shall be subject to the square footage and height limitations vested by this Agreement, and shall comply with the Project Approvals, the building codes existing at the time of such rebuilding or reconstruction, and the requirements of CEQA and this Agreement.

Section 4.05 Reimbursement of Infrastructure Costs.

(a) Reimbursement. Unless otherwise provided for herein, to the extent Developer incurs costs related to the planning and construction of traffic infrastructure, water delivery infrastructure, the off-site water tank, pump station, sewer infrastructure or other public infrastructure required by City or this Agreement for the Project that exceed the Project's fair share obligation for such infrastructure, City shall reimburse Developer for the City's portion of such costs (including any management fees provided for in this Agreement), subject to City's prior verification through inspection of the construction that is subject to such reimbursement and upon final acceptance of the infrastructure by the City. This reimbursement shall be paid within sixty (60) days after City's final acceptance or at such other time as mutually agreed upon in writing by the parties. Developer shall be entitled to a management fee of five percent (5%) for City's share of approved infrastructure costs, including but not limited to design and special inspection costs. The management obligations of Developer hereunder shall include contracting and managing the construction of the infrastructure, retaining copies of records, photographs and "as builts" for the improvement(s) as well as attending meetings and providing necessary reports as reasonably requested by City.

(b) City's Authorization of Reimbursement. Notwithstanding any other provision of this Section or of this Agreement or VTM provisions, City shall not be responsible to reimburse or credit Developer for any costs, including as referenced in Section 4.05(a) herein, unless prior to Developer incurring any costs for which Developer will request reimbursement from City, Developer shall first provide written documentation as to the work to be performed, the estimated costs thereof, including a not-to-exceed cap, and such other details as reasonably requested by the City Manager and the City Manager approves the proposed costs and related work. If the City Manager fails to respond with thirty (30) days of its receipt of such estimated costs, Developer shall provide a second written notice to the City Manager and to the City Engineer, if neither responds with thirty (30) days of the City's receipt of the second request, the request shall be deemed approved. The City Manager shall have the discretion to require Developer to obtain competitive bids on any work for which Developer may request reimbursement or credit from the City where the total cost (not just the City's share) of that work is One Hundred Thousand Dollars ($100,000) or more. City shall also have the opportunity to inspect any and all infrastructure during its construction, as well as to review any work product for which Developer requests reimbursement or credits. If mutually agreed by the parties in writing, any reimbursement due Developer pursuant to this Agreement may be satisfied by City in the form of credits, which can actually be used by Developer to offset Developer's payment of any Applicable Fees. In the event there are not enough credits to fully satisfy the reimbursement due Developer and subject to the terms of the mutual agreement between the parties referenced in the prior sentence, City shall reimburse Developer within thirty (30) days of invoicing.

Section 4.06 James Donlon Extension. Developer shall be entitled to build out the Project prior to construction of the James Donlon Extension, to the extent consistent with CEQA. Developer shall not be required to provide a connection to the James Donlon Extension until the James Donlon Extension is completed and the portion of the Project contiguous to the connection is constructed.

Section 4.07 Park Fee Credit. Developer and City agree that the park in-lieu fee amount will be Nine and 40/100^{ths} Dollars ($9.40) per square foot (unless City adopts a lower fee in which case the lower fee shall apply), increased annually by the CPI for the San Francisco-Oakland area, with the first increase implemented in January 2017 reflecting 2016 increases. The timing of the payment of the park in-lieu fee shall be satisfied through compliance with the Municipal Code or a separate agreement between Developer and the City.

Section 4.08 The Project will provide for its fair share of the cost of the water storage, pump station, and transmission pipeline capacity required to serve the homes in the Project in accordance with the most current City Water Master Plan. The Parties shall enter into a separate agreement memorializing such mutual obligation and which agreement shall take into account the following facts, to the extent of their relevance: (i) that a portion of the Property is included in the City's Assessment District No. 1974-1; (ii) the October 2, 1997 letter from Albert D. Seeno Construction Company; (iii) subsequent City Council action January 5, 1998 (Resolution 98-8551).

Section 4.09 Undergrounding of Electrical Lines. The developer shall underground all overhead utilities in the subdivision in accordance with Pittsburg Municipal Code 12.36.120 and 12.36.130. City shall cooperate with and assist Developer in applying for Rule 20A funds to be used towards the cost of undergrounding the electrical lines of Buchanan Road in front of the Project Site.

ARTICLE V
COOPERATION — IMPLEMENTATION

Section 5.01 Processing Application for Subsequent Approvals. The parties agree that all Subsequent Approvals shall be processed by City in a manner consistent with the following provisions:

(a) Standard of Review. By adopting the Project Approvals, City has made a final policy decision that the Project is in the best interests of the public health, safety and general welfare. Accordingly, City shall not use its discretionary authority in considering any application for a Subsequent Approval to change the policy decisions reflected by the Project Approvals or otherwise prevent or delay development of the Project as set forth in the Project Approvals. Instead, the Subsequent Approvals shall be deemed tools to implement those final policy decisions and shall be issued by City so long as they comply with this Agreement and Applicable Law, as defined below, and are not inconsistent with the Project Approvals as set forth above, and meet the intent and comply with any City adopted Designed Guidelines, as applicable. To the extent permitted by law, City shall not use its discretionary authority in considering these Subsequent Approval applications to revisit or frustrate the policy decisions or material terms reflected by the Project Approvals. Developer agrees that development under this Agreement shall comply with provisions reflected in Uniform Codes (whether building, fire, plumbing, or other applicable uniform codes) which may adopted subsequent to the Effective Date of this Agreement.

(b) Basis for Denial. City may deny an application for a Subsequent Approval only if such application does not comply with this Agreement or Applicable Law, defined below, or does not substantially comply with the Project

Approvals (provided, however, that inconsistency with the Project Approvals shall not constitute grounds for denial of a Subsequent Approval which is requested by Developer as an amendment to that Project Approval). City may approve an application for such a Subsequent Approval subject to any conditions necessary to bring the Subsequent Approval into compliance with this Agreement or Applicable Law, or as is necessary to make this Subsequent Approval consistent with the Project Approvals. If City denies any application for a Subsequent Approval, City shall specify in writing the reasons for such denial and may suggest a modification which would be approved by City.

Section 5.02 Timely Submittals By Developer. Developer acknowledges that City cannot expedite processing of the Subsequent Approvals until Developer submits complete applications on a timely basis. Developer shall use its best efforts to (a) provide to City in a timely manner any and all documents, applications, plans, and other information necessary for City to carry out its obligations hereunder; and (b) cause Developer's planners, engineers, and all other consultants to provide to City in a timely manner all such documents, applications, plans and other necessary materials as set forth in the Applicable Law. It is the express intent of Developer and City to cooperate and diligently work to obtain any and all Subsequent Approvals consistent with this Agreement.

Section 5.03 Timely Processing By City. Upon submission by Developer of all appropriate applications and processing fees for any Subsequent Approval, City shall promptly and diligently commence and complete all steps necessary to act on the Subsequent Approval applications including, without limitation, (a) providing at Developer's expense and subject to Developer's request and prior written approval, reasonable overtime staff assistance and/or staff consultants for planning and processing of each Subsequent Approval application; (b) if legally required, providing notice and holding public hearings; and (c) acting on any such Subsequent Approval application. If Developer elects to request and approve the use of overtime staff assistance or staff consultants for planning and processing of any Subsequent Approval pursuant to this Section 5.03, Developer's reimbursement to City for such services shall be made in amount equal to City's actual costs of providing such services, in accordance with standard City practice.

Section 5.04 Other Government Permits. At Developer's sole discretion and in accordance with Developer's construction schedule, Developer shall apply for such other permits and approvals as may be required by other governmental or quasi-governmental entities in connection with the development of, or the provision of services to, the Project. City shall cooperate with Developer in its efforts to timely obtain such permits and approvals and shall, from time to time, at the request of Developer, use its best efforts to ensure the timely availability of such permits and approvals. City shall cooperate with Developer to obtain any and all approvals from Contra Costa County related to the construction or operation of the Drainage Improvements. City shall also cooperate with Developer, CCWD and the Bureau of Reclamation (the "**Bureau**") in all matters related to CCWD's application to the Bureau to expand the place of use of Central Valley Project water to include the Project Site.

Section 5.05 Lighting and Landscaping District, Park Maintenance.

(a) Developer agrees that the Project Site will be annexed into the City's existing Lighting and Landscaping District, as established pursuant to City Resolution No. 88-7324 ("**LLD**"). as well as City's Community Facilities District 2007-1 for park maintenance ("**CFD**").

(b) Developer agrees that the base assessment applies to the Project and is subject to increase, provided any such increase of the base assessment imposed uniformly or similarly situated properties by City in a manner consistent with State law. Developer further agrees that the base assessment shall be levied upon recordation of each of the Project's final maps. The parties agree that the base LLD assessment described herein shall finance, among other things, the maintenance of any and all landscape improvements and the maintenance of the parks.

Section 5.06 Public Safety Services CFD. Developer agrees to take all steps necessary to include the Project Site into the City's existing police services Community Facilities District 2005-1, as adopted pursuant to Resolution No. 05-10342 (the "**Public Safety Services**") at no cost to the City, in order to provide for police and other emergency services to the Project Site. This process shall be completed, to the reasonable satisfaction of the City Manager and the City Attorney, before filing the first final map on the Project. Each legal residential lot located on the Project Site will be required to pay the levy by the Police Services District no earlier than the issuance of a building permit for such lot.

Section 5.07 Fire Services CFD. In the event the City forms a City Community Facilities District to provide for fire protection services in the City for the Contra Costa Fire Protection District and acquisition or replacement of equipment primarily situated in the fire stations located in the City, Developer agrees to take all steps necessary to include the Project Site into the district. This inclusion of the Project into the district shall be completed, to the reasonable satisfaction of the City Manager and the City Attorney, before filing the first final map on the Project. City agrees that the levy to be assessed on each legal residential lot in the Project shall be no greater than Seventy-five Dollars ($75) and increased annually by the CPI for the San Francisco-Oakland area, with the first increase implemented in January 2016 reflecting 2015 increases. Each legal residential lot located on the Project Site will be required to pay the levy by for this district no earlier than the issuance of a certificate of occupancy for such lot (such levy shall not go into effect for any certificate of occupancy issued for model homes in the Project until such model home is transferred to a third party homebuyers).

Section 5.08 General Plan Maintenance Fee. Developer agrees to pay a development related fee to help fund the maintenance of the Pittsburg General Plan. The General Plan Maintenance Fee will be One Hundred Twenty-five Dollars ($125) per building permit.

Section 5.09 Assessment Districts or Other Funding Mechanisms.

(a) City understands that City's long term assurances to Developer concerning fees, taxes and assessments related to the Project are a material consideration for Developer agreeing to process the siting of the Project in its present location and to pay the fees, taxes and assessments described in this Agreement. City shall retain the ability to initiate or process applications for the formation of new assessment districts or other Funding Mechanisms, as defined in Section 3.09 of this Agreement, covering all or any portion of the Project site. Notwithstanding the foregoing, Developer retains all its rights to oppose the formation or proposed assessment of any new assessment district, Funding Mechanism, or any and all increases thereto, or to request or pursue assessment credits or reductions, unless otherwise provided for herein or unless such assessment, Funding Mechanism or related increases are in place and legally effective as of the date of this Agreement's Effective Date.

(b) At the request of Developer, City shall cooperate in the formation of, or annexation to, those assessment districts, geologic hazard abatement district, landscaping and lighting districts, community facilities districts, tax-exempt financing mechanisms, or other Funding Mechanisms that Developer and City determine are needed to fund infrastructure improvements and to ensure the orderly development of the Project, at no cost to the City. City shall diligently and expeditiously process applications by Developer necessary to establish such Funding Mechanisms as long as (i) the application complies with law, (ii) is consistent with City's standards, and (iii) provides for a lien to value ratio and other financial terms that are reasonably acceptable to City, and which will result in no commitment of City funds. City shall diligently seek to sell any bonds to be issued and secured by such assessments upon the best terms reasonably available in the marketplace. Any and all costs associated with this Section shall be borne and/or advanced by Developer.

Section 5.10 Warranty Bonds. Developer agrees that every infrastructure improvement dedicated to City (except landscaping, unimproved real property or open space dedications) pursuant to this Agreement shall be accompanied by a one (1) year warranty bond in a form and in an amount, and with a surety acceptable to City or otherwise as determined in the applicable Subdivision Improvement Agreement.

ARTICLE VI
STANDARDS, LAWS AND PROCEDURES GOVERNING THE PROJECT

Section 6.01 Vested Right to Develop. Developer shall have a vested right to develop the Project on the Project Site in substantial conformance with the terms and conditions of this Agreement, the Project Approvals (as and when issued), the Subsequent Approvals (as and when issued), and amendments thereto as shall, from time to time, be approved pursuant to this Agreement. Nothing in this Section 6.01 shall be deemed to eliminate or diminish the requirement of Developer to obtain any required Subsequent Approvals.

Section 6.02 Permitted Uses Vested by This Agreement. The permitted uses of the Project Site; the density and intensity of use of the Project Site; the maximum height, bulk and size of proposed buildings; provisions for reservation or dedication of land for public purposes and the location of public improvements; the general location of public utilities; and other terms and conditions of development applicable to the Project, shall be as set forth in the Project Approvals and, as and when they are issued (but not in limitation of any right to develop as set forth in the Project Approvals), the Subsequent Approvals.

Section 6.03 Applicable Law. "**Applicable Law**" shall mean the existing rules, regulations, official policies, standards and specifications governing permitted uses of the project site; governing density; and governing design, improvements, and construction standards and specifications applicable to the Project and Project site as set forth in this Agreement and the Project Approvals, and in force and effect on the Effective Date of this Agreement. However, this Agreement and this Section shall not be construed to prevent the City, in any subsequent actions applicable to the Project Site, from applying any new rules, regulations, official policies, standards, and specifications that do not conflict with those rules, regulations, official policies, standards, and specifications existing as of the Effective Date of the Agreement.

Section 6.04 Uniform Codes. Notwithstanding any other provision of this Agreement, City may apply to the Project Site, at any time during the Term, the then current Uniform Building Code and other uniform construction codes as properly modified by City and uniformly applied on a citywide basis, and City's then current design and construction standards for road and storm drain facilities. In no event shall any such uniform code or standard be adopted for the purpose of preventing or otherwise limiting construction of all or any part of the Project.

Section 6.05 Moratorium And Conflicting Enactments. To the extent consistent with State Law, if any ordinance, resolution or other measure is enacted, whether by action of City, by initiative, referendum, or otherwise, that imposes a building moratorium, a limit on the rate of development, or a voter-approval requirement which would otherwise affect the timely development of the Project on all or any part of the Project Site, City agrees that such ordinance, resolution or other measure shall not apply to the Project, the Project Site, this Agreement, the Project Approvals, or the Subsequent Approvals, if any, during the term of this Agreement, unless the building moratorium is imposed as part of a declaration of a local emergency or state of emergency as defined in Government Code Section 8558. Developer reserves the right to challenge in court any City action or inaction which Developer believes is in conflict with Applicable Law or this Agreement.

Section 6.06 Environmental Mitigation. The parties understand that the EIR for the Project is a project level CEQA document intended to be used in connection with each of the Project Approvals and Subsequent Approvals needed for the Project. Consistent with the CEQA policies and requirements applicable to the EIR, City agrees to use the EIR in connection with the processing of any Subsequent Approval to the extent allowed by law. City agrees not to impose on Developer any mitigation measures or other conditions of approval other than those specifically imposed by the Project Approvals and the Mitigation Monitoring Program described in the FEIR, specifically required by Applicable Law, or as properly required through the design or architecture review process as long as such mitigation measures or other conditions are imposed in a manner consistent with applicable design review guidelines.

Section 6.07 Life of Subdivision Maps, Development Approvals, and Permits. To the extent consistent with Applicable Law, the term of any subdivision map or any other map, permit, rezoning or other land use entitlement approved as a Project

Approval or Subsequent Approval shall automatically be extended for the duration of this Agreement, including any extensions. The term of this Agreement and any subdivision map or other Project Approval or Subsequent Approval shall not include any period of time during which any applicable development moratorium (including, but not limited to, a water or sewer moratorium) or the actions of other public agencies that regulate land use, development or the provision of services to the land, prevents, prohibits or delays the construction of the Project. The term of this Agreement and any subdivision map or other Project Approval or Subsequent Approval shall not include any period of time during which any applicable court order or other legal requirement prevents the processing of any Subsequent Approval or prevents any Project development activities.

Section 6.08 State and Federal Law. As provided in California Government Code § 65869.5, if any state or federal laws or regulations, enacted after this Agreement's Effective Date prevent or preclude compliance with one or more provisions of this Agreement ("**Changes in the Law**"), such provision of the Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations as may be necessary to comply with Changes in the Law, and City and Developer shall take such action as may be required pursuant to this Agreement including, without limitation, Article V and Section 10.05. Not in limitation of the foregoing, nothing in this Agreement shall preclude City from imposing on Developer any fee specifically required by State or Federal laws and regulations.

Section 6.09 Timing of Project Construction and Completion.

(a) Project Phasing. The Project is expected to be built in phases in response to then-existing market conditions over the Term of the Agreement. Except as otherwise specifically provided by this Agreement with respect to Project infrastructure timing, City and Developer expressly agree that there is no requirement that Developer initiate or complete development of the Project or any particular phase of the Project within any particular period of time, and City shall not impose such a requirement on any Project Approval. The parties acknowledge that Developer cannot at this time predict when or the rate at which or the order in which phases will be developed. Such decisions depend upon numerous factors which are not within the control of Developer, such as market demand, interest rates, competition and other similar factors.

(b) The parties agree that Developer shall be able to develop in accordance with Developer's own time schedule as such schedule may exist from time to time, and Developer shall determine which part of the Project Site to develop first, and at Developer's chosen schedule. In particular, and not in limitation of any of the foregoing, since the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to consider and expressly provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' desire to avoid that result by acknowledging that Developer shall have the right to develop the Project in such order and at such rate and at such times as Developer deems appropriate within the exercise of its subjective business judgment. Developer's rights under this Section 6.09(b) shall be subject to the requirement that adequate infrastructure to serve each phase of the Project is constructed concurrently with such phase. The City Manager shall reasonably determine what infrastructure will be required to serve each phase of the Project, which determination shall be consistent with Applicable Law.

(c) Nothing in this Agreement shall exempt Developer from completing work required by a subdivision agreement, road improvement agreement or similar agreement in accordance with the terms thereof.

Section 6.10 Exempting Fees, Mitigation Measures and Similar Requirements Imposed by Outside Agencies. Notwithstanding any other provision of this Agreement, the City agrees to exclude Developer from any and all discretionary collection agreements regarding fees, mitigation measures and similar requirements including, but not limited to, development impact fees, which other public agencies request the City to impose at City's discretion on the Project or on the Project Site after the Effective Date through the Term of this Agreement. This Section 6.10 shall not prohibit the City from imposing on Developer any fee, mitigation measure or similar requirement or obligation that is required by a local or regional agency in accordance with local, regional, State or Federal obligations and implemented by the City in cooperation with such local, regional, state or federal agency, provided such fee, mitigation measure or similar requirement or obligation is imposed in a similar manner on similarly situated properties within the City as, for example, stormwater-related C.3 requirements and increases thereto.

Section 6.11 City's Joint-Inspection Jurisdiction. Developer acknowledges that City has joint inspection jurisdiction within other third-party governmental entities within any and all City rights-of-way and easements.

ARTICLE VII
AMENDMENT

Section 7.01 Amendment to Project Approvals, Subsequent Approvals. To the extent permitted by state and federal law, any Project Approval or Subsequent Approval may, from time to time, be amended or modified in the following manner:

(a) Administrative Project Amendments. Upon the written request of Developer for an amendment or modification to a Project Approval or Subsequent Approval, the City Manager or his/her designee shall determine: (i) whether the requested amendment or modification is minor when considered in light of the Project as a whole; and (ii) whether the requested amendment or modification is consistent with this Agreement, Applicable Law, applicable uniform codes and State or Federal law. If the City Manager or his/her designee finds that the proposed amendment or modification is minor in the context of the entire Project, consistent with this Agreement and Applicable Law, and will result in no new significant environmental impacts not addressed and mitigated in the EIR, the amendment shall be determined to be an "**Administrative Project Amendment**" and the City Manager or his/her designee may, except to the extent otherwise required by law, approve the Administrative Project Amendment without notice and public hearing. Without limiting the generality of the foregoing, lot line adjustments, reductions in the density, intensity, scale or scope of the Project, minor alterations in vehicle circulation patterns or vehicle access points, changes in trail alignments, minor variations in lot layouts, substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan, variations in the location of structures that do not substantially alter the design concepts of the Project, variations in the location or installation of utilities and other infrastructure connections or facilities that do not substantially alter the design concepts of the Project, and minor adjustments to the Project Site diagram or Project Site legal description shall be treated as Administrative Project Amendments.

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

Section 7.02 Amendment of This Agreement. This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the parties hereto or their successors in interest, as follows:

(a) Administrative Agreement Amendments. The City Manager, or his/her designee, may, except to the extent otherwise required by law, enter into certain amendments of this Agreement on behalf of the City as long as any such amendment does not substantially affect (i) the Term of this Agreement, (ii) permitted uses of the Project Site, (iii) provisions for the reservation or dedication of land, (iv) conditions, terms, restrictions or requirements for subsequent discretionary actions, (v) the density or intensity of use of the Project Site or the maximum height or size of proposed buildings or (vi) monetary contributions by Developer ("**Administrative Agreement Amendment**"), and shall not, except to the extent otherwise required by law, require notice or public hearing before the parties may execute an amendment hereto. For purposes of this Section 7.02(a), the term "substantially affect" shall be evaluated in the context of the entire Project.

(b) Amendment Exemptions. No amendment of a Project Approval or Subsequent Approval, whether done administratively or not, shall require an amendment to this Agreement. Instead, any such matter automatically shall be deemed to be incorporated into the Project and vested under this Agreement when written and executed by both parties.

(c) Amendment Limitations. In consideration of the scope of the benefits to City set forth in this Agreement, any amendment to this Agreement shall only be subject to such new terms and conditions, including new exactions or other obligations, as are reasonably related to the impacts on City directly attributable to such amendment.

ARTICLE VIII
ASSIGNMENT, TRANSFER AND NOTICE

Section 8.01 Assignment of Interests, Rights and Obligations. Developer may transfer or assign all or any portion of its interests, rights or obligations under this Agreement, the Project Approvals or Subsequent Approvals to third parties acquiring an interest or estate in the Project or any portion thereof including, without limitation, purchasers or ground lessees of lots, parcels or facilities.

Section 8.02 Transfer Agreements.

(a) In connection with the transfer or assignment by Developer of all or any portion of the Project (other than a transfer or assignment by Developer to an affiliated party, any deed of trust beneficiary or mortgagee, or a "Non-Assuming Transferee" (as defined in Section 8.03), Developer and the transferee shall enter into a written agreement (a "**Transfer Agreement**") regarding the respective interests, rights and obligations of Developer and the transferee in and under the Agreement, the Project Approvals, and the Subsequent Approvals. Such Transfer Agreement may (i) release Developer from obligations under the Agreement, the Project Approvals, or the Subsequent Approvals that pertain to that portion of the Project being transferred or assigned, as described in the Transfer Agreement, provided that the transferee expressly assumes such obligations, (ii) transfer to the transferee vested rights to improve that portion of the Project being transferred and (iii) address any other matter deemed by Developer to be necessary or appropriate in connection with the transfer or assignment.

(b) Any Transfer Agreement shall be binding on Developer, City and the transferee and, unless otherwise provided for in Section 8.03 of this Agreement, shall require the City's prior written consent, which consent shall not be unreasonably withheld. Failure by City to respond within thirty (30) days of a written request by Developer for City's consent shall be deemed City's approval of the Transfer Agreement in question. City may refuse to give its consent only if, in light of the proposed transferee's reputation and financial resources, such transferee would not in City's reasonable determination be able to perform the obligations proposed to be assumed by such transferee. Such determination shall be made by the City Manager and is appealable to the City Council. In no event, however, shall City refuse to give its consent to a proposed transferee pursuant to this Section 8.02(b) if such transferee has a net worth of at least Ten Million Dollars ($10,000,000) documented in a manner reasonably acceptable to City. Upon recordation of any Transfer Agreement in the Official Records of Contra Costa County, Developer shall automatically be released from those obligations assumed by the transferee therein.

(c) Developer shall be free from any and all liabilities accruing on or after the date of any assignment or transfer with respect to those obligations assumed by a transferee pursuant to a Transfer Agreement. No breach or default hereunder by any person succeeding to any portion of Developer's obligations under this Agreement shall be attributed to Developer, nor may Developer's rights hereunder be canceled or diminished in any way by any breach or default by any such person.

Section 8.03 Non-Assuming Transferees. Except as otherwise required by Developer in Developer's sole discretion, the burdens, obligations and duties of Developer under this Agreement shall terminate with respect to, and neither a Transfer Agreement nor City's consent shall be required in connection with (i) any single residential parcel conveyed to a purchaser, (ii) any property transferred as fewer than ten (10) lots to a single retail builder or (iii) any property that has been established as one or more separate legal parcels for office, commercial, open space, park, school or other nonresidential uses. The transferee in such a transaction and its successors ("**Non-Assuming Transferees**") shall be deemed to have no obligations under this

Agreement, but shall continue to benefit from the vested rights provided by this Agreement for the duration of the Term. Nothing in this Section 8.03 shall exempt any property transferred to a Non-Assuming Transferee from payment of applicable fees and assessments or compliance with applicable conditions of approval.

Section 8.04 Notice of Compliance Generally. Subject to City's finding that the facts contemplated by clauses (i) through (iii) herein are true and accurate, within thirty (30) days following any written request which Developer may make from time to time, City shall execute and deliver to Developer (or to any party requested by Developer) a written "Notice of Compliance," in recordable form, duly executed and acknowledged by City, that certifies that (i) this Agreement is unmodified and in full force and effect, or if there have been modifications hereto, that this Agreement is in full force and effect as modified and stating the date and nature of such modifications, (ii) there are no current uncured defaults under this Agreement or specifying the dates and nature of any such default, and (iii) any other information reasonably requested by Developer. City's failure to deliver such notice within such time period shall constitute a conclusive presumption against City that this Agreement is in full force and effect without modification except as may be represented by the Developer and that there are no uncured defaults in the performance of the Developer, except as may be represented by the Developer. Developer shall have the right at Developer's sole discretion, to record the Notice of Compliance.

ARTICLE IX
COOPERATION IN THE EVENT OF LEGAL CHALLENGE

Section 9.01 Cooperation.

(a) 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 not a party to this Agreement challenging the validity of the Agreement or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Agreement. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement 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 in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein.

(b) Developer also agrees to indemnify, defend and hold harmless the City, its officials, officers, employees, agents and consultants from any claims, costs, damages or other liabilities for any personal injury or death, or property damage, resulting from the construction of the Project or of operations by the Developer, its officers, employees, agents or consultants, under this Agreement, except for such claims, costs, damages, or other liabilities which are caused by the sole or gross negligence of the City, its officials, officers, employees, agents, or consultants. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense.

(c) The parties agree that this Section 9.01 shall constitute a separate agreement entered into concurrently, and that if any other provision of this Agreement, or the Agreement as a whole, is invalidated, rendered null, or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Section 9.01, which shall survive such invalidation, nullification or setting aside.

Section 9.02 Cure; Reapproval.

(a) If, as a result of any administrative, legal or equitable action or other proceeding as described in Section 9.01, all or any portion of this Agreement, Project Approvals, or Subsequent Approvals are set aside or otherwise made ineffective by any judgment (a "**Judgment**") in such action or proceeding (based on procedural, substantive or other deficiencies, hereinafter "**Deficiencies"**), the parties agree to use their respective best efforts to sustain and reenact or readopt this Agreement, Project Approvals, and/or Subsequent Approvals that the Deficiencies relate to, as follows, unless the parties mutually agree in writing to act otherwise:

(i) If any Judgment requires reconsideration or consideration by City of this Agreement, Project Approval, or Subsequent Approval, then the City shall consider or reconsider that matter in a manner consistent with the intent of this Agreement. If any such Judgment invalidates or otherwise makes ineffective all or any portion of this Agreement or any Project Approval, or Subsequent Approval, then the parties shall cooperate and shall cure any Deficiencies identified in the Judgment or upon which the Judgment is based in a manner consistent with the intent of this Agreement and the Judgment. Upon the parties cure of such Deficiencies, City shall then take steps consistent with the Judgment necessary readopt or reenact this Agreement and any applicable Project Approval, Subsequent Approval, or any portion thereof.

(ii) Acting in a manner consistent with the intent of this Agreement or a Judgment includes, but is not limited to, recognizing that the parties intend that Developer may develop a nine hundred seventeen (917) single-family residential unit project, and adopting such ordinances, resolutions, and other enactments, including, but not limited to, a general plan amendment, rezoning, vesting subdivision map approvals, development plan approvals, PD Plan approvals, design review, improvement agreements, use permits, grading permits, building permits, lot line adjustments, sewer and water connection permits, certificates of occupancy, final development plans, development agreements, permits, resubdivisions, and any amendments to, or repealing of, any of the foregoing as are necessary to readopt or reenact all or any portion of this Agreement, Project Approvals, and/or Subsequent Approvals without contravening the Judgment.

(b) The parties agree that this Section 9.02 shall constitute a separate agreement entered into concurrently, and that if any other provision of this Agreement, or the Agreement as a whole, is invalidated, rendered null, or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Section 9.02, which shall survive such invalidation, nullification or setting aside.

ARTICLE X
DEFAULT; REMEDIES; TERMINATION

Section 10.01 Defaults. Any failure by either party to perform any term or provision of this Agreement, which failure continues uncured for a period of thirty (30) days following written notice of such failure from the other party (the "**Complaining Party**") (unless such period is extended by mutual written consent), shall constitute a default under this Agreement. The Complaining Party's notice ("**Default Notice**") shall specify the nature of the alleged failure and, may specify the manner in which the failure satisfactorily may be cured By the other party (the "**Defaulting Party**"). Any failures or delays by a Complaining Party in asserting any of its rights and remedies as to any default shall not operate as a waiver of a default or of any such rights or remedies. Delays by a Complaining Party in asserting any of its rights and remedies shall not deprive the Complaining Party of its right to institute and maintain any actions or proceedings, which it may deem necessary to protect, assert, or enforce any such rights or remedies. If the nature of the alleged failure is such that it cannot reasonably be cured within such 30-day period, then no fault shall be deemed to have occurred if: (a) the cure shall be commenced at the earliest practicable date following receipt of the Default Notice; (b) the cure is diligently prosecuted to completion at all times thereafter; (c) at the earliest practicable date (if no event later than thirty (30) days after the Defaulting Party's receipt of the Default Notice), the Defaulting Party provides written notice to the Complaining Party that the cure cannot practicably be completed within such 30-day period; and (d) the cure is completed at the earliest practicable date. In no event shall Complaining Party be precluded from exercising remedies if a default is not cured within one hundred twenty (120) days after the Notice of Default is given. Complaining Party shall not send notice to any third party, including, but not limited to, bonding and surety companies, until such time as the cure opportunities set forth above have expired unless otherwise required by applicable law. Upon the occurrence of a default under this Agreement, the Complaining Party may institute legal proceedings to enforce the terms of this Agreement or, in the event of a material default, terminate this Agreement. If the default is cured consistent with this Section, then no default shall exist and the Complaining Party shall take no further action.

Section 10.02 Termination. If City elects to consider terminating this Agreement due to a material default of Developer, then City shall give a notice of intent to terminate this Agreement and the matter shall be scheduled for consideration and review by the City Council at a duly noticed and conducted public hearing. As used herein, a finding of materiality shall be based on the effect of the default in relation to the size and scope of the Project. Developer shall have the right to offer written and oral evidence prior to or at the time of said public hearings. If the City Council determines that a material default has occurred and is continuing, and elects to terminate this Agreement, City shall give written notice of termination of this Agreement to Developer by certified mail and this Agreement shall thereby be terminated sixty (60) days thereafter; provided, however, that if Developer files an action to challenge City's termination of this Agreement within such 60-day period, then this Agreement shall remain in full force and effect until a trial court has affirmed City's termination of this

Agreement and all appeals have been exhausted (or the time for requesting any and all appellate review has expired).

Section 10.03 Periodic Review.

(a) Conducting the Periodic Review. Throughout the Term of this Agreement, at least once every twelve (12) months following the execution of this Agreement, City shall review the extent of good-faith compliance by Developer with the terms of this Agreement. This review (the "**Periodic Review**") shall be conducted by the City Manager or his/her designee and shall be limited in scope to compliance with the terms of this Agreement pursuant to California Government Code § 65865.1. Developer also agrees to pay City annually the greater of Five Thousand Dollars ($5,000) or the actual cost of Periodic Review Fee (not to exceed Ten Thousand Dollars ($10,000)). The Five Thousand Dollars ($5,000) shall be increased annually thereafter by the CPI for the San Francisco-Oakland Area, with the first increase implemented in January 2017 reflecting 2016 increases. Such Periodic Review Fee shall only be paid in the years in which a Periodic Review is actually conducted.

(b) Notice. At least ten (10) days prior to the Periodic Review, and in the manner prescribed in Article XII of this Agreement, City shall deposit in the mail to Developer a copy of any staff reports and documents to be used or relied upon in conducting the review and, to the extent practical, related exhibits concerning Developer's performance hereunder. Developer shall be permitted an opportunity to respond to City's evaluation of Developer's performance, either orally at a public hearing or in a written statement, at Developer's election. Such response shall be made to the City Manager.

(c) Good Faith Compliance. During the Periodic Review, the City Manager shall review Developer's good-faith compliance with the terms of this Agreement. At the conclusion of the Periodic Review, the City Manager shall make written findings and determinations, on the basis of substantial evidence, as to whether or not Developer has complied in good faith with the terms and conditions of this Agreement. The decision of the City Manager shall be appealable to the City Council. If the City Manager finds and determines that Developer has not complied with such terms and conditions, the City Manager may recommend to the City Council that it terminate or modify this Agreement by giving notice of its intention to do so, in the manner set forth in California Government Code §§ 65867 and 65868. The costs incurred by City in connection with the Periodic Review process described herein shall be shared equally by Developer and City.

(d) Failure to Properly Conduct Periodic Review. If, after thirty (30) days following Developer's notice requesting a Periodic Review, City fails to initiate the Periodic Review, such failure shall be conclusively deemed an approval by City of Developer's compliance with the terms of this Agreement.

(e) Written Notice of Compliance. With respect to any year for which Developer has been determined or deemed to have complied with this Agreement, City shall, within thirty (30) days following a written request by Developer, provide Developer with a written notice of compliance, in recordable form, duly executed and acknowledged by City. Developer shall have the right, in Developer's sole discretion, to record such notice of compliance.

Section 10.04 Default by City or Developer. In the event City or Developer defaults under the terms of this Agreement, City or Developer shall have all rights and remedies provided herein and under law.

Section 10.05 Excusable Delay; Extension of Time of Performance. In addition to specific provisions of this Agreement, neither party shall be deemed to be in default where delays in performance or failures to perform are due to, and a necessary outcome of, war, insurrection, terrorism, strikes or other labor disturbances, walk-outs, riots, floods, earthquakes, fires, casualties, acts of God, restrictions imposed or mandated by other governmental entities (including new or supplemental environmental regulations), enactment of conflicting State or Federal laws or regulations, or judicial decisions. Neither party shall be deemed to be in default where delays in performance or failure to perform are due to a court order arising out of or related to litigation attacking the validity of this Agreement, the Project Approvals, the Subsequent Approvals, or any permit, ordinance, entitlement or other action of a governmental agency other than City necessary for the development of the Project. Developer shall not be deemed to be in default where delays in performance or failure to perform are t due to Developer's inability to obtain materials, power or public facilities (such as water or sewer service) to the Project and unrelated to Developer's actions or inactions and beyond Developer's control. Upon the properly noticed request of either party hereto, as required by Section 12.09, an extension of time for the performance of any obligation whose performance has been so prevented or delayed will be set forth in writing. The term of any such extension shall be equal to the period of the excusable delay, or longer, as may be mutually agreed upon in writing.

Section 10.06 Legal Action. Either party may, in addition to any other rights or remedies, institute legal action to cure, correct, or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, recover damages for any default, enforce by specific performance the obligations and rights of the parties hereto, or to obtain any remedies consistent with the purpose of this Agreement.

Section 10.07 California Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

Section 10.08 Resolution of Disputes. With regard to any dispute involving development of the Project, the resolution of which is not provided for by this Agreement or Applicable Law, Developer shall, at City's request, meet with City. The parties to any such meetings shall attempt in good faith to resolve any such disputes. If the parties are then unable to resolve their dispute, either party may commence mediation by providing to JAMS, or its successor, and the other party a written request for mediation, setting forth the subject of the dispute and the relief requested. The parties will cooperate with JAMS and with one another in selecting a mediator from JAMS' panel of neutrals, and in scheduling the mediation proceedings. The parties covenant that they will participate in the mediation in good faith, and that they will share equally in its costs. All offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the parties, their agents, employees, experts and attorneys, and by the mediator and any JAMS employees, are confidential, privileged and inadmissible for any purpose, including impeachment, in any litigation or other proceeding involving the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation. Either party may seek equitable relief prior to the mediation to preserve the status quo pending the completion of that process. Except for such an action to obtain equitable relief, neither party may commence a civil action with respect to the matters submitted to mediation until after the completion of the initial mediation session, or ninety (90) days after the date of filing the written request for mediation, whichever occurs first. Mediation may continue after the commencement of a civil action, if the parties both agree in writing. The provisions of this Section 10.08 may be enforced by any Court of competent jurisdiction, and the party seeking enforcement shall be entitled to an award of all costs, fees and expenses, including attorney's fees, to be paid by the party against whom enforcement is ordered. Nothing in this Section 10.08 shall in any way be interpreted as requiring that Developer and City and/or City's designee reach agreement with regard to those matters being addressed, nor shall the outcome of these meetings be binding in any way on City or Developer unless expressly agreed to in writing by the parties to such meetings.

Section 10.09 Attorneys' Fees. In any legal action or other proceeding brought by either party to enforce or interpret a provision of this Agreement, the prevailing party is entitled to reasonable attorneys' fees and any related other costs incurred in that proceeding in addition to any other relief to which it is entitled.

ARTICLE XI
NO AGENCY, JOINT VENTURE OR PARTNERSHIP

It is specifically understood and agreed to by and between the parties hereto that unless otherwise expressly provided herein: (i) the subject development is a private development; (ii) City have no interest or responsibilities for, or duty to, third parties concerning any improvements until such time, and only until such time, that City accepts the same pursuant to the provisions of this Agreement or in connection with the various Project Approvals or Subsequent Approvals; (iii) Developer shall have full power over and exclusive control of the Project herein described, subject only to the limitations and obligations of Developer under this Agreement, the Project Approvals, Subsequent Approvals, and Applicable Law; and (iv) City and Developer hereby renounce the existence of any form of agency relationship, joint venture or partnership between City and Developer and agree that nothing contained herein or in any document executed in connection herewith shall be construed as creating any such relationship between City and Developer. City agrees that Developer's obligations under this Agreement related to the construction of Project water, sewer and drainage infrastructure improvements, the grading and construction of traffic improvements, and the grading and construction of any other public improvements (collectively, the "**Public Improvements**") are all public works of improvement City is requiring as a condition of regulatory approval of the Project and that the Project is an otherwise private development. City further agrees that it will contribute no more money, or the equivalent of money, to the overall Project than is required to construct the Public Improvements and that City maintain no proprietary interest in the overall Project.

ARTICLE XII
MISCELLANEOUS

Section 12.01 Incorporation of Recitals and Introductory Paragraph. The Recitals contained in this Agreement, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.

Section 12.02 Enforceability. City and Developer agree that unless this Agreement is amended or terminated pursuant to the provisions of this Agreement, this Agreement shall be enforceable by any party hereto notwithstanding any change hereafter enacted or adopted (whether by ordinance, resolution, initiative, or any other means) in any applicable general plan, specific plan, zoning ordinance, subdivision ordinance, or any other land use ordinance or building ordinance, resolution or other rule, regulation or policy adopted by City that changes, alters or amends the rules, regulations and policies applicable to the development of the Project Site at the time of the approval of this Agreement as provided by California Government Code § 65866. In the event of any conflict between the provisions of this Agreement and Applicable Law, the Project Approvals or any Subsequent Approval, this Agreement shall prevail.

Section 12.03 Findings. City hereby finds and determines that execution of this Agreement furthers public health, safety and general welfare and that the provisions of this Agreement are consistent with the General Plan.

Section 12.04 Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the parties. Notwithstanding the foregoing, if any material provision of this Agreement, or the application of such provision to a particular situation, is held to be invalid, void or unenforceable, either City or Developer may (in their sole and absolute discretion) terminate this Agreement by providing written notice of such termination to the other party.

Section 12.05 Other Necessary Acts. Each party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out the Project Approvals, Subsequent Approvals and this Agreement and to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.

Section 12.06 Construction. Each reference in this Agreement to this Agreement or any of the Project Approvals or Subsequent Approvals shall be deemed to refer to the Agreement, Project Approval or Subsequent Approval as it may be amended from time to time, whether or not the particular reference refers to such possible amendment. This Agreement has been reviewed and revised by legal counsel for both City and Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

Section 12.07 Other Miscellaneous Terms. The singular shall include the plural; the masculine gender shall include the feminine; “shall” is mandatory; “may” is permissive. If there is more than one signer of this Agreement, the signer obligations are joint and several.

Section 12.08 Covenants Running with the Land. All of the provisions contained in this Agreement shall be binding upon the parties and their respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of the Project, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law including, without limitation, California Civil Code § 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon the Project, as appropriate, runs with the Project Site and is binding upon the owner of all or a portion of the Project Site and each successive owner during its ownership of such property.

Section 12.09 Notices. Any notice or communication required hereunder between City or Developer must be in writing, and may be given either personally, by fax (with original forwarded by regular U.S. Mail) by registered or certified mail (return receipt requested), or by FedEx or other similar courier promising overnight delivery. If personally delivered, a notice shall be deemed to have been given when delivered to the party to whom it is addressed. If given by facsimile transmission, a notice or communication shall be deemed to have been given and received upon actual physical receipt of the entire document by the receiving party’s facsimile machine. Notices transmitted by facsimile after 5:00 p.m. on a normal business day or on a Saturday, Sunday, or holiday shall be deemed to have been given and received on the next normal business day. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (a) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (b) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered as shown on a receipt issued by the courier. Any party hereto may at any time, by giving ten (10) days written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the parties at their addresses set forth below:

If to City, to: City Manager
City of Pittsburg
Civic Center
65 Civic Avenue
Pittsburg, CA 94565-2830

With Copies to:
Ruthann G. Ziegler
City Attorney
Meyers Nave
555 Capitol Mall, Suite 1200
Sacramento, CA 95814

If to Developer, to:
Albert D. Seeno, Jr.
Seecon Built Homes, Inc.
4021 Port Chicago Hwy.
Concord, CA 94520

With Copies to:
Seecon Built Homes, Inc.
Attn: Legal Department
4021 Port Chicago Hwy.
Concord, CA 94520

Section 12.10 Entire Agreement, Counterparts And Exhibits. This Agreement is executed in two (2) duplicate counterparts, each of which is deemed to be an original. This Agreement consists of thirty-two (32) pages and three (3) exhibits which constitute in full, the final and exclusive understanding and agreement of the parties and supersedes all negotiations or previous agreements of the parties with respect to all or any part of the subject matter hereof. All waivers of any provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and Developer. The following exhibits are attached to this Agreement and incorporated herein for all purposes:

EXHIBIT A -	Legal Description
EXHIBIT A-1 -	Project Site Diagram
EXHIBIT B -	Applicable Fees

Section 12.11 Recordation Of Development Agreement. Pursuant to California Government Code § 65868.5, no later than ten (10) days after City enters into this Agreement, the City Clerk shall record an executed copy of this Agreement, or Memorandum thereof, in the Official Records of the County of Contra Costa. The parties agree to cooperate as to preparation, execution, and recording of a Memorandum hereof.

[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, this Agreement has been entered into by and between Developer and City as of the day and year first above written.

CITY:

CITY OF PITTSBURG,
a California municipal corporation

By: ________________________________
Name: ________________________________
Title: ________________________________

APPROVED AS TO FORM:

By: ________________________________
City Attorney

DEVELOPER:

SEECON BUILT HOMES, INC.,
a California corporation

By: ________________________________
Name: Albert D. Seeno, Jr.
Title: President

EXHIBIT A

LEGAL DESCRIPTION

(To follow.)

EXHIBIT A-1

PROJECT SITE DIAGRAM

(To follow.)

EXHIBIT B

APPLICABLE FEES

(To follow.)

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Certifying the Final)
Environmental Impact Report)
For the Tuscany Meadows)
Residential Subdivision,)
AP-12-843 (SUB, DA, ANNEX))

RESOLUTION NO. 15-13083

The City Council DOES RESOLVE as follows:

WHEREAS, on May 10, 2012, Seecon Built Homes applied for approval of a Vesting Tentative Map to subdivide a 170-acre undeveloped parcel for construction of up to 917 single-family homes, 365 multi-family apartments, and three parks totaling approximately 18.6 acres. The project site (APN 089-150-015) is on unincorporated land located between the cities of Pittsburg and Antioch; and

WHEREAS, the project requires Contra Costa Local Agency Formation (LAFCO) review and approval of amendments to the City of Pittsburg and City of Antioch Spheres of Influence (SOI) and annexations of land to both cities. Approximately 191.44 acres would be annexed to the City of Pittsburg and 2.18 acres would be annexed to the City of Antioch. The project also requires annexation to the Contra Costa Water District and Delta Diablo for the provision of water and wastewater services; and

WHEREAS, State Public Resources Code (PRC) section 21080(d), requires that a lead agency prepare an Environmental Impact Report (EIR) for any project that it expects to have a significant effect on the environment; and

WHEREAS, a Notice of Preparation of the Draft EIR for the Tuscany Meadows Residential Subdivision ("Project") was mailed to all responsible and affected agencies on November 29, 2012, pursuant to Public Resources Code Section 21080.4 and CEQA Guidelines Section 15082; and

WHEREAS, a public scoping meeting was held on December 11, 2012, to solicit comments and guidance on the scope and content of the EIR; and

WHEREAS, a Draft EIR was prepared for the Project in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq., and was circulated for public review between November 1, 2014 and December 15, 2014; and

WHEREAS, the City distributed copies of the Draft EIR to the public agencies which have jurisdiction by law with respect to the Project and to other interested persons and agencies and sought the comments of such persons and agencies; and

WHEREAS, a notice inviting comments on the Draft EIR was given in compliance with CEQA Guidelines Section 15085, and a public meeting was held on December 1, 2014, to accept oral comments on the adequacy of the Draft EIR. Written and oral comments on the Draft EIR have been received and response to those comments have been prepared in the form of the Final EIR; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City provided notice regarding the availability of the Final EIR and circulated the proposed response to comments to public agencies that submitted comments on the Draft EIR; and

WHEREAS, on or prior to July 24, 2015, notice of the City Council public meeting to consider certification of the EIR was posted at City Hall and on the "Public Notices" section of the City's website; was delivered to the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the project site, to the parties that had commented on the Draft EIR, and to individuals who had previously filed written request for such notice.

WHEREAS, the City Council held a public meeting on the Final EIR on August 3, 2015, and accepted public testimony on the Final EIR at that time; and

WHEREAS, the Final EIR identifies significant impacts that can be mitigated as well as significant unavoidable impacts; and

WHEREAS, if, after review of the certified Final EIR, and upon consideration of the Project, the Planning Commission determines to approve the Project, the approval must be supported by mitigation findings pursuant to CEQA Guidelines Section 15091; and

WHEREAS, approval of the Project would also require adoption of a Mitigation Monitoring and Reporting Program pursuant to CEQA Guidelines Section 15097 and a Statement of Overriding Considerations pursuant to CEQ Guidelines Section 15093.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED as follows:

A. The Final EIR for the Project consists of the Draft EIR (SCH#2012112061), dated October 2014, and the Final EIR, dated July 2015. Together, the Draft EIR and Final EIR documents constitute the Final EIR for the Project.

B. Based on the evidence and oral and written testimony presented at the public meetings, and based on all the information contained in the City's files on the Project, including not limited to, the Final EIR for the Project, and the City Council staff report dated August 3, 2015, and entitled, "Adoption of a City Council Resolution Certifying the Final Environmental Impact Report for the Tuscany Meadows Residential Subdivision, AP-12-843 (SUB, DA, ANNEX)," the City Council does certify, in accordance with CEQA Guidelines Section 15090, that:

1. The Final EIR for the Project was prepared and completed in compliance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq.; and

2. The Final EIR was presented to the City Council of the City of Pittsburg and that the City Council has reviewed and considered the information contained in the Final EIR prior to action on the Project; and
3. The Final EIR reflects the independent judgment and analysis of the City Council of the City of Pittsburg.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 3rd day of August 2015, by the following vote:

AYES: Casey, Craft, Evola, Johnson, Longmire

NAYES: None

ABSTAIN: None

ABSENT: None

Dwaine "Pete" Longmire, Mayor

ATTEST: Alice E. Evenson

Alice E. Evenson, City Clerk

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution 1) Approving a Vesting Tentative)
Subdivision Map (Tract 8654) to Subdivide a)
170-Acre Undeveloped Parcel Located on)
Buchanan Road, East of Existing City Limits, for)
Construction of up to 917 Single-Family Homes,)
365 Multi-Family Apartments, and Three Parks) Resolution No. 10015
Totaling Approximately 18.6 Acres; and 2))
Recommending City Council Approval of a)
Development Agreement for the "Tuscany)
Meadows Residential Subdivision, AP-12-843)
(SUB, DA).")

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

A. On November 8, 2011, the City of Pittsburg voters approved the 'Local Control Enhancement for Pittsburg/Antioch Southeast Border Area, General Plan Amendment and Prezoning Act', also known as 'Measure I'. Measure I approval resulted in the following actions:

1. Amendment of the voter-approved 2005 City of Pittsburg Urban Limit Line (ULL) to include the approximate 193.60-acre 'Southeast Border Area', west of Somersville Road and south of Buchanan Road;

2. Amendment of the Pittsburg General Plan Land Use Map to assign General Plan Land Use designations of 'Low Density Residential', 'High Density Residential', and 'Industrial' to the Southeast Border Area; and

3. Prezoning of the Southeast Border Area to 'Single-Family Residential District – 4,000 Square Foot Minimum Lot Size (RS-4)', 'High-Density Residential District (RH)', and 'General Industrial District (IG)'. The prezoning of the Southeast Border Area would take effect upon annexation of area to the City of Pittsburg.

B. Prior to approval of Measure I, the Pittsburg General Plan (Policy 2-P-4) contemplated the Southeast Border Area as a potential candidate for incorporation into the City of Pittsburg jurisdictional limits. As part of the approval of Measure I, Pittsburg General Plan Policy 2-P-4 was amended to read as follows:

2-P-4 *Consider amendments to the current Sphere of Influence for properties along the eastern and western edges of the City, to take advantage of providing City services for the development of adjacent vacant lands.*

The undeveloped Southeast Border Area has historically been considered part of Pittsburg, and is a logical extension of the Highlands Ranch development. The Southeast Border Area can be served by extending City services to the property and the City supports its annexation into the City of Pittsburg. This will help protect the vacant land from being developed in the City of Antioch. Developable sites west of Bay Point can also be served by extending existing City services.

C. On May 10, 2012, Louis Parsons, on behalf of Seecon Built Homes Inc., filed Application No. 12-843, requesting approval of: 1) a vesting tentative map to subdivide a 170-acre site for construction of up to 917 single-family homes, 365 multi-family apartments, and three parks totaling approximately 18.6 acres; and 2) a development agreement vesting the project entitlements for an extended term of approval. The project requires Contra Costa Local Agency Formation (LAFCo) review and approval of amendments to the City of Pittsburg and City of Antioch Spheres of Influence (SOI) and annexations of land to both cities. The project also requires annexation to the Contra Costa Water District and Delta Diablo for the provision of water and wastewater services. The project site is on unincorporated land located between the cities of Pittsburg and Antioch. The project site is bordered by Buchanan Road to the north, the Contra Costa Canal and Somersville Road to the east, the Black Diamond Estates residential subdivision to the south, and the Highlands Ranch residential subdivision to the west. Assessor's Parcel No. 089-150-016.

D. An Environmental Impact Report (EIR) was prepared for the proposed project (SCH #2012112061).

E. On August 3, 2015, the City Council adopted Resolution No.15-13083, certifying that the Final EIR for the proposed project was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Final EIR includes the Draft EIR, text changes to the Draft EIR, and responses to all comments received on the Draft EIR during the public review period. The resolution and certified Final EIR are incorporated herein by reference and is available for review in the Planning Division located at 65 Civic Avenue, Pittsburg during normal business hours.

F. The proposed subdivision is consistent with the proposed project analyzed in the certified EIR. The objectives of the proposed project identified on DEIR pp. 3-4 and 3-5 and are to:

1. Map and develop a mixed-density residential development consistent with the prezoning and General Plan land use designations that were approved by Pittsburg voters with the approval of Measure I in 2011;

2. Map and develop a mixed-density residential development consistent with the goals and policies of the General Plan for the Buchanan Subarea.

3. Create a logical extension of the residential Highlands Ranch development to be served by existing, stubbed City services.

4. Map and develop a mixed-density, large in-fill residential project with existing, planned and proposed residential development on all sides.

5. Provide housing in order to meet the City of Pittsburg's current obligation set forth by the Regional Housing Needs Allocation.

6. Provide market-rate single family detached and multi-family development along with a 5.4 acre public park located in the center of the site.

G. The proposed project conforms to the applicable General Plan land use designations of 'Low Density Residential' and 'High Density Residential' and the applicable goals and policies of the Pittsburg General Plan.

H. The proposed project conforms to the applicable prezoning of 'Single-Family Residential District – 4,000 Square Foot Minimum Lot Size (RS-4)' and 'High-Density Residential District (RH)' and all applicable zoning, development and subdivision standards in the Pittsburg Municipal Code (PMC).

I. Approval of the proposed Vesting Tentative Subdivision Map for this project would be contingent on the LAFCo's approval of annexation of the project site to the City of Pittsburg, Delta Diablo (DD), and Contra Costa Water District (CCWD).

J. Pursuant to section 17.20.060(c) of the Pittsburg Municipal Code (PMC), the Planning Commission may approve or conditionally approve a tentative map if it finds 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.

K. Pursuant to Government Code section 65867 and City Council Resolution No. 96-8371, the Planning Commission must make a recommendation on a development agreement prior to City Council consideration. The City Council may adopt an ordinance approving a development agreement if it finds that:

1. the development agreement is consistent with the General Plan and any applicable specific plan; and

2. the development agreement will promote the public health, safety, and general welfare.

L. On or before Friday, January 29, 2016, in accordance with Government Code sections 65090 and 65091 and PMC sections 17.16.060 and 18.14.020.C and D, a "Notice of Public Hearing" for the February 9, 2016, public hearing on this item was published in the East County Times; was posted at City Hall and in the "Public Notices" section of the City website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the developer, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice.

M. On February 9, 2016, the Planning Commission held a public hearing for Vesting Tentative Subdivision Map and Development Agreement Application No. 10-684, at which time oral and/or written testimony was considered.

Section 2. Authority

A. 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).

B. 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.)

C. 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).)

D. 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.)

E. The following General Plan and Housing Element Goals and policies apply to the development associated with the proposed Vesting Tentative Subdivision Map:

1. Goal 2-G-4: Provide a range of development intensities, with the highest intensities in Downtown and in areas accessible by transit and services, and lower intensities in the hillsides and at the southern edge.

2. Goal 2-G-5: Promote a diversity of housing types, including opportunities for hillside estate development, as well as smaller lot, infill and high-density housing (same as Goal 3-G-2).

3. Goal 2-G-25: Ensure design of new developments as inter-connected residential neighborhoods, rather than distinct, introverted subdivisions.

4. Goal 2-G-26: Encourage development as a means of funding the construction of Buchanan Bypass as an alternative route for regional through-traffic.

5. Policy 2-P-15: Ensure minimum residential densities, in accordance with the ranges stipulated in the General Plan.

6. Goal 3-G-2: Realize the opportunities afforded by establishment of the Voter Approved Urban Limit Line (ULL) to allow the City to grow in such a way as to diversify and expand the employment base, develop a range of housing opportunities, increase the depth of municipal fiscal resources,

enhance the quality of urban life for all Pittsburg residents and prohibit urban development beyond the Voter Approved ULL.

7. Goal 3-G-9: Encourage the provision of new and improved pedestrian, bicycle and transit facilities to serve all users of new development projects.

8. Policy 3-P-17: As part of development approval, ensure that safe and contiguous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development (same as Policy 7-P-34).

9. Goal 7-G-6: Locate high traffic-generating uses so that they have direct access or immediate secondary access to arterial roadways.

10. Policy 7-P-2: Use the adopted Regional and Local Transportation Impact Mitigation Fee ordinances to ensure that all new development pays an equitable pro-rata share of the cost of transportation improvements.

11. Policy 7-P-6: Ensure that all Routes Regional of Significance within the City maintain the following traffic levels of service (LOS) standards:

    a) LOS mid D (peak hour volume to capacity ratio less than or equal to 0.85) at intersections along major arterials, except for intersections along Bailey Road;

    b) LOS high E (peak hour volume to capacity ratio less than or equal to 0.99) at intersections along Bailey Road between West Leland Road and State Route 4; and

    c) LOS mid E (peak hour volume to capacity ratio less than or equal to 0.95) at intersections on Kirker Pass Road.

    (same as Policy 3-P-7)

12. Policy 7-P-8: Ensure that all non-Regional Routes within the City (not designated as Routes of Regional Significance in General Plan Figure 7-2) maintain the following traffic levels of service (LOS) standards based on their location in rural, semi-rural, suburban, urban or downtown areas, as designated in General Plan Figure 7-2:

    a) Rural – LOS low C (peak hour volume to capacity ratio less than or equal to 0.74)

    b) Semi-rural – LOS high C (peak hour volume to capacity ratio less than or equal to 0.79)

   c) Suburban – LOS low D (peak hour volume to capacity ratio less than or equal to 0.84)

   d) Urban – LOS high D (peak hour volume to capacity ratio less than or equal to 0.89)

   e) Downtown – LOS high D (peak hour volume to capacity ratio less than or equal to 0.89)

13. Policy 7-P-12: Continue to collect fees, plan and design for the future construction of Buchanan Bypass.

14. Policy 7-P-29: Preserve options for future transit use when designing improvements for roadways. Ensure that developers provide bus turnouts and/or shelters, where appropriate, as part of projects.

15. Policy 7-P-40: Ensure provision of sufficiently wide sidewalks and pedestrian paths in all new residential development.

16. Policy 7-P-43: Provide adequate roadway width dedications for bicycle lanes, paths, and routes as designated in General Plan Figure 7-4.

17. Policy 7-P-52: Require that new arterial and collector streets accommodate bicyclists.

18. Policy 8-P-1: Maintain a neighborhood and community park standard of five acres of public parkland per 1,000 residents.

19. Policy 8-P-2: Pursue the development of park and recreation facilities within reasonable walking distance of all homes.

20. Policy 8-P-5: Maintain park and recreation facility standards for new development to serve both residents and employees, attainable through dedication of parkland or payment of in-lieu fees.

21. Policy 8-P-12: Ensure that all parks acquired through dedication are at least two acres in size within new residential developments.

22. Policy 8-P-16: Encourage dedication of public parks in new residential developments with more than 150 units.

23. Goal 9-G-7: Comply with Regional Water Quality Control Board (RWQCB) regulations and standards to maintain and improve the quality of both surface water and groundwater resources.

24. Policy 9-P-22: Continue working with the RWQCB in the implementation of the National Pollutant Discharge Elimination System (NPDES), with specific requirements established in each NPDES permit.

25. Goal 9-G-9: Work toward improving air quality and meeting all Federal and State ambient air quality standards by reducing the generation of air pollutants from stationary and mobile sources.

26. Policy 9-P-33: Encourage new residential development and remodeled existing homes to install clean-burning fireplaces and wood stoves.

27. Policy 10-G-8: Ensure that new development mitigates impacts to the City's storm drainage capacity from storm water runoff in excess of runoff occurring from the property in its undeveloped state.

28. Policy 10-P-24: Allow the construction of detention basins as mitigation in new developments.

29. Policy 10-P-30: Encourage residential development that includes post-construction Best Management Practices (BMPs) to minimize runoff from the site to the storm drain system.

30. Policy 11-P-7: Ensure that new residential, commercial, and industrial development equitably shares costs associated with providing water services to areas of urban expansion within the City's planning area.

31. Policy 11-P-18: Ensure that new residential, commercial, and industrial development equitably shares costs associated with providing wastewater services to areas of urban expansion within the City's planning area.

32. Housing Goal G-1: Foster development of a variety of housing types, densities and prices to balance the City's housing stock and meet Pittsburg's regional fair share housing needs for people of all income levels.

33. Housing Policy P-1.2: Encourage the construction of both high-end and moderate-income housing in the southern foothills, downtown, along the waterfront, and throughout Pittsburg to provide above moderate-income housing opportunities in the community and to increase economic activity in the city.

34. Housing Policy P-1.4: Support the construction of multi-family housing in close proximity to transit, arterials, shopping, and public services.

35. Housing Policy P-1.5: Encourage the construction of accessory dwelling units or 'second units' that allow extended families to live near each other,

increase the affordable and rental housing stock, and provide income assistance to homeowners.

36. Housing Policy P-1.6: Meet Pittsburg's fair share regional housing needs.

37. Housing Goal G-5: Enhance the visual quality of Pittsburg's residential neighborhoods.

38. Housing Policy P-5.1: Enhance the quality and variety of new home designs and home additions to ensure an attractive living environment.

Section 3. Findings

The Planning Commission hereby finds that based on the Planning staff report entitled, "Tuscany Meadows Residential Subdivision, Tract 8654, AP-12-843 (SUB, DA)," dated February 9, 2016, and based on all the information in the Planning Division files on the project, adopted and incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue, Pittsburg during normal business hours, and based on all written and oral testimony presented at the public hearing that:

1. All recitals above are true and correct and are incorporated herein by reference.

2. The Final EIR for the Tuscany Meadows Residential Subdivision (SCH #2012112061), certified by the City Council on August 3, 2015 (Resolution No.15-13083), was prepared in compliance with Public Resources Code Section 21000 et seq., and the State CEQA Guidelines Section 15000 et seq.. All impacts have been analyzed in the EIR prepared for this project, and the Planning Commission has independently reviewed and considered the information contained therein, prior to making a decision on the vesting tentative subdivision map and a recommendation on the proposed Tuscany Meadows Development Agreement.

Vesting Tentative Map Findings

3. The proposed map is consistent with the General Plan and other applicable provisions of the Pittsburg Municipal Code, in that:

    a. The project will provide high intensity multi-family residential along Tri Delta Transit Line No. 390 and lower intensity single-family residential at the City's southern rural edge (Goal 2-G-4).

    b. The project will provide a mix of low-density, single-family detached, and high-density, multi-family attached housing types. It will also comply with a condition of approval that requires at least 15 percent of single-family units to be built as single-story structures. The single-story structures will provide a more affordable option for prospective homeowners (Goal 2-G-

5, 3-G-2, and Housing Goal G-1).

c. Tuscany Meadows Drive and Sequoia Drive will interconnect the subdivision with surrounding neighborhoods along Buchanan Road and Somersville Road (Goal 2-G-25).

d. The project will provide partial funding for the construction of James Donlon Boulevard (formerly the 'Buchanan Bypass') (Goal 2-G-26 and Policy 7-P-12).

e. The project will achieve the minimum densities set forth in the General Plan (Policy 2-P-15). The General Plan, as amended in 2011 via voter initiative, designates the majority of the site as 'Low Density Residential' and a 14.6-acre portion of the site as 'High Density Residential' (Parcel A of Tract 8654). The allowable density ranges for these land use designations are one to seven units per gross acre and 14 to 25 units per gross acre, respectively. The proposed density for the low density residential portion of the site is 6.76 units per gross acre and the proposed density for the high density residential portion of the site is 25 units per acre. The project site was prezoned a combination of 'Single-Family Residential District – 4,000 Square Foot Minimum Lot Size (RS-4)' and 'High-Density Residential District (RH)' as a result of Measure I voter approval on November 8, 2011; the proposed project is consistent with the prezoning. No general plan or zoning amendments are proposed for the project.

f. The project will provide a range of single and multifamily housing opportunities within the boundaries of the Voter Approved ULL (Goal 3-G-2).

g. The project will provide safe and contiguous routes for pedestrians and bicyclists including six-foot wide sidewalks throughout the subdivision and Class II bicycle routes along Tuscany Meadows Drive and Sequoia Drive (Goal 3-G-9, Policies 3-P-17, 7-P-34, 7-P-40, and 7-P-52).

h. The project will be located in area having direct access to arterial roads including Buchanan Road and Somersville Road (Goal 7-G-6).

i. The project will comply with conditions of approval requiring payment of the Pittsburg Local Traffic Mitigation Fee (LTMF) and Regional Transportation Development Impact Mitigation Fee (RT-DIM) in accordance with PMC chapters 15.90 and 15.103 (Policy 7-P-2).

j. The project will comply with environmental mitigation measures and development agreement requirements designed to achieve the highest LOS standards possible along Routes and Non-Routes of Regional

Significance (Policies 7-P-6 and 7-P-8). The Pittsburg City Council will consider adopting CEQA Findings of Fact and a Statement of Overriding Considerations to allow approval of the project with significant unavoidable traffic impacts.

k. The project will comply with mitigation measures and conditions of approval requiring installation of bus turnouts and shelters along Buchanan Road (Policy 7-P-29).

l. The project will comply with a condition of approval requiring a roadway width dedication to allow additional vehicular through lanes and Class II bicycle lanes along Buchanan Road (Policy 7-P-43).

m. The project will comply with mitigation measures requiring a combination of in-lieu fees and parkland dedications in accordance with PMC section 17.32.020 (Policy 8-P-1, 8-P-5, and 8-P-16)

n. The project will provide a flat, 5.4-acre park intended for year-round use that is centrally located and within reasonable walking distance of all homes in the subdivision. Two 6.6-acre parks/stormwater detention basins will also be provided (Policy 8-P-2 and 8-P-12).

o. The project will comply with mitigation measures and conditions of approval requiring implementation of a Storm Water Control Plan in compliance with the requirements set forth in the City's most current NPDES permit. Post construction BMPs will be installed throughout the subdivision and an Operations and Maintenance Agreement will be executed by the City and developer for the perpetual maintenance of those BMPs (Goal 9-G-7, Policy 9-P-22, Goal 10-G-8, Policy 10-P-24 and 10-P-30).

p. The project will comply with a mitigation measure prohibiting wood-burning fireplaces, woodstoves, or similar wood-burning devices throughout the subdivision (Goal 9-G-9 and Policy 9-P-33).

q. The project will equitably share the costs associated with providing water and wastewater services to the subdivision through payment of the Pittsburg Facilities Reserve Charge (Policy 11-P-7 and 11-P-18).

r. The project will provide market-rate housing near the southern foothills and increase demand for economic activity in nearby shopping centers (Housing Policy P-1.2).

s. The project will provide up to 365 multi-family apartments along Buchanan Road and Somersville Road in close proximity to existing transit lines and shopping centers including the Somersville Towne Center, Delta Fair

Shopping Center, Delta Gateway, and Century Plaza (Housing Policy P-1.4).

t. Pursuant to the proposed Tuscany Meadows Development Agreement, the project will provide at least 92 single-family homes with accessory dwelling units that would allow extended families to live near each other, increase the affordable and rental housing stock, and provide income assistance to homeowners (Housing Policy P-1.5).

u. The project will provide a substantial percentage of the City's Regional Housing Needs Allocation for the current and subsequent housing element cycles (Policy P-1.6).

v. The project will comply with conditions of approval requiring construction of quality home designs to ensure future residents will enjoy an attractive living environment (Housing Goal G-5 and Policy P-5.1).

4. The project site is physically suitable for the type of development and density proposed, in that it is relatively flat, has few physical site constraints, and is located adjacent to other subdivisions with similar site conditions and residential densities. Additionally the project site is located within the Voter Approved Urban Limit Line (ULL) and is surrounded by existing development and infrastructure.

5. The design of the proposed subdivision and accompanying improvements will not cause substantial environmental damage, in that the certified Environmental Impact Report (EIR) (SCH#2012112061) prepared for the project determined that most of the potentially significant environmental impacts identified would be less-than-significant after mitigation. The City Council will consider adopting CEQA Findings of Fact and a Statement of Overriding Considerations to allow approval of the project with significant unavoidable air quality, noise, and traffic impacts.

6. The design of the proposed subdivision and accompanying improvements will not substantially and unavoidably injure fish or wildlife or their habitat, in that the project will comply with mitigation measures requiring compliance with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), which provides an effective framework for protection of natural resources in eastern Contra Costa County.

7. The design of the subdivision and type of improvements proposed will not cause serious public health problems, in that the project will comply with mitigation measures requiring soil contaminants and chemicals at the project site (former Los Medanos Tank Farm) to be remediated in accordance with the Remedial Action Plan (RAP) and Storm Water Pollution Prevention Plan (SWPP) approved by the Regional Water Quality Control Board on July 20, 2007. The cleanup standards and criteria established by the RAP and the State Department of Toxic Substances Control are intended to protect human health and allow for

unrestricted use of the site.

8. The design of the subdivision and type of improvements 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 project site. Access into and within the subdivision would be on public roadways. Access to new public utilities and infrastructure improvements would be via roadway easements or other mechanisms deemed appropriate by the City Engineer.

Development Agreement Findings

9. The proposed Tuscany Meadows Development Agreement is consistent with General Plan, specifically Housing Element Policy P-1.5, in that it requires the construction of at least 92 accessory dwelling units which will allow extended families to live near each other, increase the City's affordable housing stock, and provide opportunities for homeowners to generate additional income.

10. The proposed Tuscany Meadows Development Agreement will promote the public health, safety, and general welfare in that it requires the developer to: a) construct drainage improvements serving the project; b) construct water infrastructure improvements required by the City's most current Water Master Plan; c) pay school impact and traffic mitigation fees; d) provide for installation of security cameras at nearby intersections; e) provide basic home security wiring in all new homes and offer one year of professional monitoring to new homeowners; f) install a solar roof system on at least one model home and offer installation as an option to new homeowners; g) extend Summit Way into the subdivision; h) dedicate right-of-way and provide frontage improvements along Buchanan Road; i) install traffic signals at the proposed Somersville Road/Sequoia Drive, Buchanan Road/Tuscany Meadows Drive, and Buchanan Road/Entrance to Parcel A intersections; j) install an additional eastbound left turn lane and an additional northbound left turn lane at the Somersville Road/Buchanan Road intersection along with signal timing modifications; k) install additional westbound through lanes on Buchanan Road along the approaches to and departures from Harbor Street and Loveridge Road; l) install additional eastbound through lanes on Buchanan Road along the approaches and departures from Ventura Drive, Tuscany Meadows Drive, and the Entrance to Parcel A; m) install left- and right-turn lanes to and from the Entrance to Parcel A on Buchanan Road and Sequoia Drive on Somersville Road; n) install westbound left-turn/acceleration lanes and eastbound right-turn/acceleration lanes at the proposed Buchanan Road/Tuscany Meadows Drive intersection; o) install bus turnouts, bus shelters, and bicycle racks on both sides of Buchanan Road adjacent to Tuscany Meadows Drive; p) provide a Class II bicycle lane and sidewalk along the north side of Buchanan Road; q) provide a direct multi-use pathway between the project and the Delta de Anza Regional Trail for use by pedestrians and bicyclists; r) redesign and reconstruct the Tuscany

Meadows/James Donlon Boulevard intersection to eliminate the existing westbound free-right turn and raised median; s) construct 18.6 acres of parks/detention basins and pay a park in-lieu fee to the City of $9.40 per square foot of each dwelling unit; t) annex the subdivision into the City's Lighting and Landscaping District, Community Facilities District (CFD) 2007-1 for park maintenance, 2004-1 for police and other emergency services, and a future CFD for fire protection services; u) and pay $125.00 per building permit to help fund future updates of the City's General Plan.

Section 4. Approval

Based on the findings and the authority set forth above, the Planning Commission hereby approves Vesting Tentative Subdivision Map Application No. 12-843 (Tract 8654), subject to the conditions below and recommends that the City Council adopt an ordinance approving the Tuscany Meadows Development Agreement as substantially presented in Exhibit A of this resolution:

Planning Conditions:

1. Conformity with Project Plans: The project site shall be subdivided and graded in substantial conformity with the 'Vesting Tentative Map & Preliminary Grading Plan' dated November 2012 and the 'Preliminary Phasing Plan' dated April 2013, except as may be hereinafter modified.

2. Contingent Approval: Approval of the vesting tentative map and preliminary grading plan is contingent upon the following factors: 1) Contra Costa Local Agency Formation Commission (LAFCo) approval of proposed amendments to the City of Pittsburg and City of Antioch Spheres of Influence and annexations of land to both cities; 2) Annexation to the Contra Costa Water District for the provision of water services; and 3) Annexation to Delta Diablo for the provision of wastewater services.

3. Reduction of Total Multifamily Units Proposed: To comply with the minimum lot size per unit required in the RH District, 'Parcel A' shall only be entitled for up to 353 units.

4. the developer shall reduce the number of units on the parcel by twelve (12) to comply with the RH District's minimum lot area per unit.

5. Chevron Masonry Wall: The developer shall hire a qualified structural engineer to assess the condition of the existing masonry walls located along the western, southern, and eastern boundaries of the Chevron property (APN 089-150-015). The assessment shall have been performed no more than a year prior to submittal of a grading or building permit application for the subdivision. The assessment shall be provided to the City Engineer who shall determine whether the masonry walls require repair or removal and replacement. The cost of

repairing, removing, and replacing the walls shall be borne solely by the developer.

6. Design Review Application: The design of houses, apartments, landscaping, sound walls, fences, entry signs, and other amenities in the subdivision shall be reviewed and approved as part of separate design review applications in accordance with PMC chapter 18.36. The design review application for the single-family portion of the subdivision shall be subject to the following requirements:

    a) Masonry Walls: New masonry walls shall be of solid and durable construction utilizing graffiti resistant coating. Masonry walls shall incorporate a decorative wall cap and decorative pilasters shall be provided at intervals of 50 feet or less. Masonry walls visible from the street, parks, and other open spaces shall exhibit a higher level of decorative treatment than walls exposed to private yard areas.
    The developer shall provide walls constructed from concrete block, gravity concrete or similar materials when walls are required between lots.

    b) Subdivision Entries: A strong sense of neighborhood arrival shall be provided at all primary points of entry into the subdivision. Entries shall include elements such as monument signing, special landscaping, lighting, specialty pavement, enhanced fence wall details, and gateway architectural features.

    c) Street Lights: The developer shall utilize decorative lighting standards on local streets within the subdivision. Poles/lights shall be manufactured by "Cyclone" or "Cree" to ensure consistency with other City light standards. The final street lighting standards shall be subject to review and approval by the City's Community Development and Public Works Departments prior to the approval of improvements plans for the subdivision. A photometric analysis shall be submitted to the Engineering Division for review and approval of street light spacing and lighting levels.

    d) Street Trees: Street trees shall be provided along all streets at a minimum of one tree per lot, plus two additional trees on the side of corner lots. Street trees shall be selected with the intent to create a continuous canopy at 15 years of maturity. The installed size shall be a minimum of 15 gallon containers. A mix of deciduous and evergreen trees shall be provided to ensure year-round foliage.

    e) Front Yard Landscaping: Front yard landscaping shall include trees along with flowering plants and shrubs. Front yard lawns shall be prohibited with the exception of limited turf areas utilizing an alternate drought tolerant turf type approved by the Planning and Engineering Divisions. Paved walkways shall be provided to connect house entries to adjacent sidewalks and/or driveways. Decomposed gravel or concrete pathways that would allow trash receptacles to be rolled out from the side yard to the curbside shall also be provided. Paving within the front yard shall be limited to a maximum of 50 percent of the front yard setback area.

f) Staggered Front Yard Setbacks: Twenty-five percent of lots on a block shall have a three-foot increased front yard setback in order to create greater front yard setback variety along streets.

g) Unit Plan Variety: At least one distinct plan with four distinct elevations shall be provided for every 25 units in the entire subdivision.

h) Single Story Units: At least fifty percent of corner lots within the subdivision shall be single story units. At least 15 percent of all units in the subdivision shall be single story.

i) Form and Massing: The bulk and scale of street facades shall be broken down using typical techniques such as: horizontal and vertical wall plane changes; projecting porches; varied roof forms and orientations; bay windows; roof dormers; wide roof overhangs; material and color changes; and applied decorative features.

j) House Entries: A porch or projecting entry shall be provided on each house. Porches and projecting entries shall have a minimum clear depth of four feet. Porches and projecting entries shall cover a majority of the house width that remains when the garage width is subtracted from the façade.

k) Side and Rear Treatment: Tall blank walls shall be avoided. Home designs with different roof ridge lines shall be provided to avoid repeating elements such as continuous gable ends, identical building silhouettes, eave heights and ridge heights along streets and open spaces. Sharp changes in wall materials from front to side walls shall be avoided when side walls are visible from the street or open space.

l) Garages: Front-loaded garages shall be located at least three feet behind the front elevation plane and shall be visually softened with trellises, bay windows or other similar features. Garage doors with glass window lites shall be provided for at least 60 percent or more of units in the subdivision. Garage doors shall be recessed at least 12 inches. Garage door width shall be limited to a maximum of two cars. Additional cars shall be accommodated in a separate garage or in a garage space set back a minimum of three feet from the face of the two car garage.

m) Secondary Elements: Roof protrusions shall be painted or finished to match the roof color. Steps at entries greater than one riser shall be covered with tile or brick. Rear and side yards shall be fenced with redwood fencing of the 'good neighbor' type. A stain shall be applied to all fencing facing the street or open spaces. Wood retaining walls greater than two feet in height shall be prohibited for use between lots.

n) Materials and Colors: Materials and color changes shall be made at inside corners rather than outside corners to avoid a 'pasted on' look. A mix of materials shall be provided for each house except for certain architectural styles like 'mission revival' which would typically be faced with a single material. Materials shall appear substantial and not 'tacked' onto the façade.

o) Roof Materials: Concrete or tile roofing shall be provided for each house. Other materials may be considered if appropriate for a specific architectural style. Roof monotony shall be avoided by providing variety in roof tile tones, roof material texture, and roof tile shapes.

p) Colors: A minimum of three different color schemes shall be provided for each architectural style of each plan type. Strong accent colors shall not be applied to garage doors and trim in order to avoid drawing undue attention to that portion of the elevation.

7. Inclusionary Housing Ordinance: The developer shall comply with the requirements of the Inclusionary Housing Ordinance (PMC chapter 18.86). The developer shall enter into an affordable housing agreement outlining the implementing and monitoring details of compliance with the basic or alternative requirements of the Inclusionary Housing Ordinance (PMC section 18.86.040 or 18.86.080). For an affordability mechanism other than one of those specified in PMC section 18.86.040 or 18.86.080, the developer shall execute a development agreement outlining the developer's obligations for providing affordable housing. The affordable housing agreement or development agreement, as applicable, shall be subject to City Council approval and must be approved prior to the City Council's consideration of approval of a final map for the development.

8. Sidewalk Improvements along Buchanan Road: The developer shall construct full frontage improvements, including but not limited to curb, gutter, sidewalk, and landscape improvements, along Buchanan Road including the frontage along the Chevron property (APN No. 089-150-015).

9. Abutter's Rights and Sidewalks: The developer shall relinquish the abutter's rights for all corner lots and provide six (6) foot wide sidewalks throughout the subdivision.

10. Detention Basin Access Roads: The developer shall provide access roads to allow routine maintenance of all detention basins during wet weather. Access roads shall be designed to the satisfaction of the City Engineer.

11. Release of Drainage: The developer 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 to the storm drain system.

12. Water Lines: The developer shall provide proper water lines and sizes to meet the domestic and fire protection needs of the subdivision.

13. Water Sampling Stations: The developer shall provide two water sampling stations as required by the Public Works Department.

14. Utility Parcels: The developer shall create and dedicate utility parcels to the City rather than utility easements between lots.

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

16. Extension of Water Service: The developer shall design and construct the extension of new water service, connecting from the existing terminus on Buchanan Road, extending eastward to serve the project site, with the first phase of construction approved for the project, subject to the City Engineer's approval.

17. Looped Water Conveyance: The developer shall design and construct a looped water conveyance system to provide enhanced water service reliability. The water system shall be looped on James Donlon Boulevard. The looped connection shall be constructed prior to the completion of the improvements for the lots located in the southwestern corner of the project area, bounded by Tuscany Meadows to the east, and James Donlon Boulevard to the south. In addition, if written authorization is provided by the City of Antioch, the developer shall design and construct an emergency interconnect with the City of Antioch, with the construction of this looped system.

18. Zone II Water Reservoir: The Zone II water reservoir and all appurtenant improvements relating to the reservoir shall be designed and constructed in accordance with the most current Water Master Plan. Unless the City elects to prepare the design, the developer shall submit complete designs for the Zone II water reservoir and all appurtenant improvements relating to the reservoir prior to the issuance of the 200th building permit. Should the City elect to have the developer construct the reservoir, construction of the reservoir shall be substantially completed prior to the issuance of the 400th building permit, unless otherwise approved by the City Engineer. The design and construction of the reservoir shall be managed by the City. Any costs incurred by developer for design or construction of the tank over and above its share will be outlined in a

mutually acceptable Reimbursement Agreement between the City and the developer that will be completed prior to commencing the design of the facility.

At the developer's sole election, its share of the construction and design costs may be financed through the formation of a Community Facilities District. If developer requests the formation of a Community Facilities District, the District's formation and financing mechanism shall be completed and approved by the City prior to the first single-family residential unit occupancy (excluding models).

19. Segment 1E Pipeline: The City's 2015 Water Master Plan requires the Segment 1E pipeline to be constructed prior to the issuance of the 807th equivalent single family dwelling unit in the Zone 2 Infill and SE Hills service areas. This pipeline segment shall be designed, constructed and managed by the City in accordance with the most current Water Master Plan. Construction of the pipeline segment shall be completed by the City prior to the issuance of the 500th building permit in the Tuscany Meadows subdivision. The developer shall pay its proportional share for these improvements in accordance with the Water Master Plan at the time work for the pipeline segment is completed.

    At the developer's sole election, its share of the construction and design costs for the pipeline segment may be financed through the formation of a Community Facilities District. If the developer requests the formation of a Community Facilities District, the District's formation and financing mechanism shall be completed by the City prior to the issuance of the first single-family residential unit occupancy (except models).

Mitigation Measures:

The developer shall comply with the following environmental impact report mitigation measures.

Air Quality and Greenhouse Gas Emissions

20. Measure 4.1-1(a): Prior to issuance of a grading permit for each phase of construction for the Tuscany Meadows Subdivision, the project applicant shall show on the grading plans via notation that the contractor shall ensure that all diesel-powered equipment larger than 50 horsepower and operating on the site for more than two days consecutively shall meet USEPA emissions standards for Tier 2 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer.

21. Measure 4.1-1(b): Prior to issuance of a grading permit for each phase of construction for the Tuscany Meadows Subdivision, the project applicant shall show on the grading plans via notation that the contractor shall ensure that all generators shall be alternatively fueled or meet USEPA emissions standards for

Tier 4 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer.

22. Measure 4.1-2(a): Wood-burning fireplaces, woodstoves, or similar wood-burning devices shall be prohibited throughout the proposed project plan area. Homes may be fitted with the applicable regulation compliant natural gas burning appliances if desired. The prohibition shall be included on any project plans submitted prior to issuance of building permits, subject to review and approval by the Chief Building Official.

23. Measure 4.1-2(b): Electrical outlets shall be provided on the outside of the homes to encourage the use of electrical landscaping equipment. The provision shall be included on any project plans submitted prior to issuance of building permits, subject to review and approval by the City Building Official.

24. Measure 4.1-2(c): The use of electrical landscaping equipment shall be encouraged within the homeowner's guide to be provided following the signing of each purchasing agreement. In addition, the homeowner's guide shall discuss the benefits of limiting the use of certain consumer products, including, but not limited to, high-VOC paints, barbeque lighter fluid, and aerosol sprays.

25. Measure 4.1-2(d): The City's Green Building Design Guidelines shall be used to promote a reduction in residential emissions where feasible and appropriate, including, but not limited to, implementation of the following measures, subject to review and approval by the Pittsburg Planning Division:

    a) Secure and convenient storage for at least two bicycles should be provided along the street side of the house. The storage location should be accessible by driveway, other hardscape, or dedicated path, and securable by lock. The storage may be an external unit that is fully enclosed or enclosed on three sides closest to the street to hide the bicycles from street view, or an entrance into a garage or other space inside the residential unit with sufficient space to store the bicycles. External units should be located with consideration for the layout of the building, and complement the color and design of the building as much as possible. Storage units may be wall mounted and store bicycles vertically.

    b) Subdivisions should include a designated pedestrian route interconnecting all internal uses, site entrances, primary building entrances, public facilities, and adjacent uses to existing external bicycle and pedestrian facilities and streets.

        - Pedestrian and bicycle paths should provide safe, visible, and unobstructed bicycle and pedestrian access between facilities, from facility entrances to bicycle and pedestrian routes (sidewalks and bicycle lanes), and between facilities and existing or planned bicycle and pedestrian routes.

- Greater emphasis should be placed on bicycle and pedestrian accessibility (location of routes) and connectivity (number of routes) rather than automobile accessibility/connectivity.
- Cul-de-sacs should include pedestrian and bicycle pathways that cut through the block from the cul-de-sac to the next street behind the parcels lining the cul-de-sac. Green space may be used to connect adjacent cul-de-sacs, creating a pedestrian connection as well as community open space.
- Spacing between pedestrian/bicycle connections should be no greater than 400 feet.

c) Convenient, visible, and secure bicycle storage facilities should be available on site for multi-family residential areas, sufficient to accommodate demand of residents and guests.

- Parking facilities may be lockers that may by locked individually.
- Parking facilities may be locked storage rooms that are only accessible by building tenants and managers.
- Parking facilities may be a storage area that is continuously monitored by on-site staff.

d) Roofs should be covered with a cool roof under the energy generation structures. Roof segments that are uncovered by energy systems should host raised bed garden space or greenhouses, a green/living roof, or cool roof surfaces.

26. Measure 4.1-3(a): Implement Measure 4.1-1(a); or the construction contractor shall use other measures to minimize construction period DPM emissions sufficient to reduce the predicted cancer risk below the applicable threshold of significance of 10 in one million. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts), alternative fuels, added exhaust devices, or a combination of measures, provided that the measures are approved by the City Engineer. Verification that the chosen measures are sufficient to reduce cancer risk to below the applicable threshold of significance shall be provided to the City Engineer by the project proponent prior to issuance of a grading permit for each phase of construction for the Tuscany Meadows Subdivision.

27. Measure 4.1-3(b): During any construction period ground disturbance of Areas 4 through 11 (as shown in Figure 4.1-1 of the Tuscany Meadows EIR), the project applicant shall show on the grading plans via notation that the contractor shall ensure that 40 percent of all diesel-powered equipment larger than 50 horsepower and operating on the site for more than two days consecutively shall meet USEPA particulate matter emissions standards for Tier 4 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer prior to issuance of grading permits for each phase of construction. The construction contractor shall use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk DPM emissions sufficient to reduce the predicted cancer risk below the applicable threshold of significance of 10 in one million. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts), alternative fuels, added exhaust devices, or a combination of measures, provided that the measures are approved by the City Engineer prior to issuance of a grading permit for each phase of construction. Verification that the chosen measures are sufficient to reduce cancer risk to below the applicable threshold of significance shall be provided to the City Engineer by the project proponent prior to issuance of a grading permit for the Tuscany Meadows Subdivision for each phase of construction.

28. Measure 4.1-3(c): Implement Measure 4.1-1(b).

29. Measure 4.1-3(d): Prior to issuance of a grading permit for each phase of construction for the Tuscany Meadows Subdivision, the project applicant shall show on the grading plans via notation that the contractor shall minimize the number of minutes that equipment will operate. The idling time of diesel powered construction equipment shall be minimized to two minutes, per the 'Additional Construction Mitigation Measures' recommended by BAAQMD. The grading plans shall be submitted for review and approval by the City Engineer.

30. Measure 4.1-4: Implement Measure 4.1-2.

Biological Resources

31. Measure 4.2-2(a): Prior to the issuance of grading or construction permits for each phase of development of the Tuscany Meadows subdivision, the applicant shall pay the applicable East Contra Costa County HCP/NCCP per-acre fee in effect for Zone II in compliance with Section 15.108.070 of the Pittsburg Municipal Code; or, per Section 15.108.080 of the Pittsburg Municipal Code, the applicant shall dedicate land in-lieu of some or all of the Development Fee that would otherwise be imposed upon the project. The Pittsburg Planning Department and the Contra Costa County Conservancy shall approve the final method of compliance with the East Contra Costa County HCP/NCCP provisions.

Alternately, the project applicant may, in accordance with the terms of PMC Chapter 15.108, offer to dedicate land or create and restore wetlands in lieu of some or all of the mitigation fees. All applicable mitigation fees shall be paid, or an "in-lieu-of fee" agreement executed, prior to the issuance of a grading permit for the project.

32. Measure 4.2-2(b): The project shall implement the following avoidance measures for potential effects on San Joaquin kit fox during construction:

a) Prior to any ground disturbance, a USFWS/CDFW-qualified biologist shall conduct a pre-construction survey within the proposed disturbance footprint and a surrounding 250-foot radius. The survey shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (US Fish and Wildlife Service 1999). The pre-construction survey shall be conducted no more than 30 days prior to ground disturbance. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership are not required to be surveyed. The status of all surveyed dens shall be determined and mapped. Written results of pre-construction surveys shall be submitted to USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to ground disturbance.

b) If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below shall be implemented.

- If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for 3 days by a USFWS/CDFW–qualified biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.

- Unoccupied dens shall be destroyed immediately to prevent subsequent use.

- If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.

- If kit fox activity is observed at the den during the initial 3-day monitoring period, the den shall be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of the biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities).

c) If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No ground disturbance activities shall occur within the exclusion zones. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.

33. Measure 4.2-3(a): Implement Measure 4.2-2(a).

34. Measure 4.2-3(b): The project shall implement the following avoidance measures for potential effects on burrowing owl during construction:

a) Prior to any ground disturbance, a USFWS/CDFW qualified biologist shall conduct a pre-construction survey of the project site for burrowing owls. The pre-construction survey shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (California Department of Fish and Game 1993).

On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership shall not be required to be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area.

Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted.

b) If burrowing owls are found during the breeding season (February 1–August 31), the project applicant shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non- disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1– January 31), the project applicant shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (described below).

35. Measure 4.2-3(c): If construction begins and then is delayed for more than a year, as an interim measure, the project applicant shall periodically disk the graded areas of the project site to avoid recolonization by burrowing owls. Upon recommencement of project construction, the project applicant shall re-implement Mitigation Measure 4.2-3(b) prior to recommencement of any ground disturbing activities.

36. Measure 4.2-4(a): Implement Measure 4.2-2(a).

37. Measure 4.2-4(b): The project applicant shall implement the following avoidance measures for potential effects on Swainson's hawk nests during construction:

a) Prior to ground disturbing activities during the nesting season (March 15 through September 15), a qualified biologist shall conduct a pre-construction survey no more than one month prior to construction to establish whether occupied Swainson's hawk nests occur on or within 1,000 feet of the area of proposed construction. If no occupied nests are found, then no further mitigation is required.

b) If occupied nests are found, there shall be no project construction activity within a 1,000 foot buffer zone distance from the nest unless a lesser buffer zone is approved by the City in consultation with CDFW. During the nesting season, construction activities shall be avoided within the established buffer zone to prevent nest abandonment. Construction monitoring shall be required to ensure that the established buffer zone is adhered to. If young fledge prior to September 15, construction activities can proceed normally without a buffer zone. If an active nest site is present but shielded from view and noise by other development or other features, the City may waive this avoidance measure (establishment of a buffer zone) if approved by the CDFW.

38. Measure 4.2-4(c): Implement Mitigation Measure 4.2-2(a).

39. Measure 4.2-4(d): The project shall implement the following avoidance measures for potential effects on golden eagles during construction:

    a) Based on the potential for active nests, prior to implementation of construction activities, including tree removal, a qualified biologist shall conduct a pre-construction survey to establish whether an active golden eagle nest is present on the project site. If an occupied nest is present, minimization requirements and construction monitoring shall be required, as detailed below.

    b) Construction activities shall be prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the construction activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the Implementing Entity shall coordinate with CDFW/USFWS to determine the appropriate buffer size.

    c) Construction monitoring shall ensure that no construction activities occur within the buffer zone established around an active nest. Construction monitoring shall ensure that direct effects to golden eagles are avoided.

40. Measure 4.2-5(a): Prior to any ground disturbance related activities that occur during the nesting season (March 15-August 31), a qualified biologist shall conduct a pre-construction survey no more than one month prior to construction to establish whether white-tailed kite is nesting in trees visible from the site. In the event active nests are found, the applicant shall develop and submit a construction monitoring plan to the East Contra Costa County Habitat Conservancy and the City of Pittsburg for review and approval prior to the commencement of construction activities.

41. Measure 4.2-5(b): If possible, vegetation removal shall occur outside of the general bird nesting season (February 1 through August 31). Alternatively, a qualified biologist shall conduct a pre-construction survey no more than two weeks prior to vegetation removal. If active nests are found, vegetation removal shall be delayed until the young have fledged, as determined by a qualified biologist.

42. Measure 4.2-8: Implement Mitigation Measures 4.2-2 through 4.2-5.

Geology, Soils, and Seismicity

43. Measure 4.3-2(a): Prior to approval of Improvement Plans and issuance of grading permits for the Tuscany Meadows Subdivision, the project applicant shall submit to the City of Pittsburg Engineering Department, for review and approval, a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall include the recommendations in the report entitled, Geotechnical Engineering Report, Highlands Ranch II (Tuscany Meadows), dated February 3, 2012. The design-level report shall address, at a minimum, the following:

- Compaction specifications for on-site soils;
- Road and pavement design; Structural foundations, including retaining wall design (if applicable);
- Grading practices; Erosion/winterization; and
- Expansive/unstable soils.

It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. Proof that earthwork has been performed in accordance with the recommendations of the design-level geotechnical report shall be provided to the City of Pittsburg Engineering Department.

44. Measure 4.3-2(b): If any on-site soils identified for bioremediation are planned to be utilized for fill purposes, proof shall first be provided to the City of Pittsburg Engineering Department that such soils have been successfully remediated per the approved Remedial Action Plan (RAP).

45. Measure 4.3-3: Prior to issuance of a grading permit for the Tuscany Meadows Subdivision, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Measures could include, but are not limited to, the following:

- Hydro-seeding;
- Placement of erosion control measures within drainage ways and ahead of drop inlets;
- Temporary lining (during construction activities) of drop inlets with "filter fabric" (a specific type of geotextile fabric);
- Placement of straw wattles along slope contours;
- Directing subcontractors to a single designation "wash-out" location (as opposed to allowing them to wash-out in any location they desire);
- Use of siltation fences; and
- Use of sediment basins and dust palliatives.

Hazards and Hazardous Materials

46. Measure 4.4-2(a): Prior to issuance of a grading permit for the Tuscany Meadows Subdivision, the project applicant shall provide proof to the City that the soil contamination on-site has been contained in accordance with the approved RAP and has been remediated to the satisfaction of the San Francisco Bay RWQCB.

47. Measure 4.4-2(b): Prior to approval of Grading and Improvement Plans, the project applicant shall coordinate with Chevron to determine the accurate depths and alignment of the pipelines by field checking and potholing the pipeline. Arrangements to potholing of the pipelines shall be made at least 48 hours in advance. The project applicant shall be responsible for providing a backhoe and operator, as well as a surveyor if needed. All construction plans that involve right-of-way encroachments shall be submitted to Chevron to allow for review prior to commencing work within the easement.

After determining the accurate depths and alignments of the pipelines, the project applicant shall further coordinate with Chevron regarding all work that could affect the pipelines in order to ensure compliance with applicable development restrictions and regulations, which would include, but would not be limited to, the following:

- Maintain a minimum of 12 inches of clearance between the pipelines and other cross-lines that intersect at a 90-degree angle, or a minimum of 24 inches of clearance for intersection angles less than 90-degrees;
- Maintain a minimum of 24 inches of undisturbed clearance between the top of pipe and bottom of the sub grade for paving and grass or shallow rooted plants within the pipeline easements;
- Prohibit deep-rooted trees and structures within pipeline easements;
- All excavations within 24-inches of the pipelines shall be accomplished using hand tools only;
- Restrict use of heavy vibratory equipment over pipelines; and
- Notify Underground Service Alert (USA) at 800-227-2600 at least 48 hours prior to any excavation work.

Land Use and Planning

48. Measure 4.6-1: Prior to approval of design review, the project applicant shall submit a plan to the Pittsburg Planning Division that shows the amount and location of single-story and two-story residences. The Planning Division shall verify that all two-story residences comply with the setbacks set forth in the sale and purchase agreement for the Tuscany Meadows Tentative Map site between Chevron USA, Inc. and North State Development Company. Specifically,

residential units may be developed within twenty (20) feet of the southern boundary and fifty (50) feet of the eastern boundary of the Los Medanos Pump Station. The insulation requirement is addressed in mitigation measures 4.7-3 (c) and 4.7-3 (d) in the Noise chapter of the Tuscan Meadows Draft EIR.

Noise

49. Measure 4.7-1: Prior to issuance of Building Permits, the contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. The plan shall implement, but not be limited to, the following available control measures to reduce construction noise levels as low as practical:

    a) Construction activities shall be limited to the hours between 8:00 AM and 5:00 PM, Monday through Saturday. No construction activities should occur on Sundays or federal holidays (Consistent with General Plan Policy 12-P-9 and as approved by the City Engineer and Chief Building Official);

    b) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;

    c) Prohibit all unnecessary idling of internal combustion engines;

    d) Route construction related traffic to and from the site via designated truck routes and avoid residential streets where possible;

    e) Utilize "quiet" models of air compressors and other stationary noise sources where technology exists;

    f) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;

    g) Shield adjacent sensitive uses from stationary equipment with individual noise barriers or partial acoustical enclosures;

    h) Locate staging areas and construction material storage areas as far away as possible from adjacent land uses;

    i) Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented.

Conspicuously post a telephone number for the disturbance coordinator at the construction site and include the telephone number in the notice sent to neighbors regarding the construction schedule; and

j) Hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.

The construction plan shall be submitted to the City Building Official for review and approval. If changes to the allowable time for construction activities must be adjusted, the changes shall be submitted to the City Building Official for review and approval.

50. Measure 4.7-2: In conjunction with submittal of Grading Plans for the Tuscany Meadows subdivision, the applicant shall show on the Grading Plans that, if necessary, alternate vibratory compaction equipment, such as a plate compactor or smaller, rubber tired equipment, shall be used when grading is required within 20 feet of existing residential land uses adjoining the project site.

51. Measure 4.7-3(a): In conjunction with submittal of Improvement Plans, the applicant shall show on the Improvement Plans noise barriers six feet to twelve feet in height, as measured above the adjacent private outdoor activity areas, to shield private outdoor spaces adjacent to Buchanan Road, Somersville Road, and James Donlon Boulevard. In addition, the Plans shall require with notation that noise barrier walls shall be constructed of concrete panels, concrete masonry units, earthen berms, or any combination of these materials. Wood is not recommended due to eventual warping and degradation of acoustical performance. The specific height and locations of the noise barriers shall be confirmed based upon the final approved site and grading plans. See Figure 4.7-3 for the suggested location and heights of the preliminary noise barrier plan. The site and grading plans shall be subject to review and approval by the City Engineer. Final wall heights shall be determined by an acoustical engineer based on the final grade of the lots in order to bring noise levels to an acceptable level of 60 dB for the single-family development along Somersville Road and 65 dB for the multi-family development along Buchanan Road.

52. Measure 4.7-3(b): In conjunction with submittal of the Site Plan for the multi-family site, the applicant shall show on the Site Plan that the common outdoor use areas would be located a minimum distance of 205 feet from the Buchanan Road centerline, or in areas shielded by multi-family residential buildings or noise barriers, in order to reduce the noise exposure to 65 dBA CNEL or less. The location of outdoor use areas, or attenuation provided by buildings or noise barriers, shall be confirmed based upon the final approved site and grading plans. As an alternative, the applicant shall provide a noise report identifying the noise barriers aimed to decrease traffic noise at outdoor activity areas which

would result in traffic noise levels that comply with the exterior noise level criterion of 65 dB CNEL. The site and grading plans shall be subject to review and approval by the City Engineer.

53. Measure 4.7-3(c): Prior to issuance of Building Permits, a qualified acoustical consultant shall review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by the City of Pittsburg to confirm that the design results in interior noise levels reduced to 45 dBA CNEL or lower. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit. Potential measures could include, but would not be limited to, restriction of two-story homes, or incorporation of noise-insulating building materials such as windows with a sound transmission class rating of 35-38 and resilient channels for walls, for homes adjacent to Buchanan Road, Somersville Road, and James Donlon Boulevard.

54. Measure 4.7-3(d): Prior to issuance of Building Permits, the applicant shall show on the construction drawings that a suitable form of forced-air mechanical ventilation shall be installed as determined by the City Building Official, for units throughout the site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

Public Services, Recreation, and Utilities

55. Measure 4.8-1: The developer shall provide all necessary documentation required by the CCWD for its application for inclusion of the project site in the CVP. No grading or building permits shall be issued for the Tuscany Meadows Subdivision until the project site has been annexed into the CCWD service area and the developer provides the City with a "Will Serve" letter from the CCWD verifying that the project site has been included in the CVP.

56. Measure 4.8-7: The subdivider shall dedicate the amount of park land required for dedication at the time of the filing of the final or parcel map for the subdivision; or subject to approval by the Pittsburg Planning Commission, the subdivider shall provide a combination in-lieu fees and park dedication. Payment of in-lieu fees is required at a time consistent with subsections (E)(2)(b) and (c) of PMC Section 17.32.020.

Transportation, Traffic, and Circulation

57. Measure 4.9-5(a): Prior to approval of Improvement Plans for Phase I improvements, the Improvement Plans shall include, where determined feasible by the City Engineer, bus turnouts, including bus shelters, bicycle racks, and sidewalks on both sides of Buchanan Road adjacent to the proposed intersection

with Tuscany Meadows Drive. The turnouts, bus shelters, bicycle racks, and sidewalks shelters shall be constructed with the roadway improvements.

58. Measure 4.9-5(b): The Phase I improvements of the proposed project shall include completion of a multi-use trail/path connection to the Delta De Anza Trail. The final location and design of the trail/path shall be submitted to the City Engineer for review and approval prior to approval of Improvement Plans.

59. Measure 4.9-5(c): Prior to approval of Improvement Plans for either the multi-family or the contiguous single-family residential portion of the proposed project, whichever is submitted first, the Improvement Plans shall include pedestrian trail connections between the multi-family and single-family residential portions of the project site, for review and approval by the City Engineer.

60. Measure 4.9-9: Implement Measures 4.9-5(a), 4.9-5(b), and 4.9-5(c).

Engineering Conditions – Fees and Exactions:

61. Major Subdivision Map Processing Fee: The developer shall pay the Major Subdivision Map Processing Fee according to the following amounts, as applicable to the project:

    - $2,300.00 for 5-50 lots (plus $800/additional plan checks after third review);
    - $3,000.00 for 51-150 lots (plus $1,500/additional plan checks after third review); or
    - $3,365.00 for 151 or more (plus $1,330.00/additional plan checks after third review).

    The Major Subdivision Map Processing Fee shall be paid in full prior to the City Council's approval of each Final Map.

62. Improvement Plan Check Deposit: The developer shall provide an Improvement Plan Check Deposit of $10,000.00 (or an alternate amount as determined by the City Engineer) with the first set of improvement plans submitted for staff review. This initial deposit may be applied towards the total fees due for the project.

63. Improvement Plan Check Fee: The developer shall pay the Improvement Plan Check Fee prior to issuance of an Engineering Site Development Permit. The Improvement Plan Check Fee is based on a percentage of the engineer's estimate, which shall be included with the first set of plans submitted for review. The current Improvement Plan Check Fee is 3.5% of the engineer's estimate for the cost of improvements. Any remaining balance from the Initial Plan Check Deposit may be applied toward the Improvement Plan Check Fee.

64. Improvement Inspection Fee: The developer shall pay the Improvement Inspection Fee according to the following rates as applicable to the project:

- 6.5% of the engineer's estimate for projects whose total estimated costs for improvements are less than or equal to $500,000.00;
- 4.0% of the engineer's estimate for projects whose total estimated costs for improvements are between $500,001.00 and $5 million; or
- 3.6% of the engineer's estimate for projects whose total estimated costs for improvements are more than $5 million.

The Improvement Inspection Fee shall be due payable prior to the issuance of an Engineering Site Development Permit.

65. Grading Plan Check Deposit: The developer shall provide a Grading Plan Check Deposit of $5,000.00 (or an alternate amount as determined by the City Engineer) with the first set of grading plans submitted for staff review.

66. Grading Plan Check Fee: The developer shall pay the Grading Plan Check Fee prior to the issuance of a grading permit. The Grading Plan Check Fee is based on the engineer's estimate for the cost of grading, or if cubic yard quantities are available, per the Grading Fee Table approved by City Council. The current Grading Plan Check Fee is 2.5% of the engineer's estimate for the cost of grading. Any remaining balance from the Initial Grading Plan Check Deposit may be applied towards the Grading Plan Check Fee.

67. Grading Inspection Fee: The developer shall pay the Grading Inspection Fee prior to the issuance of a grading permit. The Grading Inspection Fee is based on the engineer's estimate for the cost of grading, or if cubic yard quantities are available, per the Grading Fee Table approved by City Council. The current Grading Inspection Fee is 3% of the engineer's estimate for the cost of grading.

68. Facilities Reserve Charge (FRC): The developer shall pay the City of Pittsburg FRC (PMC Chapters 13.08, 13.12 and 13.24) for water and sewer service on each single-family dwelling unit and any detached, non-affordable accessory dwelling unit. The current water FRC is described in the fee schedule approved by Resolution No. 12-11778, effective April 21, 2012, a copy of which is available at the City. The water and sewer FRCs shall be paid prior to the issuance of a building permit.

69. Pittsburg Local Traffic Mitigation Fee (LTMF): The developer shall fulfill their financial obligations with regard to the LTMF (PMC Chapter 15.90) in accordance with the provisions of the Memorandum of Understanding originally approved on January 19, 1993, and amended on December 4, 2000, February 4, 2002, and

June 4, 2003. The developer shall pay the LTMF on each single-family dwelling unit and any detached, non-affordable accessory dwelling unit, or provide the City with bonds for LTMF at the rate in place at the time of building permit issuance. The developer understands that the LTMF currently on file is $7,786 per single-family dwelling unit and $4,756 per detached, non-affordable accessory dwelling unit. The developer further 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.

70. Regional Transportation Development Impact Mitigation Fee (RT-DIM): The developer shall pay the RT-DIM prior to the issuance of a building permit. The developer shall fully comply with the Memorandum of Understanding dated June 29, 2010, including payment of the fees referenced therein.

71. In-Lieu Parkland Dedication Fee: The developer shall pay an In-Lieu Parkland Dedication Fee equivalent to providing five (5) acres of park area per one thousand persons residing within the new development and shall be based on the fair market value of developed parkland, or as established with separate agreement as approved by the City Engineer.

72. Annexation to Community Facilities District (CFD) 2005-1: Prior to recordation of the first Final Map, the developer shall deliver written confirmation that the owner of the property has elected to annex the property into CFD 2005-1. The CFD provides funding for increased police coverage in the project area. The fee rate for CFD 2005-1 is established by City Council Ordinance No. 05-1246, a copy of which is available at the City.

73. Annexation to Community Facilities District (CFD) 2007-1: Prior to recordation of the Final Subdivision Map, the developer shall deliver written confirmation that the owner of the property has elected to annex the property into CFD 2007-01. The CFD provides funding for increased park maintenance services in the project area. The fee rate for CFD 2007-01 is established by City Council Ordinance No. 06-10679, a copy of which is available at the City.

74. Deposits: The developer shall provide the following deposits in accordance with the rates in place at the time of City Council's approval of the final subdivision map and improvement plans:

    - Final Subdivision Map Deposit – currently $500.00 (refundable upon receipt of a recorded final subdivision map vellum copy);

    - Record Drawing Deposit – currently $500.00 (refundable upon receipt of the AutoCAD/PDF file and improvement plan vellum copy);

- Sanitary Sewer Inspection Deposit – currently $1,000.00 for the first 1,000 linear feet of sewer main, plus $1.10 per linear foot of additional sewer pipe; and

- Storm Drain Inspection Deposit – currently $1,000.00 for the first 1,000 linear feet of sewer main, plus $1.10 per linear foot of additional storm drain main.

75. Geographical Information System (GIS) Fee: The developer shall pay the GIS Fee on each single-family dwelling unit and detached, non-affordable accessory dwelling unit prior to issuance of an Engineering Site Development Permit. The current GIS Fee is $100.00 per dwelling unit for all residential projects.

76. National Pollutant Discharge Elimination System (NPDES) Plan Review Fee: The developer shall pay the NPDES Plan Review Fee for review of stormwater control plans and processing of closeout agreements and/or review of Stormwater Pollution Prevention Plans (SWPPP). The NPDES Plan Review Fee shall be paid prior to issuance of an Engineering Site Improvement Permit. The current NPDES Plan Review Fees are as follows:

    - Projects with Risk Factor 1 – $3,000.00 for the first 10,000 square feet, up to first acre;

    - Projects with Risk Factors 2 or 3 – Add additional $136.00 per acre for projects greater than one (1) acre, up to the first five (5) acres; and

    - Projects Greater than Five (5) Acres – Add additional $31.00 per acre.

77. NPDES Site Inspection Deposit: The developer shall provide the NPDES Inspection Deposit for inspection of C.3 compliant facilities constructed, and/or inspection of construction sites for compliance with Best Management Practices in accordance with the City's Municipal Regional Stormwater NPDES Permit. The NPDES Site Inspection Deposit shall be paid prior to issuance of a grading permit. The current NPDES Site Inspection Deposit rates are as follows:

    - Projects with Risk Factor 1 – $12,000.00 for the first 10,000 square feet, up to first acre; and

    - Projects with Risk Factors 2 or 3 – $24,000.00 for projects greater than 1 acre.

    This NPDES Site Inspection 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 first anniversary, the remaining balance of the deposit will be returned to the developer.

78. 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.

Engineering Conditions – Submittals:

79. Final Subdivision Maps: The applicant shall submit three (3), full size, hard copies of reach Final Map with closure calculations, prior to City Council's approval of each final map, improvement, or grading plans.

80. Engineering Plans: The applicant shall submit five (5) copies of the engineering plans for the project to the City's Engineering Division for review and approval. The engineering plans shall be prepared by a registered civil engineer and shall include, but not be limited, to the following:

- Site Plan
- Grading and Drainage Plan
- Utilities Plan
- Landscaping and Irrigation Plan
- Joint Trench Plan
- Offsite Improvement Plan (due to project impacts)

81. Storm Water Pollution Prevention Plan (SWPPP): The developer shall submit two (2) copies of the SWPPP to the Engineering Division for review and comment prior to the issuance of a grading permit. 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 SWPPP measures shall also include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system. The applicant shall provide the project Waste Discharger Identification (WDID) number as evidence of having obtained a construction permit from the Regional Water Quality Control Board (RWQCB). If a WDID number has not yet been issued, a copy of the Notice of Intent that was sent to the Regional Water Quality Control Board shall be submitted with the grading permit application.

82. Storm Water Control Plan: The developer shall submit a Storm Water Control Plan and Report that is in compliance 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 storm water runoff from the associated drainage management areas. In the event it is discovered that the runoff cannot be treated on site, the applicant shall treat the remaining portion of runoff at an off-site facility, adequately sized and designed to meet the treatment needs. The offsite facility shall be constructed in accordance with the timeframe allowed for Alternate

Compliance projects for provision C.3. Plans and supporting calculations shall be submitted to the Engineering Division for review prior to issuance of a grading permit.

83. Storm Water Best Management Practice (BMP) Operations and Maintenance Plan: The developer shall submit a Storm Water 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 Storm Water BMP Operation and Maintenance Plan shall be submitted to the Engineering Division prior to the issuance of the first Building Permit.

84. Operation and Maintenance Agreement and Right of Entry: The developer shall submit an executed copy of the Operations and Maintenance Agreement addressing the responsibilities of continuous maintenance and ownership of all C.3 facilities and to allow City staff, Vector Control District, and Regional Water quality Control Board staff access for inspection of these facilities. The executed agreement shall be submitted to the Engineering Division prior to the issuance of the first building permit.

Standard Conditions:

85. 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 of Development and the project-specific conditions identified in this resolution, the specific conditions of this resolution shall govern.

86. Other Agency Requirements: The developer shall comply with all the requirements of the City's Community Development Department, Contra Costa Department of Environmental Health, Contra Costa County Fire Protection District, Contra Costa County Flood Control & Water Conservation District, California Regional Water Quality Control Board, and all other applicable local, state and federal agencies. It is the responsibility of the developer to contact each local, state, or federal agency for requirements that may pertain to this project.

87. All site development shall comply with Title 12 (Streets, Sidewalks, and Utilities), Title 13 (Water and Sewers), and Title 15 (Buildings and Construction) of the Pittsburg Municipal Code 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.

88. Indemnification: The developer shall defend, indemnify and hold harmless the City of Pittsburg, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set

aside, void or annul this approval, which action is brought within the applicable time period of Government Code section 66499.37. In the event the City becomes aware of any such claim, action or proceeding, the City shall promptly notify the developer and shall cooperate fully in the defense. If the City fails to promptly notify the developer, or if the City fails to cooperate fully in the defense, the developer shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained in this condition prohibits the City from participating in the defense of any claim, action, or proceeding, if both of the following occur: (a) the City bears its own attorneys' fees and costs; and (b) the City defends the action in good faith. The developer shall not be required to pay or perform any settlement unless the settlement is approved by the developer.

89. Map Expiration: Approval of the vesting tentative map shall expire 36 months after the date of approval of this resolution, 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.

Section 5. The Conditions Imposed Substantially Advance a Legitimate Governmental Interest and are Roughly Proportional to the Burdens Created by the Subdivision.

A. In the case of Dolan vs. City of Tigard (1994) 114 SCt 2309, the United States Supreme Court expanded on the findings a local agency must make when it imposes a condition on development which constitutes a taking of a possessory interest in real property. To withstand constitutional challenge, Dolan requires the agency show that the condition substantially advances a legitimate governmental interest and does not deny an owner economically viable use of his property. Additionally, the agency must demonstrate that the benefits from the condition are roughly proportional to the burdens created by the project.

B. Fees, Exactions and Off-Site Improvements. The City has a legitimate governmental interest in ensuring that the City, school districts including the Pittsburg Unified School District (PUSD), utility districts including Delta Diablo (DD) and Contra Costa Water District (CCWD), and emergency services providers including the Contra Costa County Fire Protection District (CCCFPD) receive adequate funding to ensure that their facilities and services may be expanded, improved or upgraded in accordance with demands created by new development. The policies in the Pittsburg General Plan have been designed to require developers to pay their fair share costs to fund the increase in demand for services or facilities that their projects create, in order to ensure that development "pays its own way" and does not divert, to a specific project-related improvement, general revenue funds that would otherwise benefit residents citywide.

Section 6. The Improvements are Reasonably Necessary to Meet the Needs of the Public Arising as a Result of the Subdivision

An improvement imposed as a condition of approval of a tentative map is valid to the extent that it is not excessive. An improvement is not considered excessive if it is reasonably necessary to meet public needs arising as a result of the subdivision. (Government Code section 66465.4 (a), (b).) As an additional finding, the Planning Commission hereby finds that the improvements and requirements described in section 4, above, are reasonably necessary to meet the needs of the public arising as a result of this Tuscany Meadows Residential Subdivision Development Application, as further described in sections 3, 4, and 5.

Section 7. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Fogleman, seconded by Commissioner Gargalikis, the foregoing resolution was passed and adopted the 9th day of February 2016, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Banales, Belleci-Shipe, Coniglio, Fardella, Fogleman, Garcia, and Gargalikis

NOES: None

ABSTAIN: None

ABSENT: None

I hereby certify that the above Resolution No. 10015 was adopted by the Planning Commission of the City of Pittsburg on February 9, 2016.

HECTOR ROJAS, ACTING SECRETARY
PITTSBURG PLANNING COMMISSION

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving CEQA Findings,)
Adopting a Statement of Overriding)
Considerations, Adopting a Mitigation) RESOLUTION NO. 16-13159
Monitoring and Reporting Program, and)
Initiating LAFCo Proceedings for the)
"Tuscany Meadows Residential Sub-)
Division, AP-12-843 (SUB, DA, ANNEX.)")

The City Council of the City of Pittsburg DOES RESOLVE as follows:

WHEREAS, on November 8, 2011, the City of Pittsburg voters approved the 'Local Control Enhancement for Pittsburg/Antioch Southeast Border Area, General Plan Amendment and Prezoning Act', also known as 'Measure I'; and

WHEREAS, Measure I approval resulted in the following actions: 1) Amendment of the voter-approved 2005 City of Pittsburg Urban Limit Line (ULL) to include the approximate 193.60-acre 'Southeast Border Area', west of Somersville Road and south of Buchanan Road; 2) Amendment of the Pittsburg General Plan Land Use Map to assign General Plan Land Use designations of 'Low Density Residential', 'High Density Residential', and 'Industrial' to the Southeast Border Area; and 3) Prezoning of the Southeast Border Area to 'Single-Family Residential District – 4,000 Square Foot Minimum Lot Size (RS-4)', 'High-Density Residential District (RH)', and 'General Industrial District (IG)'. The prezoning of the Southeast Border Area would take effect upon annexation of area to the City of Pittsburg; and

WHEREAS, prior to approval of Measure I, the Pittsburg General Plan (Policy 2-P-4) contemplated the Southeast Border Area as a potential candidate for incorporation into the City of Pittsburg jurisdictional limits; and

WHEREAS, as part of the approval of Measure I, Pittsburg General Plan Policy 2-P-4 was amended to read as follows: "Consider amendments to the current Sphere of Influence for properties along the eastern and western edges of the City, to take advantage of providing City services for the development of adjacent vacant lands. The undeveloped Southeast Border Area has historically been considered part of Pittsburg, and is a logical extension of the Highlands Ranch development. The Southeast Border Area can be served by extending City services to the property and the City supports its annexation into the City of Pittsburg. This will help protect the vacant land from being developed in the City of Antioch. Developable sites west of Bay Point can also be served by extending existing City services"; and

WHEREAS, on May 10, 2012, Louis Parsons, on behalf of Seecon Built Homes Inc., filed Application No. 12-843, requesting approval of: 1) a vesting tentative map to subdivide a 170-acre site for construction of up to 917 single-family homes, 365 multi-family apartments, and three parks totaling approximately 18.6 acres; and 2) a development agreement vesting the project entitlements for an extended term of approval.

The project requires Contra Costa Local Agency Formation (LAFCo) review and approval of amendments to the City of Pittsburg and City of Antioch Spheres of Influence and annexations of land to both cities. The project also requires annexation to the Contra Costa Water District and Delta Diablo for the provision of water and wastewater services. The project site is on unincorporated land located between the cities of Pittsburg and Antioch. The project site is bordered by Buchanan Road to the north, the Contra Costa Canal and Somersville Road to the east, the Black Diamond Estates residential subdivision to the south, and the Highlands Ranch residential subdivision to the west. Assessor's Parcel No. 089-150-016; and

WHEREAS, the objectives of the proposed project are to: 1) map and develop a mixed-density residential development consistent with the prezoning and General Plan land use designations that were approved by Pittsburg voters with the approval of Measure I in 2011; 2) map and develop a mixed-density residential development consistent with the goals and policies of the General Plan for the Buchanan Subarea; 3) create a logical extension of the residential Highlands Ranch development to be served by existing, stubbed City services; 4) map and develop a mixed-density, large in-fill residential project with existing, planned and proposed residential development on all sides; 5) provide housing in order to meet the City of Pittsburg's current obligation set forth by the Regional Housing Needs Allocation; and 6) provide market-rate single family detached and multi-family development along with a 5.4 acre public park located in the center of the site; and

WHEREAS, an Environmental Impact Report (EIR) was prepared for the proposed project (SCH #2012112061); and

WHEREAS, on August 3, 2015, the City Council adopted Resolution No.15-13083, certifying that the Final EIR for the proposed project was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Final EIR includes the Draft EIR, text changes to the Draft EIR, and responses to all comments received on the Draft EIR during the public review period. The resolution and certified Final EIR are incorporated herein by reference and is available for review in the Planning Division located at 65 Civic Avenue, Pittsburg during normal business hours; and

WHEREAS, on February 9, 2016, after conducting a duly noticed public hearing, the Planning Commission adopted Resolution No. 10015, approving the vesting tentative subdivision map for the 'Tuscany Meadows Residential Subdivision', contingent on LAFCo's approval of a sphere of influence reorganization and an annexation reorganization (collectively 'reorganizations') as shown on Exhibits A and B of this resolution, respectively. Resolution No. 10015 is incorporated herein by reference and is available for review in the Planning Division located at 65 Civic Avenue, Pittsburg during normal business hours; and

WHEREAS, the certified Final EIR for the proposed project identified significant and potentially significant impacts from the project, most of which can be substantially reduced through the implementation of mitigation measures; therefore, approval of the project must include CEQA mitigation findings, as set forth in Exhibit C of this resolution; and

WHEREAS, some of the significant impacts identified in the certified Final EIR cannot be reduced to a less-than-significant level even with mitigation; therefore, approval of the project must include CEQA findings regarding alternatives, included as Exhibit D of this resolution, and a Statement of Overriding Considerations, included as Exhibit E of this resolution; and

WHEREAS, consistent with Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097, a Mitigation Monitoring and Reporting Program has been prepared to assure implementation of the adopted mitigation measures and has been attached as Exhibit F of this resolution; and

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides that the proceedings for reorganizations may be initiated by resolution of application (Government Code Section 56650); and

WHEREAS, on or prior to Friday, March 11, 2016, a 'Notice of Public Hearing' for the March 21, 2016, public hearing on this item was published in the East County Times; was posted at City Hall and in the 'Public Notices' section of the City website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the developer, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice.

WHEREAS, on March 21, 2016, the City Council reviewed and considered the certified Final EIR and the request to initiate LAFCo proceedings, at which time a staff report dated March 21, 2016, incorporated herein by reference, and oral and/or written testimony was considered prior to Council action.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines as follows:

A. All the recitals above are true and correct and incorporated herein by reference; and

B. The proposed reorganizations are supported by the passage of the voter-approved 'Measure I' in 2011; and

C. The proposed reorganizations are consistent with the 2005 City of Pittsburg ULL, as amended by 'Measure I'; and

D. The proposed reorganizations will allow development of a project that is consistent with the General Plan land use designations of 'Low Density Residential' and 'High Density Residential' and the applicable goals and policies of the Pittsburg General Plan; and

E. The proposed reorganizations will allow development of a project that is consistent with the applicable prezoning of 'Single-Family Residential District – 4,000 Square Foot Minimum Lot Size (RS-4)' and 'High-Density Residential District (RH)' and all applicable zoning, development and subdivision standards in the Pittsburg Municipal Code (PMC).

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to file an application with the Executive Officer of LAFCo initiating LAFCo proceedings, pursuant to the 'Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, in order to consider: 1) bringing the Southeast Border Area into the City of Pittsburg's Sphere of Influence as shown on Exhibit A of this resolution; 2) annexing the same area into the City of Pittsburg's municipal boundaries as shown on Exhibit B of this resolution; and 3) annexing the same area to the Contra Costa Water District and Delta Diablo for the provision of water and wastewater services.

BE IT FURTHER RESOLVED that the City Council herby adopts the following with respect to the project: 1) Mitigation Findings Pursuant to CEQA Guidelines Section 15091, as set forth in Exhibit C to this resolution; 2) Findings Concerning Alternatives, as set forth in Exhibit D to this resolution; 3) Statement of Overriding Considerations, as set forth in Exhibit E to this resolution; and 4) Mitigation Monitoring and Reporting Program, as set forth in Exhibit F to this resolution.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 21st day of March 2016, by the following vote:

AYES: Casey, Craft, Evola, Longmire, Johnson

NOES: None

ABSTAINED: None

ABSENT: None

BR Johnson

BR Johnson, Mayor

ATTEST:

Alice E. Evenson

Alice E. Evenson, City Clerk

SPHERE OF INFLUENCE RESOLUTION NO. 17-07

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND AMENDING THE SPHERES OF INFLUENCE OF THE CITIES OF ANTIOCH AND PITTSBURG (TUSCANY MEADOWS SUBDIVISION)

WHEREAS, a proposal to expand the sphere of influence (SOI) of the City of Pittsburg and reduce the SOI of the City of Antioch was filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, SOIs and applicable General and Specific Plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference;

NOW, THEREFORE, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The matter before the Commission is the proposed expansion of the City of Pittsburg's SOI (APNs 089-150-015 and -016) totaling 193.48± acres. The subject area is bounded on the north by Buchanan Road, on the south by Black Diamond Estates residential development, to the east by the Contra Costa Canal and Somersville Road, and to the west by the Highlands Ranch residential development. The City of Pittsburg has also submitted a corresponding application to annex the area to the City of Pittsburg, Contra Costa Water District (CCWD), and Delta Diablo (DD), and detach the same area from County Service Area (CSA) P-6.

2. LAFCO is a Responsible Agency under the California Environmental Quality Act (CEQA). The City of Pittsburg, as Lead Agency, prepared and certified the Tuscany Meadows Environmental Impact Report (EIR), Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program. In accordance with CEQA, the Commission certifies it has reviewed and considered the information contained in the City's EIR and related CEQA documents; and finds that there are no direct or indirect environmental effects that would result from LAFCO's approval of the SOI amendments; and therefore, no additional mitigation measures are required beyond those already included in the EIR certified by the City of Pittsburg.

3. The City of Antioch's SOI is hereby reduced by 193.48± acres and the City of Pittsburg's SOI is hereby expanded by 193.48± acres as shown on the attached map (Exhibit A).

4. The Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

   The present and planned uses in the area, including agricultural and open space lands.
   Approximately 193.48 acres are added to the City of Pittsburg's and the same area is detached from the City of Antioch's SOI (APNs 089-150-015 and -016). The subject area is bounded on the north by Buchanan Road, on the south by Black Diamond Estates residential development, to the east by the Contra Costa Canal and Somersville Road, and to the west by the Highlands Ranch residential development. One of the parcels is vacant and the other is owned by Chevron and is currently utilized as a pumping facility and a field office.

   The City of Pittsburg has approved entitlements for development of the 135.6± acre project site to include 917 single-family lots, up to 353 multi-family units, along with 18.6± acres for parks, open space and storm water detention basins.

   The parcels are designated by both Contra Costa County and the City of Pittsburg for residential and industrial uses. The subject area is located inside the City of Pittsburg's Urban Limit Line (ULL) and the countywide ULL. There are no current Williamson Act Land Conservation Agreements within the project site. The proposed SOI amendment and pending annexation of the property will facilitate no changes in land use and will have no impact on agricultural land or open space lands.

   The present and probable need for public facilities and services in the area.

With the proposed residential development, there will be the need for public facilities and services in the area, including water, wastewater, and other municipal services. Services necessary to serve the project are described in the City of Pittsburg's certified EIR and Plan for Service.

Preliminary estimates indicate that the water demand for the project will be up to 732 acre feet of treated water per year. The projected average wastewater generated by the project will be approximately 261,750 gallons per day. The demand for municipal services will be further evaluated with the future annexation proposal.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

CCWD's boundary encompasses 220± square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD serves approximately 500,000 (61,085 water connections). The primary sources of water are the U.S. Bureau of Reclamation Central Valley Water Project and delta diversions. One of CCWD's prerequisites for service is inclusion in the CVP service area. The CVP inclusion review is a separate process, and requires specific environmental documents. The City, the landowners and CCWD will work together to complete the CVP process. CCWD indicates that it has the capacity to serve the project.

DD serves the cities of Antioch and Pittsburg and the unincorporated Bay Point community. DD serves over 190,000 residents in a service area of 49± square miles. DD has over 49 miles of sewer main and five pump stations. DD indicates that it has the capacity to serve the project.

The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

The primary social or economic communities of interest that are relevant to the proposed SOI amendments are the Pittsburg community and the CCWD and DD customer base. The SOI amendments are consistent with the both the City of Pittsburg and countywide ULLs, and would reflect a logical extension of boundaries.

The nature, location, and extent of any functions or classes of services provided by the existing districts.

CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company, Diablo Water District, and the City of Antioch.

DD provides water resource recovery (wastewater collection) services for the unincorporated community of Bay Point, and the cities of Antioch and Pittsburg. DD also operates the Delta Household Hazardous Waste Collection Facility for residents in the eastern portion of the County.

* *

PASSED AND ADOPTED THIS 8th day of November 2017, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

____
DONALD A. BLUBAUGH, CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above

Dated: November 8, 2017

____
Lou Ann Texeira, Executive Officer

Exhibit B

RESOLUTION NO. 17-08

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING

TUSCANY MEADOWS REORGANIZATION: ANNEXATIONS TO THE CITIES OF PITTSBURG AND ANTIOCH, AND CONTRA COSTA WATER DISTRICT AND DELTA DIABLO (ZONES 2 & 3), AND DETACHMENT FROM COUNTY SERVICE AREA P-6

WHEREAS, the Tuscany Meadows Reorganization proposal was filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the Tuscany Meadows Reorganization proposal; and

WHEREAS, the Commission held a public hearing on December 13, 2017, on the Tuscany Meadows Reorganization proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental documents and determinations, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, no subsequent change may be made to the general plan or zoning for the annexed territory that is not in conformance to the prezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the prezoning in the application to the Commission [Government Code §56375(e)];

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Tuscany Meadows EIR as certified by the City of Pittsburg on August 3, 2015 (Resolution No. 15-13083), and in the City's CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Tuscany Meadows residential subdivision as certified by the City of Pittsburg on March 21, 2016 (Resolution No. 16-13159).
2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:

   TUSCANY MEADOWS REORGANIZATION: ANNEXATIONS TO THE CITIES OF
   PITTSBURG AND ANTIOCH, AND CONTRA COSTA WATER DISTRICT AND DELTA
   DIABLO (ZONES 2 & 3), AND DETACHMENT FROM COUNTY SERVICE AREA P-6
4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
5. Approval of the Tuscany Meadows Reorganization - Annexations to the Cities of Pittsburg and Antioch and Contra Costa Water District and Delta Diablo (Zones 2 & 3), and detachment from County Service Area P-6 is subject to the following:

a. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.

b. The City of Pittsburg has delivered an executed indemnification agreement between the City and Contra Costa LAFCO providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the Tuscany Meadows Reorganization.

c. Water service is conditional upon CCWD receiving acceptance for inclusion of the annexed area from the USBR, pursuant to the requirements in CCWD's contract with USBR for supplemental water supply from the CVP.

d. Prior to LAFCO issuing a Certificate of Completion, the City of Pittsburg shall enter into a joint community facilities agreement with the Contra Costa County Fire Protection District with the purpose of the City forming a Community Facilities District to fund supplemental fire protection and emergency medical services in various areas within the City including the area proposed for annexation.

6. The territory proposed for reorganization is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

7. All subsequent proceedings in connection with the Tuscany Meadows Reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

* *

PASSED AND ADOPTED THIS 13th day of December 2017, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

____

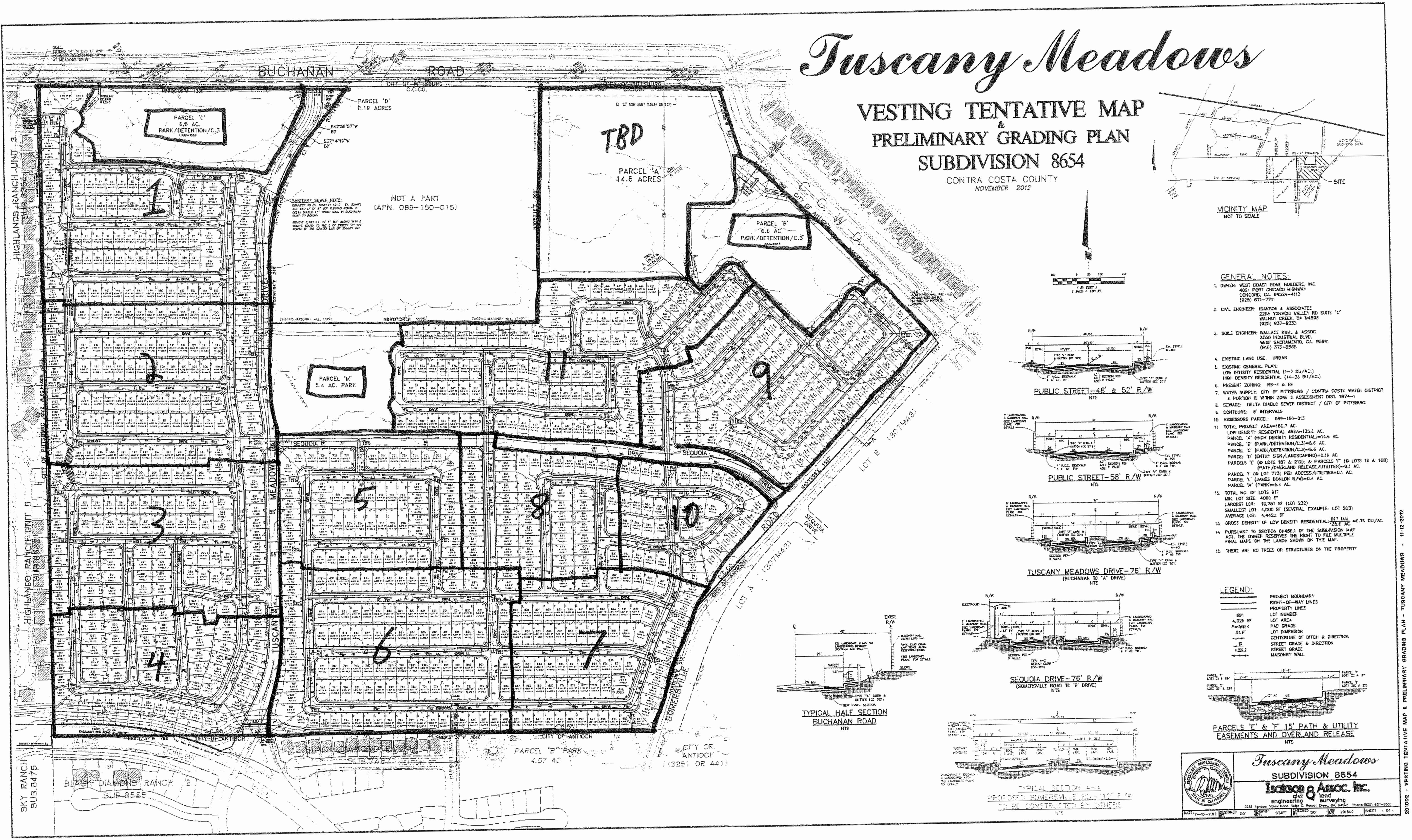
DONALD A. BLUBAUGH, VICE CHAIR, CONTRA COSTA LAFCO

I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.

Dated: December 13, 2017 ____

Lou Ann Texeira, Executive Officer

Attachment 7 - Tuscany Meadows Preliminary Phasing Plan



Tuscany Meadows

VESTING TENTATIVE MAP
&
PRELIMINARY GRADING PLAN
SUBDIVISION 8654
CONTRA COSTA COUNTY
NOVEMBER 2012

GENERAL NOTES:

1. OWNER: WEST COAST HOME BUILDERS, INC.
   4021 PORT CHICAGO HIGHWAY
   CONCORD, CA 94524-4113
   (925) 671-7711
2. CIVIL ENGINEER: ISAKSON & ASSOCIATES
   2255 YGNACIO VALLEY RD SUITE "C"
   WALNUT CREEK, CA 94598
   (925) 937-9333
3. SOILS ENGINEER: WALLACE KUHL & ASSOC.
   3050 INDUSTRIAL BLVD.
   WEST SACRAMENTO, CA 95691
   (916) 372-2565
4. EXISTING LAND USE: URBAN
5. EXISTING GENERAL PLAN:
   LOW DENSITY RESIDENTIAL (1-7 DU/AC.)
   HIGH DENSITY RESIDENTIAL (14-25 DU/AC.)
6. PRESENT ZONING: RS-4 & RH
7. WATER SUPPLY: CITY OF PITTSBURG / CONTRA COSTA WATER DISTRICT
   A PORTION IS WITHIN ZONE 2 ASSESSMENT DIST. 1974-1
8. SEWAGE: DELTA DIABLO SEWER DISTRICT / CITY OF PITTSBURG
9. CONTOURS: 5' INTERVALS
10. ASSESSORS PARCEL: 089-150-015
11. TOTAL PROJECT AREA=169.7 AC.
    LOW DENSITY RESIDENTIAL AREA=135.6 AC.
    PARCEL 'A' (HIGH DENSITY RESIDENTIAL)=14.6 AC.
    PARCEL 'B' (PARK/DETENTION/C.3)=6.6 AC.
    PARCEL 'C' (PARK/DETENTION/C.3)=6.6 AC.
    PARCEL 'D' (ENTRY SIGN/LANDSCAPING)=0.19 AC
    PARCELS 'E' (@ LOTS 187 & 212); & PARCELS 'F' (@ LOTS 18 & 168) (PATH/OVERLAND RELEASE/UTILITIES)=0.1 AC.
    PARCEL 'I' (@ LOT 773) PED ACCESS/UTILITIES=0.1 AC.
    PARCEL 'L' (JAMES DONLON R/W)=0.4 AC
    PARCEL 'M' (PARK)=5.4 AC.
12. TOTAL NO. OF LOTS 917
    MIN. LOT SIZE: 4000 SF
    LARGEST LOT: 10,787 SF (LOT 232)
    SMALLEST LOT: 4,000 SF (SEVERAL EXAMPLE: LOT 203)
    AVERAGE LOT: 4,442± SF
13. GROSS DENSITY OF LOW DENSITY RESIDENTIAL: $\frac{917\text{ D.U.}}{135.6\text{ AC.}}$ =6.76 DU/AC
14. PURSUANT TO SECTION 66456.1 OF THE SUBDIVISION MAP ACT, THE OWNER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS ON THE LANDS SHOWN ON THIS MAP.
15. THERE ARE NO TREES OR STRUCTURES ON THE PROPERTY

LEGEND:

▬	PROJECT BOUNDARY
—	RIGHT-OF-WAY LINES
—	PROPERTY LINES
691	LOT NUMBER
4,325 SF	LOT AREA
P=160.4	PAD GRADE
51.6'	LOT DIMENSION
→—	CENTERLINE OF DITCH & DIRECTION
1%	STREET GRADE & DIRECTION
×221.2	STREET GRADE
—o—	MASONRY WALL

Tuscany Meadows
SUBDIVISION 8654
Isakson & Assoc. Inc.
civil engineering & land surveying
2255 Ygnacio Valley Road, Suite C, Walnut Creek, CA 94598 Phone:(925) 937-9333

DATE: 11-12-2012	DESIGNED BY: DO	DRAWN BY: STAFF	CHECKED BY: DO	JOB NO. 201002	SHEET 1 OF 1

201002 - VESTING TENTATIVE MAP & PRELIMINARY GRADING PLAN - TUSCANY MEADOWS - 11-12-2012

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

DATE: 1/26/2018

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution to Create a Master Pay Schedule as Required by California Public Employees' Retirement System

MEETING DATE: 2/5/2018

EXECUTIVE SUMMARY

To comply with CalPERS' interpretation of the requirements of Code of Regulations section 570.5 by affirming the single master pay schedule already on the City's website representing all previously approved actions on the individual classifications of the pay schedule. The single master salary schedule will be submitted to Council for approval each time any single MOU or compensation plan is brought to the City Council for approval.

FISCAL IMPACT

The affirmation of previously approved separate pay schedules as a single master pay schedule has no fiscal impact to the City for preparation or distribution, as the actions already occur.

RECOMMENDATION

The City Council adopt a resolution creating and affirming the City of Pittsburg's master pay schedule for all employee classifications so the City is in compliance with the requirements of the California Code of Regulations section 570.5 and the California Public Employees' Retirement System (CalPERS) relating to publically available pay schedules for purposes of determining the amount of "compensation earnable" pursuant to Government Code Sections 20630, 20636, and 20636.1.

BACKGROUND

CalPERS, pursuant to their interpretation of California Code of Regulations section 570.5, recommends all CalPERS employers to maintain their compensation levels in one publicly available document, approved and adopted by the governing body, which must meet all of the following requirements:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
- Identifies the position title for every employee position;
- Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
- Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
- Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
- Indicates an effective date and date of any revisions;
- Is retained by the employer and available for public inspection for not less than five years; and
- Does not reference another document in lieu of disclosing the pay rate.

Currently, the City attaches salary schedule information by represented bargaining group to the memorandum of understanding (MOU) governing each bargaining group, and for unrepresented employees includes such salary information in compensation plans approved by City Council. Following City Council approval of these various salary schedules, the approved schedules are incorporated into one master salary schedule. However, this master salary schedule has customarily not been approved by Council as a single document, even though it contains the collective salary information derived from individual MOUs which have been approved by Council. As such, the recommendation to list compensation levels for all positions on one document duly approved and adopted by the Council has not been satisfied consistent with CalPERS' interpretation of California Government Code of Regulations section 570.5.

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

The adoption of the resolution will comply with CalPERS' interpretation of the requirements of Code of Regulations section 570.5 by affirming the single master pay schedule already on the City's website representing all previously approved actions on the individual classifications of the pay schedule.

ATTACHMENTS: Resolution
Salary Schedule 1/17/18

Report Prepared By: Griselda Clift, Senior Human Resources Analyst

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Affirming Previously Adopted Employee Pay)
And Listing all Employee Compensation Levels) Resolution No. 18-
On a Publicly Available Master Pay Schedule)

WHEREAS, the California Public Employees' Retirement System (CalPERS), has requested all CalPERS employers list their compensation levels on one document, approved and adopted by the governing body, in accordance with California Code of Regulations section 570.5, and meeting all of the following requirements thereof:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
- Identifies the position title for every employee position;
- Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
- Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
- Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
- Indicates an effective date and date of any revisions;
- Is retained by the employer and available for public inspection for not less than five years; and
- Does not reference another document in lieu of disclosing the pay rate; and

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the City now desires to affirm previously approved compensationlevels for all bargaining groups and all compensation plans of the City of Pittsburgin one publicly available master pay schedule;

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1. The recitals set forth above are true and correct statements and are hereby incorporated.

Section 2. The City Council adopt this Resolution affirming previously approved compensation levels for all bargaining groups and all compensation plans of the City of Pittsburg in one publicly available master pay schedule.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg on the5th day of February 2018, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

ATTEST:

Dwaine “Pete” Longmire, Mayor

Alice E. Evenson, City Clerk

CLASSIFICATION	RANGE	START	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	UNIT
Account Clerk (Part 1 of 2)	109	07/02/17	3,542	3,719	3,905	4,100	4,305			AFSCME
Account Clerk (Part 2 of 2)	170	07/02/17	4,100	4,305	4,520	4,746	4,983			AFSCME
Accountant I	350	07/02/17	5,370	5,639	5,921	6,217	6,528			MPC
Accountant II	500	07/02/17	6,011	6,312	6,628	6,959	7,307			MPC
Accounting Technician	220	07/02/17	4,744	4,981	5,230	5,492	5,767			AFSCME/MPC
Administrative Analyst I	390	07/02/17	5,549	5,826	6,117	6,423	6,744			MPC
Administrative Analyst II	700	07/02/17	6,425	6,746	7,083	7,437	7,809			MPC
Administrative Assistant (Part 1 of 2)	100	07/02/17	3,534	3,711	3,897	4,092	4,297			AFSCME
Administrative Assistant (Part 2 of 2)	160	07/02/17	4,092	4,297	4,512	4,738	4,975			AFSCME/MPC
Administrative Assistant to Director	290	07/02/17	5,070	5,324	5,590	5,870	6,164			MPC
Administrative Officer	860	07/02/17	8,702	9,137	9,594	10,074	10,578			MPC
Assistant City Engineer	920	07/02/17	10,484	11,448	12,020	12,621	13,252			MPC
Assistant City Manager	950	07/02/17	14,033				17,908			Sr. Exec Team
Assistant Director of Economic Development and Recreation	887	07/02/17	10,184				12,378			Mgmt Group
Assistant Director of Finance	887	07/02/17	10,184				12,378			Mgmt Group
Assistant Director of Public Works	895	07/02/17	10,662	11,195	11,755	12,343	12,960			MPC
Assistant Planner	450	07/02/17	5,916	6,212	6,523	6,849	7,191			MPC
Assistant to the City Manager	835	07/02/17	9,782				11,890			Mgmt Group
Associate Planner	740	07/02/17	6,849	7,191	7,551	7,929	8,325			MPC
Business Development Manager	860	07/02/17	8,702	9,137	9,594	10,074	10,578			MPC
Business License Coordinator	315	07/02/17	5,238	5,500	5,775	6,064	6,367			AFSCME
Chief Building Official	895	07/02/17	10,662	11,195	11,755	12,343	12,960			MPC
Chief of Police	955	07/02/17	14,299				18,076			Sr. Exec Team
*Maximum with incentives									21,962	
City Clerk							470			Elected Official
City Council							500			Elected Official
City Council -- member of a different governing board										
if serving on Tri Delta Transit		$100 per meeting		visit www.TriDeltaTransit.com						
if serving on Delta Diablo Sanitation District		$209 per meeting			visit ddsd.org					
City Engineer	935	7/2/2017	12,480				15,168			Mgmt Group
City Manager	960	7/2/2017					21,480			Contract
City Treasurer							470			Elected Official
Civil Engineer I	510	07/02/17	6,185	6,494	6,819	7,160	7,518			MPC
Civil Engineer II	780	07/02/17	7,161	7,519	7,895	8,290	8,705			MPC
Combination Building Inspector	520	07/02/17	6,211	6,522	6,848	7,190	7,549			AFSCME
Community Relations Manager	700	07/02/17	6,425	6,746	7,083	7,437	7,809			MPC
Community Outreach Coordinator	315	09/18/17	5,238	5,500	5,775	6,064	6,367			AFSCME
Community Services Specialist	258	07/02/17	4,937	5,184	5,443	5,715	6,001			AFSCME
Compliance Principal	830	07/02/17	7,868	8,261	8,674	9,108	9,563			MPC
Contract Analyst	390	07/02/17	5,549	5,826	6,117	6,423	6,744			MPC
Crime Analyst	700	07/02/17	6,425	6,746	7,083	7,437	7,809			MPC
Customer Service Representative	95	07/02/17	3,211	3,372	3,541	3,718	3,904			AFSCME
Deputy City Clerk	330	07/02/17	5,324	5,590	5,870	6,164	6,472			MPC
Development Manager	890	07/02/17	9,783	10,272	10,786	11,325	11,891			MPC
Director of Community Development	940	07/02/17	12,000				15,168			Sr. Exec Team
Director of Community Services	940	07/02/17	12,000				15,168			Sr. Exec Team

***Please see Benefit Matrix for incentives, holiday pay and shift differential.**

CLASSIFICATION	RANGE	START	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	UNIT
Director of Finance	940	07/02/17	12,000				15,168			Sr. Exec Team
Director of Human Resources	940	07/02/17	12,000				15,168			Sr. Exec Team
Director of Public Works	945	07/02/17	12,968				15,764			Sr. Exec Team
Director of Records and Council Services	835	07/02/17	9,782				11,890			Sr. Exec Team
Director of Recreation and Maintenance Services	920	07/02/17	10,903				13,252			Mgmt Group
Director of Water Utilities	935	07/02/17	12,480				15,168			Mgmt Group
Electrician	420	07/02/17	5,725	6,011	6,312	6,628	6,959			Teamsters
Electrician Apprentice	200	07/02/17	4,572	4,801	5,041	5,293	5,558			Teamsters
Engineering Analyst	820	07/02/17	7,437	7,809	8,199	8,609	9,039			MPC
Engineering Technician I	310	07/02/17	5,185	5,444	5,716	6,002	6,302			AFSCME
Engineering Technician II	460	07/02/17	6,004	6,304	6,619	6,950	7,297			AFSCME
Environmental Affairs Manager	890	07/02/17	9,783	10,272	10,786	11,325	11,891			MPC
Environmental Health Specialist	470	07/02/17	5,946	6,243	6,555	6,883	7,227			AFSCME
Equipment Mechanic	270	07/02/17	5,057	5,310	5,576	5,855	6,148			Teamsters
Equipment Shop Supervisor	530	07/02/17	6,287	6,601	6,931	7,278	7,642			MPC
Executive Assistant	400	07/02/17	5,728				6,962			Mgmt Group
Executive Secretary to the Chief of Police	330	07/02/17	5,324	5,590	5,870	6,164	6,472			MPC
Finance Division Manager	855	07/02/17	8,557	8,985	9,434	9,906	10,401			MPC
Financial Analyst	580	07/02/17	6,746	7,083	7,437	7,809	8,199			MPC
GIS Coordinator	760	07/02/17	6,979	7,328	7,694	8,079	8,483			MPC
Harbormaster	830	07/02/17	7,868	8,261	8,674	9,108	9,563			MPC
Housing Inspector	315	07/02/17	5,238	5,500	5,775	6,064	6,367			AFSCME
Housing Manager	855	07/02/17	8,557	8,985	9,434	9,906	10,401			MPC
Housing Specialist	210	07/02/17	4,665	4,898	5,143	5,400	5,670			AFSCME
Human Resources Analyst	700	07/02/17	6,425	6,746	7,083	7,437	7,809			MPC
Human Resources Manager	890	07/02/17	9,782				11,890			Mgmt Group
Human Resources Specialist	330	07/02/17	5,324	5,590	5,870	6,164	6,472			MPC
Lead Marina Services Worker	320	07/02/17	5,293	5,558	5,836	6,128	6,434			Teamsters
Lead Police Records Clerk	255	07/02/17	4,976	5,225	5,486	5,760	6,048			AFSCME
Maintenance Assistant	95	07/02/17	3,211	3,372	3,541	3,718	3,904			Teamsters
Maintenance Lead Worker - Env. Services/Fac. Util.	320	07/02/17	5,293	5,558	5,836	6,128	6,434			Teamsters
Maintenance Worker I - Env. Services/Fac. Util.	140	07/02/17	3,950	4,148	4,355	4,573	4,802			Teamsters
Maintenance Worker II - Env. Services/Fac. Util.	200	07/02/17	4,572	4,801	5,041	5,293	5,558			Teamsters
Marina Maintenance Worker	140	07/02/17	3,950	4,148	4,355	4,573	4,802			Teamsters
Office Assistant	95	07/02/17	3,211	3,372	3,541	3,718	3,904			AFSCME
Payroll Specialist	330	07/02/17	5,324	5,590	5,870	6,164	6,472			MPC
Permit Technician	260	07/02/17	5,003	5,253	5,516	5,792	6,082			AFSCME
Pest Control Specialist	470	07/02/17	5,946	6,243	6,555	6,883	7,227			Teamsters
Planning Manager	890	07/02/17	9,783	10,272	10,786	11,325	11,891			MPC
Planning Technician	260	07/02/17	5,003	5,253	5,516	5,792	6,082			AFSCME
Police Captain	650	07/02/17	12,117	12,723	13,359	14,027	14,728	15,464		PMG
*Maximum with incentives and holiday pay									19,562	
Police Lieutenant	640	07/02/17	10,563	11,091	11,646	12,228	12,839	13,481		PMG
*Maximum with incentives and holiday pay									17,053	
Police Officer	600	07/02/17	5,762	6,050	6,352	6,670	7,003	7,354	7,721	POA
Police Officer (Continuation of Steps)	600	07/02/17						8107 (H)	8513 (I)	POA

***Please see Benefit Matrix for incentives, holiday pay and shift differential.**

CLASSIFICATION	RANGE	START	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	UNIT
*Maximum with incentives, holiday pay and grave shift differential									12,472	
Police Records Clerk (Part 1 of 2)	110	07/02/17	3,712	3,898	4,093	4,298	4,513			AFSCME
Police Records Clerk (Part 2 of 2)	180	07/02/17	4,297	4,512	4,738	4,975	5,224			AFSCME
Police Records Manager	540	07/02/17	6,276	6,590	6,920	7,266	7,629			MPC
Police Sergeant	625	07/02/17	8,185	8,594	9,023	9,475	9,948	10,446		POA
*Maximum with incentives, holiday pay and grave shift differential									15,303	
Power Company Manager	920	07/02/17	10,903				13,252			Mgmt Group
Property and Evidence Coordinator	410	07/02/17	5,713	5,999	6,299	6,614	6,945			AFSCME
Public Works Manager	890	07/02/17	9,783	10,272	10,786	11,325	11,891			MPC
Public Works Superintendent	880	07/02/17	8,790	9,230	9,691	10,176	10,685			MPC
Public Works Supervisor	530	07/02/17	6,287	6,601	6,931	7,278	7,642			MPC
Purchasing Analyst	720	07/02/17	6,702	7,037	7,389	7,758	8,146			MPC
Records Specialist	330	07/02/17	5,324	5,590	5,870	6,164	6,472			AFSCME
Recreation Coordinator	230	07/02/17	4,814	5,055	5,308	5,573	5,852			AFSCME
Recreation Supervisor	550	07/02/17	6,289	6,603	6,933	7,280	7,644			MPC
Redevelopment Project Manager	820	07/02/17	7,437	7,809	8,199	8,609	9,039			MPC
Senior Administrative Analyst	820	07/02/17	7,437	7,809	8,199	8,609	9,039			MPC
Senior Civil Engineer	860	07/02/17	8,702	9,137	9,594	10,074	10,578			MPC
Senior Combination Building Inspector	760	07/02/17	6,979	7,328	7,694	8,079	8,483			MPC
Senior Financial Analyst	790	07/02/17	7,810	8,200	8,610	9,040	9,492			MPC
Senior Human Resources Analyst	820	07/02/17	7,437	7,809	8,199	8,609	9,039			MPC
Senior Planner	840	07/02/17	7,930	8,326	8,742	9,179	9,638			MPC
Senior Redevelopment Project Manager	860	07/02/17	8,702	9,137	9,594	10,074	10,578			MPC
Sweeper Operator	140	07/02/17	3,950	4,148	4,355	4,573	4,802			Teamsters
Utility Billing Supervisor	540	07/02/17	6,276	6,590	6,920	7,266	7,629			MPC
Utility Lineworker	200	07/02/17	4,572	4,801	5,041	5,293	5,558			Teamsters
Utility Supervisor	810	07/02/17	8,338	8,755	9,193	9,653	10,136			MPC
Utility Technician I	705	07/02/17	6,470	6,794	7,134	7,491	7,866			Teamsters
Utility Technician II	805	07/02/17	7,344	7,711	8,097	8,502	8,927			Teamsters
Water Instrument/Maintenance Technician I	480	07/02/17	6,705	7,040	7,392	7,762	8,150			Teamsters
Water Instrument/Maintenance Technician II	750	07/02/17	7,762	8,150	8,557	8,985	9,434			Teamsters
Water Maintenance Mechanic I	480	07/02/17	6,705	7,040	7,392	7,762	8,150			Teamsters
Water Maintenance Mechanic II	750	07/02/17	7,762	8,150	8,557	8,985	9,434			Teamsters
Water Plant Apprentice Operator	200	07/02/17	4,572	4,801	5,041	5,293	5,558			Teamsters
Water Plant Operator	560	07/02/17	6,734	7,071	7,425	7,796	8,186			Teamsters
Water Plant Superintendent	883	07/02/17	9,230	9,692	10,177	10,686	11,220			MPC
Water Plant Supervisor	810	07/02/17	8,338	8,755	9,193	9,653	10,136			MPC
Water Quality Analyst I	380	07/02/17	5,903	6,198	6,508	6,833	7,175			Teamsters
Water Quality Analyst II	710	07/02/17	7,107	7,462	7,835	8,227	8,638			Teamsters
SEASONAL CLASSIFICATIONS										
Expert Consultant	0910	03/16/15	30.00				100.00			n/a
High School Intern	0550	01/01/18					11.00			n/a
Intern (college-level)	0510	01/01/18	12.50		14.00		15.50		17.00	n/a
Maintenance Aide	0530	01/01/18	11.21	11.78	12.37	13.03	13.74	14.48	15.25	16.06 (H) | 16.92 (I)
Maintenance Helper	0520	01/01/18					11.00			n/a
Police Officer Trainee	6009	07/02/17	26.59	20% less than Police Officer Step A						n/a

***Please see Benefit Matrix for incentives, holiday pay and shift differential.**

CLASSIFICATION	RANGE	START	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	UNIT
Recreation Leader I	0550	01/01/18					11.00			n/a
Recreation Leader II	0560	01/01/18	11.50		12.00		12.50			n/a
Recreation Leader III	0570	06/17/13	13.00	14.00	15.00	16.00	17.00	18.00	19.00	20.00 (H)

***Please see Benefit Matrix for incentives, holiday pay and shift differential.**

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

DATE:	1/18/2018
TO:	Mayor and Council Members
FROM:	Joe Sbranti, City Manager
SUBJECT:	Adoption of a City Council Resolution Accepting Properties from the Successor Agency Located at and Adjacent to 1595 Railroad Avenue, APNs 086 180 026 and 086 180 027
MEETING DATE:	2/5/2018

EXECUTIVE SUMMARY

The former Redevelopment Agency of the City of Pittsburg (the “Agency”), now known as the Successor Agency, owns certain real properties located at and adjacent to 1595 Railroad Avenue, also known as Contra Costa County APNs 086 180 026 and 086 180 027 (collectively, the “Properties). The Successor Agency and Oversight Board to the Successor Agency (the “Oversight Board”) approved the transfer of the Properties to the City of Pittsburg (the “City”) for the purpose of constructing public improvements.

FISCAL IMPACT

The City will be required to maintain the Properties.

RECOMMENDATION

City Council adopt the Resolution accepting the Properties from the Successor Agency.

BACKGROUND

On June 29, 2011, the Governor signed into law AB 26 (together with AB 1484 and SB 107, the “Dissolution Act”) which automatically suspended redevelopment activities and on December 29, 2011. The California State Supreme Court upheld the provisions of AB 26, thereby dissolving all redevelopment agencies on February 1, 2012.

Section 34191.5 requires a successor agency to prepare a long range property management plan (LRPMP) that addresses the disposition and use of the real properties of the former redevelopment agency. The Successor Agency’s LRPMP was approved by the

California State Department of Finance (DOF) on December 12, 2014 and was later amended and approved by the DOF on December 31, 2015.

On March 23, 2017, by Oversight Board Resolution 17-054OSB, the Oversight Board approved a purchase and sale agreement (the "PSA") between the Successor Agency and Forecast Land Investment, LLC, a California limited liability company, for the sale and purchase of the Properties. Pursuant to the PSA, if the City determines that the Properties are required for a public purpose, the PSA may be terminated.

On January 16, 2018, by Successor Agency Resolution 18-039 and on January 25, 2018 by Oversight Board Resolution 18-065OSB, approved the transfer of the Properties to the City.

Under the Dissolution Act, the Oversight Board is charged with directing the Successor Agency to dispose of Successor Agency assets. However, the Oversight Board may instead direct the Successor Agency to transfer ownership of those assets that were or may be constructed and used for a governmental purpose.

SUBCOMMITTEE FINDINGS

Not Applicable

STAFF ANALYSIS

The City is considering various types of public improvements that will address the traffic conditions that are becoming worse, the concerns related to pedestrian safety, and the anticipated demand of public parking as a result of the opening of a BART station on Railroad Avenue.

The Properties are located on the northeast corner of Railroad Avenue and E. 17th Street. At this intersection, there is a crosswalk that traverses Railroad Avenue, a major artery that has constant traffic flow. This intersection is one of two of the closest crosswalks that students from Pittsburg High School use to cross Railroad Avenue. The current student population of Pittsburg High School is approximately 3,500 and is expected to grow to approximately 4,000 within the next few years; thereby increasing the number of students using the crosswalk.

In addition, BART's Pittsburg City Station is scheduled to open in spring 2018. Although this is an infill station, the community has raised concerns regarding parking.

The City has therefore determined that the Properties are of benefit to the community and will work towards improving the congestions and addressing concerns regarding traffic, safety, and parking. Upon the City's adoption of this Resolution, staff will prepare the Grant Deed and Certificate of Acceptance for execution and recording.

ATTACHMENTS: Resolution

Report Prepared By: Maria M. Aliotti, Director of Community Services

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution Accepting)
Properties from the Successor Agency Located at)
And Adjacent to 1595 Railroad Avenue APNs) RESOLUTION NO. 18-
086-180-026 and 086-180-027)

The City Council of the City of Pittsburg DOES RESOLVE as follows:

WHEREAS, on June 29, 2011, the governor signed into law AB 26 (together with AB1484 and SB 107, the “Dissolution Act”) which automatically suspended redevelopment activities and on December 29, 2011, the California State Supreme Court upheld the provisions of AB 26, thereby dissolving all redevelopment agencies on February 1, 2012; and

WHEREAS, the former Redevelopment Agency of the City of Pittsburg is now known as the Successor Agency; and

WHEREAS, Section 34191.5 of the Dissolution Act requires a successor agency to prepare a long range property management plan (the “LRPMP”) that addresses the disposition and use of the real properties of the former redevelopment agency; and

WHEREAS, the LRPMP was approved on December 12, 2014; and

WHEREAS, on December 17, 2015, the Oversight Board to the Successor Agency (the “Oversight Board”) adopted Resolution 15-042OSB, amending the LRPMP; and

WHEREAS, Resolution 15-042OSB was approved by the California State Department of Finance in letter dated December 31, 2015; and

WHEREAS, on March 23, 2017, by Oversight Board Resolution 17-054OSB, the Oversight Board approved a purchase and sale agreement (the “PSA”) between the Successor Agency and Forecast Land Investment, LLC, a California limited liability company, for the sale and purchase of properties located at and adjacent to 1595 Railroad Avenue, also known as Contra Costa County APNs 086-180-026 and 086-180-027 (collectively, the “Properties”); and

WHEREAS, pursuant to the PSA, if the City determines that the Properties are required for a public purpose, the PSA may be terminated; and

WHEREAS, the City has determined that the Properties are of benefit to the community and will work towards improving the congestion and addressing concerns regarding traffic, safety, and parking; and

WHEREAS, under the Dissolution Act, the Oversight Board may direct the Successor Agency to transfer ownership of real property assets for governmental use purposes; and

WHEREAS, on January 16, 2018, by Successor Agency Resolution 18-039 and on

January 25, 2018 by Oversight Board Resolution 18-065OSB, approved the transfer of the Properties to the City.

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1.
All the recitals above are true and correct and incorporated herein.

Section 2.
The City Council hereby adopts this Resolution and accepts the Properties from the Successor Agency for governmental use purposes.

Section 3.
The City Manager is hereby authorized to execute any and all documents and take such further actions as may be necessary or appropriate to carry out the City Council's direction pursuant to this Resolution.

Section 4.
The City Clerk shall certify to the adoption of this Resolution.

Section 5.
This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 5th day of February, 2018, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Dwaine "Pete" Longmire, Mayor

ATTEST:

Alice E. Evenson, City Clerk

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

DATE:	1/23/2018
TO:	Mayor and Council Members
FROM:	Joe Sbranti, City Manager
SUBJECT:	Adoption of a City Council Resolution to Accept a Federal Highway Safety Improvement Program (HSIP) Grant for Contract 2017-02, Stoneman Avenue Intersection Improvements Project
MEETING DATE:	2/5/2018

EXECUTIVE SUMMARY

The City applied for, and has been awarded, an HSIP grant in the amount of $880,000 for Contract 2017-02, Stoneman Avenue Intersection Improvements Project (the “Project”). The project will construct safety improvements at three intersections on Stoneman Avenue. Adopting the attached Resolution will accept the grant for the Project.

FISCAL IMPACT

The total Project budget estimate is $880,000. The HSIP grant that was awarded to the City is in the amount of $880,000. This grant does not require matching funds from the City. The grant funds are for design and construction of the Project. The total Project budget required is the amount of the grant.

For a detailed breakdown of the overall proposed Project budget, please see the attached Project budget spreadsheet.

RECOMMENDATION

City Council adopt a resolution accepting the $880,000 HSIP grant and establish a budget in the amount of the grant.

BACKGROUND

In an attempt to augment the limited budget available for improvements within the City, Staff seeks out grant opportunities that are applicable to various improvements that are needed to improve the quality of life and safety of residents. Staff has submitted an application to the California Department of Transportation (CALTRANS) for an HSIP grant to construct safety improvements at three intersections on Stoneman Avenue.

The Project includes installation of pedestrian activated High-Intensity Activated Crosswalk (HAWK) beacon for existing crosswalks at three intersections on Stoneman Avenue (at Meadowbrook Avenue, Meadowbrook Circle, and Briarcliff Drive) and improvements to striping and signage.

On July 29, 2016, Staff submitted an application for the Cycle 8 HSIP grant funding for improvements on Stoneman Avenue. The grant application was approved, and the City was awarded a grant in the amount of $880,000 to fund both design and construction of the Project.

SUBCOMMITTEE FINDINGS

N/A

STAFF ANALYSIS

Staff maintains a database of traffic investigations and collision studies. Periodically collision analysis is performed for high collision intersections and roadways to identify locations with high crash concentrations or a recurrence of a specific pattern that can be mitigated by the countermeasures listed in the Local Roadway Safety Manual (LRSM). The periodic evaluations help to identify any potential safety issues and countermeasures that can be used to improve safety.

The City’s highest priority is to address and improve safety conditions for roadways and intersections with collisions resulting in fatalities and severe injuries. Stoneman Avenue has had safety improvements constructed in the past as a result of a fatality that occurred in 2004. In June 2016 there was another fatality on Stoneman Avenue. This resulted in a re-evaluation of what additional improvements could be made to make the roadway safer. The proposed safety improvements included in the grant application are the result of the re-evaluation.

ATTACHMENTS: Resolution
Budget Summary

Report Prepared By: Ronald A. Nevels, Senior Civil Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution to Accept a Federal) Highway Safety Improvement Program) (HSIP) Grant for Contract 2017-02,) Stoneman Avenue Intersection) Improvements Project)	RESOLUTION NO. 18-

The City Council of the City of Pittsburg DOES RESOLVE as follows:

WHEREAS, Staff applied for, and the City has been awarded, an HSIP grant in the amount of $880,000 for Contract 2017-02, Stoneman Avenue Intersection Improvements Project (the “Project”). The project will construct safety improvements at three intersections on Stoneman Avenue; and

WHEREAS, the HSIP grant that was awarded to the City is in the amount of $880,000; and

WHEREAS, this grant does not require matching funds from the City. The grant funds are for design and construction of the Project; and

WHEREAS, Staff requests that the City Council adopt a resolution accepting the $880,000 HSIP grant and establish a budget in the amount of the grant.

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1. The City Council hereby finds and determines that the above recitals are true and correct and have served as the basis, in part, for the findings and actions of the City Council set forth below.

Section 2.
The City Council hereby accepts the HSIP grant in the amount of $880,000 and directs Staff to establish a budget for the same amount for design and construction of the Project.

Section 3.
The City Clerk shall certify to the adoption of this Resolution.

Section 4.
This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 5th day of February 2018, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Dwaine “Pete” Longmire, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Contract 2017-02, Stoneman Avenue Intersection Improvements Project

Project Funding		
	Highway Safety Improvement Program (HSIP) Grant	$880,000
	Funding Total	**$880,000**
Project Expenditures:		
Design: (Code 2122)	Consultant Design	$150,000
	Subtotal	$150,000
Miscellaneous: (Code 1399)	Advertising	$1,000
	Reproduction	$1,000
	Postage	$1,000
	Subtotal	$3,000
Construction: (Code 2281)	Construction	$600,000
	Construction Contingency (~10%)	$60,000
	Material Testing	$5,000
	Subtotal	$665,000
Staff Time: (Code 1101)	Staff Design	$4,000
	Staff Construction Management	$27,000
	Subtotal	$31,000
Staff Time: (Code 1101)	Staff Design	$4,000
	Staff Construction Management	$27,000
	Subtotal	$31,000
	Estimated Total Expenditures	**$880,000**

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

DATE: 1/25/2018

TO: Mayor and Council Members

FROM: Joe Sbranti, City Manager

SUBJECT: Adoption of a City Council Resolution Establishing the Maximum Number of Condominium Conversions for Calendar Year 2018

MEETING DATE: 2/5/2018

EXECUTIVE SUMMARY

Section 17.44.070 of the Pittsburg Municipal Code (PMC), limits the number of apartments that can be converted annually to condominiums to an amount established by the City Council at the beginning of each calendar year. If approved by Council, the proposed resolution would establish the maximum number of condominium conversions for the year 2018.

FISCAL IMPACT

There is no fiscal impact associated with the establishment of the maximum number of condominium conversions for the year 2018.

RECOMMENDATION

City Council adopt the attached resolution allowing a maximum of 493 apartment units to be converted to condominiums in 2018.

BACKGROUND

In 1986, the City Council adopted Ordinance No. 86-897 amending the subdivision ordinance (PMC Title 17) to limit the number of rental units that may be converted annually to individually owned condominiums. Pursuant to that ordinance and current PMC section 17.44.070, the number of units eligible for conversion shall be established by the City Council at the beginning of each calendar year.

On January 22, 2013, the City Council adopted Resolution No. 12-11759 allowing conversion of a maximum of 457 units (10 percent of the City's rental housing stock) from rental to for sale units. This number was derived by calculating the total number of multifamily rental units in the City in buildings with two or more residential units (4,614), and subtracting the total number of rental units with existing, approved condominium maps (Delta Hawaii Senior Apartments with 24 units, and La Almenara with 20 units), resulting in a net total of 4,570 rental units.

Between 2013 and 2015, no new multi-family developments were constructed or demolished. In 2016, 132 new multi-family units were constructed (San Marco Villas II) and none were demolished. In 2017 230 new multi-family units were constructed (Stoneman Apartments) and none were demolished; therefore, the total number of multifamily rental units eligible to be converted to condominiums is at 4,932.

SUBCOMMITTEE FINDINGS

Not applicable.

STAFF ANALYSIS

Staff recommends a continued policy of allowing up to 10 percent of rental units without pre-existing final or tentative condominium maps to be converted to condominiums in any one year. This will allow a maximum of 493 rental units to be converted to condominium units during the 2018 calendar year.

ATTACHMENTS: Resolution

Report Prepared By: Celina Palmer, Planning Technician

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution to)
Establish the Maximum Number of)
Condominium Conversions for Calendar) RESOLUTION NO. 18-
Year 2018, in Accordance with Section)
17.44.070 of the Pittsburg Municipal Code)

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, Pittsburg Municipal Code section 17.44.070 provides in part that the maximum number of apartment units that may be approved for condominium conversion in any one calendar year shall be limited to a number established by City Council resolution at the beginning of that same calendar year; and,

WHEREAS, based on the above, the City Council wishes to establish the maximum number of units that may be approved for conversion to condominiums during the 2018calendar year; and,

WHEREAS, City staff has determined that as of January 1, 2018, there are 4,932 rental units in buildings of two or more units in the City that are not covered by pre-existing final condominium maps.

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1. The recitals set forth above are true and correct statements and are hereby incorporated.

Section 2. In accordance with section 17.44.070 of the Pittsburg Municipal Code, the maximum number of apartment units that may be approved for conversion to condominiums during the 2018calendar year shall be limited to 493 units.

Section. 3. This resolution shall take effect immediately.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 5thday of February2018, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Dwaine “Pete” Longmire, Mayor

ATTEST:

Alice E. Evenson, City Clerk