



**CITY OF PITTSBURG
AGENDA**

MAY 06, 2019

**CITY HALL COUNCIL CHAMBER
65 CIVIC AVENUE, PITTSBURG, CA**

**CLOSED SESSION
5:30 P.M.**

**EMERGING HOUSING LEGISLATION AND POLICY WORKSHOP
6:00 P.M.**

**REGULAR MEETINGS
7:00 P.M.**

**CITY COUNCIL
PITTSBURG POWER COMPANY
SUCCESSOR AGENCY**

PRESIDING

**Juan Antonio Banales, Mayor/Chair
Jelani Killings, Vice-Mayor/Chair
Marilyn “Merl” Craft, Council Member/Board Member
Holland Barrett White, Council Member/Board Member
Shanelle Scales-Preston, Council Member/Board Member**

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

Pittsburg City Council 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.

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.

5:30 P.M. - CONVENE IN CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Section 54956.8:

Property: 1000 Center Drive (086-100-037); Successor/City Negotiators: Garrett Evans, Maria Aliotti; Negotiating Parties: Meadow Creek Group LLC; Under negotiation: Price and terms of payment

Property: Civic Avenue (086-100-035); City Negotiators: Garrett Evans, Maria Aliotti; Negotiating Parties: Meadow Creek Group LLC; Under negotiation: Price and terms of payment

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION pursuant to Section 54956.9(d)(1):

Larry R. Reasoner v. City of Pittsburg et al., United States District Court Northern District of California case no. 3:18-cv-07674TSH

6:00 P.M. - EMERGING HOUSING LEGISLATION AND POLICY WORKSHOP

7:00 P.M. - CONVENE IN OPEN SESSION FOR REGULAR MEETING

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATION

3. Bike To Work Day

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 Adopting a Mitigated Negative Declaration and Authorizing Execution of a Mutual Release Agreement Upon Satisfactory Completion of the Pittsburg Marine Terminal Deconstruction Project

This is a public hearing to consider a request by Tesoro Refining and Marketing, LLC, for approvals necessary to remove a marine terminal and other improvements prior to execution of a mutual release agreement. Pursuant to the California Environmental Quality Act (CEQA) an initial study was prepared to identify potentially significant environmental impacts associated with terminal deconstruction. It has been determined that these impacts could be lessened to a less than significant level through specified mitigations measures. The Project site is located along New York Slough, approximately 600 feet north of the intersection of East 3rd and Harbor Streets. Assessor's Parcel Nos.: 073-010-007; -011; and -013.

5. Adoption of an Urgency Ordinance Making Findings and Establishing a Temporary Moratorium on the Commercial Use, Cultivation, Manufacturing, and Sale of Raw Hemp

This is a public hearing on a staff-initiated proposal to consider City Council adoption of an urgency ordinance making findings and establishing a 45-day moratorium on the establishment and operation of new commercial businesses involving raw hemp. The moratorium would be in full force and effective immediately upon passage if adopted by at least a four-fifths vote of the City Council.

CONSIDERATION

6. Adoption of a Minute Order Approving City Goals and Priorities for Fiscal Year 2019-20

On February 19, and continuing on March 4, 2019, the City Council held a public workshop to discuss goals for the upcoming fiscal year (FY) 2019-20. During the workshop, staff responded to questions and received comments from City Council members, and developed a final draft list of goals and priorities for FY 2019-20. Staff is recommending the City Council adopt the proposed City Goals and Priorities for FY 2019-20.

7. Adoption of a City Council Resolution to Allocate Funds and Accept an OBAG-2 Grant, PBTF Grant, and TDA Grant for Design and Construction of Contract 2018-03, BART Pedestrian and Bicycle Connectivity Project

The City applied for, and has been awarded, several grants totaling \$4,528,000 for design and construction of Contract 2018-03, BART Pedestrian and Bicycle Connectivity Project (the "Project"). The City's matching contribution to the Project is \$50,000. The Project will construct pedestrian/bicycle trails and bicycle lanes to provide better access to the Pittsburg Center Bart Station. Adopting the attached Resolution will accept the grants and allocate funds for the Project.

8. Adoption of a City Council Resolution Allocating Funding for Design and Bidding of Contract 2019-06, Montezuma Slough Pump Station Reconstruction Project

Contract 2019-06, Montezuma Pump Station Reconstruction Project (“the Project”) is for the complete removal and replacement of the pump station adjacent to the Montezuma Slough. This project is necessary to help alleviate flooding on West Eighth Street during storm events. This Resolution will allocate funding for design, surveying, geotechnical and bidding of the Project.

CONFLICT OF INTEREST STATEMENT

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

COMBINED CITY COUNCIL, PITTSBURG POWER COMPANY, AND SUCCESSOR AGENCY CONSENT CALENDAR

9. Minutes of April 2, 2019 and April 15, 2019
10. Adoption of a Pittsburg Power Company Resolution to Amend the “On-Call” General Engineering Support Services Contract with ConneXsys, Inc. to Increase the Contract Amount.

The Pittsburg Power Company (“PPC”) has contracted general electrical engineering support services from ConneXsys, Inc. (“ConneXsys”) for its electrical distribution system operations on Mare Island. PPC seeks to amend the ConneXsys contract, thereby increasing the contract amount to \$400,000 for “On-Call” general engineering support services.

11. Adoption of a Pittsburg Power Company Resolution Approving Utilization of Unspent Project Funds for the “Dockside Power Expansion Project”

The Pittsburg Power Company (“PPC”) has received a request from Mare Island Dry Docks (“MIDD”) to develop two (2) new high-capacity electrical substations at Mare Island Berth 12 in support of MIDD US Navy ship repair operations commencing in July. PPC is requesting via resolution to utilize previously approved, budgeted and unspent Capital Improvement Project (“CIP”) funds from the PPC Facility Relocation Project and Duct Bank Valve Replacement Project in order to immediately begin procurement activities for developing the two new substations, also known as the “Dockside Power Expansion Project”.

12. Adoption of a City Council Resolution Approving a Request to the Metropolitan Transportation Commission (MTC) for the Allocation of FY 2019/20 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding

The Metropolitan Transportation Commission (MTC) provides Transportation Development Act (TDA), Article 3 funds to projects exclusively for the benefit and/or use of pedestrians and bicyclists. The City Council must first approve a request to MTC before these funds may be allocated. The attached resolution approves the application to MTC for FY 2019/20 TDA Article 3 Pedestrian/Bicycle Funds to improve four roadway crossings along the Delta DeAnza Trail.

13. Adoption of a City Council Resolution Approving Speed Humps on Hanlon Way

The City's Traffic Calming Policy includes specific criteria to be used when considering the use of speed humps to calm traffic on City streets. If City Council approves the installation of speed humps on Hanlon Way, all criteria for speed hump installation on Hanlon Way will be met and installation of speed humps on Hanlon Way can be scheduled this summer.

14. Adoption of a City Council Resolution Directing the Engineer of Work to Prepare and File an Annual Report for the Citywide Landscaping and Lighting Assessment District 88-01 for Fiscal Year 2019-2020

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Citywide Landscaping & Lighting Maintenance District 88-01. Upon receipt and approval of the Engineer's Report, Council may then order that the liens be placed on the County tax roll. Revenue collected through this district is necessary to fund the landscaping and lighting operations on a citywide basis.

15. Adoption of a City Council Resolution Directing the Engineer of Work to Prepare and File an Annual Report for the Oakhills Landscaping and Lighting Assessment District 88-02 for Fiscal Year 2019-2020

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Oakhills Landscaping & Lighting Maintenance District 88-02. Upon receipt and approval of the Engineer's Report, the City Council may order that the assessments be placed on the County tax roll. Revenue collected through this district is necessary to fund the City's landscaping and lighting operations in the Oakhills area.

16. Adoption of a City Council Resolution Approving the Final Map, Subdivision Improvement Agreement, and Improvement Plans for Subdivision 9453 Liberty Subdivision

The Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 9453, Liberty Subdivision are ready for approval. This Resolution will authorize the City Manager to execute the Subdivision Improvement Agreement and approve the Final Map and Improvement Plans for the Subdivision.

17. Adoption of a City Council Resolution to Authorize and Execute an Agreement with The 100 Companies LLC for the East Bay 100

The resolution would authorize staff to enter into an Agreement with The 100 Companies LLC to develop and publish a digital media platform called "The East Bay 100".

18. Adoption of a City Council Resolution Supporting a Joint Contra Costa County Housing Policy Framework for Emerging Housing Legislation

Numerous bills related to housing matters have been introduced by State legislators since the beginning of the 2019, with more expected to be introduced in

the coming months and years. The cities of Contra Costa County have established a joint effort to craft a policy framework for emerging housing legislation that would ensure that the member cities' collective voice is heard as the details of legislation are being crafted, and would encourage regional- and State-level collaborate with all cities to formulate feasible solutions to address the Bay Area's housing needs.

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)
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ADJOURNMENT to May 20, 2019

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 taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the City of Pittsburg will provide special assistance for disabled 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 - 2019

Updated February 4, 2019

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Jelani Killings / Merl Craft Alternate	Standing	Annual	G. Evans
Delta Diablo**	Juan Banales / Shanelle Scales-Preston Alt.	Standing	2 nd Wednesday	F. McKinley
East Co. Co. County Habitat Conservancy	Juan Banales / Holland White Alternate	Standing	Monthly	K. Pollot
East County Water Management	Merl Craft / Holland White Alternate	Standing	Annual	F. McKinley
MCE Clean Energy Board	Shanelle Scales-Preston / Juan Banales Alt.	Standing	4 Per Year	D. Buchanan
TRANSPLAN / ECCRFFA	Juan Banales / Holland White Alternate	Standing	2 nd Thursday	J. Hecht
Tri-Delta Transit (2 reps)***	S. Scales-Preston & Merl Craft / Jelani Killings Alt.	Standing	Last Wednesday	J. Hecht
<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Jelani Killings / Juan Banales Alt.	Standing	3 rd Thursday	*Rotational
Mayor's Conference	Juan Banales / Jelani Killings Alt.	Standing	1 st Thursday	G. Evans
School Districts Committee (2x2)	Holland White & Jelani Killings / Merl Craft Alt.	Standing	4 th Thursday even months	G. Evans
<u>SUBCOMMITTEES</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
CAC CDBG Subcommittee	S. Scales-Preston & Jelani Killings / Holland White Alt.	Standing	As needed	M. Aliotti
Camp Stoneman Anniversary Celebration	Merl Craft & Shanelle Scales-Preston	Ad Hoc	As needed	Evans/Simonton
CIP	Juan Banales & Jelani Killings	Ad Hoc	As needed	G. Evans
Community Services Subcommittee	Juan Banales & Holland White	Ad Hoc	As needed	G. Evans/M. Aliotti
Hills Committee	Juan Banales & Holland White / Merl Craft Alt.	Ad Hoc	As needed	G. Evans
Pittsburg Recognition Committee	Merl Craft / Juan Banales Alt.	Ad Hoc	As needed	J. Hecht
Economic Develop/Waterfront Subcommittee	Jelani Killings & Holland White / Juan Banales Alt.	Standing	Quarterly	K. Simonton
Finance Subcommittee	Jelani Killings & Juan Banales / Merl Craft Alt.	Standing	As needed	B. Farmer
Land Use Subcommittee	Juan Banales & Holland White / Merl Craft Alt.	Ad Hoc	As needed	K. Pollot
Pittsburg Arts & Community Foundation	Merl Craft & S. Scales-Preston / Jelani Killings Alt.	Standing	As needed	G. Evans
Pittsburg Police Activities League (PAL)	S. Scales-Preston & Holland White / Juan Banales Alt.	Standing	Monthly	B. Addington
Power Company Advisory	S. Scales-Preston & Holland White / Merl Craft Alt.	Standing	As needed	D. Buchanan
Sister City Committee	Holland White & Merl Craft / Jelani Killings Alt.	Ad Hoc	As needed	K. Simonton
Successor Agency Subcommittee	Merl Craft & Jelani Killings / S. Scales-Preston 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	2 nd and 4 th Tuesdays
Community Advisory Commission	1 st 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 month in 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.



City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

PROCLAMATION

BIKE TO WORK DAY

MAY 9, 2019

WHEREAS, the City of Pittsburg has a new infill BART station with limited parking; and

WHEREAS, the City of Pittsburg has large amounts of motor vehicle traffic filling its streets and clogging its intersections; and

WHEREAS, Pittsburg planners and engineers realize that we can't "build our way out of congestion;" and

WHEREAS, we all understand that the burning of fossil fuels creates greenhouse gasses that are not healthy for the entire world's environment; and

WHEREAS, Pittsburg at this time has over 42 miles of bicycle and pedestrian paths and bike lanes; and

WHEREAS, the City of Pittsburg is laboring to spend several grants for the construction of even more pedestrian and bicycle facilities. Additionally, we are planning to apply for more grants for the construction of even more pedestrian and bicycle facilities; and

WHEREAS, the City of Pittsburg is working to create an Active Transportation Plan that encourages people to walk and bike for their local transportation needs; and

WHEREAS, the City of Pittsburg understands that exercise (through walking and bicycling) is beneficial to the health of its residents and the community as a whole.

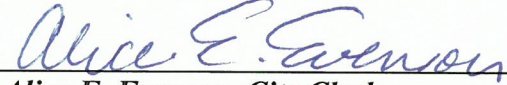
NOW, THEREFORE, I, Juan Antonio Banales, Mayor of the City of Pittsburg, on behalf of the entire City Council, do hereby proclaim May 9, 2019, as "BIKE AND WALK TO WORK, TO SCHOOL, and ALL OVER THE CITY DAY" in Pittsburg in recognition of this City's commitment to making Pittsburg a safer and healthier place to move about for all modes of transportation.





Juan Antonio Banales, Mayor

ATTEST:



Alice E. Evenson, City Clerk

May 6, 2019



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Adopting a Mitigated Negative Declaration and Authorizing Execution of a Mutual Release Agreement Upon Satisfactory Completion of the Pittsburg Marine Terminal Deconstruction Project

MEETING DATE: April 15, 2019

EXECUTIVE SUMMARY

This is a public hearing to consider a request by Tesoro Refining and Marketing, LLC, for approvals necessary to remove a marine terminal and other improvements located north of East 3rd and Harbor Streets, prior to execution of a mutual release agreement. Pursuant to the California Environmental Quality Act (CEQA) an initial study was prepared to identify potentially significant environmental impacts associated with terminal deconstruction. It has been determined that these impacts could be lessened to a less than significant level through specified mitigation measures.

FISCAL IMPACT

There is no fiscal impact related to the adoption of the proposed deconstruction project.

RECOMMENDATION

City Council consider the attached initial study prepared for the project and approve a resolution adopting a Mitigated Negative Declaration and authorizing the City Manager to execute a mutual release agreement.

BACKGROUND

The Project site is located along New York Slough, approximately 600 feet north of the intersection of East 3rd and Harbor Streets. Assessor's Parcel Nos.: 073-010-007; -011; and -013.

The marine terminal was originally constructed in 1942. Tesoro purchased the mainland parcels (APNs: 073-301-007 and -013) in 2003 and entered into a lease agreement with the City for use of the marine parcel (APN: 073-301-011) on June 6, 2002, in order to operate a

coke loading facility (the marine parcel is comprised of tidelands and submerged lands under trust to the City). Tesoro ceased operations of the coke facility in 2010. The existing marine terminal has been used sparingly, if at all, since Tesoro ceased operations of the coke facility in 2010.

The marine parcel constitutes a portion of the trust lands granted by the State of California to the City of Pittsburg as trustee for purposes consistent with the public trust doctrine, pursuant to Senate Bill (SB) 511 of 2011.

In 2018, Tesoro sold the mainland parcels to Making Waves Academy, a charter school based in Richmond, California. Following the sale of the mainland parcels, Tesoro requested its lease with the City associated with the marine terminal be terminated. As a condition of lease termination, Tesoro is required to remove the marine terminal, and execute a mutual release agreement with the City. Tesoro plans to start deconstruction of the marine terminal in 2019 after receipt of all regulatory permits.

Proposed Project: The project would include the deconstruction of the platform, fender system, all dolphin structures, walkways, decks, piles, and the small building (together referred to as the 'marine terminal'). There is no new construction associated with the proposed project. Deconstruction activities would occur on the terminal and in the water. Vessels and staging areas would be located strategically within and along the site to accommodate the required deconstruction activities. The marine contractor would use derrick and debris barges to execute the deconstruction work. Types of barges may include two derrick barges with upward of 100-ton crane capacity and four debris barges for marshaling materials/equipment. A staging area on land would be used for placement of up to two construction trailers, parking for a maximum of 10 automobiles, portable sanitary facilities, and staging of equipment and debris containers for building deconstruction.

For a more detailed description of the proposed project and existing conditions, please see Section 2.0, "Project Description," of the attached Initial Study.

California Environmental Quality Act (CEQA): An initial study was prepared to analyze the potential environmental impacts of the proposed project. Based on the analysis in that study, the Planning Manager has determined that potentially significant effects of the project could be lessened through specified mitigations, and subsequently, a Notice of Intent to Consider Adoption of a Mitigated Negative Declaration (MND) was prepared and distributed to the public on March 5, 2019, for a 30-day review, in accordance with Public Resource Code sections 21092, 21092.2 and 21092.3.

Public Noticing: On or prior to April 5, 2019, in accordance with Government Code section 65091, and PMC section 18.14.020, a "Notice of Public Hearing," for the April 15, 2019, public hearing on this item was posted at City Hall, at and near the project site, and in the "Public Notices," section of the City website; was delivered to the Pittsburg Library; was mailed via first class mail to the applicant and property owner, to owners of property located within 300 feet of the project site, and to local service agencies anticipated to provide services to the site; and was mailed via first class mail or email to individuals and organizations who had previously filed written request for such notice.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The purpose of the project is to remove the existing marine terminal, in accordance with Tesoro's obligations set forth in the March 20, 2018, amendment terminating the lease (Attachment 4), and as a prerequisite for execution of a mutual release agreement (Attachment 5).

Removal of the marine terminal would be executed in a manner that minimizes the amount of deconstruction required at the site. Staging would occur on the mainland parcels and in the slough on barges adjacent to the terminal. Generally, deconstruction of each component would begin with removal of all above-deck appurtenances, including steel deck plates, posts, fencing, cables, piping, conduits, handrails, and benches. The contractor would attempt to remove large, intact sections of the terminal in order to minimize the amount of cutting and breakdown required at the site, and thus the amount of debris created within the Slough. Materials would be placed onto barges or into Tesoro-provided debris bins located on barges. Personnel on barges and skiffs would monitor the debris booms, and any captured debris would be removed and placed into the appropriate debris bins. Debris from the building demolition would be transported directly from the site to the Altamont Landfill via semi-trucks. Marine-based deconstruction material/debris would be placed onto barges and transported to the marine contractor's yard for sorting. Materials would be placed into debris bins that are provided by Tesoro's Waste Management Department and then be transported from the marine contractor's yard to the appropriate landfill via semi-truck.

The general practice in the San Francisco Bay Area is for removal of piles to at least three feet below the mudline. This practice is appropriate in areas where scour is not expected to occur and is sufficient to ensure that the pile stubs remain buried within the sediments and do not have the potential to protrude above the sea floor, posing a potential hazard to navigation. Tesoro would attempt to remove all wooden piles completely; however, piles that cannot be fully-removed, as well concrete piles, would be cut off a minimum three feet below the mudline.

The Initial Study prepared for the project identified potentially significant impacts if the Terminal Deconstruction is approved in the following categories: Biological Resources, Cultural Resources, Geology/Soils, and Hazards and Hazardous Materials. Mitigation measures have been identified to reduce each of the potentially significant impacts to a less-than-significant level. All other impacts were found to be less than significant.

ATTACHMENTS: Resolution
 Exhibit A Mitigated Negative Declaration
 Mitigation Monitoring Program
 Amended Lease Agreement
 Mutual Release Agreement

Report Prepared By: Jordan Davis, Assistant to the City Manager

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution	)	RESOLUTION NO. 19-
Adopting a Mitigated Negative Declaration	)	
and Mitigation Monitoring and Reporting	)	
Program, and Authorizing Execution of a	)	
Mutual Release Agreement Upon	)	
Satisfactory Completion of the Pittsburg	)	
<u>Marine Terminal Deconstruction Project</u>	)	

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, a marine terminal was originally constructed in 1942; and

WHEREAS, Tesoro purchased the mainland parcels (APNs: 073-301-007 and -013) in 2003 and entered into a lease agreement with the City for use of the marine parcel (APN: 073-301-011) on June 6, 2002, in order to operate a coke loading facility; and

WHEREAS, the marine parcel constitutes a portion of the trust lands granted by the State of California to the City of Pittsburg as trustee for purposes consistent with the public trust doctrine, pursuant to Senate Bill (SB) 511 of 2011; and

WHEREAS, Tesoro ceased operations of the coke facility in 2010. The existing marine terminal has been used sparingly, if at all, since Tesoro ceased operations of the coke facility in 2010; and

WHEREAS, following closure of the coke loading facility, Tesoro requested its lease with the City associated with the marine be terminated; and

WHEREAS, on March 20, 2018, the City and Tesoro executed a lease agreement amendment to terminate the existing tidelands lease. As a condition of lease termination, Tesoro is required to remove the marine terminal, and execute a mutual release agreement with the City; and

WHEREAS, in 2018, Tesoro sold the mainland parcels to Making Waves Academy, a charter school based in Richmond, California; and

WHEREAS, the proposed project, which involves the deconstruction of the existing marine terminal and no new construction, is subject to the California Environmental Quality Act ("CEQA"; Public Resources Code [PRC] section 21000 et seq.). An initial study was prepared to analyze the potential environmental impacts of the proposed project. Based on the analysis in that study, the Planning Manager determined that potentially significant effects of the project could be lessened through specified mitigations, and subsequently, a Notice of Intent to Consider Adoption of a Mitigated Negative Declaration (MND) was prepared and distributed to the public on March 5, 2019, for a 30-day review, in accordance with the CEQA Guidelines; and

WHEREAS, PRC section 21080(c) requires that the City Council consider the initial study together with any comments received during the public review process, and adopt the proposed MND prior to approving the project. The proposed MND is included as Exhibit A to this resolution; and

WHEREAS, on or prior to April 5, 2019, notice of the April 15, 2017, public hearing to consider this application was posted at City Hall; was delivered to the Pittsburg Library; was posted on the City's website; and, was mailed via first class mail or email to all owners of property within 300 feet of the subject site, service agencies who may be affected by the proposed project, and interested parties, individuals and organizations that requested such notice, in accordance with PMC section 18.14.010 and Government Code section 65090 and 65091; and

WHEREAS, on May 6, 2019, the City Council held a public hearing on the proposed project, at which time oral and/or written testimony was considered.

Section 1. Findings.

Based on the Staff Report entitled, "Adoption of a City Council Resolution Adopting a Mitigated Negative Declaration and Authorizing Execution of a Mutual Release Agreement Upon Satisfactory Completion of the Pittsburg Marine Terminal Deconstruction Project," dated April 15, 2019, 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, in the custody of the Planning Manager, and based on all written and oral testimony presented at the meeting, the City Council finds that:

- A. All recitals above are true and correct and are incorporated herein by reference.
- B. The Initial Study and Mitigated Negative Declaration prepared for this project were prepared in compliance with Public Resources Code section 21000 et seq. (CEQA), and the City Council has independently reviewed and considered the information contained therein prior to approval of the project.

Section 2. Adoption of a Mitigated Negative Declaration

Based on the findings and the authority set forth above, the City Council hereby adopts the attached Mitigated Negative Declaration and Initial Study (Exhibit A) and Mitigation Monitoring and Reporting Program (Exhibit B) for the Tesoro Pittsburg Marine Terminal Deconstruction Project, and authorizes execution of a Mutual release Agreement upon satisfactory completion.

Section 3. Effective Date

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 6th day of May, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

CITY OF PITTSBURG MITIGATED NEGATIVE DECLARATION

Tesoro Pittsburg Terminal Deconstruction Project

Adopted by the Pittsburg City Council on: _____

The City of Pittsburg finds that no significant effect on the environment, as prescribed by the California Environmental Quality Act of 1970 (CEQA), as amended, will occur for the following proposed project:

Project Proponent: Mr. Peter Carroll, Tesoro Refining and Marketing Company, LLC, 150 Solano Way, Martinez, CA 94553

Project Description: This is a request for approval to deconstruct and remove the existing marine terminal located along the shoreline of New York Slough, as part of the termination of Tesoro's lease with the City of Pittsburg. The vast majority of the deconstruction work would occur "waterside" via marine vessels to be staged adjacent to the existing terminal (dock). The purpose of the proposed deconstruction is to remove the decrepit and unused terminal as a condition of terminating Tesoro's lease with the City of Pittsburg, and would include removal of the platform, fender system, all dolphins, walkways, decks, piles and one small building. There is no construction associated with the Proposed Project.

Project Location: Approximately 600 feet north of the intersection of East 3rd and Harbor Streets, Pittsburg, CA. 94565 (Assessor's Parcel No. 073-010-011 ("Marine Parcel", as well as small portions of Parcel Nos. 073-010-007, and 073-010-013 ("Mainland Parcels").

Finding: The project described above will not have a significant effect on the environment for the reasons stated below.

Statement of Reasons to Support the Finding: The Initial Study prepared for the project identified potentially significant impacts if the Terminal Deconstruction is approved in the following categories: Biological Resources, Cultural Resources, Geology/Soils, and Hazards and Hazardous Materials. Mitigation measures have been identified to reduce each of the potentially significant impacts to a less-than-significant level.

All other impacts in the categories of Aesthetics, Agriculture and Forest Resources, Air Quality, Energy, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation/Traffic, Tribal Cultural Resources, Utilities/Service Systems, Wildfire and Mandatory Findings of Significance were found to be less than significant. Based on the Initial Study, the Planning Manager has determined that preparation of a Mitigated Negative Declaration is appropriate for the project described above.

Attachments: Vicinity Map and Initial Study

Vicinity Map:



Initial Study/ Proposed Mitigated Negative Declaration Pittsburg Terminal Deconstruction Project



March 2019

Prepared For:
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Prepared By:
 TRC

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APPENDICES

Appendix A: Emissions Calculations

Appendix B: Biological Assessment, Pittsburg Terminal Deconstruction Project

List of Acronyms and Abbreviations

Acronym	Name
ACM	asbestos-containing material
AFY	acre-feet per year
Applicant	Tesoro Refining and Marketing Company, LLC
BAAQMD	Bay Area Air Quality Management District
BMPs	Best Management Practices
CalEEMod	California Emission Estimator Model
CalEMA	California Emergency Management Agency
CARB	California Air Resources Board
CCCFPD	Contra Costa County Fire Protection District
CCWD	Contra Costa Water District
CEQA	California Environmental Quality Act
CHRIS	California Historical Resources Information System
City	City of Pittsburg
CRHR	California Register of Historical Resources
CY	cubic yard
dB	decibels
dBA	A-weighted decibels
DDSD	Delta Diablo Sanitation District
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
GHG	greenhouse gas emissions
IS/MND	Initial Study/Mitigated Negative Declaration
MGD	million gallons per day
MM	mitigation measure
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Service
NWIC	Northwest Information Center

RWQCB	Regional Water Quality Control Board
SR	State Route
SWRCB	State Water Resources Control Board
USFWS	U.S. Fish and Wildlife Service
UWMP	Urban Water Management Plan
WEAP	Worker Environmental Awareness Program
WWTP	wastewater treatment plant

1.0 INTRODUCTION

1.1 Project Overview

Tesoro Refining and Marketing Company, LLC (“Tesoro” or “Applicant”) has submitted to the City of Pittsburg (“City”) a request for approvals necessary for the Pittsburg Terminal Deconstruction Project (“Proposed Project” or “Project”). The Project site includes an approximately 2.72-acre parcel located almost entirely within New York Slough (APN: 073-010-011; the “Marine Parcel” – tidelands owned by the State of California and managed by the City¹), as well as a small portion of two “Mainland Parcels” (APN: 073-010-007 and APN 073-010-013). It is also noted that portions of the site extending to the east and west span beyond the defined Marine Parcel (e.g., portions of the terminal walkway and multiple dolphins are located within portions of New York Slough outside of the defined Marine Parcel). The site does not maintain a physical address, but is located approximately 600 feet north of the intersection of East 3rd and Harbor Streets, northeast of downtown Pittsburg, California.

Tesoro purchased the Mainland Parcels from Ultramar in 2003 and entered into a lease agreement with the City for use of the Marine Parcels to operate a coke-loading facility. Tesoro ceased operations of the coke facility in 2010. In 2018, Tesoro sold the Mainland Parcels to Making Waves Academy, a charter school based in Richmond, California.

Tesoro has terminated its lease with the City associated with the marine terminal at the site located on the Marine Parcel, which are tidelands and submerged lands under trust to the City. Tesoro is required to remove the marine terminal as a condition of terminating the lease. Tesoro plans to start deconstruction of the marine terminal in 2019 after receipt of all regulatory permits.

1.2 California Environmental Quality Act

The termination of the marine terminal lease agreement and removal of the marine terminal constitutes a “project” as defined by the California Environmental Quality Act (CEQA) (Public Resources Code, section 21000 et seq.) and the “CEQA Guidelines” (California Code of Regulations, Title 14, section 15000 et seq.), and is thereby subject to the requirements of CEQA. For the purposes of CEQA, the term “project” refers to the whole of an action which has the potential to result in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines section 15378). As the principal public agency responsible for approval the Proposed Project, the City is the “lead agency,” overseeing and administering the CEQA environmental review process.

As set forth in various provisions of the CEQA Statute (e.g., section 21080), before deciding whether to approve a project, public agencies must consider the potential significant environmental impacts of the project and must identify feasible measures to minimize these impacts. Pursuant to CEQA Guidelines section 15064, if any aspect of the proposed project, either individually or cumulatively, may cause a significant effect on the environment which cannot be

¹ The California Legislature granted sovereign tidelands and submerged lands located within the City limits to the City of Pittsburg under Senate Bill 551, Chapter 422, Statutes of 2011. These granted lands, referred to in this Plan as Trust Lands, are held in trust for the people of California.

mitigated to less-than-significant levels, regardless of whether the overall effect of the project is adverse or beneficial, an Environmental Impact Report (EIR) must be prepared. An EIR is not required if the adverse environmental impacts can be mitigated to less-than-significant levels, and a Mitigated Negative Declaration may be prepared for the project.

This Initial Study/Mitigated Negative Declaration (IS/MND) is a factual document, prepared in conformance with CEQA, and written to make the public and decision-makers aware of any potential environmental consequences of the Proposed Project. For any Project impact that is considered potentially “significant,” the IS/MND identifies mitigation measures to avoid or reduce potentially significant impacts to less-than-significant levels. Before any action can be taken to approve the Proposed Project, the City must certify that it has reviewed and considered the information in the IS/MND and that this document has been completed in conformity with the requirements of CEQA. Adoption of a Mitigated Negative Declaration does not approve or deny a proposed project.

1.3 Environmental Review

Consistent with CEQA, this IS/MND is an informational document for use by governmental agencies and the public to identify and evaluate potential adverse environmental impacts resulting from the Proposed Project, and to recommend mitigation measures and/or standard conditions of approval to lessen or eliminate adverse impacts.

This Initial Study is available for public review for 30 days from March 5, 2019, during which time written comments on the Initial Study may be submitted to:

Jordan Davis, AICP
Senior Planner
City of Pittsburg
Planning Division
65 Civic Avenue
Pittsburg, CA 94565
jdavis@ci.pittsburg.ca.us

2.0 PROJECT DESCRIPTION

The site is located in the City of Pittsburg along New York Slough, southeast of the Pittsburg Marina, as shown on Figure 1. The Pittsburg marine terminal, commonly referred to as the “dock,” consists of a platform, fender system, timber and concrete dolphins, walkways, decks, piles, and one small building believed to previously have been used as a water pump station, as shown on Figure 2. The entire site was developed in the 1940s for the purpose of the marine terminal. Figure 3 provides representative photographs of the site.

2.1 Purpose

The purpose of the Proposed Project is to remove the marine terminal as a condition of terminating the lease agreement between Tesoro and the City. The Proposed Project would include the deconstruction of the Pittsburg marine terminal, including the platform, fender system, all dolphins, walkways, decks, piles, and the small building. There is no construction associated with the Proposed Project.

2.2 Existing Conditions and Overview of Deconstruction Project Design

Deconstruction activities would occur on the terminal and in the water; vessels and staging areas would be located strategically within and along the site to accommodate the required deconstruction activities. The marine contractor would use derrick and debris barges to execute the deconstruction work. Types of barges may include two derrick barges with upward of 100-ton crane capacity and four debris barges for marshaling materials/equipment. A staging area on land would be used for placement of up to two construction trailers, parking for a maximum of 10 automobiles, portable sanitary facilities, and staging of equipment and debris containers for building deconstruction.

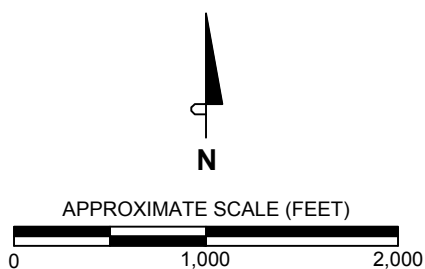
The Project components for deconstruction are described in further detail, below.

2.2.1 Terminal Platform

Constructed in 1942, the 45,000-square-foot terminal platform structure consists of approximately 600 creosote-treated 14-inch-diameter timber piles, 12-inch by 12-inch timber pile caps, 4-inch by 12-inch stringer beams, and 2-inch by 12-inch deck boards. An isolation fabric covers the deck boards followed by a 3-inch-thick layer of asphalt that forms the final walking surface over most of the platform. On the west approach, there is a 3,000-square-foot, 4-inch-thick concrete pad that served as the foundation slab for a building that was demolished in 2013. There are two 24-inch-diameter steel piles used for bollards on the platform, as well as 31 14-inch-diameter timber piles located south of the terminal platform that are not attached to any of the main terminal structures.



SOURCE AERIAL PHOTO: Google Earth, April 2018.



VICINITY MAP

Initial Study
Application for Termination of Lease Agreement
Tesoro Refining and Marketing - City of Pittsburg
Pittsburg, California



312122

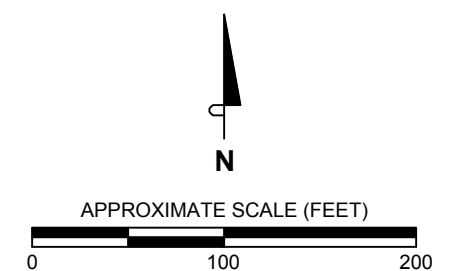
FIGURE 1

FILE NAME: Z:\Shared\CAD_DRAW\Current\City of Pittsburg_Terminal Deconstruction\Fig2_Project Site Layout.dwg | Layout Tab: 11x17



LEGEND

- Approximate parcel boundary
- APN 073010011 Assessor's parcel number



SOURCE AERIAL PHOTO: Google Earth, April 2018.

PROJECT SITE LAYOUT

Initial Study
Application for Termination of Lease Agreement
Tesoro Refining and Marketing - City of Pittsburg
Pittsburg, California



312122

FIGURE 2

Figure 3: Site Photographs



Building, facing west



Fender piles



Concrete dolphin



West walkway



Terminal platform view



Terminal platform view

2.2.2 Fender System

A timber-pile-supported, timber waler structure with a continuous spring fender system runs along the north face of the terminal platform.

2.2.3 Dolphins and Walkways

As shown on Figure 2, the balance of the above-water structures that would be removed consists of five dolphins along the north face of the terminal; the western walkway spans between dolphins W-1, W-2, W-3, and the main terminal platform; and the eastern walkway spans between the main terminal platform, dolphins E-1 and E-2, and the shore. Dolphin W-1 is located at the far west end of the terminal and is constructed of reinforced concrete, while the remaining dolphins are of timber construction.

2.2.4 Piles

There are 938 piles at the site that would be removed during deconstruction activities. Terminal drawings suggest that the piles may be upwards of 94 feet long. A breakdown of the pile material and diameters is shown below:

Diameter (type)	Quantity
14-inch-diameter timber piles	924
18-inch square reinforced concrete piles	11
16-inch-diameter steel pile	1
24-inch-diameter steel piles	2

2.2.5 Building

An abandoned 20-foot by 30-foot building is located on shore near the west approach onto the terminal platform (refer to Figure 2). The building, including miscellaneous contents, would be removed in its entirety, after abatement of identified hazardous materials using appropriately qualified contractors is complete. Hazardous materials potentially present include asbestos-containing material in piping and building sidings.

2.3 Construction Schedule and Equipment

The entire deconstruction Project is expected to span nine months and would take up to approximately 120 working days. Barges for work and staging, including derrick and debris barges, are estimated to be present for up to seven months, and in-water work is estimated to take approximately 85 working days. Barges would be towed in at the onset of the in-water work using tugboats, which would swap out debris barges approximately twice per week. Derrick barges would be towed in and remain onsite for the entirety of the in-water work.

The Proposed Project would be expected to generate up to an estimated 24 construction jobs during peak deconstruction periods. The typical work day for the Proposed Project is anticipated to require 10-hour days and a 4-day work week. Crew vehicles (i.e., personal vehicles) would arrive daily before 7 a.m. and depart after 5:30 p.m.

The deconstruction would be scheduled to begin after receipt of requisite permits. The Project is anticipated to be deconstructed in the following phases.

- Mobilize: April 2019
- Remove above-deck appurtenances: May 2019
- Remove main platform: May to July 2019
- Remove walkways: June to July 2019
- Remove dolphins: July to September 2019
- Remove piles: August to October 2019
- Debris scan: October 2019
- Remove mudline debris: November to December 2019
- Demobilization and completion: December 2019

The Proposed Project is estimated to require the following equipment:

Type and Use	Quantity
100-ton Derrick Barge - to lift and remove the heavy debris (e.g., concrete dolphin and large timber deck sections) and stack the debris on a debris barge.	1
30-ton Derrick Barge - to remove the timber piles, fender system, and other miscellaneous light debris. Provide crane support during pile removal.	1
Debris Barges - to receive the deconstruction debris and later transport the debris to the debris-handling site.	4
Skiffs - to provide water access to the barges, maintain the floating debris boom, and to be used in the event of a "man-overboard" situation.	3
Tug boat - to move barges around the site and provide support to swap a full-debris barge with an empty-debris barge.	1
Excavator with shear attachment - to cut piles below the mudline.	1
Loader/Excavator - to deconstruct and load the building frame and contents.	1
Diesel Generator - to provide power to various electrical tools.	2
Chainsaw - to make cuts in the timber structures, as needed, to accommodate the deconstruction activities.	5
Divers and Diver Support Equipment - during the mudline debris removal phase; the divers may be required to rig into debris sitting on the bottom.	1

2.4 Staging and Debris Disposal

Staging would occur on the Mainland Parcels and in the slough on barges adjacent to the terminal (refer to Figure 2). Debris from the building demolition would be transported directly from the site to the Altamont Landfill via semi-trucks. Marine-based deconstruction material/debris would be placed onto debris barges and transported to the marine contractor's yard for sorting. Materials would be placed into debris bins that are provided by Tesoro's Waste Management Department.

Debris bins would then be transported from the marine contractor's yard to the appropriate landfill via semi-truck.

An estimated total of 3,900 cubic yards (CY) of timber and 350 CY of deconstruction materials/maintenance debris would require disposal, and 500 CY would be recycled. The debris bins would be transported to landfills suitable for the material type, as follows:

- Timber: Altamont Landfill in Livermore, CA
- Construction materials/maintenance debris: Plant Reclamation in Richmond, CA
- Trash debris: Keller Canyon in Pittsburg, CA
- Concrete/asphalt recycling: Diablo Valley Rock in Martinez, CA
- Metals recycling: Alco Iron & Metal Company in Vallejo, CA

Portable, self-contained sanitary facilities that are maintained by a licensed contractor would be utilized during deconstruction. Sanitary facilities would be installed on barges for use by marine contractor personnel and on land in the staging areas for use by Tesoro and land-based contractors responsible for the building-removal scope.

2.5 Deconstruction

2.5.1 Terminal Platform

Removal of the main platform would be executed in a manner that minimizes the amount of deconstruction required at the site. Platform deconstruction would begin with removal of all above-deck appurtenances, including steel deck plates, posts, fencing, cables, piping, conduits, handrails, and benches. Materials would be placed onto barges or into Tesoro-provided debris bins located on barges. Debris booms would be deployed prior to deconstruction of the platform structure. Personnel on barges and skiffs would monitor the debris booms, and any captured debris would be removed and placed into the appropriate debris bins.

Following the removal of all above-deck appurtenances, the main platform that includes the paved surfaces and the underlying timber structure would be removed using two methods: The first method would involve removal of large, intact sections of the platform. This method would minimize the amount of cutting and breakdown required at the site. The second method would involve the removal of the paved asphalt surfaces, followed by removal of smaller sections and/or individual components of the timber structure. Removal of the main platform in large sections would be the preferred method, and would be implemented to the extent practical. The second method may be required in areas where the timber structure is in poor condition and could be unstable if lifted in large sections, or where other conditions make the removal of large sections unsafe or impractical to perform.

2.5.2 Fender System

Deconstruction of the fender system would begin by unbolting and cutting the fender springs. A derrick barge would support the weight of the piles and timber waler section being removed using appropriate rigging. The fender pile tips and walers would be placed onto barges for transport to the marine contractor yard. All further breakdown required would be performed at the marine

contractor yard where the timber and steel materials would then be loaded into Tesoro-provided debris bins and transported to appropriate disposal sites. Removal of the fender system may be done prior to or in conjunction with the main platform removal.

2.5.3 Dolphins and Walkways

The removal of the concrete dolphin W-1 platform would require a temporary wooden containment structure to be constructed underneath the concrete platform. The containment structure would be supported by the existing concrete piles, extend beyond the concrete platform footprint, and would be tightly formed around the concrete piles to contain debris from the demolition process. A derrick barge would support the weight of the platform using appropriate rigging attached to lifting bolts inserted through drilled holes secured to backing plates underneath the platform. A barge-mounted excavator with a shear attachment would be used to cut the concrete piles that support the platform. Once detached, the platform would be lifted and placed onto a barge, then transported to the marine contractor yard for further breakdown and disposal. Deconstruction debris would be collected and placed onto a barge prior to removal of the wooden containment structure.

The removal of the timber dolphins W-2, W-3, E-1, and E-2 would involve the use of a derrick barge and appropriate rigging system to support the weight of the entire platform. The timber piles would be cut with chainsaws and/or hydraulic shears. Once detached, the intact platform would be placed onto a barge and transported to the marine contractor yard for further breakdown. Chainsaws would be used to cut timber piles into approximately 18-foot-long or shorter sections, with bulkier structures cut down into much shorter sections that fit into 20-yard debris bins and can be easily dumped at the final landfill destination. An excavator is typically used to load materials into the debris bins. Semi-trucks would be utilized to transport the debris bins from the contractor yard to the final disposal sites.

Walkway deconstruction would be accomplished in a similar manner to that of the main platform, with larger cross-sections being removed where possible. The two-pile bents that support the walkways are spaced approximately 20 feet apart with stringer beams connected to the pile caps with drift pins. The walkways would likely be removed in 20-foot sections and placed onto barges for transport to the marine contractor yard. All further breakdown required would be performed at the marine contractor yard where the timber and steel materials would be loaded into Tesoro-provided debris bins and transported to appropriate disposal sites via semi-trucks.

2.5.4 Pile Removal

The general practice in the San Francisco Bay Area is for removal of piles to at least 3 feet below the mudline. This practice is appropriate in areas where scour is not expected to occur and is sufficient to ensure that the pile stubs remain buried within the sediments and do not have the potential to protrude above the sea floor, posing a potential hazard to navigation.

A multi-beam bathymetric and obstruction survey of the site was conducted in August 2018 to provide water-depth data for the site and surrounding areas. The pre-deconstruction survey provided initial indications of potential debris located on the bay floor. The multi-beam bathymetric

and obstruction survey did not indicate scouring occurring along the north side of the terminal. Water depth along the north side of the terminal is between 33 and 38 feet, referenced to mean lower low water (average height of the lowest tide recorded at a tide station).

Readings in the areas adjacent to the terminal indicate sediment deposition occurring over time; in particular in the area west of the terminal that has docking facilities associated with a residential area. Given this understanding of the current conditions, Tesoro plans to remove piles during deconstruction of the Pittsburg terminal to the standard depth of a minimum of 3 feet below the current mudline. Without maintenance dredging, pile stubs are anticipated to remain below the mudline. A follow-up and post-deconstruction multi-beam survey would be conducted after all piles are removed, to more accurately identify obstructions at the site for removal, in addition to confirming completion of pile removal.

The steel piles at the site would be removed using a derrick barge and vibratory extractor. The intent would be to remove the entire pile; however, if this removal is not feasible, then the piles would be cut to a minimum of 3 feet below the mudline using an excavator with a hydraulic shear attachment.

The reinforced concrete piles would be removed using a derrick barge and excavator with a hydraulic shear attachment. Piles would be cut to a minimum of 3 feet below the mudline. While an attempt could be made to remove entire concrete piles using a derrick barge and a vibratory extractor, it is likely the piles would break apart during the extraction attempt, causing concrete debris to fall to the bay floor. As such, Tesoro does not plan to make any attempts to remove entire concrete piles.

The timber piles at the site would be removed using a combination of three methods, including: 1) using only a derrick barge to remove the entire pile; 2) using a derrick barge and vibratory hammer to remove the entire pile; or 3) using a derrick barge to break the pile off a minimum of 3 feet below the mudline.

Confirmation that all piles have been removed a minimum of 3 feet below the mudline would be attained by measuring the length between the mudline stain and the bottom of each pile that is brought to the surface. Each pile mudline stain would be photographed with a measuring stick used as reference and the depth of removal recorded.

All piles that are removed from the site would be placed onto barges and transported to the marine contractor yard for further breakdown and disposal. Final confirmation that all piles at the site have been removed would be provided by the post-demolition multi-beam survey.

2.5.5 Building

The building near the west approach onto the terminal platform, including miscellaneous contents, would be removed after abatement of all identified hazardous materials using appropriately qualified contractors is complete (e.g., potential asbestos-containing material). The four pipes that exit the building and are supported underneath the terminal west approach would be cut off even with the bulkhead that runs along the shoreline; the short section of piping that runs between the bulkhead and building foundation wall would be filled with concrete and capped. After the building

is removed, the area would be filled with suitable clean fill material and graded/compacted as needed to leave in a safe and free-draining condition.

2.6 Applicant-Proposed Measures

In addition to any agency permit conditions that might be specified, Tesoro would require that contractors use various measures to minimize any environmental impacts. Specific measures would include the following:

1. Secondary containment would be provided for equipment or vehicles stored on the terminal to reduce potential for spills.
2. Fuel required to be stored onsite for use by construction equipment would have primary and secondary containment. Spills would be contained and properly disposed.
3. Vehicles and equipment would be properly maintained to reduce the potential for spills of petroleum-based or other hazardous products. Containment booms and sorbent materials would be available during the deconstruction and would be deployed immediately in the event of a spill to limit its spread.
4. If any materials or wastes are released to the bay, Project supervisors would immediately halt all work and use all available resources to assure containment and removal.
5. Equipment and barges must be equipped with precautionary safety and spill-containment equipment.
6. Best Management Practices (BMPs) would be employed to help prevent pollutants from entering the bay waters. Standard BMPs from the California Stormwater Quality Association (CASQA, 2014) would be implemented, as required, to minimize runoff and soil erosion, and to prevent stormwater and surface water contamination at the site. Applicable BMPs may include scheduling considerations (EC-1); preservation of existing vegetation (EC-2); stabilization of disturbed surfaces (EC-3 through EC-7); silt fencing (SE-1); straw bale barriers (SE-9); storm drain inlet protection (SE-10); spill prevention, control and cleanup (SC-10, SC-11); vehicle and equipment fueling (SC-20); waste handling and disposal (SC-34); tracking control (TC-1); and/or use of wind erosion control measures as applicable (WE-1). Employees, subcontractors, and vendors would be informed, educated, and trained to understand the applicable practices and procedures for the various deconstruction activities being performed.
7. Upon completion of the Project, equipment, materials, and waste would be safely demobilized from the Proposed Project area.

3.0 CEQA INITIAL STUDY CHECKLIST

1. **Project title:** Pittsburg Terminal Deconstruction Project
2. **Lead agency name and address:**
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
3. **Contact person and phone number:**
Jordan Davis, AICP
Senior Planner
(925) 252-4015
jdavis@ci.pittsburg.ca.us
4. **Project location:**
The site does not maintain a physical address, but is located approximately 600 feet north of the intersection of East 3rd and Harbor streets, northeast of downtown Pittsburg, California.
5. **Project sponsor's name and address:**
Tesoro Refining and Marketing Company, LLC
c/o Peter Carroll
150 Solano Way
Martinez, CA 94553
6. **General plan designation (existing):**
Park, Marine Commercial
7. **Zoning (existing):**
CW – Waterfront Commercial
8. **Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)**
A Project Description, including maps and a site plan, is included in Chapter 2 of this Initial Study.
9. **Surrounding land uses and setting (briefly describe the project's surroundings):** The Project site is located in a previously developed area in north Pittsburg along New York Slough, which connects the San Joaquin River to Suisun Bay and the Carquinez Strait. The Project site is surrounded by residential, industrial, and public uses.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)** San Francisco Bay Regional Water Quality Control Board, and the U.S. Army Corps of Engineers.
11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resource Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** The City sent a letter to six tribes identified by the Native American Heritage Commission notifying them of the Proposed Project on November 9, 2018. Per Public Resources Code section 21080.3.1(d), a request for consultation must be submitted within 30 days of the receipt the letter. No requests for consultation were received.

3.1 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project. Check marks are indicated by the following symbol: ☒

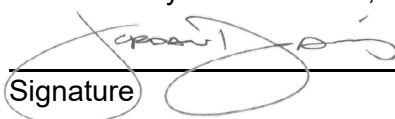
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|--|---|---|
| ☐ Aesthetics | ☐ Agriculture and Forest Resources | ☐ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Energy |
| ☒ Geology/Soils | ☐ Greenhouse Gas Emissions | ☒ Hazards & Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation/Traffic | ☐ Tribal Cultural Resources |
| ☐ Utilities/Service Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

3.2 Determination

(To be completed by the Lead Agency) On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Reviewed By: Jordan Davis, Senior Planner


Signature

3/4/2019

Date

3.3 Evaluation of Impacts

I. Aesthetics

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐

Less Than Significant Impact: The San Francisco Bay/Delta estuary system, including New York Slough, is considered a Scenic Waterway by Contra Costa County (County). However, a mix of land uses occurs along the waterway and surrounding the Project site, including industrial activities and residential development. According to the County's general plan, this diversity of land uses adds to the interest of the shoreline. Views of the Project site from New York Slough generally blend in with surrounding urban development. The Project involves demolition of the terminal and small building, and no construction would occur. Considering these factors, Project impacts on a scenic vista would be less than significant.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
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No Impact: The closest officially designated State scenic highway to the Project is Interstate 680 (I-680), which is located approximately 15 miles southwest of the site. The Project site is not visible from I-680. There are no rock outcroppings, historic buildings, scenic tree stands, or other scenic resources on the Project site. Therefore, the Proposed Project would not affect scenic resources within view of a State scenic highway, and there would be no impact.

c) Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
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Less Than Significant Impact: The Proposed Project is located in an urban waterfront area that has been previously developed, and views of the Project site from New York Slough generally blend in with surrounding urban development. Development of the Proposed Project would change the existing visual character of the Project site and vicinity by removing the

existing terminal and associated facilities, including a small building located on the west side of the terminal platform. Deconstruction would require placement of a temporary containment structure and barges extending beyond the existing Project footprint; however, no new permanent buildings or structures are associated with the Project and Project improvements would be consistent with the visual character of the waterfront. Therefore, the Proposed Project would not degrade the existing visual character or quality of the Project site and its surroundings, and would not conflict with applicable zoning and other regulations, and this impact would be less than significant.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

☐☐☒☐

Less Than Significant Impact: The Project is located in a developed area, and existing exterior lighting within the vicinity of the Project consists of security lighting and intermittent lighting from surrounding industrial uses. Project deconstruction and equipment staging would take place on the existing terminal site. The nearest residential uses are approximately 100 feet to the west of the site. Project deconstruction work would occur during daylight hours only. The Project would not create a new source of light or glare affecting day or nighttime views. Therefore, no impact would occur.

II. Agriculture and Forest Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒

No Impact: The previously developed Project site is located in an urbanized area of the City. No farmlands occur in the vicinity of the Proposed Project, so no farmlands would be affected by the Project.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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No Impact: No lands zoned for agriculture occur in the vicinity of the Project site so no lands zoned for agriculture or under a Williamson Act contract would be affected by the Project.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
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d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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No Impact: The Project area is within a previously developed area and the Project site is zoned Commercial Waterfront on the City's zoning map (City of Pittsburg, 2010). The Project would not conflict with the existing zoning for, or cause rezoning of, forest land or conversion of forest land to non-forest uses. Therefore, the Proposed Project would have no impact.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒
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No Impact: No lands zoned for agriculture or forest land occur in the vicinity of the Project so no lands would be converted from such uses. The Proposed Project would not adversely affect agricultural or forestry resources.

III. Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

Less Than Significant Impact: The Proposed Project would not conflict with or obstruct implementation of any applicable air quality plan. The Project would be located within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The Project involves the demolition of existing structures, and does not include the construction of new structures or promote future development. Once deconstruction activities are complete, no long-term operational emissions would occur as a result of the Project. Deconstruction activities would result in dust and combustion-related emissions. The average daily emissions for a range of pollutants for off- and on-road vehicles were calculated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2, and watercraft (tug boat, work boats) emissions were calculated using emissions factors obtained from California Air Resources Board (CARB) guidance (CARB, 2012). The unmitigated average daily Project construction emissions, along with BAAQMD significance thresholds for construction activities, are provided in the table below. Project deconstruction emissions calculations and CalEEMod output files are included in Appendix A.

		Project Total Emissions (Tons)	Average Daily Threshold (Lbs)	Threshold Exceeded?
Reactive Organic Gases	45.09	2.75	54	No
Nitrogen Oxides (NOx)	6.69	0.41	54	No
Particulates (PM ₁₀)	3.00	0.18	82	No
Particulates (PM _{2.5})	1.83	0.11	54	No
Source: BAAQMD, 2017				
lbs pounds				
PM ₁₀ particulate matter less than 10 microns in diameter				
PM _{2.5} particulate matter less than 2.5 microns in diameter				

The Project consists of deconstruction activities on the terminal and in the water, demolition of a small building located near the terminal platform, and transportation of demolition debris to off-site disposal locations. Vessels and staging areas would be located strategically within and along the site to accommodate the required deconstruction activities. The Project would not include significant soil handling or grading. Deconstruction activities that have been included in the emission calculations are land-based and water-based demolition activities, barge operations and barge transport using a tug boat, small work skiffs supporting water-based activities, demolition debris handling, debris transportation to several disposal facilities located within the San Francisco Bay Area, and worker commutes. These deconstruction activities result in combustion and fugitive dust emissions. The estimated average daily construction emissions are

below applicable construction-related significance thresholds established by the BAAQMD. Therefore, impacts would be less than significant.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

☐☐☒☐

Less Than Significant Impact: The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or State ambient air quality standard. The Project is located in an area that is State and/or federal nonattainment for ozone and fine particulate matter (PM_{2.5}) and State nonattainment for coarse particulate matter (PM₁₀). The BAAQMD's significance thresholds for construction emissions were designed to establish the level at which the BAAQMD believes emissions could cause significant environmental impacts under CEQA when considered in conjunction with other sources. The Project would not exceed BAAQMD construction-related significance thresholds. Therefore, the Proposed Project would not result in a cumulatively considerable net increase of any non-attainment criteria pollutant, and the impact would be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

☐☐☒☐

Less Than Significant Impact: The Project would not expose sensitive receptors to substantial pollutant concentrations. Sensitive receptors are land uses that include members of the population that are particularly sensitive to the effects of air pollution, such as children and the elderly, and people with illnesses. Examples include residences, hospitals, schools, or convalescent homes. The nearest sensitive receptors are residences located adjacent to the site to the west. The Project would result in short-term emissions, which would occur at a variety of locations within the Project area. Deconstruction emissions would be less than significant as described in the response to checklist item (a), above. Therefore, the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations and the impact would be less than significant.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

☐☐☒☐

Less Than Significant Impact: No significant Project-related sources of emissions would exist during construction. Typical odor nuisances include hydrogen sulfide, ammonia, chlorine, and other sulfide-related emissions, none of which will be present in nuisance quantities during Project deconstruction. An additional potential source of Project-related odor is diesel engine emissions. However, all potential sources of odors would be short term and occur in a variety of locations across the Project area. There are relatively few people (less than 50 residences within 500 feet) near the Project site. Therefore, impacts related to odor generated during deconstruction of the Project would be less than significant.

IV. Biological Resources

Information used in this section is drawn from a Biological Assessment prepared by LSA Associates in November 2018 (see Appendix B) and the Biological Constraints Analysis and Wetland Assessment prepared by WRA Environmental Consultants in June 2018 for the Making Waves Academy Pittsburg Project.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐

Less Than Significant Impact with Mitigation Incorporated: The Project area consists of the marine structure, open water, and a small area of shoreline hardened with riprap and wood debris located along the south bank of New York Slough within Suisun Bay. The shoreline is sparsely vegetated with ruderal non-native species and bulrush (*Schenoplectus* sp.), and several non-native trees are scattered along the shoreline above the tidal zone. The terrestrial area of the Project consists of a building and paved areas.

Tidal/brackish marsh habitat is absent from the Project area. Therefore, coastal marsh species, including special-status plants, are not expected to be present in the Project area or affected by the Project.

The following special-status species with the potential to occur within the Project area and potential to be affected by the Proposed Project are shown in the table below.

Species	Listing Status ¹	Habitat Association	Potential for Occurrence
Fish			
Delta smelt <i>Hypomesus transpacificus</i>	SE, FT, CH	Tolerant of a wide range of salinity. Shortly before spawning, adults migrate upstream from the brackish-water habitat associated with the entrapment zone and disperse widely into river channels and tidally influenced backwater sloughs. Spawn in shallow, fresh, or slightly brackish water upstream of the entrapment zone.	High. Abundance and possibly distribution dependent on location of available brackish water habitat. Potential to rear and forage near dock. Adults migrate past dock in December.

Species	Listing Status ¹	Habitat Association	Potential for Occurrence
Longfin smelt <i>Spirinchus thaleichthys</i>	ST, SSC	Anadromous, estuarine fish. Tolerant of a wide range of salinity. Migrate daily, low in water column at day and surface at night. Live 8 to 10 years. Feed on shrimp, copepods, and crustaceans. Spawn and die in freshwater.	High. Most likely to occur near dock October to November as adults migrate upstream to spawn.
Sacramento splittail <i>Pogonichthys macrolepidotus</i>	SSC	Sacramento/San Joaquin estuary. Found in slow-moving sections of rivers and sloughs and have been most abundant in the Suisun Bay and Marsh region. Splittail spawn on submerged vegetation in temporarily flooded upland and riparian habitat.	High. Dock is within the migratory corridor for this species. Adults migrate downstream past the dock in June-July. Young-of-year migrate downstream June to August. Adult splittail migrate upstream past dock starting in November.
Central Valley steelhead <i>Oncorhynchus mykiss irideus</i>	FT	Anadromous species. Migrate up Sacramento/San Joaquin rivers and tributaries for spawning in the spring. Most juvenile steelhead spend one to two years rearing in their natal stream before outmigrating.	High. New York Slough is a migratory channel. Juvenile downstream migration past dock begins in October. Adult spawning migrations begin in July and continue in waves through the winter.
Central Valley spring-run Chinook salmon <i>Oncorhynchus tshawytscha</i>	ST, FT	Anadromous species. Migrate up Sacramento/San Joaquin rivers and tributaries for spawning at two to four years. Juveniles stay in freshwater for a few months before outmigrating.	High. New York Slough is a migratory channel. Juvenile downstream migration past dock begins in October with first winter storms. Adult migration occurs in spring.
Winter-run Chinook salmon <i>Oncorhynchus tshawytscha</i>	SE, FE, CH	Anadromous species. Migrate up Sacramento/San Joaquin rivers and tributaries for spawning at two to seven years. Juveniles stay in freshwater for 5 to 10 months before outmigrating.	High. New York Slough is a migratory channel. Juvenile downstream migration enters the Delta from January to April. Adult spawning migration is from January to May.
Central Valley fall/late fall-run Chinook salmon <i>Oncorhynchus tshawytscha</i>	FSC, SSC	Anadromous species. Migrate up Sacramento/San Joaquin rivers and tributaries for spawning at two to six years. Juveniles stay in freshwater for a few days up to a few months, but begin their downstream movement within a few weeks of emergence from the gravels.	High. New York Slough is a migratory channel. Juvenile downstream migration past dock may occur during all months of the year. Adult spawning migration September to December. Juveniles rear in the estuary.
Green sturgeon <i>Acipenser medirostris</i>	FT, SSC	Bay species, long-lived, found in brackish water, benthic feeder. Anadromous. Spawns in Sacramento River.	High. Likely occur in Project area as Suisun Bay/New York Slough contain suitable foraging and holding habitat.

Species	Listing Status ¹	Habitat Association	Potential for Occurrence
			Migrate past dock to spawn in winter.
Starry flounder <i>Platichthys stellatu</i>	EFH	Estuarine fish, benthic feeder on macrophytes, including shrimp, crabs, polychaete worms. Mature at age two. Spawn September to March along marine shores or estuary mouth. Eggs settle to bottom of water column. Rears in warm, nearly fresh, water.	High. Potential to be impacted. Common species that is common in brackish waters. Juveniles and adults are demersal benthic feeders over soft bottom substrate.
Reptiles			
Western pond turtle <i>Emys marmorata</i>	SSC	Found in rivers, streams, lakes, ponds, wetlands, reservoirs, and brackish estuarine waters from sea level to 6,500 feet. Prefers habitats with large areas for cover and basking sites. Overwinters in both aquatic and terrestrial habitats.	Moderate. The Project area is located within the species' year-round range and core habitat is modeled along the shoreline in the East Contra Costa County Habitat Conservation Plan/ Natural Communities Conservation Plan.
Birds			
Burrowing owl <i>Athene cunicularia</i>	BCC, CSC	Inhabits open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation; nests underground, usually in abandoned California ground squirrel (<i>Spermophilus beecheyi</i>) burrows.	Moderate. Adjacent grasslands contain potentially suitable small-mammal burrows for nesting and species is modeled to occur.
White-tailed kite <i>Elanus leucurus</i>	SFP	Breeds in savannas, riparian woodlands, grassy foothills. Resident species.	Moderate. May forage in grasslands adjacent to the Project. No nesting habitat in Project area.
Suisun song sparrow <i>Melospiza melodia maxillaris</i>	SSC-3	California endemic, year-round range consists of tidal salt and brackish marshes associated with Carquinez Strait and Suisun Bay west of the City of Antioch. Dense vegetation required for nesting, perching, and cover from predators. Primarily use tidal channels; small territories and limited dispersal of young constrain species distribution. Requires exposed ground for foraging on seeds.	Moderate. Potential to nest along levee south of dock.
Saltmarsh common yellowthroat	BCC, SSC	Nests in freshwater marshes March to July. Disperses into adjacent saltwater marshes to forage in winter.	Moderate. Potential to nest along levee south of dock.

Species	Listing Status ¹	Habitat Association	Potential for Occurrence
<i>Geothlypis trichas sinuosa</i>		Insectivore. Small territories, displays high site fidelity.	
Marine Mammals			
Harbor seal <i>Phoca vitulina richardii</i>	MMPA	Temperate coastal habitats where it uses rocks, reefs, and beaches for haul out.	Moderate. Individuals may forage in the Project vicinity or rest on the dock.
California sea lion <i>Zalophus californianus</i>	MMPA	Shallow coastal and estuarine waters. Hauls out on marina docks, jetties, and buoys.	Moderate. Individuals may forage in the Project vicinity or rest on the dock.
¹ Federal Listing Status FE: Federally listed endangered; FT: Federally listed threatened; FSC: National Marine Fisheries Service Federal species of concern; BCC: Federally Listed Birds of Conservation Concern; CH: Critical habitat designated; EFH: NOAA-Fisheries Essential Fish Habitat species; MMPA: Marine Migratory Protection Act. State Listing Status SFP: State fully protected; SE: State-listed endangered; ST: State-listed threatened; SSC: California species of special concern. The SSCs may be further ranked by priority: SSC-1: priority one, etc. Sources: CNDDB, 2018; LSA, 2018a; TRC, 2013; WRA, 2018			

In addition, designated critical habitat for delta smelt, Central Valley steelhead DPS, Sacramento winter-run Chinook salmon ESU, and Central Valley spring-run Chinook salmon ESU is located in the Project area.

Special-status fish and marine mammals may be present in the waters of New York Slough and could be adversely affected by impacts to water quality, including increases to turbidity and potential leaks or spills from equipment. Because the waters of New York Slough and nearby Suisun Bay are already subject to turbidity during storm events, the temporary, short-term increase in turbidity and sedimentation from construction would be quickly diluted to background levels, and therefore, inconsequential to aquatic wildlife. Impacts to water quality from potential leaks or spills would be less than significant with implementation of BMPs listed in Section X, "Hydrology and Water Quality," and Conservation Measures in sections 2.2.1.2 Spills and Accidental Discharge, 2.2.1.3 Emergency Spill and Containment Plan, and 2.2.1.4 General Work Site Management Practices of the Project's Biological Assessment (LSA, 2018a). Marine mammals are expected to avoid the area while deconstruction is active, but may approach the site after work stops for the day. Measures in the Project's Biological Assessment that require the workplace to be kept clean and safe for wildlife are found in section 2.2.1.4, measures 10 through 12. With implementation of mitigation measure (MM) BIO-1, workers would be provided training to ensure work is conducted safely for special-status species. With implementation of MM BIO-2, Tesoro would implement the measures proposed in the Project's Biological Assessment.

MM BIO-1: A qualified biologist shall prepare a Work Environmental Awareness Program (WEAP) to provide environmental training for construction personnel, including contractors, prior to the commencement of construction activities. The training shall include specific measures to prevent injury to special-status species and information about what to do if one is found in the construction area. The program shall also provide workers with information on their responsibilities with regard to special-status species, an overview of the life history of the species, information on take prohibitions, protections afforded the species under the state and federal regulations, and an explanation of the relevant terms and conditions of the incidental take permit. Training material shall be

submitted to the City of Pittsburg for review two weeks prior to construction. Proof of training in the form of sign-in sheets shall be submitted to the City of Pittsburg within 48 hours of each training conducted under the WEAP.

MM BIO-2: Tesoro shall implement the recommendations of the Biological Assessment (LSA, 2018a) in the final construction plan.

In-water work activities that occur during migratory periods could cause special-status fish to avoid the vicinity of the dock and potentially result in fish rerouting into less-desirable corridors. With implementation of MM BIO-3, work would be restricted to work windows that avoid potential impacts to migrating fish and this impact would be reduced to less than significant.

MM BIO-3: In-water deconstruction activities shall occur during the work window specified by the National Marine Fisheries Service (NMFS) for avoidance of potential impacts to fish species in this region of the San Francisco Bay Estuary, from June 1 to November 30. The work window proposed may be adjusted in coordination with the California Department of Fish and Wildlife, NMFS, and U.S. Fish and Wildlife Service (USFWS).

In-water work activities that occur overnight or at sunrise or sunset have potential to disturb fish when they are actively foraging or moving past the dock. In addition, use of lights to illuminate work areas overnight can attract special-status species into the Project area where they may be harmed. With implementation of MM BIO-4, work would be restricted to daytime hours, the use of nighttime lighting would be restricted, and this impact would be reduced to less than significant.

MM BIO-4: All work shall be conducted during daylight hours and no artificial illumination shall be used. Daylight hours shall be considered to last from 30 minutes after sunrise to 30 minutes before sunset.

Construction noise and vibration from in-water work, including pile removal, could adversely impact special-status fish. In addition, direct pull to remove piles may cause a sediment plume containing contaminants deleterious to aquatic species or break creosote-coated timber piling, leaving stubs left in the mud that can release harmful contaminants into the water column. Implementation of MM BIO-5 would reduce these impacts to less than significant.

MM BIO-5:

1. Piles shall be removed slowly to allow sediment to slough off at or near the mudline and minimize turbidity in the water column. The operator shall first vibrate each pile to break the bond between the sediment and pile to minimize the potential for the pile to break, as well as reduce the amount of sediment sloughing off the pile during removal.
2. All removed creosote-treated timber, concrete, and steel piles and timber deck planks shall be transported on barges to a marine contractor yard.

Demolition of structures could destroy active bird nests, if present, and deconstruction noise may also disturb nesting birds. Although unlikely to nest in the Project area, burrowing owl may forage or nest in adjacent grasslands and Suisun song sparrow may forage or nest in adjacent marshes. White-tailed kite and loggerhead shrike may also forage in the adjacent grasslands, as well as other birds protected under the Migratory Bird Treaty Act and California Fish and Game Code 3501. Implementation of MM BIO-6 would reduce potential impacts to nesting birds to a less-than-significant level by requiring preconstruction surveys and appropriate avoidance measures.

MM BIO-6: If construction activities are initiated during the nesting season (February 1 through August 31), a qualified biologist shall conduct a nesting bird survey no more than 14 days prior to the start of construction activities. If construction activities cease for

more than 14 days, the survey shall be repeated. If active nests are identified, a no-disturbance buffer shall be implemented, under the guidance of the qualified biologist, to avoid impacts to nesting birds. Buffer distances for bird nests shall be site specific and an appropriate distance, as determined by the biologist. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed toward Project personnel, standing up from a brooding position, and/or flying away from the nest. The biologist shall have the authority to stop Project activities if a bird exhibits abnormal behavior that may cause reproductive failure such as nest abandonment and loss of eggs and/or young until an appropriate buffer is established.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

☐☒☐☐

Less Than Significant Impact with Mitigation Incorporated: Sensitive natural communities present within the Project area are limited to aquatic habitats. No riparian habitat or other upland sensitive natural communities would be affected by the Proposed Project. The waters of Suisun Bay and New York Slough have been designated by the NMFS as essential fish habitat for Pacific Coast Groundfish and Pacific Salmon, and as critical habitat for delta smelt, Central Valley steelhead DPS, Sacramento winter-run Chinook salmon ESU, and Central Valley spring-run Chinook salmon ESU by the USFWS.

Potential construction impacts to aquatic habitats, including turbidity and underwater noise effects, would be short term and less than significant with implementation of MM BIO-2, MM BIO-5, and BMPs listed in Section X, "Hydrology and Water Quality," as described under the response to checklist item (a). Additionally, removal of dock structures would have a beneficial effect on open water habitat by removing creosote-treated timber piles and shade from approximately 1.1 acres of Suisun Bay. Therefore, impacts from deconstruction of the Proposed Project on sensitive natural communities would be less than significant with implementation of mitigation.

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☐☐☐☒

No Impact: There are no wetlands located within or adjacent to the Project site or the potential onshore staging area; therefore, the Proposed Project would have no impact to wetlands.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

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Less Than Significant Impact with Mitigation Incorporated: Adult and juvenile anadromous fish migrate between freshwater sources to the Pacific Ocean through Suisun Bay and New York Slough. The open estuarine waters of the Delta provide important nursery and foraging habitat for anadromous fish, resident and migratory birds, and marine mammals. As discussed in the response to checklist item (a), in- and over-water deconstruction activities required to remove terminal platforms and supporting piles would be temporary and limited in area. Use of the staging area would be confined to disturbed or paved areas. With implementation of MM BIO-3, MM BIO-4, and MM BIO-6, the Proposed Project would not interfere with movement of any native resident or migratory fish or wildlife species, or impede on nursey sites, and the impact would be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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Less Than Significant Impact: The City of Pittsburg General Plan Open Space Element contains the following policy related to biological resources in the Project area:

9-P-13. Ensure that special-status species and sensitive habitat areas are preserved, as required by State and federal agencies, during redevelopment and intensification of industrial properties along the Suisun Bay waterfront. Limit dredging and filling of wetlands and marshlands, particularly adjacent to Browns Island Preserve.

As described in the response to checklist items (a) and (b), implementation of MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, MM BIO-5, and MM BIO-6 would ensure that special-status species and sensitive aquatic habitats are preserved. In addition, the removal of approximately 1.1 acres of terminal platform and creosote-timber piles from lower New York Slough would enhance aquatic habitat by reducing shade over open water and a source of potential water contamination.

The Project does not require the removal of any trees. Therefore, the Proposed Project would not conflict with any local policies or ordinances protecting biological resources.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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No Impact: The terrestrial portions of the Project would have no impact related to the adopted East Contra Costa County Habitat Conservation Plan (HCP)/Natural Communities Conservation Plan because the Project site is identified as "urban" within the HCP. Pursuant to Pittsburg Municipal Code (PMC) section 15.108.030, areas mapped as "urban" are not subject to required

take coverage. The Project would not conflict with the provisions of an adopted or approved conservation plan.

V. Cultural Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5?	☐	☐	☒	☐

Less Than Significant Impact: A cultural resource records search was conducted through the California Historical Resources Information System (CHRIS) Northwest Information Center (NWIC) on November 30, 2018 (NWIC File No. 18-1005). The search revealed that the Project footprint lies well outside the ground coverage of several nearby surveys (S-9095, -24753, -024289, -7647, -18352, -46909, -32572, -10040, -34182, -30579, -24322, and -34957) within a 0.5-mile radius. In addition, the Project footprint lies well outside the mapped boundaries of several nearby cultural resources (P-07-761 – the Pacific Coast Stone Company Site/CA-CCO-715H; P-07-864 – the Former Redwood Manufacturers Co. facility; P-07-869 - Diablo Services Corporation/Ultramar Corporation building; P-07-1093 - the California Theatre; P-07-1114 - New York Landing – Pittsburg Historic District; and P-07-1118 – the Sacramento Northern Railroad Depot) within a 0.5-mile radius. No resources are recorded within the Project area. No survey reports are within the Project area.

The Project area lies mostly over open water with only two places where the dock abuts dry land, and the small building located directly adjacent to the westernmost of these points. Although the Project area is not included in previous surveys, these previous surveys reveal a consistent lack of archaeological resources, likely due to the developmental history of the area. The Project area and its immediate vicinity have been subject to multiple episodes of commercial and industrial construction and demolition. Native ground surfaces are obscured by fill, asphalt, or buildings. For these reasons, no pedestrian field survey of the Project area has been attempted.

Not on file at the NWIC is a 2012 Historic Architecture Evaluation Report by Mr. Ward Hill (Consulting Architectural Historian). This report was made available by Tesoro and the City of Pittsburg. In his summary of findings, Hill (2012) states the buildings and other features at the former Tesoro Pittsburg Terminal/Diablo Coke Plant associated with the California Bean Growers Warehouse Corporation and the United States Army Camp Stoneman are not eligible for the California Register of Historical Resources (CRHR) because their historic integrity has been compromised. The modern structure related to the former petroleum coke operation – the conveyors, loading facilities, storage yards, and alterations to the dock to be demolished by Tesoro – are less than 50 years old and not of historic significance, and are not eligible for the CRHR.

For a cultural resource to be considered a historical resource (i.e., eligible for listing in the CRHR), it generally must be 50 years or older. Under CEQA, historical resources can include precontact (i.e., Native American) archaeological deposits, historic-period archaeological deposits, historic buildings, and historic districts.

Based on the significance criterion noted above, the Project would have a significant impact on the environment **if** ground-disturbing activities **or** removal of a historically significant building(s) would cause a substantial adverse change in the significance of a historical resource. A substantial adverse change in the significance of a historical resource would occur from demolition, destruction, relocation, or alteration such that the significance of the resource would be materially impaired (CEQA Guidelines section 15064.5(b)(1)).

The dock is not eligible for the CRHR and its removal would not cause a substantial adverse change in the significance of a historical resource.

A search of the Native American Heritage Commission (NAHC) Sacred Lands File was requested by the City of Pittsburg. The Sacred Lands File search was negative – no known Native American cultural resources are present in the Project area. Per NAHC recommendations, the City of Pittsburg wrote to the following individuals and/or groups to solicit information in “AB 52” letters dated November 9, 2018: Irene Zweirlein of the Amah Mutsun Tribal Band of Mission San Juan Bautista, Ann Marie Sayers of the Indian Canyon Mutsun Band of Costanoan, Rosemary Cambra of the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, Andrew Galvan of The Ohlone Indian Tribe, Raymond Hitchcock of the Wilton Rancheria, and Katherine Erolinda Perez of the North Valley Yokuts Tribe. As of December 4, 2018, the City had received no replies to its letters.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?

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Less Than Significant Impact with Mitigation Incorporated: No known/recorded archaeological resources are present in the Project area. The NWIC search checked for known/recorded shipwrecks in the Project area; none are known to be present. It is possible that historic-period artifacts may be present as a result of past dumping or discard off the original dock – remains dating from WWII or earlier. It is unlikely, however, that such remains would be detected when the pilings are extracted from the water during demolition of the dock. It is also possible that pre-contact artifacts or cultural deposits are present beneath the shore immediately adjacent to the dock, or below the sediments just offshore (i.e., beneath the dock area). It is also unlikely that such remains would be detected when pilings are extracted from the water during dock demolition. In the unlikely event that precontact or historic period cultural remains are found during dock demolition, the find(s) would need to be evaluated by an archaeologist to determine if they qualify as historical resources under CEQA. Per the Guidelines section 15064.5 of CEQA, implementation of the following mitigation measure would reduce the potential impact on historical and archaeological resources to a less-than-significant level.

MM CUL-1: Deconstruction shift foremen, demolition equipment operators, and other workers with responsibility for observing excavations and pilings extractions shall be trained and instructed by a qualified cultural resource specialist to be observant for the potential occurrence of archaeological resources. The qualified cultural resource specialist shall be instructed and authorized to halt operations in the area immediately and notify the City’s representative if such resources are discovered. In the event of a discovery, the qualified cultural resource specialist shall promptly notify the City and work in the area shall cease until the discovery is evaluated by a qualified cultural resource specialist.

If evaluation by a qualified cultural resource specialist indicates that the discovery may be significant, then operations in the area shall be continued only as directed by a qualified cultural resources specialist and in a manner allowing for collection of

significant resources and information that may otherwise be affected by the Project, including development of a Research Design and Data Recovery Program if needed to mitigate impacts.

If archaeological deposits are found to be significant (i.e., eligible for listing in the CRHR), Tesoro shall be responsible for funding and implementing appropriate mitigation measures. Such measures may include recordation of the archaeological deposit(s), data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. If cultural artifacts are collected, they shall be cataloged and curated with an appropriate institution. A final monitoring report shall be prepared by Tesoro and submitted to the City, CHRIS NWIC, U.S. Army Corps of Engineers, and the NAHC if significant cultural resources are discovered.

c) Would the project disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐
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Less Than Significant Impact with Mitigation Incorporated: A cultural resources records search conducted through the CHRIS Northwest Information Center did not indicate any known burials within 0.5 mile of the Project area. A search of the NAHC Sacred Lands File failed to indicate the presence of Native American sacred lands in the area. Given that there are no records of Native American sacred lands in the area and no evidence of human remains at the Project site, and since the Project area has been so heavily disturbed, no impact to human remains is anticipated. Mitigation measure CUL-2 would ensure that impacts are mitigated to a less-than-significant level in the event that human remains are encountered unexpectedly during construction.

MM CUL-2: Deconstruction shift foremen, demolition equipment operators, and other workers with responsibility for observing excavations and pilings extractions shall be trained and instructed by a qualified cultural resource specialist to be observant for the potential occurrence of human remains. In the event that human remains are identified during dock demolition activities, these remains shall be treated in accordance with section 7050.5 of the California Health and Safety Code and section 5097.98 of the Public Resources Code, as appropriate.

VI. Energy

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	☐	☐	☒	☐

Less Than Significant Impact: The Proposed Project does not involve development or operation. Energy use during deconstruction activities would be limited to the equipment listed

in Section 2.3 and would be short-term and temporary. Impacts due to wasteful, inefficient, or unnecessary consumption of energy resources would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

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No Impact: The Proposed Project does not involve development, and energy use due to equipment, trucks, and barges during the deconstruction activities would be short term and temporary. The Project would not conflict with or obstruct a plan for renewable energy or energy efficiency. There would be no impact.

VII. Geology and Soils

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☒

No Impact: The Proposed Project is not located in an Alquist-Priolo Earthquake Fault Zone, and no known active faults exist at the Proposed Project area (California Department of Conservation, 2018). Therefore, there is no impact associated with fault rupture. The closest active fault is the Clayton section of the Clayton-Marsh Creek-Greenville Fault, located approximately 6 miles to the southwest (Jennings and Bryant, 2010).

2) Strong seismic ground shaking?

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Less Than Significant Impact: The Project area is located in a region defined by a number of fault zones associated with the San Andreas fault system, which marks the tectonic boundary between the North American and Pacific plates. As described above in the response to checklist item (a)(1), the closest active fault is the Clayton section of the Clayton-Marsh Creek-Greenville Fault, which is located approximately 6 miles southwest of the Project site. Other major regional faults include the Green Valley-Concord Fault (located approximately 9 miles southwest), Calaveras Fault (located approximately 15 miles southwest), Hayward-Rodgers Creek Fault zone (located approximately 22 miles southwest), and San Andreas Fault Zone (located approximately 40 miles southwest) (Jennings and Bryant, 2010). The possibility exists for ground shaking from an earthquake on any of these faults. However, because structures located on the

site are slated for demolition and there is no additional construction associated with the Project, the impact from strong seismic ground shaking would be less than significant.

3) Seismic-related ground failure, including liquefaction?

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Less Than Significant Impact: Liquefaction is the transformation of saturated granular soils from a solid to liquefied state, caused by increased pore pressure and decreased effective stress usually induced by earthquakes. Areas susceptible to liquefaction can be determined based on characteristics such as soil type, soil density, and depth to groundwater. Liquefaction occurs in areas underlain by loose, saturated silt, sand, and/or gravel. Geology at the Project site consists of young, unconsolidated sediments, and depth to groundwater is relatively shallow. A study of the nine-county San Francisco Bay Area, conducted by the U.S. Geological Survey, identifies the Project area as highly susceptible to liquefaction (Knudsen et al., 2000). It should be noted that this was prepared as a regional study, and that the specific Project site has not been evaluated by the California Geological Survey for liquefaction hazards. However, as stated above in response to checklist item (a)(2), the Project does not involve development of any permanent structures, so this impact would be less than significant.

4) Landslides?

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No Impact: The Project is located in a generally flat area, and there are no substantial slopes in the vicinity that would pose a landslide hazard.

b) Would the project result in substantial soil erosion or the loss of topsoil?

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Less Than Significant Impact: The Project site includes previously developed structures such as the terminal platform, walkways, and decks. Because these structures are built at the edge of or over the water, deconstruction debris would be loaded onto barges for disposal, and therefore, would not result in substantial soil erosion. There may be a staging area on land for construction trailers and parking, and for additional breakdown of structures at the marine contractor yard, as well as the building that will be demolished, which have the potential for some soil erosion. After the building is removed, the area would be filled with suitable clean fill material and graded/compacted as needed to leave in a safe and free-draining condition.

Standard BMPs from the California Stormwater Quality Association (CASQA, 2014) would be implemented, as required, and as described in Section 2.6, to minimize soil erosion at the site. Applicable BMPs may include scheduling considerations (EC-1), preservation of existing vegetation (EC-2), stabilization of disturbed surfaces (EC-3 through EC-7), tracking control (TC-1), and/or use of wind erosion control measures as applicable (WE-1). Implementation of these or similar BMPs during the deconstruction work would limit substantial soil erosion at the site, so this impact is considered less than significant.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

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Less Than Significant Impact: The potential for liquefaction in the Project area is discussed above in the response to checklist item (a)(3). The Project is located in a generally flat area, and there are no substantial slopes in the vicinity that would pose a landslide hazard, nor are there unsupported conditions susceptible to significant lateral spreading. There is no construction associated with the Project that would be affected by subsidence or soil collapse. Therefore, with the exception of susceptibility to liquefaction, the Project is not located on soil that is unstable or would become unstable as a result of the Project, so this impact would be less than significant.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

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No Impact: The Project does not include construction of any permanent buildings, so there would be no impact from expansive soil.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

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No Impact: The Project does not include use of a septic tank or other wastewater disposal.

d) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

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Less Than Significant Impact with Mitigation Incorporated: Based on previous reports conducted within the immediate Project vicinity (cited in the August 2018 Initial Study for the Making Waves Academy Charter School Project, page 4-19), there is no documentation that suggests paleontological resources are present within the City or the Project vicinity. There is a possibility that subsurface demolition operations could uncover paleontological resources. Implementation of the following mitigation measure would ensure that potential impacts to paleontological resources would be reduced to a less-than-significant level.

MM GEO-1: Deconstruction shift foremen, demolition equipment operators, and other workers with responsibility for observing excavations and pilings extractions shall be trained and instructed by a qualified paleontologist to be observant for the potential occurrence of paleontological resources. The paleontologist shall be instructed and authorized to halt operations in the area immediately and notify the City's representative if vertebrate fossils are discovered. In the event of a discovery, the paleontologist shall promptly notify the City and work in the area shall cease until the discovery is evaluated by the paleontologist.

If evaluation by a qualified paleontologist indicates that the discovery may be significant, then operations in the area shall be continued only as directed by the paleontologist and in a manner allowing for collection of significant resources and information that may otherwise be affected by the Project.

If the paleontological resources are found to be significant, adverse effects to such resources shall be avoided by Project activities to the extent feasible. If Project activities cannot avoid the resources, the adverse effects shall be mitigated in accordance with CEQA Guidelines section 15126.4(b)(3). Mitigation may include data recovery and analysis, preparation of a final report, and the formal transmission or delivery of any fossil material recovered to a paleontological repository, such as the University of California Museum of Paleontology. Upon completion of Project activities, the final report shall document methods and findings of the mitigation and be submitted to the City of Pittsburg, Contra Costa County, and a suitable paleontological repository.

VIII. Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

Less Than Significant Impact: The Proposed Project would not generate significant greenhouse gas (GHG) emissions. Deconstruction activities would generate GHG emissions during the approximately nine-month deconstruction period. Following demolition, no long-term operational emissions would occur as a result of the Project. The Project GHG emissions resulting from off-road construction equipment, debris hauling, and worker commutes were evaluated using the California Emissions Estimator Model (CalEEMod) version 2016.3.2. GHG emissions resulting from watercraft (tug boat, work boats) were calculated using emissions factors obtained from CARB guidance. Total estimated GHG emissions associated with deconstruction activities are presented in the table below. Project deconstruction emissions calculations and CalEEMod output files are included in Appendix A.

Greenhouse Gas	Total Project Emissions (metric tons)
Carbon Dioxide (CO ₂)	405.19
Methane (CH ₄)	0.05
Nitrous Oxide (N ₂ O)	0.00
Carbon Dioxide Equivalents (CO ₂ e)	407.73
Notes: Global Warming Potentials (GWPs) were obtained from the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. GWPs used here do not include climate-carbon feedbacks.	

The BAAQMD does not have established significance thresholds for construction-related GHG emissions; however, they have established an operational-related GHG emission threshold of

10,000 metric tons per year of carbon dioxide equivalents for stationary sources (BAAQMD, 2017). GHG emissions related to the Project would be short-term and would be well below the operational threshold. Therefore, impacts would be less than significant.

b) Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

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No Impact: The Proposed Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. The minimal, short-term deconstruction-related GHG emissions would not interfere with the long-term goal of Assembly Bill (AB) 32 to reduce GHG emissions to 1990 levels by 2020. Therefore, there would be no impact.

IX. Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐

Less than Significant Impact with Mitigation Incorporated: The Proposed Project would require the short-term transport, use, and disposal of hazardous materials, such as fuels and lubricants. These materials would primarily be used in the operation of equipment. The storage and use of hazardous materials onsite during deconstruction could create a hazard to construction workers, the public, or the environment if such materials are not properly handled and/or contained. The Project would implement Applicant-Proposed Measures (APMs) 1 through 7, as described in Section 2.6. These APMs prescribe required hazardous materials handling, storage, spill response, and worker training practices that would be implemented during Proposed Project activities.

The Project includes removal of the vacant former pump-house building, located at the southwest end of the site (refer to Figure 2). Pumps are no longer present, and the building is empty. Based on initial observations of the building interior and exterior, the building could include some asbestos-containing materials (ACMs), which, if present, would require asbestos-containing precautions for removal, handling, and disposal (i.e., abatement) in accordance with regulatory requirements to prevent the release of asbestos to the environment and to protect workers in the abatement area. The creosote-treated piles would require handling and disposal in accordance with environmental protection and worker safety regulations, and other hazardous materials may be present that have not been identified. The removal and management of hazardous materials could create a significant hazard to workers, the public, or the environment if regulatory requirements for safety and containment are not followed. Mitigation Measure HAZ-1 would be implemented to ensure that impacts would remain less than significant by requiring an inspection

for ACMs prior to deconstruction of the building, and use of a qualified contractor for abatement, if needed.

MM HAZ-1: Prior to beginning deconstruction work, Tesoro shall commission a hazardous materials assessment of the site structures, to be prepared by a qualified hazardous materials professional. The results of the hazardous materials assessment shall be documented in a technical report. The technical report shall include a summary of hazardous and otherwise regulated building materials as well as reference to any applicable regulatory requirements, required abatement procedures, or restrictions. Removal of any hazardous materials found to be present shall be conducted in full compliance with applicable laws and regulations.

In addition to APMs 1 through 7 included as part of the Project, the Project would be required to comply with applicable regulatory requirements pertaining to the use, storage, and disposal of hazardous materials and wastes. These include, but are not limited to, Code of Federal Regulations Title 29 Section 1910 Occupational Safety and Health Administration regulations for worker protection and California Code of Regulations Title 22 Division 4.5 regulations for management of hazardous waste. Furthermore, the Project site would not be open to the public, thereby minimizing the potential for members of the public to come into contact with hazardous materials.

With these mitigation measures, APMs, and regulatory requirements in place, the routine use of hazardous materials for the Project would not create a significant hazard to the public or the environment. Therefore, impacts would be less than significant with mitigation.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

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Less than Significant Impact with Mitigation Incorporated: As discussed under the response to checklist item (a) above, the Project would involve the use, storage, transportation, and abatement of hazardous materials and wastes. Specifically, the Project would utilize common hazardous materials such as fuels and lubricants during the operation of equipment, and may encounter hazardous building materials during the deconstruction of structures. Hazardous materials could be accidentally released if an upset condition were to occur. Released materials could present a hazard to workers, the public, and/or environment. APMs 1 through 7 contain measures that either reduce the risk of upset or ensure timely response such that the adverse effects of a release would be minimized. Considering the precautionary and response preparedness measures in APMs 1 through 7, the Project would not present a significant hazard to the public or the environment through reasonably foreseeable upset conditions. Therefore, impacts would be less than significant with implementation of MM HAZ-1 and compliance with APMs and applicable regulatory requirements.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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Less than Significant Impact: There are no schools located within 0.25 mile of the Project. Marina Vista Elementary School is the closest school to the Project site. It is located at 50 East 8th Street, approximately 2,600 feet southwest of the Project site. Therefore, a less than significant impact would occur in relation to this existing school.

The Making Waves Academy Charter School is proposed to be located adjacent to the Project. However, the Project would be completed prior to development of the Making Waves Academy. Therefore, no impacts would occur in relation to this proposed school.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

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Less than Significant Impact with Mitigation Incorporated: The two Mainland Parcels on which the Project is to take place are included in lists compiled pursuant to Government Code Section 65962.5. Specifically, Assessor's Parcel No. (APN): 073-010-007 is listed on the California Department of Toxic Substances Control's (DTSC) Envirostor database, and APN: 073-010-013 is listed on the State Water Resources Control Board's (SWRCB) list of sites with active Cleanup and Abatement Orders. The disturbance of soil or groundwater impacted with hazardous materials or wastes could result in a release of hazardous materials into the environment, which could create a significant hazard to workers, the public, and/or the environment.

APN: 073-010-013 is listed on the SWRCB's list of sites with active Cleanup and Abatement Orders. The listing is related to a Cleanup and Abatement Order issued by the San Francisco Bay Regional Water Quality Control Board in 1999 to address stormwater pollution from fugitive coke dust leaving the facility. The coke-loading facility ceased operation in 2010. At the time of facility closure, all industrial equipment and materials (hazardous and nonhazardous) were removed from the site and the former petroleum coke storage area was covered with an impervious liner and a 4-inch-thick layer of gravel was placed on top. The site grading was also inspected to confirm that no offsite drainage could occur. Even though the coke-loading facility has ceased operations, the regulatory case is listed as "Open – Eligible for Closure." Use of the parcel is limited to staging and support on an existing asphalt area. The asphalt area would be used for parking, equipment and debris-container staging, portable sanitary facilities, and office trailers for work administration. Considering proposed uses of the existing paved area, and considering the coke-loading facility has been decommissioned, the listing on the SWRCB database does not represent a potential hazard to the public or the environment from the Project.

APN: 073-010-007 is listed on the DTSC's Envirostor database related to a Voluntary Cleanup Program case being managed by the DTSC. The case status is currently listed as Certified/Operation and Maintenance as of November 11, 2009 (DTSC, 2018). APN: 073-010-007 was formerly used for storage of ACMs. As a result, ACMs were present within surface soils following closure of the facility. As part of the Voluntary Cleanup Agreement, the former parcel owner (Pittsburg River Park, LLC²) performed a site assessment and ultimately encased the ACM-contaminated soils under a soil cap. The parcel is subject to a Covenant to Restrict Use of Property to ensure that disturbance of the encapsulated ACM-contaminated soil does not occur in a manner that could be a significant hazard to workers, the public, or the environment. The

² Note that APN: 073-010-007 was purchased by Third Street Pittsburg, LLC in December 2017.

Covenant prohibits use of the parcel for residences, a hospital for humans, a school for persons under 21 years of age, a day care center, raising of food (cattle, crops), or drilling for drinking water, oil, gas, or extraction of groundwater for purposes other than site remediation or construction dewatering. In addition, the Covenant requires any activity that may disturb the cap to be approved in writing by the DTSC. The capped property extends south from the south side of the pump building proposed to be removed. Without proper precautions, ground disturbance in the capped area could result in unsafe exposure to ACMs. Mitigation Measure HAZ-2 would ensure that deconstruction activities would be consistent with the Covenant and safe practices to prevent exposure. Therefore, HAZ-2 would limit the hazard related to the ACM listing on the Envirostor database to a level that is less than significant.

MM HAZ-2: Prior to initiating any ground-disturbing activity on APN: 073-010-007, including, but not limited to clearing, scraping, digging, excavating, or the removal of the building footings or slab, Tesoro shall provide the City of Pittsburg's City Engineer and Chief Building Official either: (1) a work plan for building demolition that demonstrates the soil cap will not be compromised; or (2) evidence that a Soil Management Plan has been approved by the DTSC for any location where the cap may be disturbed, consistent with the requirements of the Covenant to Restrict Use of Property applicable to the parcel and executed by DTSC on December 5, 2007.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

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No Impact: Buchanan Field Airport is the closest airport to the site and is located approximately 10 miles west-southwest of the Project area. The only other public-use airport located in Contra Costa County is the Byron Airport, located approximately 19 miles southeast of the Project. The Project is not located within the airport influence area for either airport. Therefore, no impacts would occur.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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No Impact: The Project would not alter any existing public or private thoroughway or block any roads or emergency access routes. Therefore, no impacts would occur.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

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No Impact: The Project is located in an urbanized area, including residential and industrial developments, as well as open water (New York Slough). The closest urban-wildland interface

is located more than 2 miles away. Therefore, the Proposed Project does not have a foreseeable risk of impacts related to wildland fires.

X. Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐

Less Than Significant Impact: During Project demolition, lubricants, fuels, and other chemicals used for construction machinery could be spilled during normal usage or during refueling. All equipment would be inspected and serviced prior to commencing work on the Project. Leaks would be repaired immediately when discovered. Spill kits equipped with enough material to provide preliminary containment for a volume of material that can reasonably be expected to spill would be maintained on the barges. Primary and secondary containment would be placed around all fuel required by equipment.

During deconstruction activities, a floating boom and skirt would be deployed around the Project site and absorbent booms and pads would be provided on marine vessels on site. All deconstruction material/debris would be placed onto barges and transported to the marine contractor yard for disposal.

Creosote-treated timber piles removed during the decommissioning of the marine terminal could potentially cause adverse environmental impacts to water quality. Creosote, a mixture of hydrocarbon compounds, was historically used to protect wood products. Creosote can break down and could leach out of the wood and accumulate in the environment to harmful levels in the surrounding water column and sediment (Werme, 2010). During the removal process, there is a potential for chips or shavings of creosote-treated wood to be released into the bay waters. To minimize introduction of creosote to the water, treated wood pilings would not be intentionally broken off by twisting, bending, or other deformation. Upon removal from the substrate and water column, the piling would be moved immediately into the containment area for processing and disposal at approved off-site facilities.

During pile removal and decommissioning activities, sediment disturbance may increase localized turbidity and re-suspend contaminants. Particulate-bound pollutants could become remobilized and/or dissolved in the water column, and could result in potential water quality degradation. Removal activities would be performed slowly to minimize turbidity in the water column and reduce sediment disturbance.

Standard BMPs from the California Stormwater Quality Association (CASQA, 2014) would be implemented, as required, to minimize runoff and soil erosion, and prevent stormwater and surface water contamination at the site. Applicable BMPs may include scheduling considerations (EC-1); preservation of existing vegetation (EC-2); silt fencing (SE-1); straw bale barriers (SE-9); storm drain inlet protection (SE-10); spill prevention, control and cleanup (SC-10, SC-11); vehicle and equipment fueling (SC-20); waste handling and disposal (SC-34); stabilization of disturbed

surfaces (EC-3 through EC-7); tracking control (TC-1); and/or use of wind erosion control measures as applicable (WE-1).

To prevent violations of water quality standards, BMPs listed above would be required to be employed during construction to ensure that impacts to water quality during destruction activities would be minimized and no violations of water quality standards or waste discharge requirements would occur. The potential impact to water quality from Project activities would be temporary and less than significant.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

☐☐☐☒

No Impact: The Project would not alter the course, flow, direction, or quality of groundwater in the area. The Project would not require the use of any groundwater supplies. No impervious surfaces would be introduced as a result of the Project; therefore, no interference with groundwater recharge would occur. Thus, the Project would have no impact on the aquifer volume either through groundwater extraction or reduced recharge. The Proposed Project would not have any impact on groundwater.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would:

1) result in substantial erosion or siltation on- or off-site?

☐☐☐☒

No Impact: There would be no impact related to altered drainage patterns; no erosion or siltation would occur on or offsite as a result of the Project. The Project would have no impacts on the existing drainage pattern of the site or surrounding areas.

2) substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

☐☐☐☒

No Impact: The Project would not result in any additional impervious surfaces and no stream or river alterations would occur. There would not be an increase in runoff that would cause flooding on or offsite. The Project would have no impacts on the existing drainage pattern of the site or surrounding areas.

- 3) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

☐☐☒☐

Less Than Significant Impact: Deconstruction material/debris would be sorted and placed into debris bins during deconstruction. Debris from the removed piles and timber platform would be placed on to a barge and transported to an appropriate and permitted off-site disposal facility. A liner would be used at the laydown location and all waste would be contained and covered as needed to prevent contact with stormwater. The Project would not create or contribute runoff exceeding the capacity of existing or planned stormwater drainage systems. Stormwater BMPs would be required to be implemented as applicable, as described above. No polluted runoff would occur as a result of the Project.

- 4) impede or redirect flood flows?

☐☐☐☒

No Impact: The Project does not include placing new structures in the 100-year flood hazard area; therefore, there would be no impact.

- d) Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

☐☐☒☐

Less Than Significant Impact: The Project is not located in an area mapped as a tsunami or seiche risk and is not expected to be subject to inundation by seiche or tsunami. The California Emergency Management Agency (CalEMA) has produced tsunami inundation maps for areas along the State's coastline, including within San Francisco Bay (CalEMA, 2009). Tsunami inundation mapping has not been performed by CalEMA for areas east of the Carquinez Strait, which indicates that the potential tsunami threat for the Project site, which is located east of the Carquinez Strait, is not significant. The Project site is located outside the tsunami hazard area as identified on the Contra Costa County Natural Hazards Map (Cal OES, 2018). The Project would not increase or abate the risk of tsunami due to an earthquake. The Project is in a Federal Emergency Management Agency Special Flood Hazard Area; however, deconstruction activities would be temporary and short-term, and impacts would be less than significant.

- e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

☐☐☒☐

Less Than Significant Impact: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The Project would have no impact on groundwater, and the BMPs listed above would be implemented during deconstruction activities to ensure impacts to water quality would be less than significant.

XI. Land Use and Planning

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project physically divide an established community?	☐	☐	☐	☒

No Impact: The Project site occurs on existing privately owned parcels that do not provide any throughway or other public access way. The Project would not result in any physical barrier or feature that could divide an established community because the Project consists of deconstruction activities on a previously developed area and no construction would take place onsite. There would be no impact.

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
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No Impact: The Project area and adjacent lands are in the jurisdiction of the City of Pittsburg and the California State Lands Commission. Existing uses surrounding the Project include residential, industrial, and public uses. The City of Pittsburg General Plan designates the Project site as Park and Marine Commercial. The City of Pittsburg Zoning Map identifies the mainland parcels as CW (Waterfront Commercial) District, while the marine parcel is not located within any specific zoning district.

The Project would involve the deconstruction of the former marine terminal and no change in land use. Because the Project would not change land use and local general plan and zoning designations, there would be no conflict with established planning or regulatory policies. There would be no impact.

XII. Mineral Resources

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

No Impact: The Proposed Project is located in an urban waterfront area that has been previously developed. There are currently no significant mineral deposits or active mining operations within the City (City of Pittsburg, 2001). Therefore, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region or residents of the State, or loss of availability of any known locally important mineral resource recovery site. Therefore, no impacts would occur.

XIII. Noise:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐

Less Than Significant Impact: The Project does not involve development; rather, the deconstruction would only generate temporary noise consistent with typical construction activities.

The City of Pittsburg General Plan Noise Element generally describes a range of changes in ambient (existing) noise levels and how these changes would be perceived by the community, such as a residential receptor, in terms of significance of impact:

- Except under special conditions, a change in sound level of 1 dB cannot be perceived;
- A 3 dB change is considered a “just noticeable” difference;
- A 5 dB change is required before any noticeable change in community response would be expected. A 5 dB change is often considered a “significant impact”; and
- A 10 dB change is subjectively heard as an approximate doubling in loudness and almost always causes an adverse community response.

The greatest noise generated during construction is likely to come from tugboats positioning and towing the barges into place. This noise will be infrequent, and not normally at the location closest to the nearest residential receptors. Also, it is likely that the positioning process will be completed quickly and the tugboats would operate at full power for less than five minutes at a time.

As described in the Biological Assessment for the Project (LSA, 2018a), it is expected that noise levels, both underwater and above the surface, generated from vibratory pile removal or direct pull from derrick barges are significantly lower than impact pile driving and that during pile removal, at a distance of 27 meters or 88.5 feet (slightly less than the distance to the nearest residential receptors), maximum noise levels would approach 85 A-weighted decibels (dBA) Lmax (maximum sound level), with average noise levels approaching 81 dBA Leq (equivalent sound level).

The Project would also result in temporary increases in noise levels in the immediate Project vicinity as a result of other more typical construction equipment usage. Major noise-generating equipment to be used at the site and typical noise levels for the equipment are shown in the table below. As indicated on the table, maximum noise exposure from the equipment to be used during Project deconstruction is not expected to exceed 85 dBA at a distance of 50 feet. The nearest noise-sensitive land use consists of residences located approximately 100 feet from the western end of the Project area. Construction noise levels would be intermittent during the construction period because activity would move around to different locations and be much farther away (up to 1,000 feet) for a majority of the Project schedule. Also, in compliance with the County Code and General Plan, construction activities would not occur during evening hours.

Equipment	Range of Noise Level (dBA) at 50 feet
Crane	81-85
Dump truck	76-84
Excavator	81-85
Trucks	55-75
All other equipment > 5 horsepower	85
Source: FHWA, 2006	

The following are the General Plan Policies relevant to the Project:

- Policy 12-P-9 establishes that generation of loud noises on construction sites adjacent to existing development should be limited to normal business hours between 8 a.m. and 5 p.m.
- Policy 12-P-10 establishes that the impact of truck traffic noise on residential areas should be reduced by limiting such traffic to appropriate truck routes, and that consideration is given to restrict truck travel times in sensitive areas.

The City’s Noise Ordinance (PMC Section 9.44.010) does not establish numerical noise-level limits related to construction noise but makes it unlawful for any person to make, continue or

cause to be made, or continue any noise which either unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the City. Unreasonable noise sources listed in the ordinance, and potentially relevant to the Project, include unmuffled vehicle exhaust (9.44.010.H) and pile drivers, hammers, and similar equipment (9.44.010.J).

The City's Building and Construction Ordinance (Section 15.88.060.A.5) prohibits grading noise, including warming up equipment motors, within 1,000 feet of a residence between the hours of 5:30 p.m. and 7 a.m. weekdays, unless otherwise approved by the City Engineer.

Heavy equipment and other mechanized equipment and vehicles would be used. Internal combustion engines, mechanized equipment, material handling, and other activities would generate noise. The noise levels from the Project's deconstruction activities would be temporary, and would vary throughout the duration of the Project depending upon the activity locations and number and types of equipment.

Since noise generated by the Project would be controlled consistent with the policies contained within the City of Pittsburg General Plan and Pittsburg Municipal Code, impacts would be less than significant.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

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Less Than Significant Impact: The Project may generate localized low-level groundborne vibration but the work would be performed largely from floating barges, rather than on the ground surface. Groundborne vibration and noise is attenuated rapidly with distance and the nearest sensitive receptors are located a minimum of approximately 100 feet from the nearest activity. Considering this distance and the nature of the work, groundborne vibration impacts would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

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No Impact: There is no private airstrip in the vicinity of the Project site. The Project area is not within an airport land use plan or within 2 miles of a public or public-use airport. The closest airport is in Concord more than 7 miles to the southwest.

XIV. Population and Housing

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
No Impact: The Proposed Project would not generate population growth, either directly or indirectly. The Project only involves deconstruction and there would be no operational component. The jobs for the Project would be short term and, therefore, are expected to be filled by the existing regional workforce without inducing long-term growth. Because the Project would not generate new long-term, full-time jobs or commercial businesses, construct new housing, or extend existing infrastructure, it is not expected to generate population growth and no impacts would occur.				
b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

No Impact: The Project site was used as a former marine terminal. No people would be displaced by the deconstruction of the Project. No housing exists on the Project site and housing would not be displaced by the deconstruction activities. Therefore, no impacts would occur.

XV. Public Services

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?	☐	☐	☒	☐

Less Than Significant Impact: The Proposed Project deconstruction would follow Contra Costa County Fire Protection District (CCCYPD) requirements for access and fire water supply. The final deconstruction plans would be subject to CCCYPD review and approval. The presence of all identified hazardous materials and waste onsite would require submittal of a Hazardous Materials Business Plan on the California Environmental Reporting System with an emergency response plan with emergency coordinator contact information and mechanisms for emergency access to the unoccupied Project site. Deconstruction debris would be hauled offsite on barges and semi-trucks; no diesel/gas powered equipment would be placed on debris barges that might increase risk of fire. Existing on- and off-site emergency access roads would be maintained in a drivable condition for the duration of deconstruction. Access/egress gates would be in compliance with specifications of Contra Costa County Fire Prevention Regulations. With adherence to these requirements, the Project would not create a capacity or service-level issue related to fire protection. No new or modified government facilities would be needed to provide fire protection for the Project. Therefore, Project impacts on fire services would be less than significant.

2) Police protection?	☐	☐	☒	☐
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Less Than Significant Impact: The Project would be located in the City of Pittsburg, which provides police protection and public safety within the City limits. Deconstruction of the Project would not generate a material demand on police services. The site would be fenced with controlled-access gates that would avoid the need for routine police protection services. Private security personnel and equipment are present nearby and would remain so during deconstruction. Only authorized personnel would be given security clearance and site access. The Project would not generate population growth that would increase demand for police services. Project activities would be temporary and the site would be occupied only during scheduled deconstruction phases. Considering these factors, the Project would not result in an adverse impact on City of Pittsburg Police Department response times, service ratios, or other performance objectives, nor would it result in the need for new or modified police facilities.

Therefore, Project deconstruction work would have a less-than-significant impact on police services and public safety.

3) Schools?	☐	☐	☐	☒
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No Impact: The Project would not involve activities that would generate population growth in the City of Pittsburg. Therefore, no new demands on school facilities would occur, and there would be no impact on school capacities, service levels, or performance objectives. The Project would not require new or physically altered school facilities. Therefore, there would be no impact.

4) Parks?	☐	☐	☐	☒
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No Impact: As described above, the Project would not generate population growth. Therefore, no new demands on park facilities would occur and there would be no impact on park capacities, service levels, or performance objectives. The Proposed Project would not require new or physically altered park facilities and no impact would occur.

5) Other public facilities?	☐	☐	☐	☒
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No Impact: As described in the response to checklist item (a), above, the Project would not generate population growth or extend infrastructure. The Project would not create a substantial new demand for services and would not require new or physically altered public facilities. Therefore, there would be no impact related to new or physically altered government facilities.

XVI. Recreation

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒

No Impact: The closest park to the Project site is John Buckley Square, an approximately 1.85-acre public space located approximately 2,000 feet to the southwest of the Project site. The Project would not result in an increase in the residential population. The Project deconstruction work would not cause a substantial increase in use of existing neighborhood and regional parks, nor would it result in substantial deterioration or acceleration of existing facilities, and therefore, there would be no impact.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

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No Impact: As noted in checklist item (a) above, the Project would not require the construction or expansion of recreational facilities that may result in adverse environmental physical effects and no impact would occur.

XVII. Transportation

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐

Less Than Significant Impact: Deconstruction associated with the Proposed Project would have a temporary and short-term effect on traffic during the approximately 120 working days. Project-related traffic would consist of daily commute trips of construction workers and truck trips to haul debris from demolition of the small pump building. All other debris from terminal deconstruction would be placed onto barges and transported over water to the marine contractor yard for further breakdown and disposal.

The Project would generate up to an estimated 24 jobs during peak deconstruction periods and the work crew would park their vehicles onsite at the staging area. Project deconstruction workers are expected to be primarily from the existing regional workforce currently contributing traffic to regional transportation routes, including State Route 4 (SR 4).

Demolition work on the pump building would occur over approximately four months (April 2019 to July 2019). The peak number of construction workers for building demolition is expected to be approximately five. Three semi-trucks would be used to haul 20-cubic-yard debris bins to the site and then haul away the debris for a total of approximately six trips. After the building is demolished, approximately six dump trucks would be used to import clean fill with a total of six loads.

Semi-trucks and equipment would access the Project site primarily via Harbor Street and East 3rd Street from SR 4, which are City-designated truck access routes. Considering the minimal number of trips generated and the expected use of the existing regional workforce, the short-term of deconstruction trip generation due to building demolition would not exceed capacity of the City's roadway and transit system. Therefore, this impact would be less than significant.

Marine-based deconstruction material/debris would be placed onto debris barges and transported to the marine contractor's yard for sorting. Debris bins would then be transported from the marine contractor's yard to the appropriate landfill via semi-truck. A total of approximately 190 truck runs

are anticipated. Semi-trucks would use designated truck routes and would be spread throughout the day. In addition, the truck runs would be spread over five different routes, and would not exceed capacity of any City or County roadway system. Therefore, this impact would be less than significant.

Six barges, three skiffs, and one tugboat would be required for the in-water work, and would be present at the Project for approximately seven months. Barges would be towed in at the onset of the in-water work using tugboats, which would swap out the four debris barges approximately twice per week for a total of approximately 30 round trips. Derrick barges would be towed in and remain onsite for the entirety of the in-water work, and the debris barges would be side-tied to the derrick barges. The derrick and debris barges would move together as the deconstruction of the Terminal advances. The marine vessels would be located near shore at the Project site and safely outside marine traffic corridors. Because the barge and tug boat traffic would be minimal, the impacts would be less than significant.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

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Less Than Significant Impact: The Project would not conflict with CEQA Guidelines section 15064.3, subdivision (b). The number of truck trips generated during Project deconstruction is provided in subsection (a), above. The Project would have a temporary and short-term effect on traffic over approximately 120 working days. Impacts would be less than significant.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

☐☐☐☒

No Impact: The Project does not include any new construction or realignment of existing roads. The Project site is within existing developed parcels and the Project only includes deconstruction of the marine terminal. The Project would utilize the existing street network for the limited trips and hauling of debris. Thus, the Project would not require new or modified streets or intersections and there would be no impact.

d) Would the project result in inadequate emergency access?

☐☐☐☒

No Impact: The Project would not alter any existing public or private thoroughway or block any roads or emergency access routes. Therefore, no impacts would occur.

XVIII. Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape, that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒

No Impact: A search of the NAHC Sacred Lands File was negative; no Sacred Lands are present. AB 52 letters were sent to six tribes on November 9, 2018 resulted in no responses from any of the tribes contacted (as of December 10, 2018).

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significant of the resource to a California Native American tribe.	☐	☐	☐	☒
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No Impact: A cultural resources records search conducted through the CHRIS NWIC did not indicate the presence of Native American skeletal remains within a 0.5-mile radius of the Project site. Implementation of mitigation measure CUL-2 (refer to Section V, above) would ensure that in the unlikely event that human remains were discovered during Project activities, they would be handled in compliance with Public Resources Code Section 5024.1.

XIX. Utilities and Service Systems

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒

No Impact: The amount of wastewater discharged by the Project deconstruction activities would be minimal and due to dust control during concrete and asphalt cutting. Water use for Project activities would be minimal and only associated with dust control. No new or expanded stormwater drainage facilities are required. No electric power, natural gas, or telecommunications facilities would be constructed. Therefore, the Project would not require the construction or relocation of new water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities and there would be no impact.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
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Less Than Significant Impact: A minimal amount of water would be used for dust control associated with concrete and asphalt cutting during the short-term deconstruction activities. Because the amount of water required would be minimal, sufficient water supplies would be available to serve the Project. Therefore, impacts would be less than significant.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
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No Impact: Wastewater discharge would be minimal and would be produced from dust control activities. No potable water or permanent sanitary facilities are proposed. Portable sanitary facilities would be used onsite for construction with regular pumping and maintenance by a licensed contractor. Because there would be no need for wastewater service to the Site, there would be no impact.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

☐☐☒☐

Less Than Significant Impact: An estimated total of 3,900 CY of timber and 350 CY of construction materials/maintenance debris would require disposal, and 500 CY would be recycled. Materials would be sorted and placed into debris bins that are provided by Tesoro's Waste Management Department. All deconstruction materials and debris would be disposed as follows: Timber would be transported to the Altamont Landfill, solid trash and debris would be sent to the Keller Canyon Landfill, concrete and asphalt would be transported to Diablo Valley Rock for recycling, and metals recycling would be delivered and managed by Alco Iron & Metal Company.

The Keller Canyon Landfill is a Class II landfill that has a maximum daily capacity of 3,500 tons per day and 320 truck trips. Keller Canyon Landfill is estimated to have a remaining capacity of at least 63 million CY, or approximately 84 percent of its total capacity, and currently has a closure date of December 2030 (CalRecycle, 2018). The Altamont Landfill is a Class III waste management facility that processes approximately 1,500,000 tons of waste annually. The facility has approximately 42.4 million tons of remaining permitted capacity for the next 50 years (Waste Management Solutions, 2014). Diablo Valley Rock is a Class III base rock recycling facility with approximately 100 daily haul trips and accommodates between 100,000 and 125,000 tons of recycled material annually (Carone, 2018). Alco Metal & Iron Company recycling services encompasses over 41 acres at five Bay Area locations (Alco Iron & Metal Company, 2018).

The Proposed Project is not anticipated to generate enough solid waste to significantly impact available capacity of existing landfills and recycling centers, and would not generate solid waste in excess of local standards or impair the attainment of solid waste reduction goals. Therefore, the Project would have a less-than-significant impact related to solid waste disposal.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

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Less Than Significant Impact. The Proposed Project would be required to comply with federal, State, and local waste reduction and recycling regulations, particularly those contained in the California Integrated Waste Management Act of 1989 and the City's Construction & Demolition Debris Recycling, which requires the diversion of a minimum of 65 percent of the Project's estimated debris, among other requirements. The amount of solid waste generated by deconstruction activities would not exceed the capacity of landfills and recycling facilities that would serve the Project. The increase in solid waste from implementation of the Project could be accommodated by the existing landfills' permitted capacity, and would not conflict with any statute or regulation. Therefore, the Project would constitute a less-than-significant impact.

XX. Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

No Impact: The Project is not located in or near a state responsibility area or lands classified as very high fire hazard severity zones. The Project is located in an urbanized area, including residential and industrial developments, as well as open water (New York Slough). The closest urban-wildland interface is located more than 2 miles away. There would be no impact to emergency response or evacuation plans.

b) due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
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No Impact: The Project is not located in or near a state responsibility area or lands classified as very high fire hazard severity zones. The Project would not expose Project occupants to pollutant concentrations resulting from a wildfire, or the uncontrolled spread of a wildfire.

c) require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
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No Impact: The Project is not located in or near a state responsibility area or lands classified as very high fire hazard severity zones. The Project would not require the installation or maintenance of infrastructure. There would be no impact.

d) expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

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No Impact: The Project is not located in or near a state responsibility area or lands classified as very high fire hazard severity zones. The terrestrial portion of the Project is not on a slope and the Project does not involve changes to drainage. There would be no impact.

XXI. Mandatory Findings of Significance:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐

Less than Significant Impact With Mitigation Incorporated: The terrestrial portions of the Project would have no impact related to the adopted East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan because the Project site is identified as developed. Mitigation Measures BIO-1 through BIO-6 would protect habitat and sensitive species that may occur in that area. These measures include minimization of impacts to the extent feasible and offsetting measures for impacts that cannot be avoided.

Designated critical habitat for delta smelt, Central Valley steelhead DPS, Sacramento winter-run Chinook salmon ESU, and Central Valley spring-run Chinook salmon ESU is located in the Project area. Special-status fish and marine mammals may be present in the waters of New York Slough and could be adversely affected by impacts to water quality, including increases to turbidity and potential leaks or spills from equipment. Because the waters of New York Slough and nearby Suisun Bay are already subject to turbidity during storm events, the temporary, short-term increase in turbidity and sedimentation from construction would be quickly diluted to background levels, and therefore, inconsequential to aquatic wildlife. Impacts to water quality from potential leaks or spills would be less than significant with implementation of mitigation measures in Section X, "Hydrology and Water Quality," and Conservation Measures in sections 2.2.1.2 Spills and

Accidental Discharge, 2.2.1.3 Emergency Spill and Containment Plan, and 2.2.1.4 General Work Site Management Practices of the Project's Biological Assessment (LSA, 2018a).

In-water work activities that occur during migratory periods could cause special-status fish to avoid the vicinity of the dock and potentially result in fish rerouting into less-desirable corridors. With implementation of MM BIO-3, work would be restricted to work windows that avoid potential impacts to migrating fish and this impact would be reduced to less than significant.

Direct pull to remove piles may cause a sediment plume containing contaminants deleterious to aquatic species or break creosote-coated timber piling, leaving stubs left in the mud that can release harmful contaminants into the water column. Implementation of MM BIO-5 would reduce this impact to less than significant.

Considering the small area of important habitat that could be affected long-term, with implementation of mitigation measures BIO-1 BIO-2, BIO-3, BIO-4, BIO-5, AND BIO-6, the Project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, nor reduce the number or restrict the range of a rare or endangered plant or animal.

No significant historic or prehistoric resources are known to occur onsite based on a records search and Tribal outreach. A search of the NAHC Sacred Lands File was negative. Although the Project area is not included in previous surveys, these previous surveys reveal a consistent lack of archaeological resources. The dock is not eligible for the CRHR and its removal would not cause a substantial adverse change in the significance of a historical resource. Mitigation Measures CUL-1, CUL-2, CUL-3 and CUL-4 provide for protection of cultural resources in the event of a new discovery, and would ensure that impacts to cultural resources would be less than significant in the event cultural resources were to occur in the Project deconstruction area.

f) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively Considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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As described in preceding sections of this Initial Study checklist, the Project would have no impact on agricultural or forest lands, mineral resources, growth, population, housing, schools, parks, libraries, recreation, tribal cultural resources, or wildfires, and the Project would not conflict with biological resource conservation plans, air quality protection plans, traffic congestion management plans, or other established environmental plans or policies. The Project would be consistent with the City Zoning ordinance. Because the Project would have no impact or conflict in these topic areas, there is no potential for the Project to have a cumulative effect in these topic areas with other past, current, or probable future projects.

The Project would not affect any designated scenic vista nor would it damage any scenic resources. The Project Site is in an industrial, residential, and publicly developed area and would be located on or adjacent to land zoned CW (Waterfront Commercial). Considering these factors, the cumulative impact on aesthetic resources would be less than significant.

Air quality cumulative impacts are addressed in Section III of this Initial Study checklist and are less than significant.

As described in Section IV of this Initial Study, impacts to biological resources would be limited since the Project is in disturbed habitat and impacts would be temporary, and impacts to biological resources would be mitigated through compliance with the East Contra Costa Habitat Conservation Plan/Natural Communities Conservation Plan. Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, and BIO-6 would limit impacts to a less-than-significant level. With these measures, impacts to biological resources would be fully mitigated and would not have the potential for significant cumulative effects.

No cultural resources are known to occur. Mitigation Measures CUL-1 and CUL-2 would ensure that impacts to cultural resources are mitigated in the event of an unexpected cultural resource discovery so that there are no cumulative impacts.

As described in Section VI of this Initial Study, energy use during deconstruction activities would be limited to the equipment listed in Section 2.3 and would be short-term and temporary. Impacts due to wasteful, inefficient, or unnecessary consumption of energy resources would be less than significant.

The Project would have no cumulative impact related to geology or soils. The Project would not impact important mineral resources or unique geologic features. Geologic hazards, by nature, are facility-specific and do not have the potential for cumulative effects. The Project would have no impact on seismic hazards at other locations, and no other reasonably foreseeable project could affect seismic hazards at the site. Therefore, there is no cumulative impact related to seismic shaking. There is a possibility that subsurface demolition operations could uncover paleontological resources. Implementation of Mitigation Measure GEO-1 would ensure that potential impacts to paleontological resources would be reduced to a less-than-significant level.

As described in Section VIII of this Initial Study checklist, The Project would not generate significant GHG emissions. Deconstruction activities would generate GHG emissions during the approximately nine-month demolition period. Following demolition, no long-term operational emissions would occur as a result of the Project. Considering these factors, the Project would not have cumulative adverse GHG emission impacts.

As described in Section IX of this Initial Study checklist, the Project would require the short-term transport, use, and disposal of hazardous materials, such as fuels and lubricants, which could create a hazard to construction workers, the public, or the environment if such materials are not properly handled and/or contained. The Project would implement APMs 1 through 7, as described in Section 2.5. These APMs prescribe required hazardous materials handling, storage, spill response, and worker training practices. The former pump-house building could include some ACMs, which, if present, would require asbestos-containing precautions for removal, handling, and disposal (i.e., abatement) in accordance with regulatory requirements. The creosote-treated piles would require handling and disposal in accordance with environmental protection and worker safety regulations, and other hazardous materials may be present that have not been identified. Mitigation Measure HAZ-1 would be implemented to ensure that impacts would remain less than significant. No cumulative impact is anticipated. There would be no impacts once demolition is complete. The Project would be required to comply with all existing laws for safe handling of materials and no cumulative impact is anticipated.

The Project would not violate any water quality standard or waste discharge requirements or affect water quality. Therefore, there would be no cumulative effect in these areas. There would be no cumulative impact to hydrology because there would be no impact related to altered drainage patterns; no erosion or siltation would occur on or offsite as a result of the Project. The Project

would have no impacts on the existing drainage pattern of the site or surrounding areas.

Deconstruction noise would be short term and following deconstruction the Project would not be a source of noise. Noise generated by the Project would be controlled consistent with General Plan Policies 12-P-9 and 12-P-10, and City Ordinance 9.44.010 and 15.88.060.A.5. Considering these factors, the cumulative noise impact would be less than significant.

As described in Section XVII of this Initial Study checklist, the Project would generate no traffic once construction is complete. No projects or other undertakings have been identified in the Site vicinity that could result in a considerable short-term cumulative impact. The Project would not involve new construction or realignment of any roads. The Project would be deconstructed in conformance with all applicable plans, policies, programs, and ordinances related to transportation. Considering these factors, cumulative traffic impacts would be less than significant.

Considering the factors addressed above, the Project would not have significant cumulative impacts with mitigation incorporated.

g) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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Less than Significant Impact With Mitigation Incorporated: The Project does not have the potential for environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly, other than those addressed in preceding sections of this Initial Study checklist. As described in preceding sections of this Initial Study checklist, the Project would have no impact on agricultural or forest lands, mineral resources, growth, population, housing, schools, parks, libraries, recreation, tribal cultural resources, or wildfires, and the Project would not conflict with zoning, land use, biological resource conservation plans, air quality protection plans, transportation, traffic and congestion management plans, or other established environmental plans or policies. The Project would not have substantial adverse effects related to aesthetics, air quality, energy, greenhouse gasses, geology and soils, hydrology, water quality, public services, transportation, or utilities. With recommended mitigation measures BIO-1 through BIO-6, CUL-1 through CUL-2, GEO-1, and HAZ-1 and HAZ-2, identified in Sections IV, V, VII, and IX, respectively, of this Initial Study checklist, the Project would have less-than-significant impacts related to biological resources, cultural resources, geology and soils, and hazards and hazardous materials. There would be no significant direct, indirect, or cumulative impacts with these mitigation measures incorporated.

3.4 List of Preparers

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APPENDIX A

EMISSIONS CALCULATIONS

Tesoro Pittsburg Terminal Demolition Project
Tugboat and Work Boat Emission Factor Derivation and Emissions

Assumptions

Tug Boat Main Generator Engine	1000 bhp
Tug Boat Aux Generator Engine	100 bhp
Work Boat A Engine	50 bhp
Work Boat B Engine	140 bhp
Total Project Usage - Tug Boat	30 round trips
Total Project Usage - Work Boat A	1770 hours
Total Project Usage - Work Boat B	10 hours

Emission Equation:

$$E = EF_0 \times F \times (1 + D \times A/UL) \times HP \times LF \times Hr$$

Where:

E is the amount of emissions of a pollutant emitted during one period.

EF₀ is the model year, horsepower and engine use (propulsion or auxiliary) specific zero hour emission factor (when engine is new).

F is the fuel correction factor which accounts for emission reduction benefits from burning cleaner fuel.

D is the horsepower and pollutant specific engine deterioration factor, which is the percentage increase of emission factors at the end of the useful life of the engine.

A is the age of the engine when emissions are estimated.

UL is the vessel type and engine use specific engine useful life.

HP is the rated horsepower of the engine.

LF is the vessel type and engine use specific engine load factor.

Hr is the number of operating hours of the engine.

Constants:

F:	NOx =	0.948		
	PM =	0.852		
D:	NOx =	0.21	HC =	0.44
	PM =	0.67	CO =	0.25
A:		5 yrs		
UL:	Tug Boat	21 yrs (main)	17 yrs (aux)	
	Work Boats	17 yrs		
LF:	Tug Boat	0.5 (main)	0.31 (aux)	
	Work Boats	0.45		
Hr:	Tug Boat	6 hours per trip (loaded)		
	Tug Boat	5 hours per trip (unloaded)		
	Work Boat A	1 hour		
	Work Boat B	1 hour		

Emission Factors (g/hp-hr)

	ROG	NO _x	PM	PM ₁₀	PM _{2.5}	CO ₂	CH ₄	N ₂ O
Tug Boat (Main)	0.68	4.09	0.08	0.08	0.0736	545.6	0.023	0.013
Tug Boat (Aux)	0.81	4.09	0.08	0.08	0.0736	545.6	0.023	0.016
Work Boat A	1.8	5.32	0.22	0.22	0.2134	545.6	0.023	0.02
Work Boat B	0.68	3.8	0.09	0.09	0.0873	545.6	0.023	0.013

Activity	Equipment	Pollutant Emissions (lbs)								
		ROG	NO _x	PM	PM ₁₀	PM _{2.5}	CO ₂	CH ₄	N ₂ O	CO ₂ e
Round Trip Emissions (per tug)										
One-Way Loaded Trip (lbs/day)	Main	4.96	26.87	0.52	0.52	0.48	4458.33	0.19	0.11	4492
One-Way Loaded Trip (lbs/day)	Gen	0.37	1.68	0.03	0.03	0.03	288.92	0.01	0.01	292
One-Way Empty Trip (lbs/day)	Main	4.13	22.39	0.43	0.43	0.40	3715.28	0.16	0.09	3743
One-Way Empty Trip (lbs/day)	Gen	0.31	1.40	0.03	0.03	0.03	240.77	0.01	0.01	243
Total Round Trip Emissions (lbs/day)	Main & Gen	9.78	52.35	1.02	1.02	0.94	8703.30	0.37	0.21	8769
Total Project Tug Boat Emissions (lbs)	Main & Gen	293.3	1570.5	30.5	30.5	28.1	261099.1	11.0	6.3	263079
Work Boat A (lbs/hour)		0.10	0.27	0.01	0.01	0.01	34.95	0.00	0.00	35
Total Project Work Boat A (lbs)		178.12	469.17	19.66	19.66	19.07	61862.37	2.61	2.27	62536
Work Boat B (lbs/hour)		0.11	0.53	0.01	0.01	0.01	97.86	0.00	0.00	99
Total Project Work Boat B (lbs)		1.06	5.30	0.13	0.13	0.12	978.61	0.04	0.02	986
Total Project Watercraft Emissions (lbs)		472.47	2044.96	50.31	50.31	47.28	323940.04	13.66	8.60	326601.3

Notes:

ROG, NOx, and PM emissions calculated using the method outlined in Emissions Estimation Methodology for Commercial Harbor Craft Operating in California, CARB, revised 2012.

PM emissions are estimated to be equivalent to PM10 emissions. The PM2.5 fraction of the PM10 emissions is estimated to be 92% for Tug Boats and 97% for Work Boats (ICF Consulting, Current Methodologies and Best Practices in Preparing Port Emission Inventories, Final Report, Prepared for U.S. Environmental Protection Agency Sector Strategies Program, April 2006.)

CO₂ emission factor from Appendix G - Assumptions for Estimating Greenhouse Gas Emissions from Commercial Harbor Craft Operating in California.

N₂O and CH₄ emission factors from GHG emission factors in the 2011 Port of Long Beach Air Emission Inventory, Appendix B.

Global Warming Potentials (GWPs) obtained from the Fifth Assessment Report (AR5) of the Intergovernmental Panel on Climate Change (IPCC). GWPs used here do not include climate-carbon feedbacks. Only criteria pollutants with Bay Area Air Quality Management District Significance Thresholds (ROG, NOx, PM10, PM2.5) calculated here.

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1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Industrial	50.00	User Defined Unit	5.00	0.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	64
Climate Zone	4			Operational Year	2020
Utility Company	Pacific Gas & Electric Company				
CO2 Intensity (lb/MWhr)	641.35	CH4 Intensity (lb/MWhr)	0.029	N2O Intensity (lb/MWhr)	0.006

1.3 User Entered Comments & Non-Default Data

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Project Characteristics -

Land Use - User defined size metric: acres.

Construction Phase - Project-specific phases used.

Off-road Equipment - Project-specific equipment input.

Trips and VMT - Project-specific trips per day input. Haul trip length for demolition debris disposal is a weighted average for the landfills identified in the project description.

Demolition - Estimate density of demolition debris (timber, asphalt, concrete, misc other materials) to be approximately 1 ton/cubic yard.

Vehicle Trips -

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Area Coating -

Landscape Equipment -

Water And Wastewater -

Construction Off-road Equipment Mitigation - No mitigation assumed.

Area Mitigation -

Fleet Mix -

Table Name	Column Name	Default Value	New Value
tblLandUse	LotAcreage	0.00	5.00
tblOffRoadEquipment	HorsePower	231.00	400.00
tblOffRoadEquipment	HorsePower	84.00	140.00
tblOffRoadEquipment	HorsePower	231.00	400.00
tblOffRoadEquipment	HorsePower	231.00	400.00
tblOffRoadEquipment	HorsePower	231.00	400.00
tblOffRoadEquipment	HorsePower	231.00	400.00
tblOffRoadEquipment	HorsePower	231.00	400.00
tblOffRoadEquipment	HorsePower	231.00	400.00

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tblOffRoadEquipment	HorsePower	231.00	400.00
tblOffRoadEquipment	HorsePower	84.00	140.00
tblOffRoadEquipment	HorsePower	84.00	140.00
tblOffRoadEquipment	HorsePower	84.00	140.00
tblOffRoadEquipment	HorsePower	84.00	140.00
tblOffRoadEquipment	HorsePower	84.00	140.00
tblOffRoadEquipment	HorsePower	84.00	140.00
tblOffRoadEquipment	HorsePower	84.00	140.00
tblOffRoadEquipment	HorsePower	172.00	6.00
tblOffRoadEquipment	HorsePower	172.00	6.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	1.00
tblOffRoadEquipment	UsageHours	7.00	6.67
tblOffRoadEquipment	UsageHours	7.00	6.67
tblOffRoadEquipment	UsageHours	8.00	6.40
tblOffRoadEquipment	UsageHours	8.00	8.05
tblOffRoadEquipment	UsageHours	8.00	8.33
tblOffRoadEquipment	UsageHours	8.00	8.33
tblOffRoadEquipment	UsageHours	8.00	6.67
tblTripsAndVMT	HaulingTripLength	20.00	34.60
tblTripsAndVMT	HaulingTripNumber	3.00	18.00
tblTripsAndVMT	HaulingTripNumber	386.00	0.00
tblTripsAndVMT	HaulingTripNumber	0.00	380.00
tblTripsAndVMT	VendorTripLength	7.30	5.00

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tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	VendorTripLength	7.30	5.00
tblTripsAndVMT	WorkerTripNumber	13.00	24.00
tblTripsAndVMT	WorkerTripNumber	0.00	24.00
tblTripsAndVMT	WorkerTripNumber	8.00	24.00
tblTripsAndVMT	WorkerTripNumber	0.00	24.00
tblTripsAndVMT	WorkerTripNumber	13.00	24.00
tblTripsAndVMT	WorkerTripNumber	13.00	24.00
tblTripsAndVMT	WorkerTripNumber	15.00	24.00
tblTripsAndVMT	WorkerTripNumber	0.00	24.00
tblTripsAndVMT	WorkerTripNumber	10.00	24.00
tblTripsAndVMT	WorkerTripNumber	5.00	24.00
tblTripsAndVMT	WorkerTripNumber	13.00	24.00
tblTripsAndVMT	WorkerTripNumber	13.00	24.00

2.0 Emissions Summary

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2.1 Overall Construction**Unmitigated Construction**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2019	0.1717	1.7282	1.4016	2.8900e-003	0.0819	0.0759	0.1578	0.0160	0.0717	0.0877	0.0000	258.2567	258.2567	0.0474	0.0000	259.4410
Maximum	0.1717	1.7282	1.4016	2.8900e-003	0.0819	0.0759	0.1578	0.0160	0.0717	0.0877	0.0000	258.2567	258.2567	0.0474	0.0000	259.4410

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2019	0.1717	1.7282	1.4016	2.8900e-003	0.0819	0.0759	0.1578	0.0160	0.0717	0.0877	0.0000	258.2564	258.2564	0.0474	0.0000	259.4408
Maximum	0.1717	1.7282	1.4016	2.8900e-003	0.0819	0.0759	0.1578	0.0160	0.0717	0.0877	0.0000	258.2564	258.2564	0.0474	0.0000	259.4408

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

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Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	4-1-2019	6-30-2019	0.7751	0.7751
2	7-1-2019	9-30-2019	0.8238	0.8238
		Highest	0.8238	0.8238

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	4.0000e-005	0.0000	4.6000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	8.9000e-004	8.9000e-004	0.0000	0.0000	9.5000e-004
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	4.0000e-005	0.0000	4.6000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	8.9000e-004	8.9000e-004	0.0000	0.0000	9.5000e-004

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2.2 Overall Operational**Mitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	4.0000e-005	0.0000	4.6000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	8.9000e-004	8.9000e-004	0.0000	0.0000	9.5000e-004
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	4.0000e-005	0.0000	4.6000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	8.9000e-004	8.9000e-004	0.0000	0.0000	9.5000e-004

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.0 Construction Detail**Construction Phase**

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Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	2 Remove Building	Demolition	4/1/2019	4/5/2019	5	4	
2	1 Mobilize	Site Preparation	4/1/2019	4/16/2019	5	10	
3	3 Remove Above Deck Appurtenances	Demolition	5/1/2019	5/8/2019	5	5	
4	4 Remove Main Platform	Demolition	5/1/2019	8/1/2019	5	55	
5	8 Marine Contractor Yard - Material Sort and Loading	Building Construction	6/3/2019	8/8/2019	5	40	
6	5 Remove Walkways	Demolition	6/10/2019	6/17/2019	5	5	
7	7 Remove Piles	Demolition	7/1/2019	10/29/2019	5	70	
8	6A Remove Dolphins A	Demolition	7/15/2019	7/22/2019	5	5	
9	6B Remove Dolphins B	Demolition	8/26/2019	9/2/2019	5	5	
10	9 Debris Scan	Building Construction	11/4/2019	11/4/2019	5	1	
11	10 Remove Mudline Debris	Demolition	11/25/2019	12/5/2019	5	8	
12	11 Demob/Complete	Building Construction	12/9/2019	12/16/2019	5	5	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
2 Remove Building	Excavators	1	6.40	158	0.38
2 Remove Building	Off-Highway Trucks	1	0.60	402	0.38
2 Remove Building	Off-Highway Trucks	1	0.60	402	0.38
2 Remove Building	Rollers	1	1.60	80	0.38

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2 Remove Building	Tractors/Loaders/Backhoes	1	6.40	97	0.37
1 Mobilize	Air Compressors	1	6.67	78	0.48
1 Mobilize	Cranes	1	6.67	400	0.29
1 Mobilize	Cranes	1	6.67	231	0.29
1 Mobilize	Excavators	1	6.67	158	0.38
1 Mobilize	Generator Sets	1	6.67	140	0.74
3 Remove Above Deck Appurtenances	Air Compressors	1	8.33	78	0.48
3 Remove Above Deck Appurtenances	Cranes	1	8.33	400	0.29
3 Remove Above Deck Appurtenances	Generator Sets	1	8.33	140	0.74
3 Remove Above Deck Appurtenances	Other Construction Equipment	2	8.33	6	0.42
4 Remove Main Platform	Air Compressors	1	8.09	78	0.48
4 Remove Main Platform	Cranes	1	8.09	400	0.29
4 Remove Main Platform	Generator Sets	1	8.09	140	0.74
4 Remove Main Platform	Other Construction Equipment	3	8.09	6	0.42
5 Remove Walkways	Air Compressors	1	8.33	78	0.48
5 Remove Walkways	Cranes	1	8.33	400	0.29
5 Remove Walkways	Cranes	1	8.33	231	0.29
5 Remove Walkways	Generator Sets	1	8.33	140	0.74
8 Marine Contractor Yard - Material Sort and Loading	Excavators	1	8.00	158	0.38
8 Marine Contractor Yard - Material Sort and Loading	Forklifts	1	8.00	89	0.20
6A Remove Dolphins A	Air Compressors	1	8.33	78	0.48
6A Remove Dolphins A	Cranes	1	8.33	400	0.29
6A Remove Dolphins A	Cranes	1	8.33	231	0.29
6A Remove Dolphins A	Excavators	1	8.33	158	0.38
6A Remove Dolphins A	Generator Sets	1	8.33	140	0.74
6B Remove Dolphins B	Air Compressors	1	8.33	78	0.48
6B Remove Dolphins B	Cranes	1	8.33	400	0.29

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6B Remove Dolphins B	Cranes	1	8.33	231	0.29
6B Remove Dolphins B	Excavators	1	8.33	158	0.38
6B Remove Dolphins B	Generator Sets	1	8.33	140	0.74
7 Remove Piles	Cranes	1	8.05	231	0.29
7 Remove Piles	Excavators	1	8.05	158	0.38
9 Debris Scan	Other Construction Equipment	0	0.00	172	0.42
10 Remove Mudline Debris	Air Compressors	1	8.89	78	0.48
10 Remove Mudline Debris	Cranes	1	8.89	400	0.29
10 Remove Mudline Debris	Generator Sets	1	8.89	140	0.74
11 Demob/Complete	Air Compressors	1	6.67	78	0.48
11 Demob/Complete	Cranes	1	6.67	400	0.29
11 Demob/Complete	Cranes	1	6.67	231	0.29
11 Demob/Complete	Excavators	1	6.67	158	0.38
11 Demob/Complete	Generator Sets	1	6.67	140	0.74

Trips and VMT

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Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
2 Remove Building	5	24.00	0.00	18.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT
1 Mobilize	5	24.00	0.00	0.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT
3 Remove Above Deck Appendages	5	24.00	0.00	0.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT
4 Remove Main Platform	6	24.00	0.00	0.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT
5 Remove Walkways	4	24.00	0.00	0.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT
8 Marine Contractor Yard - Material Sort an	2	24.00	0.00	380.00	10.80	5.00	34.60	LD_Mix	HDT_Mix	HHDT
6A Remove Dolphins A	5	24.00	0.00	0.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT
6B Remove Dolphins B	5	24.00	0.00	0.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT
7 Remove Piles	2	24.00	0.00	0.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT
9 Debris Scan	0	24.00	0.00	0.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT
10 Remove Mudline Debris	3	24.00	0.00	0.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT
11 Demob/Complete	5	24.00	0.00	0.00	10.80	5.00	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

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3.2 2 Remove Building - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					3.7000e-004	0.0000	3.7000e-004	6.0000e-005	0.0000	6.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.3700e-003	0.0139	0.0136	2.0000e-005		7.4000e-004	7.4000e-004		6.8000e-004	6.8000e-004	0.0000	2.0480	2.0480	6.5000e-004	0.0000	2.0642
Total	1.3700e-003	0.0139	0.0136	2.0000e-005	3.7000e-004	7.4000e-004	1.1100e-003	6.0000e-005	6.8000e-004	7.4000e-004	0.0000	2.0480	2.0480	6.5000e-004	0.0000	2.0642

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-004	3.5200e-003	6.9000e-004	1.0000e-005	1.6000e-004	1.0000e-005	1.7000e-004	5.0000e-005	1.0000e-005	6.0000e-005	0.0000	0.8714	0.8714	5.0000e-005	0.0000	0.8725
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.2000e-004	1.6000e-004	1.6400e-003	0.0000	4.7000e-004	0.0000	4.8000e-004	1.3000e-004	0.0000	1.3000e-004	0.0000	0.4289	0.4289	1.0000e-005	0.0000	0.4292
Total	3.2000e-004	3.6800e-003	2.3300e-003	1.0000e-005	6.3000e-004	1.0000e-005	6.5000e-004	1.8000e-004	1.0000e-005	1.9000e-004	0.0000	1.3002	1.3002	6.0000e-005	0.0000	1.3017

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3.2 2 Remove Building - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					3.7000e-004	0.0000	3.7000e-004	6.0000e-005	0.0000	6.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.3700e-003	0.0139	0.0136	2.0000e-005		7.4000e-004	7.4000e-004		6.8000e-004	6.8000e-004	0.0000	2.0480	2.0480	6.5000e-004	0.0000	2.0642
Total	1.3700e-003	0.0139	0.0136	2.0000e-005	3.7000e-004	7.4000e-004	1.1100e-003	6.0000e-005	6.8000e-004	7.4000e-004	0.0000	2.0480	2.0480	6.5000e-004	0.0000	2.0642

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-004	3.5200e-003	6.9000e-004	1.0000e-005	1.6000e-004	1.0000e-005	1.7000e-004	5.0000e-005	1.0000e-005	6.0000e-005	0.0000	0.8714	0.8714	5.0000e-005	0.0000	0.8725
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.2000e-004	1.6000e-004	1.6400e-003	0.0000	4.7000e-004	0.0000	4.8000e-004	1.3000e-004	0.0000	1.3000e-004	0.0000	0.4289	0.4289	1.0000e-005	0.0000	0.4292
Total	3.2000e-004	3.6800e-003	2.3300e-003	1.0000e-005	6.3000e-004	1.0000e-005	6.5000e-004	1.8000e-004	1.0000e-005	1.9000e-004	0.0000	1.3002	1.3002	6.0000e-005	0.0000	1.3017

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3.3 1 Mobilize - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0118	0.1241	0.0972	1.8000e-004		5.6300e-003	5.6300e-003		5.3300e-003	5.3300e-003	0.0000	15.8131	15.8131	3.3300e-003	0.0000	15.8964
Total	0.0118	0.1241	0.0972	1.8000e-004	0.0000	5.6300e-003	5.6300e-003	0.0000	5.3300e-003	5.3300e-003	0.0000	15.8131	15.8131	3.3300e-003	0.0000	15.8964

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	5.2000e-004	3.9000e-004	3.9400e-003	1.0000e-005	1.1400e-003	1.0000e-005	1.1500e-003	3.0000e-004	1.0000e-005	3.1000e-004	0.0000	1.0293	1.0293	3.0000e-005	0.0000	1.0300
Total	5.2000e-004	3.9000e-004	3.9400e-003	1.0000e-005	1.1400e-003	1.0000e-005	1.1500e-003	3.0000e-004	1.0000e-005	3.1000e-004	0.0000	1.0293	1.0293	3.0000e-005	0.0000	1.0300

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3.3 1 Mobilize - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0118	0.1241	0.0972	1.8000e-004		5.6300e-003	5.6300e-003		5.3300e-003	5.3300e-003	0.0000	15.8131	15.8131	3.3300e-003	0.0000	15.8964
Total	0.0118	0.1241	0.0972	1.8000e-004	0.0000	5.6300e-003	5.6300e-003	0.0000	5.3300e-003	5.3300e-003	0.0000	15.8131	15.8131	3.3300e-003	0.0000	15.8964

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	5.2000e-004	3.9000e-004	3.9400e-003	1.0000e-005	1.1400e-003	1.0000e-005	1.1500e-003	3.0000e-004	1.0000e-005	3.1000e-004	0.0000	1.0293	1.0293	3.0000e-005	0.0000	1.0300
Total	5.2000e-004	3.9000e-004	3.9400e-003	1.0000e-005	1.1400e-003	1.0000e-005	1.1500e-003	3.0000e-004	1.0000e-005	3.1000e-004	0.0000	1.0293	1.0293	3.0000e-005	0.0000	1.0300

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3.4 3 Remove Above Deck Appurtenances - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	5.3200e-003	0.0518	0.0449	8.0000e-005		2.4400e-003	2.4400e-003		2.3400e-003	2.3400e-003	0.0000	6.9431	6.9431	1.1500e-003	0.0000	6.9720
Total	5.3200e-003	0.0518	0.0449	8.0000e-005		2.4400e-003	2.4400e-003		2.3400e-003	2.3400e-003	0.0000	6.9431	6.9431	1.1500e-003	0.0000	6.9720

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150
Total	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150

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3.4 3 Remove Above Deck Appurtenances - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	5.3200e-003	0.0518	0.0449	8.0000e-005		2.4400e-003	2.4400e-003		2.3400e-003	2.3400e-003	0.0000	6.9431	6.9431	1.1500e-003	0.0000	6.9719
Total	5.3200e-003	0.0518	0.0449	8.0000e-005		2.4400e-003	2.4400e-003		2.3400e-003	2.3400e-003	0.0000	6.9431	6.9431	1.1500e-003	0.0000	6.9719

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150
Total	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150

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3.5 4 Remove Main Platform - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0508	0.0000	0.0508	7.7000e-003	0.0000	7.7000e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0594	0.5694	0.4953	8.7000e-004		0.0271	0.0271		0.0260	0.0260	0.0000	76.0348	76.0348	0.0128	0.0000	76.3534
Total	0.0594	0.5694	0.4953	8.7000e-004	0.0508	0.0271	0.0779	7.7000e-003	0.0260	0.0337	0.0000	76.0348	76.0348	0.0128	0.0000	76.3534

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.9100e-003	2.1600e-003	0.0220	6.0000e-005	6.3500e-003	4.0000e-005	6.4000e-003	1.6900e-003	4.0000e-005	1.7300e-003	0.0000	5.7468	5.7468	1.5000e-004	0.0000	5.7506
Total	2.9100e-003	2.1600e-003	0.0220	6.0000e-005	6.3500e-003	4.0000e-005	6.4000e-003	1.6900e-003	4.0000e-005	1.7300e-003	0.0000	5.7468	5.7468	1.5000e-004	0.0000	5.7506

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3.5 4 Remove Main Platform - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0508	0.0000	0.0508	7.7000e-003	0.0000	7.7000e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0594	0.5694	0.4953	8.7000e-004		0.0271	0.0271		0.0260	0.0260	0.0000	76.0347	76.0347	0.0128	0.0000	76.3533
Total	0.0594	0.5694	0.4953	8.7000e-004	0.0508	0.0271	0.0779	7.7000e-003	0.0260	0.0337	0.0000	76.0347	76.0347	0.0128	0.0000	76.3533

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.9100e-003	2.1600e-003	0.0220	6.0000e-005	6.3500e-003	4.0000e-005	6.4000e-003	1.6900e-003	4.0000e-005	1.7300e-003	0.0000	5.7468	5.7468	1.5000e-004	0.0000	5.7506
Total	2.9100e-003	2.1600e-003	0.0220	6.0000e-005	6.3500e-003	4.0000e-005	6.4000e-003	1.6900e-003	4.0000e-005	1.7300e-003	0.0000	5.7468	5.7468	1.5000e-004	0.0000	5.7506

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3.6 8 Marine Contractor Yard - Material Sort and Loading - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0103	0.1007	0.1092	1.6000e-004		5.8800e-003	5.8800e-003		5.4100e-003	5.4100e-003	0.0000	14.7235	14.7235	4.6600e-003	0.0000	14.8400
Total	0.0103	0.1007	0.1092	1.6000e-004		5.8800e-003	5.8800e-003		5.4100e-003	5.4100e-003	0.0000	14.7235	14.7235	4.6600e-003	0.0000	14.8400

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.3300e-003	0.1095	0.0221	3.1000e-004	5.8600e-003	4.7000e-004	6.3300e-003	1.6400e-003	4.5000e-004	2.0900e-003	0.0000	29.5651	29.5651	1.3600e-003	0.0000	29.5992
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.1300e-003	1.5800e-003	0.0161	5.0000e-005	4.6500e-003	3.0000e-005	4.6800e-003	1.2400e-003	3.0000e-005	1.2700e-003	0.0000	4.2029	4.2029	1.1000e-004	0.0000	4.2057
Total	5.4600e-003	0.1111	0.0382	3.6000e-004	0.0105	5.0000e-004	0.0110	2.8800e-003	4.8000e-004	3.3600e-003	0.0000	33.7680	33.7680	1.4700e-003	0.0000	33.8049

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3.6 8 Marine Contractor Yard - Material Sort and Loading - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0103	0.1007	0.1092	1.6000e-004		5.8800e-003	5.8800e-003		5.4100e-003	5.4100e-003	0.0000	14.7235	14.7235	4.6600e-003	0.0000	14.8400
Total	0.0103	0.1007	0.1092	1.6000e-004		5.8800e-003	5.8800e-003		5.4100e-003	5.4100e-003	0.0000	14.7235	14.7235	4.6600e-003	0.0000	14.8400

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.3300e-003	0.1095	0.0221	3.1000e-004	5.8600e-003	4.7000e-004	6.3300e-003	1.6400e-003	4.5000e-004	2.0900e-003	0.0000	29.5651	29.5651	1.3600e-003	0.0000	29.5992
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.1300e-003	1.5800e-003	0.0161	5.0000e-005	4.6500e-003	3.0000e-005	4.6800e-003	1.2400e-003	3.0000e-005	1.2700e-003	0.0000	4.2029	4.2029	1.1000e-004	0.0000	4.2057
Total	5.4600e-003	0.1111	0.0382	3.6000e-004	0.0105	5.0000e-004	0.0110	2.8800e-003	4.8000e-004	3.3600e-003	0.0000	33.7680	33.7680	1.4700e-003	0.0000	33.8049

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3.7 5 Remove Walkways - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	6.5700e-003	0.0691	0.0505	1.0000e-004		3.1100e-003	3.1100e-003		2.9600e-003	2.9600e-003	0.0000	8.4259	8.4259	1.6200e-003	0.0000	8.4664
Total	6.5700e-003	0.0691	0.0505	1.0000e-004		3.1100e-003	3.1100e-003		2.9600e-003	2.9600e-003	0.0000	8.4259	8.4259	1.6200e-003	0.0000	8.4664

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150
Total	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150

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3.7 5 Remove Walkways - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	6.5700e-003	0.0691	0.0505	1.0000e-004		3.1100e-003	3.1100e-003		2.9600e-003	2.9600e-003	0.0000	8.4258	8.4258	1.6200e-003	0.0000	8.4664
Total	6.5700e-003	0.0691	0.0505	1.0000e-004		3.1100e-003	3.1100e-003		2.9600e-003	2.9600e-003	0.0000	8.4258	8.4258	1.6200e-003	0.0000	8.4664

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150
Total	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150

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3.8 7 Remove Piles - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0335	0.3803	0.2432	4.8000e-004		0.0168	0.0168		0.0155	0.0155	0.0000	42.9787	42.9787	0.0136	0.0000	43.3186
Total	0.0335	0.3803	0.2432	4.8000e-004		0.0168	0.0168		0.0155	0.0155	0.0000	42.9787	42.9787	0.0136	0.0000	43.3186

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.7800e-003	2.8000e-003	0.0286	8.0000e-005	8.2500e-003	6.0000e-005	8.3100e-003	2.1900e-003	5.0000e-005	2.2500e-003	0.0000	7.4622	7.4622	2.0000e-004	0.0000	7.4672
Total	3.7800e-003	2.8000e-003	0.0286	8.0000e-005	8.2500e-003	6.0000e-005	8.3100e-003	2.1900e-003	5.0000e-005	2.2500e-003	0.0000	7.4622	7.4622	2.0000e-004	0.0000	7.4672

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3.8 7 Remove Piles - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0335	0.3803	0.2432	4.8000e-004		0.0168	0.0168		0.0155	0.0155	0.0000	42.9786	42.9786	0.0136	0.0000	43.3186
Total	0.0335	0.3803	0.2432	4.8000e-004		0.0168	0.0168		0.0155	0.0155	0.0000	42.9786	42.9786	0.0136	0.0000	43.3186

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.7800e-003	2.8000e-003	0.0286	8.0000e-005	8.2500e-003	6.0000e-005	8.3100e-003	2.1900e-003	5.0000e-005	2.2500e-003	0.0000	7.4622	7.4622	2.0000e-004	0.0000	7.4672
Total	3.7800e-003	2.8000e-003	0.0286	8.0000e-005	8.2500e-003	6.0000e-005	8.3100e-003	2.1900e-003	5.0000e-005	2.2500e-003	0.0000	7.4622	7.4622	2.0000e-004	0.0000	7.4672

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3.9 6A Remove Dolphins A - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	7.3800e-003	0.0775	0.0607	1.1000e-004		3.5200e-003	3.5200e-003		3.3300e-003	3.3300e-003	0.0000	9.8743	9.8743	2.0800e-003	0.0000	9.9263
Total	7.3800e-003	0.0775	0.0607	1.1000e-004		3.5200e-003	3.5200e-003		3.3300e-003	3.3300e-003	0.0000	9.8743	9.8743	2.0800e-003	0.0000	9.9263

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150
Total	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150

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3.9 6A Remove Dolphins A - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	7.3800e-003	0.0775	0.0607	1.1000e-004		3.5200e-003	3.5200e-003		3.3300e-003	3.3300e-003	0.0000	9.8743	9.8743	2.0800e-003	0.0000	9.9263
Total	7.3800e-003	0.0775	0.0607	1.1000e-004		3.5200e-003	3.5200e-003		3.3300e-003	3.3300e-003	0.0000	9.8743	9.8743	2.0800e-003	0.0000	9.9263

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150
Total	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150

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3.10 6B Remove Dolphins B - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	7.3800e-003	0.0775	0.0607	1.1000e-004		3.5200e-003	3.5200e-003		3.3300e-003	3.3300e-003	0.0000	9.8743	9.8743	2.0800e-003	0.0000	9.9263
Total	7.3800e-003	0.0775	0.0607	1.1000e-004		3.5200e-003	3.5200e-003		3.3300e-003	3.3300e-003	0.0000	9.8743	9.8743	2.0800e-003	0.0000	9.9263

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150
Total	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150

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3.10 6B Remove Dolphins B - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	7.3800e-003	0.0775	0.0607	1.1000e-004		3.5200e-003	3.5200e-003		3.3300e-003	3.3300e-003	0.0000	9.8743	9.8743	2.0800e-003	0.0000	9.9263
Total	7.3800e-003	0.0775	0.0607	1.1000e-004		3.5200e-003	3.5200e-003		3.3300e-003	3.3300e-003	0.0000	9.8743	9.8743	2.0800e-003	0.0000	9.9263

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150
Total	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150

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3.11 9 Debris Scan - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.0000e-005	3.0000e-005	3.3000e-004	0.0000	9.0000e-005	0.0000	1.0000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0858	0.0858	0.0000	0.0000	0.0858
Total	4.0000e-005	3.0000e-005	3.3000e-004	0.0000	9.0000e-005	0.0000	1.0000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0858	0.0858	0.0000	0.0000	0.0858

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3.11 9 Debris Scan - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.0000e-005	3.0000e-005	3.3000e-004	0.0000	9.0000e-005	0.0000	1.0000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0858	0.0858	0.0000	0.0000	0.0858
Total	4.0000e-005	3.0000e-005	3.3000e-004	0.0000	9.0000e-005	0.0000	1.0000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0858	0.0858	0.0000	0.0000	0.0858

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3.12 10 Remove Mudline Debris - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	8.0000e-003	0.0806	0.0694	1.2000e-004		3.7100e-003	3.7100e-003		3.5700e-003	3.5700e-003	0.0000	10.8972	10.8972	1.7800e-003	0.0000	10.9416
Total	8.0000e-003	0.0806	0.0694	1.2000e-004		3.7100e-003	3.7100e-003		3.5700e-003	3.5700e-003	0.0000	10.8972	10.8972	1.7800e-003	0.0000	10.9416

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.9000e-004	2.9000e-004	2.9600e-003	1.0000e-005	8.5000e-004	1.0000e-005	8.6000e-004	2.3000e-004	1.0000e-005	2.3000e-004	0.0000	0.7720	0.7720	2.0000e-005	0.0000	0.7725
Total	3.9000e-004	2.9000e-004	2.9600e-003	1.0000e-005	8.5000e-004	1.0000e-005	8.6000e-004	2.3000e-004	1.0000e-005	2.3000e-004	0.0000	0.7720	0.7720	2.0000e-005	0.0000	0.7725

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3.12 10 Remove Mudline Debris - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	8.0000e-003	0.0806	0.0694	1.2000e-004		3.7100e-003	3.7100e-003		3.5700e-003	3.5700e-003	0.0000	10.8971	10.8971	1.7800e-003	0.0000	10.9416
Total	8.0000e-003	0.0806	0.0694	1.2000e-004		3.7100e-003	3.7100e-003		3.5700e-003	3.5700e-003	0.0000	10.8971	10.8971	1.7800e-003	0.0000	10.9416

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.9000e-004	2.9000e-004	2.9600e-003	1.0000e-005	8.5000e-004	1.0000e-005	8.6000e-004	2.3000e-004	1.0000e-005	2.3000e-004	0.0000	0.7720	0.7720	2.0000e-005	0.0000	0.7725
Total	3.9000e-004	2.9000e-004	2.9600e-003	1.0000e-005	8.5000e-004	1.0000e-005	8.6000e-004	2.3000e-004	1.0000e-005	2.3000e-004	0.0000	0.7720	0.7720	2.0000e-005	0.0000	0.7725

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3.13 11 Demob/Complete - 2019**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	5.9100e-003	0.0620	0.0486	9.0000e-005		2.8100e-003	2.8100e-003		2.6700e-003	2.6700e-003	0.0000	7.9065	7.9065	1.6700e-003	0.0000	7.9482
Total	5.9100e-003	0.0620	0.0486	9.0000e-005		2.8100e-003	2.8100e-003		2.6700e-003	2.6700e-003	0.0000	7.9065	7.9065	1.6700e-003	0.0000	7.9482

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150
Total	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150

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3.13 11 Demob/Complete - 2019**Mitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	5.9100e-003	0.0620	0.0486	9.0000e-005		2.8100e-003	2.8100e-003		2.6700e-003	2.6700e-003	0.0000	7.9065	7.9065	1.6700e-003	0.0000	7.9482
Total	5.9100e-003	0.0620	0.0486	9.0000e-005		2.8100e-003	2.8100e-003		2.6700e-003	2.6700e-003	0.0000	7.9065	7.9065	1.6700e-003	0.0000	7.9482

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150
Total	2.6000e-004	1.9000e-004	1.9700e-003	1.0000e-005	5.7000e-004	0.0000	5.7000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.5146	0.5146	1.0000e-005	0.0000	0.5150

4.0 Operational Detail - Mobile

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4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Industrial	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Industrial	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
User Defined Industrial	0.573139	0.040894	0.193976	0.114604	0.017740	0.005371	0.017133	0.024527	0.002545	0.002442	0.005942	0.000877	0.000812

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5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

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5.2 Energy by Land Use - NaturalGas**Unmitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

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5.3 Energy by Land Use - Electricity**Unmitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

6.0 Area Detail**6.1 Mitigation Measures Area**

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	4.0000e-005	0.0000	4.6000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	8.9000e-004	8.9000e-004	0.0000	0.0000	9.5000e-004
Unmitigated	4.0000e-005	0.0000	4.6000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	8.9000e-004	8.9000e-004	0.0000	0.0000	9.5000e-004

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	4.0000e-005	0.0000	4.6000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	8.9000e-004	8.9000e-004	0.0000	0.0000	9.5000e-004
Total	4.0000e-005	0.0000	4.6000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	8.9000e-004	8.9000e-004	0.0000	0.0000	9.5000e-004

Tesoro Pittsburg Terminal - Bay Area AQMD Air District, Annual

6.2 Area by SubCategory**Mitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	4.0000e-005	0.0000	4.6000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	8.9000e-004	8.9000e-004	0.0000	0.0000	9.5000e-004
Total	4.0000e-005	0.0000	4.6000e-004	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	8.9000e-004	8.9000e-004	0.0000	0.0000	9.5000e-004

7.0 Water Detail**7.1 Mitigation Measures Water**

Tesoro Pittsburg Terminal - Bay Area AQMD Air District, Annual

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Industrial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

Tesoro Pittsburg Terminal - Bay Area AQMD Air District, Annual

7.2 Water by Land Use**Mitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Industrial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

8.0 Waste Detail**8.1 Mitigation Measures Waste****Category/Year**

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

Tesoro Pittsburg Terminal - Bay Area AQMD Air District, Annual

8.2 Waste by Land Use**Unmitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
----------------	--------	-----------	-----------	-------------	-------------	-----------

Tesoro Pittsburg Terminal - Bay Area AQMD Air District, Annual

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
----------------	--------	-----------	------------	-------------	-------------	-----------

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
----------------	--------	----------------	-----------------	---------------	-----------

User Defined Equipment

Equipment Type	Number
----------------	--------

11.0 Vegetation

APPENDIX B

BIOLOGICAL ASSESSMENT

BIOLOGICAL ASSESSMENT

PITTSBURG TERMINAL DECONSTRUCTION PROJECT PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA

Submitted to:

U.S. Army Corps of Engineers, Regulatory Branch
1455 Market Street, 16th Floor
San Francisco, California 94103-1398
(Corps File Number **Pending**)

Prepared for:

Tesoro Refining & Marketing Company, LLC
150 Solano Way
Martinez, California 94553

Prepared by:

LSA
157 Park Place
Point Richmond, California 94801
510.236.6810

Project No. TSO1804



November 2018

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APPENDICES

A: SPECIES LIST FROM SACRAMENTO FISH AND WILDLIFE OFFICE

LIST OF ABBREVIATIONS AND ACRONYMS

BA	Biological Assessment
BMP	Best Management Practice
CDFW	California Department of Fish and Wildlife
CNDDDB	California Natural Diversity Database
Corps	U.S. Army Corps of Engineers
DPS	Distinct Population Segment
EFH	Essential Fish Habitat
ESU	Evolutionarily Significant Unit
FESA	Federal Endangered Species Act
FMP	Fishery Management Plan
FR	Federal Register
IPaC	Information for Planning and Consultation maintained by the U.S. Fish and Wildlife Service
MOTEMS	Marine Oil Terminal Engineering and Maintenance Standards
NFH	National Fish Hatchery
NMFS	National Marine Fisheries Service
U.S.	United States
USFWS	U.S. Fish and Wildlife Service

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1.0 INTRODUCTION

1.1 PURPOSE OF THE BIOLOGICAL ASSESSMENT

The Tesoro Refining & Marketing Company LLC (Tesoro) is seeking permits from jurisdictional agencies to implement the Pittsburg Terminal Deconstruction Project (proposed project). The purpose of this Biological Assessment (BA) is to review and analyze the proposed project in sufficient detail to determine the extent to which it may affect threatened, endangered, or candidate species and designated or proposed critical habitat protected under the Federal Endangered Species Act (FESA) of 1973.

LSA has prepared this BA on behalf of Tesoro for use by the U.S. Army Corps of Engineers (Corps) to facilitate consultation with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) in accordance with legal requirements set forth under regulations implementing Section 7 of the FESA. In addition to compliance with provisions of the FESA, Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires federal agencies to consult with NMFS regarding any action or proposed action that may adversely affect Essential Fish Habitat (EFH) for federally managed fish species. All native San Francisco Estuary fish species are federally managed under the Magnuson-Stevens Act and Suisun Bay waters within the project area are considered EFH for fish species covered under the Pacific Groundfish Fishery Management Plan (FMP) and Pacific Salmon FMP. As such, this BA will also address potential effects of the proposed project on EFH.

1.1.1 Definitions

Definitions of key terms used in this document are provided below.

Action Area refers to the area directly or indirectly affected by the proposed project, including a portion of the open waters of New York Slough, which is part of Suisun Bay and just south of Browns Island, in which fish may potentially be present during Pittsburg terminal deconstruction. A full description of the Action Area is provided in Section 2.3.

Project area refers to the entire Pittsburg terminal where proposed deconstruction will occur, including work areas on five marine contractor barges in New York Slough within Suisun Bay. All terminal deconstruction and pile removal activities performed in the project area will be in-water. The Work Plan for the project includes one staging area on land that will be used for placement of up to two construction trailers with parking for a maximum of 10 vehicles (Tesoro 2018a).

Project vicinity encompasses all lands within 5 miles of the project area boundary.

Proposed project refers to the Pittsburg Terminal Deconstruction Project, synonymous with "project."

1.2 PROJECT INFORMATION AND RESPONSIBLE PARTIES

Title: Pittsburg Terminal Deconstruction Project

Lead Federal Agency: U.S. Army Corps of Engineers, San Francisco District

Location: 595 East 3rd Street
Pittsburg, Contra Costa County, California 94565
Vine Hill 7.5-minute U.S. Geological Survey Quadrangle

Applicant: Tesoro Refining & Marketing Company LLC
150 Solano Way
Martinez, California 94553
Contact: Peter Carroll
Tel: 925/335-3497

BA Preparer: LSA
157 Park Place
Point Richmond, California 94801
Contacts: Ross Dobberteen and Eric Lichtwardt
Tel: 510/236-6810; Fax: 510/236-3480

1.3 PRE-FIELD INVESTIGATION AND SPECIES CONSIDERED

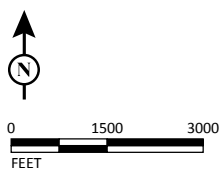
LSA assessed the biological resources in the Action Area, which included a review of BAs and documents for nearby projects including the Avon Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS) Compliance Project (LSA 2014), relevant literature, and databases including the California Natural Diversity Database (Figures 1 and 2) (CNDDDB; CDFW 2018). LSA used the CNDDDB to develop a list of federally listed species with known occurrences within 2 miles of the Action Area (Figure 3). The CNDDDB search results were supplemented by in-house knowledge of LSA biologists regarding the occurrence of federally listed species in Contra Costa County and specifically in the vicinity of the Action Area. LSA also reviewed U.S. Geological Survey topographic maps and current Google Earth aerial images of the Action Area to assess what species may potentially be present and which habitats and cover types occur on site (Table A). LSA accessed the USFWS Information for Planning and Consultation (IPaC) database (USFWS 2018) to produce a list of 15 endangered and threatened species under USFWS jurisdiction that may occur in the Action Area and/or may be affected by the proposed project; please see Appendix A for the USFWS letter and species list.

LSA biologists analyzed these sources to create Table A, which includes all 22 federally listed species addressed in this BA that occur or may occur in the project vicinity. Table A includes five additional federally listed fish species that may occur in the Action Area under NMFS jurisdiction. These five fish species are known from Suisun Bay and were addressed in a BA prepared for the nearby recently completed Avon MOTEMS Compliance Project (LSA 2014). Table A also includes one plant species and one invertebrate species from the 2-mile CNDDDB results from Antioch Dunes within the vicinity of the Action Area.



FIGURE 1

LSA



SOURCE: Esri National Geographic World Map Service (2018) and Google (2018).

I:\TSO1804\GIS\Maps\BA\Figure 1_Project Area Location.mxd (9/12/2018)

*Pittsburg Terminal Deconstruction Project
Pittsburg, Contra Costa County, California
Project Area Location*

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FIGURE 2

LSA

LEGEND

- Action Area
- Project Area



0 150 300
FEET

SOURCE: Google Aerial Imagery (04/2018).

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*Pittsburg Terminal Deconstruction Project
Pittsburg, Contra Costa County, California
Action Area*

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FIGURE 3

LSA

LEGEND

- Action Area
- CNDDDB Occurrences within 2 Miles
- 2-mile Radius around Action Area



0 1500 3000
FEET

SOURCE: Esri National Geographic World Map Service (2018); CDFW CNDDDB

I:\TSO1804\GIS\Maps\BA\Figure 3_CNDDDB Occurrences of Federally Listed Species.mxd (9/13/2018)

Pittsburg Terminal Deconstruction Project
Pittsburg, Contra Costa County, California

CNDDDB Occurrences of Federally Listed Species
within 2 Miles of the Action Area

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Table A: Federally Listed Species Evaluated for the Pittsburg Terminal Deconstruction Project, Pittsburg, California

Common Name	Scientific Name	Federal Status	Preliminary Effect Determination and Discussion
PLANTS			
Soft bird's-beak	<i>Chloropyron molle</i> ssp. <i>molle</i> (formerly <i>Cordylanthus mollis</i> ssp. <i>mollis</i>)	FE, CH	<u>No effect.</u> No suitable brackish marsh habitat is present in the Action Area. No CNDDDB occurrences within 2 miles of the Action Area.
Antioch Dunes evening-primrose	<i>Oenothera deltoides</i> ssp. <i>howellii</i>	FE, CH	<u>No effect.</u> Found on inland dunes. No suitable habitat is present in the Action Area.
Contra Costa wallflower	<i>Erysimum capitatum</i> var. <i>angustatum</i>	FE	<u>No effect.</u> Found on inland dunes and known only from the Antioch Dunes east of the project area. No suitable habitat is present in the Action Area.
INVERTEBRATES			
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	FT, CH	<u>No effect.</u> Does not occur in the Action Area and elderberry shrubs are absent from the project area. No CNDDDB occurrences within 2 miles of the Action Area.
Delta green ground beetle	<i>Elaphrus viridis</i>	FT, CH	<u>No effect.</u> Does not occur in the Action Area and no suitable habitat is present. No CNDDDB occurrences within 2 miles of the Action Area.
San Bruno elfin butterfly	<i>Callophrys mossii bayensis</i>	FE, proposed CH	<u>No effect.</u> Does not occur in the Action Area and no suitable habitat is present. No CNDDDB occurrences within 2 miles of the Action Area.
Lange's metalmark butterfly	<i>Apodemia mormo langei</i>	FE	<u>No effect.</u> Does not occur in the Action Area and no suitable habitat is present; host plant Antioch Dunes buckwheat (<i>Eriogonum nudum psychicola</i>) is not present.
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	FT, CH	<u>No effect.</u> Does not occur in the Action Area and no suitable habitat including seasonal wetlands is present.
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	FE, CH	<u>No effect.</u> Does not occur in the Action Area and no suitable habitat including seasonal wetlands is present. No CNDDDB occurrences within 2 miles of the Action Area.
FISH			
Delta smelt	<i>Hypomesus transpacificus</i>	FT, CH	<u>May affect, not likely to adversely affect.</u> May occur in open water habitat and tidal channels within the Action Area. Critical habitat is present in the Action Area.

Common Name	Scientific Name	Federal Status	Preliminary Effect Determination and Discussion
North American green sturgeon (southern DPS)	<i>Acipenser medirostris</i>	FT, CH	<u>May affect, not likely to adversely affect.</u> Known to migrate through Suisun Bay; may occur in open water habitat within the Action Area.
Steelhead (Central California coast DPS)	<i>Oncorhynchus mykiss</i>	FT, CH	<u>May affect, not likely to adversely affect.</u> Known to migrate through Suisun Bay; may occur in open water habitat within the Action Area.
Steelhead (Central Valley DPS)	<i>Oncorhynchus mykiss</i>	FT, CH	<u>May affect, not likely to adversely affect.</u> Known to migrate through Suisun Bay; may occur in open water habitat within the Action Area. Critical habitat is present in the Action Area.
Chinook salmon (Central Valley spring-run ESU)	<i>Oncorhynchus tshawytscha</i>	FT, CH	<u>May affect, not likely to adversely affect.</u> Known to migrate through Suisun Bay; may occur in open water habitat within the Action Area. Critical habitat is present in the Action Area.
Chinook salmon (Sacramento River winter-run ESU)	<i>Oncorhynchus tshawytscha</i>	FE, CH	<u>May affect, not likely to adversely affect.</u> Known to migrate through Suisun Bay; may occur in open water habitat within the Action Area. Critical habitat is present in the Action Area.
AMPHIBIANS			
California tiger salamander (Central California DPS)	<i>Ambystoma californiense</i>	FT, CH	<u>No effect.</u> No suitable seasonal freshwater aquatic habitat or grassland upland habitat is present in the Action Area. No CNDDDB occurrences within 2 miles of the Action Area.
California red-legged frog	<i>Rana draytonii</i>	FT, CH	<u>No effect.</u> Does not occur in the Action Area and no suitable freshwater aquatic habitat is present. No CNDDDB occurrences within 2 miles of the Action Area.
REPTILES			
Alameda whipsnake	<i>Masticophis lateralis euryxanthus</i>	FT, CH	<u>No effect.</u> Does not occur in the Action Area and no suitable habitat is present. No CNDDDB occurrences within 2 miles of the Action Area.
Giant garter snake	<i>Thamnophis gigas</i>	FT	<u>No effect.</u> Does not occur in the Action Area and no suitable habitat is present. No CNDDDB occurrences within 2 miles of the Action Area.
BIRDS			
California Ridgway's rail	<i>Rallus longirostris obsoletus</i>	FE	<u>No effect.</u> Does not occur in the Action Area and no suitable tidal/brackish marsh habitat is present. No CNDDDB occurrences within 2 miles of the Action Area.

Common Name	Scientific Name	Federal Status	Preliminary Effect Determination and Discussion
California least tern	<i>Sternula antillarum browni</i>	FE	<u>No effect.</u> Does not occur in the Action Area and no suitable nesting habitat, such as sandy beaches, alkali flats, or other hard-pan surfaces, is present.
MAMMALS			
Salt marsh harvest mouse	<i>Reithrodontomys raviventris</i>	FE	<u>No effect.</u> Does not occur in the Action Area and no suitable tidal/brackish marsh habitat is present. No CNDDB occurrences within 2 miles of the Action Area.

Acronyms

CH = Critical Habitat (designated)
DPS = Distinct Population Segment

ESU = Evolutionarily Significant Unit
FE = Federally Endangered

FT = Federally Threatened

Based on a review of the distribution and habitat requirements of these species and habitat conditions within the Action Area, LSA determined that 16 of these species would not be affected by the proposed project because no suitable habitat is present in the Action Area and they would not occur. These 16 species are included in Table A but are not further discussed in this BA. The remaining six species have either been recorded in the project vicinity or could potentially occur based on the presence of suitable habitat: North American green sturgeon distinct population segment (DPS) (*Acipenser medirostris*), delta smelt (*Hypomesus transpacificus*), Central California coast steelhead DPS (*Oncorhynchus mykiss*), Central Valley steelhead DPS, Central Valley spring-run Chinook salmon Evolutionarily Significant Unit (ESU) (*Oncorhynchus tshawytscha*), and Sacramento River winter-run Chinook salmon ESU. Section 3.2 provides species accounts, and Section 4.0 analyzes the potential for the proposed project to affect these six fish species, which are herein referred to as the six federally listed fish species.

1.4 FIELD INVESTIGATION

LSA biologists Ross Dobberteen and Eric Lichtwardt, accompanied by Tesoro staff, conducted a site visit on May 10, 2018. The purpose of the site visit was to discuss the project, assess current habitat conditions, and evaluate the potential occurrence of federally listed plant and animal species in the Action Area. Photographs of the Pittsburg terminal to be deconstructed are presented in the Work Plan (Tesoro 2018a).

1.5 NOMENCLATURE

The scientific and vernacular nomenclature for the plant and animal species and vegetation types used in this BA are from the following standard sources: plants, Baldwin et al. (2012) and California Native Plant Society (2010); fishes, Page et al. (2013); amphibians and reptiles, Crother (2017); birds, American Ornithologists' Union (1998) and supplements; and mammals, Baker et al. (2003) and Reid (2006). For animals, subspecies names are used only when a specific subspecies is listed by the USFWS or NMFS.

1.6 CONSULTATIONS TO DATE

No formal consultation with USFWS or NMFS has occurred to date for this project. The submittal of this BA is intended to initiate FESA consultation with USFWS and NMFS.

1.7 PROJECT LOCATION

The project area is located along the waterfront of Pittsburg, California on the southern shoreline of Suisun Bay opposite Browns Island (Assessor's Parcel Number 073-010-011). The Pittsburg terminal to be deconstructed is located at 595 East 3rd Street in Pittsburg (Figures 1 and 2). All proposed work for this terminal deconstruction project will be performed in-water from five marine contractor barges in New York Slough within Suisun Bay except demolition of the abandoned building that is part of the terminal from land. One staging area on land will be used for placement of up to two construction trailers with parking for work vehicles.

1.7.1 Project Area Description

The project area depicted in Figure 2 includes all Pittsburg terminal structures and extends approximately 50 feet out into New York Slough from the outer boundary of the terminal where deconstruction and pile removal will occur.

2.0 DESCRIPTION OF THE PROPOSED PROJECT

2.1 PROJECT DESCRIPTION

2.1.1 Purpose and Need

The Pittsburg Public Wharf Repair Study (Trenkwalder 2017) and Pittsburg Tesoro Timber Terminal Waterfront Facilities Inspection Report (Moffatt & Nichol 2013) concluded that the Pittsburg terminal is in poor condition and needs substantial repair, replacement, or removal. More than 50 percent of the creosote-treated timber piles in the terminal platform are damaged and many areas for the platform are dangerous to walk on. In addition, the terminal asphalt is either sinking, cracked, and/or falling into the water (Moffatt & Nichol 2013).

Deconstruction and removal of the non-operational Pittsburg terminal will mitigate potential environmental issues. Specifically, the proposed terminal deconstruction project is necessary and will provide a long-term benefit by removing a consistent source of contamination (i.e., creosote-treated timber piles) and will outweigh any potential temporary effects to the six federally listed fish species in Table A and to EFH (Hanson et al. 2003). The proposed project will also result in daylighting open water habitat that is currently shaded by the terminal platform.

2.1.2 Pittsburg Terminal Deconstruction Details

The Pittsburg terminal was built in the 1940s and is currently non-operational. Tesoro is planning on deconstruction of all structures associated with the terminal in the second quarter of 2019 upon receipt of necessary regulatory permit approvals. The following information is from the Work Plan (Tesoro 2018a), Tesoro Pittsburg Terminal Deconstruction Procedures (Deconstruction Plan) (Tesoro 2018b), and repair study and inspection reports (Trenkwalder 2017; Moffatt & Nichol 2013):

- The Pittsburg terminal is comprised of a timber platform topped with asphalt concrete over timber deck boards, piles, pile caps, and stringer beams; please see the Work Plan for specific dimensions.
- The terminal platform is supported by 627 creosote-treated 14-inch-diameter timber piles spaced approximately 4 to 6 feet apart, two 24-inch-diameter steel piles, timber pile caps, stringer beams, and deck boards. The main terminal platform will be deconstructed using two methods according to the Deconstruction Plan.
- A timber pile supported, continuous spring fender system runs along the north face of the terminal platform with 154 creosote-treated timber fender piles to be removed.
- Catwalks extend on both sides of the terminal to three mooring dolphins to the west (W-1, W-2, and W-3) and two dolphins to the east (E-1 and E-2) that are supported by pile bents. All these structures will be deconstructed, including the 143 creosote-treated timber piles and timber walkways that span between the dolphins and the terminal platform (see Figure 2 in Work Plan).
- The westernmost mooring dolphin W-1 is more recently constructed and contains a reinforced concrete cap with 11 square reinforced concrete piles that are 18 by 18 inches (all other dolphins are creosote-treated timber).

- One existing 16-inch steel pile at the W-3 dolphin will be removed.
- An abandoned 20-foot-by-30-foot building located on the shore near the west approach onto the terminal platform, including miscellaneous contents, will be removed in its entirety from land (see Figure 2 in Work Plan). A hazardous materials survey will be conducted by a qualified hazardous materials consultant prior to start of demolition of this building. If necessary, the building area will be filled with suitable, clean fill material and graded/compacted as needed to leave in a safe condition.

All 938 existing piles (924 timber, 11 reinforced concrete, 1 16-inch steel pile, and 2 24-inch steel piles) supporting the Pittsburg terminal will be removed according to the Deconstruction Plan and as discussed below. Timber, concrete, and steel piles will be removed using different methods including derrick barges, a vibratory extractor, and an excavator with a hydraulic shear attachment. Pile extraction will be conducted from five marine contractor barges moored in New York Slough using cranes and generators. Two of the barges will be derrick barges with up to 100-ton crane capacity and the other three will be flat barges for marshaling materials and equipment. All work will occur above water with the possible exception of underwater work to clip pile stubs below the mudline if necessary (Tesoro 2018b). Without maintenance dredging, it is anticipated that pile stubs will remain below the mudline.

According to the Deconstruction Plan, Tesoro will remove entire steel piles when feasible using a derrick barge and vibratory extractor. However, if necessary, steel piles will be cut to the standard minimum depth of 3 feet below the mudline using an excavator and hydraulic shear attachment. Tesoro plans to remove reinforced concrete piles to a minimum depth of 3 feet below the current mudline using a derrick barge and vibratory excavator with a hydraulic shear attachment. This method is preferred rather than trying to remove entire concrete piles that would likely break apart during the extraction process. Cutting concrete piles down to stubs results in less debris present in the New York Slough.

In addition, Tesoro will remove timber piles using a combination of three methods with a derrick barge: (a) have the barge remove entire piles (i.e., direct pull technique); (b) use a vibratory extractor on the barge to remove entire piles; or (c) break off piles to a minimum depth of 3 feet below the mudline from the barge. Based on experience from nearby pile removal projects, Tesoro determined that timber piles generally break off more than 3 feet below the mudline. Therefore, to avoid introducing creosote to the water column from broken piles, all of the 924 timber piles will be broken off to at least 3 feet below the mudline (the preferred method). Confirmation that all piles have been removed will be included in the post-deconstruction multi-beam survey (Tesoro 2018b).

Prior to terminal platform deconstruction, provisions will be made to contain associated debris and cutting fluids. A debris boom will be deployed according to the Deconstruction Plan. Personnel on barges will monitor the debris boom, and any captured debris will be removed and placed into appropriate debris bins on the barges. For deconstruction of the concrete dolphin W-1, a temporary timber structure would be constructed underneath the concrete platform to contain falling debris. If cutting fluids are used during drilling and/or concrete sawing, slurry generated during hole cutting would be captured using industrial vacuums and a containment drum. Details of the debris containment will be provided by the selected contractor in the final project-specific plans and

Deconstruction Plan to be prepared for review and approval by Tesoro prior to beginning deconstruction.

Large, intact sections of the main terminal platform will most likely be removed, as well as 20-foot sections of walkways to be placed onto barges for transport to a marine contractor yard. All further breakdown required would be performed at the marine contractor yard, which is considered a safer, more easily managed method than cutting and processing debris material on barges.

2.1.3 Project Benefits

Deconstruction of the Pittsburg terminal platform, causeways, and dolphins will daylight approximately 47,600 square feet of open water and benthic habitat currently shaded by the terminal (Tesoro 2018a). In addition, removal of 938 existing piles will result in an increase in approximately 1,020 square feet of benthic habitat in the New York Slough area of Suisun Bay. Therefore, the completion of the proposed project will result in an increase of unshaded open water and benthic habitat that will benefit the six federally listed fish species (Sections 4.0 and 6.0), as well as EFH.

2.2 CONSERVATION MEASURES

2.2.1 General Avoidance and Minimization Measures

Given the potential or known occurrences of six federally listed species within or adjacent to the Action Area (Table A), Tesoro will implement best management practices (BMPs) and avoidance and minimization measures presented below to minimize the effects of the proposed project on federally listed species and their open water habitat.

2.2.1.1 Limits of Work

The primary work areas will be on the five marine contractor barges used to perform the terminal deconstruction and pile removal and will conform to those shown in the Work Plan and Deconstruction Plan provided by Tesoro. All project-related activities will be confined to the designated work areas; project personnel will be restricted from entering adjacent areas. The only land areas to be used will be a staging area for placement of up to two construction trailers with parking and where demolition of the abandoned building will occur.

2.2.1.2 Spills and Accidental Discharge

Tesoro and its contractors will be responsible for structuring operations in a manner that minimizes the risk of spills or accidental discharge of fuels or hazardous materials. Tesoro and its contractors will, at a minimum, ensure that:

1. All employees handling fuels and other hazardous materials are properly trained;
2. All equipment is in good operating order and inspected on a regular basis; and
3. Hazardous materials, including chemicals, fuels, and lubricating oils, will not be stored within 200 feet of a wetland or water body (e.g., Suisun Bay). This requirement applies to storage of these materials and does not apply to normal operation or use of equipment in these areas.

2.2.1.3 Emergency Spill and Containment Plan

In the event of an accidental spill of product from a pipeline or vehicle, the *Tesoro Oil Spill Contingency Plan* will be implemented. A full copy of this plan will be included in the bid specification package and will be present at the work site during all project-related activities.

At a minimum, Tesoro and its contractors will:

1. Ensure that each construction crew (including cleanup crews) has sufficient supplies of absorbent and barrier materials on site to allow the rapid containment and recovery of spilled materials and knows the procedure for reporting spills.
2. Ensure that each construction crew has sufficient tools and material on site to stop leaks.
3. Know the contact names and telephone numbers for all Tesoro refinery contacts and local, State, and federal agencies (including, if necessary, the U.S. Coast Guard and the National Response Center) that might need to be notified in the event of a spill.
4. Follow the requirements of those agencies in cleaning up the spill, in excavating and disposing of soils or other materials contaminated by a spill, and in collecting and disposing of waste generated during spill cleanup.

2.2.1.4 General Work Site Management Practices

The following measures will be employed by Tesoro and its contractors to avoid and minimize impacts to water quality in the project area, including measures specified in the Work Plan (Tesoro 2018a):

1. Secondary containment will be provided for any equipment or vehicles stored in the work area to reduce the potential for any spills.
2. All fuel required by construction equipment will have primary and secondary containment. Any spills will be contained and properly disposed of according to permit requirements.
3. All vehicles and equipment will be properly maintained to reduce the potential for spills of petroleum-based products. Containment booms and sorbent materials will be available during work activities and will be deployed immediately in the event of a spill to limit its spread.
4. No debris, soil, silt, sand, cement, concrete, or washings thereof, or other construction-related materials or wastes, oil or petroleum products, or other organic or earthen material will be allowed to enter into or be placed where it may be washed by rainfall or runoff into open water (i.e., New York Slough and Suisun Bay).
5. If any materials or wastes are accidentally released into New York Slough or Suisun Bay, project supervisors will immediately halt all work and utilize all available resources to ensure containment and removal.
6. Necessary steps will be taken to ensure the health and safety of the workers on the job and public in the surrounding area. The crew and supervisors will be trained with all documentation current and environmental and security regulations precisely followed. Equipment and marine

contractor barges must be equipped with precautionary safety and spill containment equipment.

7. BMPs will be consistently employed to help prevent pollutants from entering Suisun Bay waters. Employees, subcontractors, and vendors must be informed, educated, and trained to understand the applicable practices and procedures for the various deconstruction activities being performed.
8. After deconstruction is completed, final cleanup of the project area will include removal of all refuse generated by deconstruction that will be placed into trucks or marine contractor barges for proper disposal. In addition, all equipment will be safely demobilized from the area.
9. Tesoro will schedule as much work as possible during the dry season to minimize the potential for wet weather, surface flooding, and high water tables in the work area.
10. Pets will not be allowed in or near the work site.
11. Firearms will not be allowed in or near the work site, except for armed Tesoro security officers who may periodically patrol the work site. No intentional killing or injury of wildlife will be permitted.
12. The work site will be maintained in a clean condition. All trash (e.g., food scraps, cans, bottles, containers, wrappers, cigarette butts, and other discarded items) will be placed in closed containers and properly disposed of off site.

2.2.2 Federally Listed Fish and Essential Fish Habitat Protection Measures

The avoidance and minimization measures described below have been incorporated into the project and will serve as mitigation measures to offset potential effects to the six federally listed fish species potentially present in the Action Area and to EFH. These measures are based on the NMFS *Biological Opinion on the Avon MOTEMS Compliance Project*, dated April 15, 2015 (NMFS File No. WCR-2015-2004) and the NMFS *Non-fishing Impacts to Essential Fish Habitat and Recommended Conservation Measures* (Hanson et al. 2003). The following measures will be implemented for the proposed project:

2.2.2.1 Pile Removal Restrictions

1. When a vibratory extractor is used during pile removal according to the Deconstruction Plan (e.g., for steel piles), piles will be removed slowly to allow sediment to slough off at or near the mudline and minimize turbidity in the water column. The operator will first vibrate each pile to break the bond between the sediment and pile to minimize the potential for the pile to break, as well as reduce the amount of sediment sloughing off the pile during removal.
2. All removed creosote-treated timber, concrete, and steel piles and timber deck planks will be transported on barges to a marine contractor yard according to the Deconstruction Plan.

2.2.2.2 General Endangered and Threatened Species Measures

Daylight Working. All work will be during daylight hours and no artificial illumination will be used.

Work Areas. Personnel will limit their entry into the immediate vicinity of the project area. All personnel and their equipment will be required to stay within the designated work areas to perform job-related tasks and will be directed to stay out of surrounding areas.

Compensatory Mitigation. The proposed project may potentially result in unquantified temporary impacts to habitat for the six federally listed fish species within the Action Area in New York Slough through temporary increase in turbidity and suspension of sediments during pile removal. However, pile removal is not anticipated to result in adverse levels of turbidity or release of contaminants contained in those sediments. Vibratory pile removal usually results in relatively low levels of suspended sediments and contaminants because often sediments slough off at the mudline (LSA 2014). In addition, all avoidance and minimization measures described in Section 2.2 will be implemented, including BMPs to contain sediment.

Therefore, the proposed project does not require compensatory mitigation because of the long-term benefit of eliminating a significant source of contamination (e.g., creosote-treated timber piles). Additionally, upon project completion, the increased daylighting of open water and benthic habitat for the six federally listed fish species and EFH outweighs any temporary potential adverse effects from increased sediment and turbidity to these species and to EFH. In addition, temporary impacts to the six fish species related to turbidity during pile removal should be minimal because these species are accustomed to some levels of turbidity in New York Slough during normal storm events.

2.3 ACTION AREA

The Action Area is defined in 50 Code of Federal Regulations § 402.02 as “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.” For the purposes of this BA, the Action Area was defined by analyzing the potential extent of effects of the proposed project including barge movement and temporary increase in sedimentation in the context of habitat suitability and species sensitivity to human-caused disturbance. The Action Area includes a portion of New York Slough within Suisun Bay adjacent to Pittsburg and is opposite Browns Island (Figures 1 and 2). The Action Area includes the entire project area and extends 100 feet east and west from the outer edges of the Pittsburg terminal and out to the mid-channel of New York Slough (Figure 2). Terminal deconstruction and pile removal will occur from the fixed marine contractor barges in New York Slough except for demolition of the abandoned building from land.

3.0 STATUS OF FEDERALLY LISTED SPECIES AND CRITICAL HABITAT

3.1 ENVIRONMENTAL BASELINE

3.1.1 Land Use and Topography

The Pittsburg terminal is a dilapidated structure that is no longer in use. The project area is at and below sea level along a tidal slough (Figure 2).

3.1.2 Land Cover Types

The primary cover type within the Action Area is a derelict overwater marine structure and open water. The project area also includes a small area of shoreline, composed of riprap littered with woody debris that supports little vegetation dominated by ruderal non-native plants, such as iceplant (*Carpobrotus chilensis*), black mustard (*Brassica nigra*), fennel (*Foeniculum vulgare*), and wild oat (*Avena* sp.). Non-native trees, such as myoporum (*Myoporum laetum*), are scattered along the shoreline above the tidal zone. There is also a sparse growth of bulrush (*Schenoplectus* sp.) along portions of the shoreline.

3.1.3 Fish and Wildlife

Fish and wildlife species observed in the Action Area during the field visit included various species of birds that have adapted to human-modified landscapes throughout the San Francisco Bay Area and include mourning dove (*Zenaida macroura*), black phoebe (*Sayornis nigricans*), cliff swallow (*Petrochelidon pyrrhonota*), barn swallow (*Hirundo rustica*), and northern mockingbird (*Mimus polyglottos*). The aquatic habitat in New York Slough provides habitat for various fish species in addition to the six federally listed species addressed in the BA; examples include white sturgeon (*Acipenser transmontanus*), starry flounder (*Platichthys stellatus*), and the non-native striped bass (*Morone saxatilis*). The adjacent aquatic habitat in New York Slough also provides foraging and loafing habitat for various species of ducks, double-crested cormorants (*Phalacrocorax auritus*), gulls, terns, and other waterbirds. Diving ducks, such as greater scaup (*Aythya marila*) and ruddy duck (*Oxyura jamaicensis*), likely forage in the waters adjacent to the Pittsburg terminal. Dabbling ducks, such as mallard (*Anas platyrhynchos*) and American wigeon (*Anas americana*), also likely forage in the shallows adjacent to the Action Area.

3.1.4 Wildlife and Plants Not Present in Action Area

LSA biologists determined no suitable tidal/brackish marsh habitat is present in the Action Area by analyzing sources from Section 1.3 (e.g., CNDDB) and from the field visit. Therefore, coastal marsh species, including salt marsh harvest mouse (*Reithrodontomys raviventris*), are not present in the Action Area and will not be affected by the proposed project (Table A). In addition, no submerged aquatic vegetation is present within the Action Area (e.g., pond weed). Finally, the proposed project will not take place within or adjacent to eelgrass beds (Merkel & Associates, Inc. 2009).

3.2 SPECIES ACCOUNTS

3.2.1 North American Green Sturgeon – Southern Distinct Population Segment

3.2.1.1 Status and Biology

The North American green sturgeon southern DPS was federally listed as threatened on April 7, 2006 (71 Federal Register [FR] 17757); this listing took effect on June 6, 2006. The southern DPS includes all populations originating from coastal watersheds south of the Eel River, with the only known spawning population in the Sacramento River. Critical habitat for the southern DPS of green sturgeon was designated by NMFS on October 9, 2009 (74 FR 52300); this designation took effect on November 9, 2009. This designation includes all waters of San Francisco Bay though does not include the Action Area.

Green sturgeon primarily occurs in nearshore oceanic waters, bays, and estuaries. Adults and juveniles are benthic feeders, with juveniles in the San Francisco Estuary known to feed on opossum shrimp (*Neomysis mercedis*) and amphipods (*Corophium* sp.) (Radtke 1966, as cited in Moyle 2002). Spawning occurs in deep, fast water within the main stem of the Sacramento River and some of its larger tributaries. Juveniles spend 1 to 4 years in freshwater and estuarine waters before dispersing to saltwater (Beamesderfer and Webb 2002).

3.2.1.2 Potential for Occurrence

The open waters of Suisun Bay serve as a migratory corridor between the Pacific Ocean and upstream spawning habitat in the Sacramento River and may provide foraging habitat for adult and sub-adult green sturgeon (NMFS 2011). The open waters within and adjacent to the project area provide potential migratory and possibly rearing habitat for this species throughout the year.

3.2.2 Delta Smelt

3.2.2.1 Status and Biology

Delta smelt is federally listed as threatened and is also State-listed as endangered. This species occurs in the upper San Francisco Estuary (Delta and Suisun Bay), preferring the area between freshwater and brackish water. In the Delta, they are found below Isleton on the Sacramento River and throughout Suisun Bay, moving into channels and sloughs in the spring (February to May) to spawn (Moyle 2002). Prior to spawning, adult delta smelt migrate upstream to river channels and tidally influenced backwater sloughs. Delta smelt spawning occurs in the Sacramento River and in Barker, Lindsey, Cache, Georgiana, Prospect, Beaver, Hog, and Sycamore sloughs (USFWS 1993). Distribution of delta smelt is related to the conditions of the estuary. During drought years when freshwater outflow may be low, smelt can be found higher up in the Sacramento River and in times of high freshwater outflows, smelt can be found lower in Suisun Bay. This distribution pattern occurs for many reasons including changes in food organisms, toxic substances, disease, competition, and predation (Moyle 2002). Since delta smelt are euryhaline (i.e., adapt to live in a large range of salinities), they rear young in shallow estuary waters. The preferred habitat is in the area where brackish water and freshwater converge, and they will shift to stay in this mixed water. At adulthood, delta smelt will move upstream to spawn. Their preferred spawning habitat is submerged tree roots and branches, as well as emergent vegetation, which is needed for egg

attachment. Delta smelt larvae feed on macroinvertebrates on the bottom of the stream until the swim bladder and fins are fully developed. Once fully developed, they move downstream to the mixing area between brackish water and freshwater.

3.2.2.2 Potential for Occurrence

Delta smelt are known to occur in Suisun Bay and could occur in the open waters within and adjacent to the Action Area throughout the year. Spawning is unlikely within the Action Area due to the lack of emergent vegetative cover.

3.2.2.3 Critical Habitat within Action Area

All waters and submerged lands below ordinary high water of Suisun Bay, including within the Action Area, have been designated as critical habitat for delta smelt (59 FR 65256). Primary constituent elements of designated critical habitat for delta smelt include physical habitat, water, river flow, and salinity concentrations required to maintain delta smelt habitat for spawning, larval and juvenile transport, rearing, and adult migration. Specific areas that have been identified as important delta smelt spawning habitat include Barker, Lindsey, Cache, Prospect, Georgiana, Beaver, Hog, and Sycamore sloughs and the Sacramento River in the Sacramento-San Joaquin River Delta, and tributaries of northern Suisun Bay.

3.2.3 Central California Coast Steelhead

3.2.3.1 Status and Biology

The Central California coast steelhead DPS was federally listed as threatened on August 18, 1997 (62 FR 43937); the threatened status was reaffirmed on February 6, 2006 (71 FR 834). This DPS includes all naturally spawned anadromous populations below impassable barriers in California streams from the Russian River to Aptos Creek, and the drainages of San Francisco, San Pablo, and Suisun Bays eastward to Chipps Island at the confluence of the Sacramento and San Joaquin Rivers. Critical habitat for this steelhead DPS was designated on September 2, 2005, with an effective date of January 2, 2006. This designation includes Suisun Bay waters to the west of though not within the Action Area.

Steelhead within Suisun Bay may be classified as ocean-maturing or winter steelhead that typically begin their spawning migration during the fall and winter and spawn within a few weeks to a few months from when they enter freshwater (McEwan and Jackson 1996, as cited in Leidy 2007). Steelhead migrate upstream from the ocean after one to four growing seasons at sea (Burgner et al. 1992, as cited in Leidy 2007). Upstream migrating steelhead may be observed within San Francisco Bay and Suisun Marsh/Bay between August and March (Leidy 2007). Ocean-maturing steelhead typically spawn between December and April, with most spawning occurring between January and March (Moyle 2002). Steelhead may not die after spawning like Pacific salmon and thus return to the ocean following spawning to spawn again the following year and potentially a third or fourth time. Juvenile steelhead rear in freshwater for 1 to 4 years before migrating downstream.

3.2.3.2 Potential for Occurrence

The open waters within and adjacent to the Action Area provide potential migratory habitat for adult Central California coast steelhead DPS. Adults migrating to and from upstream spawning habitat in Suisun Bay tributaries (e.g., Pacheco Creek) may occasionally pass through the Action Area between August and March.

3.2.4 California Central Valley Steelhead

3.2.4.1 Status and Biology

The California Central Valley steelhead DPS was federally listed as threatened on February 6, 2006 (71 FR 834). Central Valley steelhead are strictly a winter-run species, entering freshwater tributary streams of the Sacramento and San Joaquin Rivers to spawn between August and October. Presently, the decline of Central Valley steelhead is related to the construction of dams on spawning streams limiting, or preventing, access to traditional spawning grounds. Additionally, water diversions and historical pollution have contributed to the decline of the species.

3.2.4.2 Potential for Occurrence

The open waters within and adjacent to the Action Area provide potential migratory habitat for adult California Central Valley steelhead DPS. Adults migrating to and from upstream spawning habitat in the Sacramento and San Joaquin River tributaries may occasionally pass through the Action Area between August and October.

3.2.4.3 Critical Habitat within Action Area

Critical habitat for this steelhead DPS was designated on September 2, 2005, with an effective date of January 2, 2006. This designation includes Delta waterways and estuarine areas serving as migration corridors and includes Suisun Bay and New York Slough within the Action Area (NMFS 2005).

3.2.5 Central Valley Spring-Run Chinook Salmon

3.2.5.1 Status and Biology

The Central Valley spring-run Chinook salmon ESU was federally listed as threatened on September 16, 1999 (64 FR 50393); the threatened status was reaffirmed on June 28, 2005 (70 FR 37160). The ESU includes all naturally spawned populations of spring-run Chinook salmon in the Sacramento River and its tributaries, including the Feather River, as well as the Feather River Hatchery spring-run Chinook program.

Immature spring-run Chinook salmon enter rivers from the ocean in the spring and early summer, with the peak migratory period from May through June. Spawning occurs from late August through October in just a few streams in the Sacramento and Klamath drainages (Moyle 2002). Juveniles emerge from November through March, with some migrating downstream soon after emergence and others waiting until the following fall as yearlings. Migrating adult spring-run Chinook salmon are present in the Sacramento River between March and July (NMFS 2011).

3.2.5.2 Potential for Occurrence

Open waters within and adjacent to the Action Area provide potential habitat for upstream-migrating adult Central Valley spring-run Chinook salmon during the spring and early summer and downstream-migrating juveniles during the late summer and early fall.

3.2.5.3 Critical Habitat within Action Area

Critical habitat for this Chinook salmon ESU was designated on September 2, 2005, with an effective date of January 2, 2006. This designation includes Delta waterways and estuarine areas serving as migration corridors and includes Suisun Bay and New York Slough within the Action Area.

3.2.6 Sacramento River Winter-Run Chinook Salmon

3.2.6.1 Status and Biology

The Sacramento River winter-run Chinook salmon ESU was federally listed as endangered on January 4, 1994 (59 FR 440); the endangered status was reaffirmed on June 28, 2005 (70 FR 37160). The ESU includes all naturally spawned populations of winter-run Chinook salmon in the Sacramento River and its tributaries, as well as two artificial propagation programs at the Livingston Stone National Fish Hatchery (NFH) and a captive broodstock program maintained at Livingston Stone NFH and the University of California's Bodega Marine Laboratory.

Adult Sacramento River winter-run Chinook salmon enter San Francisco Bay from November through June and spawn primarily from mid-April to mid-August, peaking in May and June in the Sacramento River reach between Keswick Dam and the Red Bluff Diversion Dam (NMFS 2011). Juveniles migrate to the Pacific Ocean only after rearing in freshwater for 4 to 7 months and occur in the delta from October through early May.

3.2.6.2 Potential for Occurrence

Open waters within and adjacent to the Action Area provide potential habitat for upstream-migrating adult Sacramento River winter-run Chinook salmon from the winter to early summer and downstream-migrating juveniles from the fall through late spring.

3.2.6.3 Critical Habitat within Action Area

Critical habitat for this Chinook salmon ESU was designated on June 16, 1993 and includes within the Action Area (Suisun Bay): the Sacramento River from Keswick Dam, Shasta County, to Chipps Island at the westward margin of the Sacramento-San Joaquin Delta; all waters from Chipps Island westward to the Carquinez Bridge, including Honker Bay, Grizzly Bay, Suisun Bay, and Carquinez Strait; all waters of San Pablo Bay westward of the Carquinez Bridge; and all waters of San Francisco Bay (north of the San Francisco-Oakland Bay Bridge) from San Pablo Bay to the Golden Gate Bridge (NMFS 1993).

3.3 ESSENTIAL FISH HABITAT

Suisun Bay waters within the Action Area including New York Slough are considered to be EFH for a variety of fish species covered under the Pacific Coast Groundfish and Pacific Salmon FMPs, including the following species associated with estuaries: leopard shark, spiny dogfish, California skate, starry flounder, English sole, and Chinook salmon. Groundfish species occur in various marine and estuarine habitats from the intertidal to the continental slope, on sand or mud bottoms, in rocky reef areas, or in the water column. Anadromous salmonids, such as Chinook and Coho salmon, are managed under the Pacific Salmon FMP. These species use freshwater streams and rivers for spawning. Young salmon then migrate to the ocean for feeding and growth, and return to their natal waters to spawn.

4.0 EFFECTS OF THE PROPOSED PROJECT ON FEDERALLY LISTED FISH

This section identifies potential temporary adverse effects of the proposed project on the six federally listed fish species and EFH during the Pittsburg terminal deconstruction and pile extraction. No permanent effects from the proposed project are anticipated with the implementation of avoidance and minimization measures described in Section 2.2.

4.1 TEMPORARY EFFECTS TO FISH FROM TERMINAL DECONSTRUCTION AND PILE REMOVAL

4.1.1 Turbidity and Increased Sedimentation

The proposed project, including pile extraction using methods in the Deconstruction Plan, is expected to create temporary increases in turbidity in the adjacent water column from increased sedimentation around the piles being removed. Short-term, localized turbidity effects on anadromous salmonids may potentially interfere with visual foraging, increase susceptibility to predation, and interfere with migratory behavior. Green sturgeon may be affected but are likely less susceptible to turbidity effects than the other five federally listed fish species in this BA because they forage on bottom sediments (NMFS 2011). Minor and localized elevated levels of turbidity from pile removal will be temporary and are not expected to result in harm, injury, or behavioral responses that impair migration or make federally listed fish species more susceptible to predation.

4.1.2 Contaminants

The current level of environmental contaminants in the open waters within the Action Area is unknown, but the suspension of sediments associated with removal of creosote-treated terminal piles may temporarily increase contaminant levels in the water column. However, such minor and localized elevations in contaminants should be quickly diluted to levels that are unlikely to adversely affect federally listed fish.

In the long term, removal of creosote-treated piles from the Pittsburg terminal area will have a beneficial effect on water quality in the Action Area. Pilings treated with creosote have been shown to adversely affect both hard-bottom and sediment-dwelling benthic invertebrates and fish in the San Francisco Estuary through the release of polycyclic aromatic hydrocarbons (USEPA 2008, as cited in NMFS 2011).

4.1.3 Toxic Chemicals

Equipment refueling, fluid leakage, equipment maintenance, and terminal deconstruction activities from five marine contractor barges in New York Slough within Suisun Bay pose some risk of contamination of aquatic habitat and subsequent injury or death to federally listed fish species. However, due to general construction environmental protection measures identified in Section 2.2.1, risk of aquatic habitat contamination is expected to be minimal and adverse effects on federally listed fish species are not expected.

4.1.4 Conclusions

The proposed project **may affect but is not likely to adversely affect** green sturgeon southern DPS, delta smelt, Central California coast steelhead DPS, Central Valley steelhead DPS, Central Valley spring-run Chinook salmon ESU, and Sacramento River winter-run Chinook salmon ESU. Although these fish species may occur in the open waters of Suisun Bay including New York Slough adjacent to the project area during terminal deconstruction and pile removal, the avoidance and minimization measures in Section 2.2 will be implemented to reduce these effects. In addition, the long-term benefits of removing the contamination source (i.e., dilapidated terminal), as well as the increase in daylighting open water and benthic habitat for these federally listed fish species after the terminal has been deconstructed, greatly outweigh any temporary adverse effects.

4.2 NOISE ANALYSIS OF PILE REMOVAL METHODS

LSA biologists and a senior noise specialist analyzed potential adverse effects to federally listed species in New York Slough and surrounding areas from noise associated with pile removal from derrick barges for the proposed project (Section 2.1.2). It is expected that noise levels, both underwater and above the surface, generated from vibratory pile removal or direct pull from derrick barges are significantly lower than impact pile driving.

4.2.1 Underwater Vibratory Pile Driver Noise

The following information is associated with pile installation whereas this project will entail extraction of piles. Vibratory installation of piles consistently produces sounds above 150 dB_{rms}, and sometimes above 180 dB_{peak}. However, the sounds from vibratory hammers differ from those of impact hammers not only in intensity, but in frequency and impulse energy (total energy content of the pressure wave). Most of the sound generated by impact hammers is concentrated between 100 and 800 Hz, the frequencies thought to be most harmful to aquatic animals, while the sound energy from the vibratory hammer is concentrated around 20 to 30 Hz. Additionally, during the strike from an impact hammer, the sound pressure rises much more rapidly than during the use of a vibratory hammer (Washington Fish and Wildlife Office 2012). Depending on the location of the vibratory installation, sound pressure levels may not exceed ambient sound levels. Vibratory installation of steel piles in a river in California resulted in sound pressure levels that were not measurable above the background noise created by the current.

4.2.2 Airborne Vibratory Pile Driver Noise

In addition to underwater noise impact, the removal of piles using vibration extraction has the potential to create noise impacts above the surface as well. In May 2013, noise measurements were gathered as part of the *Pile-Driving Noise Measurements at Atlantic Fleet Naval Installations – Final Report* (Illingworth & Rodkin, Inc. 2017). The results of the monitoring show that during pile removal, at a distance of 27 meters or 88.5 feet, maximum noise levels approached 85 dBA L_{max}, while average noise levels approached 81 dBA L_{eq} for the duration of the activity.

Once the distance to the sensitive receptor is determined, reference noise levels can then be adjusted for distance using the following equation:

$$Leq \text{ (at distance } X) = Leq \text{ (at ref distance)} - 20 * \log_{10} \left(\frac{X}{ref \text{ dist}} \right)$$

In general, this equation shows that doubling the distance would decrease noise levels by 6 dBA while halving the distance would increase noise levels by 6 dBA.

The nearest location for the potential of sensitive habitat is on Browns Island, north of the project site. The shoreline of Browns Island is approximately 810 feet from the project site. At this distance, noise levels would have the potential to approach 57 dBA L_{eq} . This noise level is 3 dBA below the US Fish and Wildlife accepted standard of 60 dBA L_{eq} . Once propagated to the center of the island at a distance of approximately 3,800 feet, the noise level would be reduced to 43 dBA L_{eq} .

Based on the above information, these activities are not anticipated to adversely affect aquatic species including federally listed fish (Table A) in New York Slough. Tesoro will implement avoidance and minimization measures including BMPs to minimize any effects from pile removal to federally listed species and their open water habitat (Section 2.2). Additionally, no adverse effects to bird species in the Action Area or on Browns Island are anticipated from pile removal noise (Figure 2).

4.3 CRITICAL HABITAT

The proposed project **may affect but is not likely to adversely affect** designated critical habitat for delta smelt, Central Valley steelhead DPS, Sacramento River winter-run Chinook salmon ESU, and Central Valley spring-run Chinook salmon ESU within the Action Area. Potential adverse effects associated with the project include temporary impacts on water quality and temporary reduction in migration and foraging areas due to turbidity generated from in-water pile removal activities. These temporary impacts are not expected to adversely affect the critical habitat for these four fish species because any effects to water quality, migration space, and foraging habitat will be temporary.

4.4 ESSENTIAL FISH HABITAT

The proposed project **is not likely to adversely affect** EFH for the Pacific Coast Groundfish and Pacific Salmon FMPs. Temporary, deconstruction-related effects to EFH will be avoided and/or minimized through the implementation of BMPs and other measures identified in Section 2.2. Pile removal may result in a temporary increase in turbidity and sedimentation; however, because such effects will be temporary and New York Slough within the Action Area is already turbid during storm events, this small turbidity increase should be inconsequential. Finally, the long-term benefits to EFH obtained by removing the consistent source of contamination (i.e., creosote-treated timber piles), daylighting open water, and benthic habitat outweigh any temporary adverse effects to EFH.

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5.0 CUMULATIVE EFFECTS

Section 7 of the FESA requires the federal action agency to provide an analysis of cumulative effects when requesting initiation of formal consultation. Cumulative effects include the effects of future State, tribal, local, or private actions not involving a federal action that are reasonably certain to occur in or adjacent to the project area. Future federal actions that are unrelated to the proposed project are not considered in this analysis, because they require separate consultation pursuant to Section 7. Federal actions may include granting a permit for a project, authorizing funds for the project, or actually implementing the project. Cumulative effects are defined as environmental change that results from the incremental effects of several projects that may be individually minor, but which become significant when considered collectively.

The proposed project will not contribute to cumulative effects on federally listed species or critical habitat within or adjacent to the Action Area. The Pittsburg terminal deconstruction is the only proposed project in the Action Area and no projects that might be permitted without federal actions (and FESA Section 7 consultations) are planned for the foreseeable future in the Action Area.

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6.0 CONCLUSIONS

This BA forms the basis for the conclusions on the effects of the proposed project on the 22 federally listed species in Table A. In addition, conclusions regarding effects on designated critical habitat for four of the six federally listed fish species, as well as effects on EFH, are based on the information contained herein. Effect determinations are summarized below in Table B.

Table B: Effect Determinations for Federally Listed Species, Designated Critical Habitat, and Essential Fish Habitat Potentially Affected by the Proposed Project

Species or Designated Habitat	Determination	Rationale
Federally Listed Species (Endangered Species Act)		
North American green sturgeon (southern DPS)	May affect, not likely to adversely affect	Pile removal and other terminal deconstruction effects will be minimized through the implementation of BMPs and other conservation measures, but species may occur in Suisun Bay year-round.
Delta smelt	May affect, not likely to adversely affect	Pile removal and other terminal deconstruction effects will be minimized through the implementation of BMPs and other conservation measures, but species may occur in Suisun Bay year-round.
Steelhead (Central California coast and Central Valley DPSs)	May affect, not likely to adversely affect	Pile removal and other terminal deconstruction effects will be minimized through the implementation of BMPs and other conservation measures. Species is unlikely to occur in Action Area during non-migratory time of year.
Chinook salmon (Sacramento River winter-run and Central Valley spring-run ESUs)	May affect, not likely to adversely affect	Pile removal and other terminal deconstruction effects will be minimized through the implementation of vibratory pile removal, BMPs, and other conservation measures. Species is unlikely to occur in Action Area during non-migratory time of year.
USFWS-designated Critical Habitat (Endangered Species Act)		
Delta smelt critical habitat	May affect, not likely to adversely affect	Temporary water quality and turbidity effects and reduction in migratory and foraging space due to pile removal will be short term in duration and will not adversely affect species' critical habitat.
NMFS-designated Critical Habitat		
Central Valley steelhead DPS critical habitat	May affect, not likely to adversely affect	Temporary water quality and turbidity effects and reduction in migratory and foraging space due to pile removal will be short term in duration and will not adversely affect species' critical habitat.
Sacramento River winter-run Chinook salmon ESU critical habitat	May affect, not likely to adversely affect	Temporary water quality and turbidity effects and reduction in migratory and foraging space due to pile removal will be short term in duration and will not adversely affect species' critical habitat.
Central Valley spring-run Chinook salmon ESU critical habitat	May affect, not likely to adversely affect	Temporary water quality and turbidity effects and reduction in migratory and foraging space due to pile removal will be short term in duration and will not adversely affect species' critical habitat.
Essential Fish Habitat (Magnuson-Stevens Act)		
Pacific Coast Groundfish and Pacific Salmon Fishery Management Plans (FMPs)	May affect, not likely to adversely affect	Pile removal and other terminal deconstruction effects will be minimized through the implementation of BMPs (e.g., controlling sediment and turbidity). Project completion will result in positive effects to EFH.

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7.0 LIST OF PREPARERS AND CONTRIBUTORS

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APPENDIX A

SPECIES LIST FROM SACRAMENTO FISH AND WILDLIFE OFFICE

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Francisco Bay-Delta Fish And Wildlife
650 Capitol Mall
Suite 8-300
Sacramento, CA 95814
Phone: (916) 930-5603 Fax: (916) 930-5654
http://kim_squires@fws.gov



In Reply Refer To:

August 08, 2018

Consultation Code: 08FBDT00-2018-SLI-0331

Event Code: 08FBDT00-2018-E-00607

Project Name: Pittsburg Wharf Demolition

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

San Francisco Bay-Delta Fish And Wildlife

650 Capitol Mall

Suite 8-300

Sacramento, CA 95814

(916) 930-5603

Project Summary

Consultation Code: 08FBDT00-2018-SLI-0331

Event Code: 08FBDT00-2018-E-00607

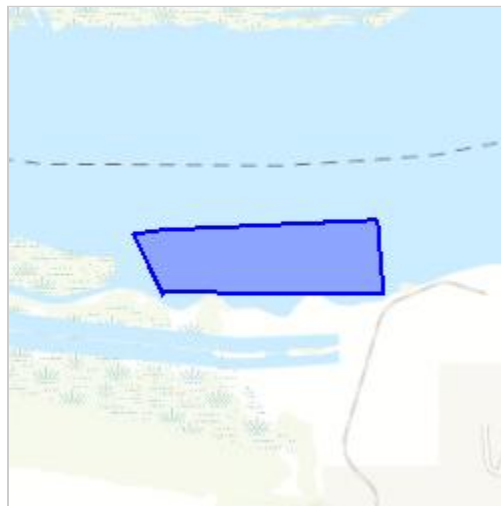
Project Name: Pittsburg Wharf Demolition

Project Type: ** OTHER **

Project Description: Demolition of dilapidated Pittsburg Wharf including removing old piles and wharf; all work will be done from water

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.04153442050006N121.90413360013409W>



Counties: Contra Costa, CA

Endangered Species Act Species

There is a total of 15 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Salt Marsh Harvest Mouse <i>Reithrodontomys raviventris</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/613	Endangered

Birds

NAME	STATUS
California Clapper Rail <i>Rallus longirostris obsoletus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4240	Endangered
California Least Tern <i>Sterna antillarum browni</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered

Reptiles

NAME	STATUS
Alameda Whipsnake (=striped Racer) <i>Masticophis lateralis euryxanthus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5524	Threatened
Giant Garter Snake <i>Thamnophis gigas</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4482	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2891	Threatened
California Tiger Salamander <i>Ambystoma californiense</i> Population: U.S.A. (Central CA DPS) There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2076	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
Delta Green Ground Beetle <i>Elaphrus viridis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2319	Threatened
San Bruno Elfin Butterfly <i>Callophrys mossii bayensis</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3394	Endangered
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7850	Threatened

Crustaceans

NAME	STATUS
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/498	Threatened
Vernal Pool Tadpole Shrimp <i>Lepidurus packardii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2246	Endangered

Flowering Plants

NAME	STATUS
Antioch Dunes Evening-primrose <i>Oenothera deltoides ssp. howellii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5970	Endangered
Soft Bird's-beak <i>Cordylanthus mollis ssp. mollis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8541	Endangered

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> https://ecos.fws.gov/ecp/species/321#crithab	Final

Exhibit B to Resolution No. 19-____
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
Pittsburg Marine Terminal Deconstruction Project

Environmental Impact	Mitigation Measure (MM)	Monitoring Responsibility	Mitigation Timing	Verification (Sign & Date)
<u>Impact BIO-1:</u> Special-status fish and marine mammals may be present in the waters of New York Slough and could be adversely affected by impacts to water quality, including increases to turbidity and potential leaks or spills from equipment.	<u>MM BIO-1:</u> A qualified biologist shall prepare a Work Environmental Awareness Program (WEAP) to provide environmental training for construction personnel, including contractors, prior to the commencement of construction activities. The training shall include specific measures to prevent injury to special-status species and information about what to do if one is found in the construction area. The program shall also provide workers with information on their responsibilities with regard to special-status species, an overview of the life history of the species, information on take prohibitions, protections afforded the species under the state and federal regulations, and an explanation of the relevant terms and conditions of the incidental take permit. Training material shall be submitted to the City of Pittsburg for review two weeks prior to construction. Proof of training in the form of sign-in sheets shall be submitted to the City of Pittsburg within 48 hours of each training conducted under the WEAP.	Applicant and City of Pittsburg Community Development Department.	Prior to commencement of deconstruction activities.	

Exhibit B to Resolution No. 19-____
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
Pittsburg Marine Terminal Deconstruction Project

Environmental Impact	Mitigation Measure (MM)	Monitoring Responsibility	Mitigation Timing	Verification (Sign & Date)
<u>Impact BIO-1 (cont.):</u> Special-status fish and marine mammals may be present in the waters of New York Slough and could be adversely affected by impacts to water quality, including increases to turbidity and potential leaks or spills from equipment.	<u>MM BIO-2:</u> Tesoro shall implement the recommendations of the Biological Assessment (LSA, 2018a) in the final construction plan.	Applicant and City of Pittsburg Community Development Department.	Prior to commencement of deconstruction activities.	
<u>Impact BIO-2:</u> In-water work activities that occur during migratory periods could cause special-status fish to avoid the vicinity of the dock and potentially result in fish rerouting into less-desirable corridors.	<u>MM BIO-3:</u> In-water deconstruction activities shall occur during the work window specified by the National Marine Fisheries Service (NMFS) for avoidance of potential impacts to fish species in this region of the San Francisco Bay Estuary, from June 1 to November 30. The work window proposed may be adjusted in coordination with the California Department of Fish and Wildlife, NMFS, and U.S. Fish and Wildlife Service (USFWS).	Applicant and City of Pittsburg Community Development Department.	During Construction.	
<u>Impact BIO-3:</u> In-water work activities that occur overnight or at sunrise or sunset have potential to disturb fish when they are actively foraging or moving past the dock.	<u>MM BIO-4:</u> All work shall be conducted during daylight hours and no artificial illumination shall be used. Daylight hours shall be considered to last from 30 minutes after sunrise to 30 minutes before sunset.	Applicant and City of Pittsburg Community Development Department.	During Construction.	

Exhibit B to Resolution No. 19-____
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
Pittsburg Marine Terminal Deconstruction Project

Environmental Impact	Mitigation Measure (MM)	Monitoring Responsibility	Mitigation Timing	Verification (Sign & Date)
<u>Impact BIO-4:</u> Construction noise and vibration from in-water work, including pile removal, could adversely impact special-status fish. In addition, direct pull to remove piles may cause a sediment plume containing contaminants deleterious to aquatic species or break creosote-coated timber piling, leaving stubs left in the mud that can release harmful contaminants into the water column.	<u>MM BIO-5:</u> 1. Piles shall be removed slowly to allow sediment to slough off at or near the mudline and minimize turbidity in the water column. The operator shall first vibrate each pile to break the bond between the sediment and pile to minimize the potential for the pile to break, as well as reduce the amount of sediment sloughing off the pile during removal. 2. All removed creosote-treated timber, concrete, and steel piles and timber deck planks shall be transported on barges to a marine contractor yard.	Applicant and City of Pittsburg Community Development Department.	During Construction.	
<u>Impact BIO-5:</u> Demolition of structures could destroy active bird nests, if present, and deconstruction noise may also disturb nesting birds. Although unlikely to nest in the Project area, burrowing owl may forage or nest in adjacent grasslands and Suisun song sparrow may forage or nest in adjacent marshes. White-tailed kite and loggerhead shrike may also forage in the adjacent	<u>MM BIO-6:</u> If construction activities are initiated during the nesting season (February 1 through August 31), a qualified biologist shall conduct a nesting bird survey no more than 14 days prior to the start of construction activities. If construction activities cease for more than 14 days, the survey shall be repeated. If active nests are identified, a no disturbance buffer shall be implemented,	Applicant and City of Pittsburg Community Development Department.	Prior to commencement of deconstruction activities/Ongoing.	

Exhibit B to Resolution No. 19-____
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
Pittsburg Marine Terminal Deconstruction Project

Environmental Impact	Mitigation Measure (MM)	Monitoring Responsibility	Mitigation Timing	Verification (Sign & Date)
grasslands, as well as other birds protected under the Migratory Bird Treaty Act and California Fish and Game Code 3501.	under the guidance of the qualified biologist, to avoid impacts to nesting birds. Buffer distances for bird nests shall be site specific and an appropriate distance, as determined by the biologist. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors that may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed toward Project personnel, standing up from a brooding position, and/or flying away from the nest. The biologist shall have the authority to stop Project activities if a bird exhibits abnormal behavior that may cause reproductive failure such as nest abandonment and loss of eggs and/or young until an appropriate buffer is established.			
<u>Impact CUL-1:</u> It is also possible that pre-contact artifacts or cultural deposits are present beneath the	<u>MM CUL-1:</u> Deconstruction shift foremen, demolition equipment operators, and other workers with	Applicant and City of Pittsburg Community Development Services	During Construction.	

Exhibit B to Resolution No. 19-____
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
Pittsburg Marine Terminal Deconstruction Project

Environmental Impact	Mitigation Measure (MM)	Monitoring Responsibility	Mitigation Timing	Verification (Sign & Date)
shore immediately adjacent to the dock, or below the sediments just offshore (i.e., beneath the dock area).	responsibility for observing excavations and pilings extractions shall be trained and instructed by a qualified cultural resource specialist to be observant for the potential occurrence of archaeological resources. The qualified cultural resource specialist shall be instructed and authorized to halt operations in the area immediately and notify the City's representative if such resources are discovered. In the event of a discovery, the qualified cultural resource specialist shall promptly notify the City and work in the area shall cease until the discovery is evaluated by a qualified cultural resource specialist. If evaluation by a qualified cultural resource specialist indicates that the discovery may be significant, then operations in the area shall be continued only as directed by a qualified cultural resources specialist and in a manner allowing for collection of significant resources and information that may otherwise be affected by the Project, including development of a Research Design and Data Recovery Program if needed to	Department		

Exhibit B to Resolution No. 19-____
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
Pittsburg Marine Terminal Deconstruction Project

Environmental Impact	Mitigation Measure (MM)	Monitoring Responsibility	Mitigation Timing	Verification (Sign & Date)
	mitigate impacts. If archaeological deposits are found to be significant (i.e., eligible for listing in the CRHR), Tesoro shall be responsible for funding and implementing appropriate mitigation measures. Such measures may include recordation of the archaeological deposit(s), data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. If cultural artifacts are collected, they shall be cataloged and curated with an appropriate institution. A final monitoring report shall be prepared by Tesoro and submitted to the City, CHRIS NWIC, U.S. Army Corps of Engineers, and the NAHC if significant cultural resources are discovered.			
<u>Impact CUL-2:</u> Given that there are no records of Native American sacred lands in the area and no evidence of human remains at the Project site, and since the Project area has been so heavily disturbed, no impact to human remains is anticipated. However, the project may disturb human remains,	<u>MM CUL-2:</u> Deconstruction shift foremen, demolition equipment operators, and other workers with responsibility for observing excavations and pilings extractions shall be trained and instructed by a qualified cultural resource specialist to be observant for the potential	Applicant and City of Pittsburg Community Development Services Department	Prior to commencement of deconstruction activities/Ongoing.	

Exhibit B to Resolution No. 19-____
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
Pittsburg Marine Terminal Deconstruction Project

Environmental Impact	Mitigation Measure (MM)	Monitoring Responsibility	Mitigation Timing	Verification (Sign & Date)
including those interred outside of formal cemeteries.	occurrence of human remains. In the event that human remains are identified during dock demolition activities, these remains shall be treated in accordance with section 7050.5 of the California Health and Safety Code and section 5097.98 of the Public Resources Code, as appropriate.			
<u>Impact GEO-1:</u> There is a possibility that subsurface demolition operations could uncover paleontological resources.	<u>MM GEO-1:</u> Deconstruction shift foremen, demolition equipment operators, and other workers with responsibility for observing excavations and pilings extractions shall be trained and instructed by a qualified paleontologist to be observant for the potential occurrence of paleontological resources. The paleontologist shall be instructed and authorized to halt operations in the area immediately and notify the City's representative if vertebrate fossils are discovered. In the event of a discovery, the paleontologist shall promptly notify the City and work in the area shall cease until the discovery is evaluated by the paleontologist. If evaluation by a qualified paleontologist indicates that the	Applicant and City of Pittsburg Community Development Services Department	Prior to commencement of deconstruction activities/Ongoing.	

Exhibit B to Resolution No. 19-____
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)
Pittsburg Marine Terminal Deconstruction Project

Environmental Impact	Mitigation Measure (MM)	Monitoring Responsibility	Mitigation Timing	Verification (Sign & Date)
	discovery may be significant, then operations in the area shall be continued only as directed by the paleontologist and in a manner allowing for collection of significant resources and information that may otherwise be affected by the Project.			

AMENDMENT TO LEASE AGREEMENTS

THIS AMENDMENT TO LEASE AGREEMENTS (this "**Amendment**") is entered into as of this 20th day of March, 2018, by and between the CITY OF PITTSBURG, a municipal corporation ("**Lessor**"), and TESORO REFINING & MARKETING COMPANY LLC, a Delaware limited liability company ("**Lessee**"). Lessor and Lessee are sometimes referred to hereinafter, collectively, as the "**Parties**", and individually as a "**Party**".

RECITALS

WHEREAS, Lessee and the State of California State Lands Commission (the "**Commission**") previously entered into a Lease Assignment, Acceptance, and Approval, dated June 6, 2002 (the "**Lease Acceptance**"), whereby Lessee accepted all responsibility, terms, and conditions of that certain Lease Agreement P.R.C. No. 2757.1 between the Commission and Ultramar, Inc., dated July 19, 1960, as amended by (i) an agreement dated March 26, 1976, and (ii) that certain Amendment of Lease, dated July 19, 1981 (as amended, the "**State Lease**"), for a parcel having an APN of 073-010-011 (the "**State Lease Premises**"); and

WHEREAS, the State of California Legislature granted sovereign tidelands and submerged lands located within the City limits to the City of Pittsburg under Senate Bill 551, Chapter 422, Statutes of 2011 (the "**Bill**"); and

WHEREAS, as a result of the Bill, Lessor has assumed all of the Commission's responsibilities as lessor under the State Lease; and

WHEREAS, Tosco Corporation ("**Tosco**") and Lessor previously entered into that certain Lease, dated November 6, 1981, as amended by that certain Amendment to Lease Agreement Between the City of Pittsburg and Tosco Corporation, dated May 19, 1997 (as amended, the "**City Lease**") (the State Lease and the City Lease are sometimes referred to herein, collectively, as the "**Leases**"), whereby Lessor leased to Tosco the real property more particularly described therein (the "**City Lease Premises**") (the State Lease Premises and the City Lease Premises are sometimes referred to herein, collectively, as the "**Leased Premises**"); and

WHEREAS, Lessee, as successor in interest to Tosco, has assumed all of Tosco's responsibilities as lessee under the City Lease, and is the current lessee under the Leases as of the date hereof; and

WHEREAS, Lessee is the owner of certain real property adjacent to the Leased Premises having a street address of 595 E. Third Street, Pittsburg, California 94565 (APN 073-010-013) (the "**Upland Area**") that gives access to the Leased Premises; and

WHEREAS, a dock and adjacent structures are currently situated on the Leased Premises; and

WHEREAS, pursuant to Section 9 of the City Lease, Lessee has the right to remove all improvements, fixtures and equipment from the City Lease Premises at any time during the lease term or within one hundred eighty (180) days thereafter; and

WHEREAS, pursuant to Section 14 of the State Lease, Lessee must remove all structures on the State Lease Premises within ninety (90) days of the expiration of the lease term or prior to any earlier termination of the State Lease; and

WHEREAS, Lessee is negotiating the sale of the Upland Area to a third party (the "**Sale**"), and, in connection with the Sale, Lessee desires to terminate the Leases and remove the dock and adjacent structures located on the Leased Premises (the "**Improvements**"); and

WHEREAS, in contemplation of and preparation for the Sale, Lessee now desires to begin the necessary review and permitting process, including, but not limited to, any applicable environmental review, to remove the Improvements pursuant to Lessee's obligations under the Leases; and

WHEREAS, removal of the Improvements is subject to any and all applicable laws, statutes, and ordinances, including, but not limited to, all applicable requirements set forth in the California Environmental Quality Act (the "**CEQA**"), and the State CEQA Guidelines (Public Resources Code Section 21080 *et seq.*); and

WHEREAS, Lessor has agreed to be the lead agency in conducting, or causing to be conducted, the necessary reviews and approvals required under the CEQA and other applicable law; and

WHEREAS, Lessor and Lessee cannot reasonably complete the necessary review, approval, and permitting process within the timeframes in which the Leases require Lessee to remove the Improvements following termination; and

WHEREAS, Lessee cannot reasonably complete the removal of the Improvements from the Leased Premises within the timeframes in which the Leases require Lessee to do so following termination; and

WHEREAS, Lessor and Lessee desire to amend the Leases, subject to the terms set forth in this Amendment, for the sole purpose of extending the time following termination of the Leases in which Lessee shall be required to remove the Improvements from the Leased Premises; and

WHEREAS, amendment of the Leases as described in this Amendment are categorically exempt from CEQA under Class 1, "Existing Facilities," section 15301, of the State CEQA Guidelines.

AGREEMENT

NOW THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Incorporation of Recitals.** The Recitals set forth above are hereby incorporated into and made a part of this Amendment by this reference.

2. **Extended Removal Period.** Lessor hereby agrees to amend Section 9 of the City Lease, and Section 14 of the State Lease, to extend the time during which Lessee must remove the Improvements following termination of the Leases to four (4) years (the "**Extended Removal Period**"), subject to the applicable terms and conditions set forth in the Leases.

3. **Lease Rate for the Extended Removal Period.**

(a) **Lease Rate.** In consideration for the granting of this Amendment, and in accordance with Section 15 of the State Lease, Lessee shall pay to Lessor annual rent during the Extended Removal Period until such time as Lessee has completed the removal of the Improvements from the Leased Premises. The annual rent due during the Extended Removal Period shall be as follows (as applicable, the "**Lease Rate**"):

Year	Lease Period End	Square Footage	CPI	Lease Rate	Annual Rent Due
1	6/30/19	118,483	0%	\$0.097	\$11,442
2	6/30/20	118,483	0%	\$0.097	\$11,442
3	6/30/21	118,483	0%	\$0.290	\$34,360
4	6/30/22	118,483	3%	\$0.299	\$35,391

(b) **Holdover Lease Rate.** If Lessee has not removed the Improvements and surrendered possession of the Leased Premises by the expiration of the Extended Removal Period, then Lessee shall pay to Lessor a Lease Rate that increases at ten percent (10%) per annum.

4. **Review, Permitting, and Approval Process.**

(a) **Termination Notice; Lessor's CEQA Review.** At such time as Lessee has determined, in its sole discretion, to terminate the Leases, Lessee shall provide to Lessor a written notice of Lessee's intent to terminate the Leases (the "**Termination Notice**"), together with Lessee's proposed activities for removal of the Improvements as required under the Leases (the "**Removal Plans**"). Following Lessor's receipt of the Termination Notice and the Removal Plans, Lessor shall use its best efforts to expeditiously complete any and all necessary reviews, including, but not limited to, any review required under the CEQA and other applicable law, required in connection with Lessee's proposed activities set forth in the Removal Plans ("**Lessor's CEQA Review**"). Within a reasonable time following receipt of the Termination Notice and Removal Plans, Lessor shall approve or deny issuance to Lessee of a notice to proceed with the Removal Plans (the "**Lessor Notice**"), which approval shall not be unreasonably withheld, conditioned, or delayed.

(b) **Commencement of Removal.** Upon Lessee's receipt of Lessor's Notice approving the Removal Plans, Lessee shall have the right to proceed with the Removal Plans, subject to the terms and conditions set forth herein.

5. **Compliance with Laws.** At all times during the removal of the Improvements, Lessee shall comply with any and all laws, statutes, and ordinances, including, but not limited to, all applicable requirements set forth in the CEQA and the State CEQA Guidelines (Public Resources Code Section 21080 *et seq.*).

6. **Agreement to Enter into Mutual Release Agreement.** Within thirty (30) days of removing the Improvements, Lessee shall provide to Lessor a certificate of completion from the licensed engineer retained by Lessee to oversee the completion of the removal of the Improvements. Thereafter, and within a reasonable time, Lessor shall conduct a review of the Leased Premises to determine whether it is reasonably satisfied that the Improvements have been completely removed in accordance with the Removal Plans and the terms of the Leases. If Lessor is not reasonably satisfied, then Lessor shall provide Lessee with written notice to that effect, and Lessee shall take the necessary action to remedy any and all of Lessor's reasonable concerns within a reasonable period of time. If Lessor is reasonably satisfied, then Lessor shall provide Lessee with written notice to that effect, Lessor and Lessee shall enter into the Mutual Release Agreement, which agreement shall be substantially in the form attached hereto as Exhibit A. Following execution of the Mutual Release Agreement by the Parties, neither Party shall have any further right, claim, or entitlement of any nature under the Leases.

7. **Notices.** Any notices to be provided pursuant to this Amendment shall be given in writing by U.S. Mail, postage prepaid, to the parties as follows:

To Lessor:

City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
Attn: City Manager

To Lessee:

Tesoro Refining & Marketing Company, LLC
19100 Ridgewood Parkway
San Antonio, Texas 78259
Attn: Denise Drake

8. **Effect of Agreement.** Except as modified by or inconsistent with this Amendment, all other terms and conditions of the Leases shall remain in full force and effect.

9. **Counterparts.** This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute a single instrument. Counterparts may be transmitted by email.

10. **Successors and Assigns.** This Amendment shall inure to the benefit of and shall be binding upon the Parties and their respective successors and/or assigns.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first set forth above.

LESSEE:

TESORO REFINING & MARKETING COMPANY LLC,
a Delaware limited liability company



By: [Signature]
Name: Thomas A. Lu
Its: Vice President, Martinez Refinery

LESSOR:

CITY OF PITTSBURG,
a municipal corporation

By: [Signature]
Name: Joe Sbranti
Its: City Manager

Attest:

[Signature]
Alice Evenson, City Clerk

EXHIBIT A

MUTUAL RELEASE AGREEMENT

THIS MUTUAL RELEASE AGREEMENT (this "**Agreement**") is made and entered into this ____ day of _____, 20__, by and between the CITY OF PITTSBURG, a municipal corporation ("**Lessor**") and TESORO REFINING & MARKETING COMPANY LLC, a Delaware limited liability company ("**Lessee**").

RECITALS

WHEREAS, Lessee and the State of California State Lands Commission (the "**Commission**") previously entered into a Lease Assignment, Acceptance, and Approval, dated June 6, 2002 (the "**Lease Acceptance**"), whereby Lessee accepted all responsibility, terms, and conditions of that certain Lease Agreement P.R.C. No. 2757.1 between the Commission and Ultramar, Inc., dated July 19, 1960, as amended by (i) an agreement dated March 26, 1976, and (ii) that certain Amendment of Lease, dated July 19, 1981 (as amended, the "**State Lease**"), for a parcel having an APN of 073-010-011 (the "**State Lease Premises**"); and

WHEREAS, the State of California Legislature granted sovereign tidelands and submerged lands located within the City limits to the City of Pittsburg under Senate Bill 551, Chapter 422, Statutes of 2011 (the "**Bill**"); and

WHEREAS, as a result of the Bill, Lessor has assumed all of the Commission's responsibilities as lessor under the State Lease; and

WHEREAS, Tosco Corporation ("**Tosco**") and Lessor previously entered into that certain Lease, dated November 6, 1981, as amended by that certain Amendment to Lease Agreement Between the City of Pittsburg and Tosco Corporation, dated May 19, 1997 (as amended, the "**City Lease**") (the State Lease and the City Lease are sometimes referred to herein, collectively, as the "**Leases**"), whereby Lessor leased to Tosco the real property more particularly described therein (the "**City Lease Premises**") (the State Lease Premises and the City Lease Premises are sometimes referred to herein, collectively, as the "**Leased Premises**"); and

WHEREAS, Lessee, as successor in interest to Tosco, has assumed all of Tosco's responsibilities as lessee under the City Lease, and is the current lessee under the Leases as of the date hereof; and

WHEREAS, Lessor and Lessee entered into that certain Amendment to Lease Agreements, dated _____, 2018 (the "**Amendment**"), whereby Lessor and Lessee amended the terms and conditions of the Leases to grant Lessee sufficient time to remove the Improvements (as defined in the Amendment) from the Leased Premises following termination of the Leases; and

WHEREAS, Lessor and Lessee further agreed in the Amendment to enter into this Agreement upon completion of the removal of the Improvements from the Leased Premises; and

WHEREAS, Lessee has completed the removal of the Improvements from the Leased Premises.

AGREEMENT

NOW THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

Exhibit A – Page 1

1435958.6

1. **Incorporation of Recitals.** The Recitals set forth above are hereby incorporated into and made a part of this Agreement by this reference.
2. **Lessor-Lessee Mutual Release.** Lessee hereby releases, relinquishes and quit-claims to Lessor any and all right, title, interest or demand, possessed or claimed by Lessee in or to the Leased Premises; and each party to this Agreement, and the agents, employees and representatives and affiliated entities of each and all of them, are hereby released from any and all further liability, past, present and future, subject to the conditions herein, of whatever kind or character, by reason of or arising out of or existing in connection with the occupancy of the Leased Premises or the execution of said Leases or any of the terms of provisions thereof. Lessee's release of claims shall apply, notwithstanding Civil Code Section 1542, which states: "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."
3. **Binding Effect.** The conditions, covenants, and agreements herein contained shall be binding upon the parties and their respective successors and assigns.
4. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior agreements and understandings, both written and oral, among the parties with respect to the subject matter hereof.
5. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute a single instrument. Counterparts may be transmitted by email.

[Signature Page to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

LESSEE:

TESORO REFINING & MARKETING COMPANY LLC,
a Delaware limited liability company

By: _____
Name: _____
Its: _____

LESSOR:

CITY OF PITTSBURG,
a municipal corporation

By: _____
Name: _____
Its: _____

Attest:

City Clerk, City of Pittsburgh



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

*****The following item, which was tentatively scheduled to be heard before the City Council on April 15, 2019, will now be heard at the date and time noted below.*****

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

DATE: May 6, 2019
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Adoption of a City Council Resolution Adopting a Mitigated Negative Declaration and Authorizing Execution of a Mutual Release Agreement Upon Satisfactory Completion of the Pittsburg Marine Terminal Deconstruction Project

This is a public hearing to consider a request by Tesoro Refining and Marketing, LLC, for approvals necessary to remove a marine terminal and other improvements prior to execution of a mutual release agreement. Pursuant to the California Environmental Quality Act (CEQA) an initial study was prepared to identify potentially significant environmental impacts associated with terminal deconstruction. It has been determined that these impacts could be lessened to a less than significant level through specified mitigations measures. The Project site is located along New York Slough, approximately 600 feet north of the intersection of East 3rd and Harbor Streets. Assessor's Parcel Nos.: 073-010-007; -011; and -013.

PROJECT PLANNER: Jordan Davis, (925) 252-4015 or jdavis@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.

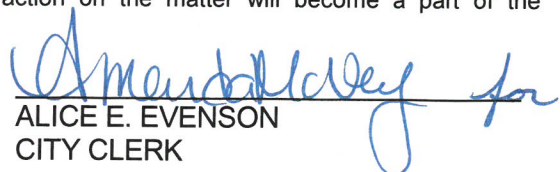
Where can I get more information about this project?

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.

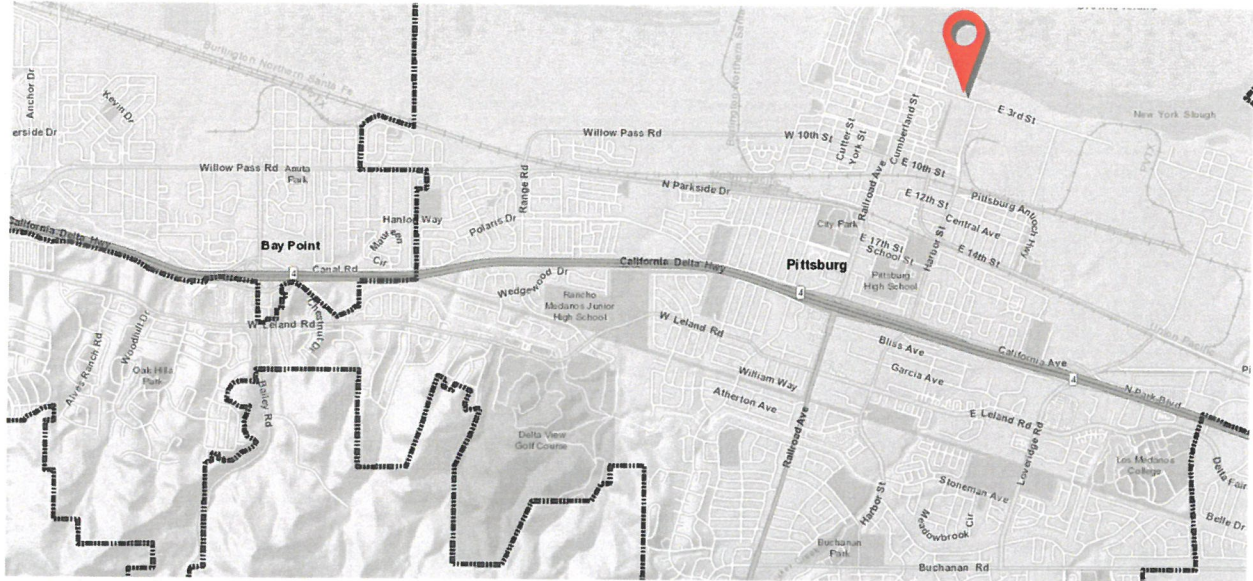
What can I do if I have comments on the project?

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.


ALICE E. EVENSON
CITY CLERK

Project Title: Pittsburg Marine Terminal Deconstruction Project
Location: Along New York Slough, approximately 600 feet north of the intersection of East 3rd and Harbor Streets. Assessor's Parcel Nos.: 073-010-007; -011; and -013



City of Pittsburg

Community Development Department - Planning Division
65 Civic Avenue
Pittsburg, CA 94565

NOTICE OF PUBLIC HEARING



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Consideration of a City Council Urgency Ordinance Making Findings and Establishing a Temporary Moratorium on the Commercial Use, Cultivation, Manufacturing, and Sale of Raw Hemp

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

This is a public hearing on a staff-initiated proposal to consider City Council adoption of an urgency ordinance making findings and establishing a 45-day moratorium on the establishment and operation of new commercial businesses involving raw hemp. The moratorium would be in full force and effective immediately upon passage if adopted by at least a four-fifths vote of the City Council.

FISCAL IMPACT

There is no fiscal impact associated with adoption of the proposed ordinance.

RECOMMENDATION

Council move to adopt the attached ordinance establishing a 45-day moratorium on the establishment and operation of new commercial businesses involving raw hemp anywhere in the City.

BACKGROUND

The plant with the scientific name *Cannabis sativa* L. looks the same whether it has almost no tetrahydrocannabinol ("THC" the chemical causing a psychoactive effect), or a considerable amount of THC. The plant with almost no THC is called hemp under federal law and industrial hemp under state law. Hemp has a compound, CBD, which presently has an identifiable market. CBD is understood to have health benefits without providing a psychoactive effect.

There has been a significant change in the laws regarding hemp in recent months due in part to the market. With the passage of the 2018 Farm Bill, Congress established a definition of hemp and expressly excluded hemp from the Schedule I list of illicit drugs. The

law also requires the establishment of federal licensing and rules for hemp cultivation, and allows states to begin regulating hemp with federal approval.

Under federal and state law, hemp can have no more than three-tenths of 1 percent (0.3%) THC. State laws and regulations on recreational and medical marijuana expressly do not govern hemp.

The Pittsburgh Municipal Code (PMC) defers to the State's definition of cannabis when dealing with its use in commercial applications; as noted above, hemp is specifically exempted from state laws and regulations on recreational and medical marijuana.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

Given that hemp is legal under federal law, and not governed by the state laws regarding marijuana, staff would treat the use of compounds already extracted from raw hemp as it would any other legal material not explicitly prohibited or otherwise specially regulated. For example, sale of non-regulated finished products containing compounds from raw hemp (e.g. CBD) would be categorized as general retail; manufacturing of products with these compounds would likely fall under one of the three manufacturing categories contained within the PMC ("heavy manufacturing," "limited manufacturing," or "custom manufacturing") or "food and drug processing" (depending on the type of product being produced). Depending on the zone district, operation of such uses could range from being permitted by right, being permitted subject to a use permit approved by the Planning Commission, or not permitted.

Regarding the raw hemp plant itself, staff identified that the use, display, and storage, among other things, of raw hemp could create potential health and safety issues. These issues include, but are not limited to, odors that could come from processing raw hemp, and as raw hemp is indistinguishable from cannabis containing THC without a lab test, it could be mistaken for the federally illegal cannabis/marijuana.

Due to these concerns, staff is requesting that the Council consider adopting an urgency ordinance establishing a 45-day moratorium on the establishment and operation of new commercial businesses utilizing raw hemp. The moratorium would not apply to the sale of manufactured products containing CBD derived from raw hemp, or manufacturing involving CBD or other compounds already extracted from raw hemp.

If adopted, the moratorium would allow staff an opportunity to develop a subsequent ordinance establishing more specific regulations for raw hemp. If needed, the City Council may extend the moratorium after the initial 45-day period for a maximum duration of two years.

ATTACHMENTS:

1. Proposed Urgency Ordinance
2. Public Hearing Notice

Report prepared by: Jordan Davis, Assistant to the City Manager

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Urgency Ordinance of the City of Pittsburgh	)	ORDINANCE NO. 19-_____
Making Findings and Establishing a	)	
Temporary Moratorium on the Commercial	)	
Use, Cultivation, Manufacturing, and Sale	)	
<u>of Raw Hemp</u>	)	

The City Council of the City of Pittsburgh Does Ordain as follows:

WHEREAS, the City of Pittsburgh has an overriding interest in planning and regulating the use of property within the City and maintaining the quality of life and the character of the City's neighborhoods; and

WHEREAS, without stable well-planned and regulated neighborhoods, sections of the City can quickly deteriorate, with negative consequences to property, social and environmental values; and

WHEREAS, the Federal Controlled Substances Act, 21 U.S.C. Section 801 et seq., classifies cannabis or marijuana as a Schedule I drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States. The Federal Controlled Substances Act prohibits, except for certain research purposes, the possession, distribution, and manufacture of marijuana; and

WHEREAS, the 2018 federal Farm Bill amended the Agricultural Act of 1946, 7 U.S.C. Sec. 1621 et seq., by adding a definition of hemp as "the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis"; and

WHEREAS the 2018 Farm Bill removed hemp from the federal list of Schedule I drugs and authorizes the U.S. Department of Agriculture to create quality control standards for commercial hemp production, further giving states that desire to have primary regulatory authority over the production of hemp the ability to adopt their own state plans; and

WHEREAS, State law at California Health & Safety Code Section 11018.5 defines "industrial hemp" as "a crop that is limited to types of the plant *Cannabis sativa* L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom"; and

WHEREAS, the California Industrial Hemp Advisory Board, which first met in 2017, has made its recommendation and the California Department of Agriculture promulgated

regulations for registration of growers of industrial hemp for commercial purposes and seed breeders in California, and is developing regulations for sampling and testing crops for the level of THC; and

WHEREAS, the State laws and regulations regarding medical and recreational cannabis, under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) codified at Business and Professions Code section 26001, expressly excludes industrial hemp as defined in California Health & Safety Code Section 11018.5; and

WHEREAS, the Cannabis sativa L. plant looks the same regardless of whether it has almost no THC and can thus be called hemp, or has a level of THC that categorizes the plant as cannabis/marijuana that is an illicit Schedule I drug under federal law. Without a laboratory performed chemical analysis for THC content, plants cannot be distinguished; and

WHEREAS, because the plants are indistinguishable, the manufacturing of the Cannabis sativa L. plant that is hemp prior to the adoption of reasonable regulations poses threats to the public health, safety or welfare as the unregulated manufacturing of cannabis; and

WHEREAS, hemp is understood to contain significant amounts of cannabidiol (CBD), a chemical which does not have psychoactive effects on the user, unlike THC, and there is a market for products containing CBD; and

WHEREAS, the Pittsburg Municipal Code (PMC) does not specifically regulate the location or operation of commercial uses involving hemp; and

WHEREAS, the unregulated establishment and operation of commercial uses of the hemp plant, also known as raw hemp, may adversely affect the City's ability to attract and retain businesses and shoppers to areas of the City; and

WHEREAS, the unregulated establishment and operation of commercial uses involving raw hemp in certain neighborhoods may result in a threat to public health, safety, and welfare, and may not be compatible with existing and potential uses of similarly zoned businesses; and

WHEREAS, it is urgent and essential to the general health, safety, and welfare of the community and its citizens, to immediately prohibit for a limited time commercial uses involving raw hemp, to allow time to study the issue so that appropriate land use controls can be developed; and

WHEREAS, the City Council expressly finds and declares that this ordinance is necessary for protecting the public safety, health, and welfare and urgent action is needed for the City to study and consider: (1) the potential negative effects of commercial uses involving raw hemp on public health, welfare and safety, as detailed herein; (2) the potential proliferation of commercial uses involving raw hemp in the City; (3) the zoning and economic development impacts of commercial uses involving raw hemp; and 4) appropriate controls for commercial uses involving raw hemp for the protection of public health, safety and welfare;

and

WHEREAS, the City Council finds and determines that the public safety, health, and general welfare will be furthered by the proposed moratorium; and

WHEREAS, Article XI, Section 7 of the California Constitution provides that a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, Government Code section 65858(a) provides that city legislative bodies may, to protect public safety, health and welfare, adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time; and

WHEREAS, adoption of such an urgency measure requires a four-fifths vote of the legislative body, and such measure shall be of no effect 45 days from the date of adoption, unless extended pursuant to Government Code section 65858 for a maximum total duration of two years; and

WHEREAS, Government Code section 65858(c) provides that legislative bodies may not adopt or extend such interim ordinances unless they contain findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional entitlements would result in that threat to the public health, safety or welfare; and

WHEREAS, pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and this ordinance is not a project within the meaning of Section 15378 of the California Code of Regulations, Title 14, Chapter 3 ("CEQA Guidelines"), because it merely preserves the status quo for development within the City of Pittsburg pending review of the City Zoning Code and potential adoption of new legislation relating to said uses, and therefore has no potential for resulting in physical change in the environment, directly or indirectly.

THE CITY COUNCIL OF THE CITY OF PITTSBURG DOES ORDAIN AS FOLLOWS:

Section 1. Recitals Made Findings.

The above recitals are hereby declared to be true and correct and findings of the City Council of the City of Pittsburg.

Section 2. Moratorium Imposed.

A. Scope.

In accordance with the authority granted the City of Pittsburg under Article XI, Section

7 of the California Constitution and Government Code Section 65858, from and after the effective date of this ordinance, no permit or any other applicable license or entitlement for use, including, but not limited to, the issuance of a business license, shall be approved or issued for the establishment or operation of a commercial use involving raw hemp in the City of Pittsburg.

This moratorium shall not apply to: the manufacturing or sale of previously manufactured products containing Cannabidiol (CBD) derived from hemp, provided the use complies with all City, State, Federal or otherwise applicable codes, rules, regulations or laws.

B. Definitions.

For the purposes of this ordinance:

"Raw Hemp," means the Cannabis sativa L. plant or part of the plant with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. It does not mean extracts, cannabinoids, isomers, acids, salts, salts of isomers, compounds, salts, or mixtures.

C. Statutory Findings and Purpose.

This ordinance is declared to be an interim ordinance as defined under Government Code section 65858. This ordinance is deemed necessary based on the following findings of the City Council of the City of Pittsburg:

1. The purpose of this Ordinance is to protect the public safety, health and welfare from a current and immediate threat posed by the establishment of new businesses involving Raw Hemp. The facts constituting the urgency are: odors that could come from processing Raw Hemp, and as Raw Hemp is indistinguishable from cannabis containing THC without a lab test, it could be mistaken for marijuana.

The City of Pittsburg does not currently have standards in the Pittsburg Municipal Code related to the location, operation and concentration of commercial use involving Raw Hemp within the City.

2. Absent the adoption of this urgency ordinance, the establishment and operation of commercial use involving Raw Hemp in the City would result in the harmful secondary effects detailed herein.

3. The City Council finds that commercial use involving Raw Hemp, as currently regulated, are not specifically prohibited or regulated in areas adjacent to schools, public parks, or public libraries, or commercial cannabis uses. Thus, as applications for business license are submitted to the City, there is no determination as to whether such potential uses are consistent with the purpose and intent of the City's Zoning Code and General Plan.

4. The City Council finds that, in general, these types of businesses can result in serious harmful effects, including but not limited to loitering, illegal sales to minors, aesthetically unappealing premises, lowering of surrounding property values, increase of public nuisances, and an increase of other criminal activity.

5. The City Council finds that commercial use involving Raw Hemp could promote illegal activity, and adversely affect the City's economic vitality, as Raw Hemp and cannabis are indistinguishable without a lab test.

6. The City has concluded that the best method of protecting the public safety, health, and welfare is to adopt regulations concerning the operation of commercial use involving industrial hemp.

7. The City finds that absent the adoption of this urgency ordinance, the City could be required to approve the establishment of the abovementioned type of businesses, which in turn would result in an increase in the identified harmful effects.

8. The City Council finds that it is necessary to ensure that these types of businesses are properly located and regulated within the City, both to protect public health, safety, and welfare, and to ensure that the locations for these types of businesses are established in a manner that is consistent with the standards, goals, and policies of the City's General Plan.

9. The City Council finds it necessary and desirable to have the Community Development Department and City Manager's Office review and consider the possible adoption of new standards regulating these types of businesses in the City in order to ensure that the locations for these types of businesses are established in a manner that is consistent with the standards, goals, and policies of the City's General Plan.

10. In light of the harmful secondary effects associated with the establishment of commercial use involving Raw Hemp within City of Pittsburg, and the current and immediate threat such secondary effects pose to the public health, safety and welfare, it is necessary, in accordance with Government Code Section 65858, to impose a moratorium on the issuance of permits and any other applicable licenses or entitlements for and the establishment of new commercial use involving Raw Hemp in the City to provide time for the City Council to further evaluate and consider possible adoption of legislation, guidelines and/or policies as required to avert the potential impacts of commercial use involving Raw Hemp in the City.

Section 3. Nuisance Declared.

Except as otherwise permitted under this Ordinance, the establishment of a commercial use involving Raw Hemp within the limits of the City of Pittsburg is declared to be a public nuisance. Violations of this Ordinance may be enforced by any applicable laws or ordinances, including, but not limited to, injunctions or administrative or criminal penalties under the Pittsburg Municipal Code.

Section 4. Urgency.

This Ordinance is adopted as an urgency measure pursuant to Government Code section 65858, and is for the protection of the public safety, health, and welfare. This Ordinance is deemed necessary based on the findings of the City Council as set forth in the recitals in Section 2 of this Ordinance.

Section 5. Severability.

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 6. CEQA.

Pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and this ordinance is not a project within the meaning of Section 15378 of the California Code of Regulations, Title 14, Chapter 3 ("CEQA Guidelines"), because it merely preserves the status quo for development within the City of Pittsburg pending review of the City Municipal Code and potential adoption of new legislation relating to said uses, and therefore has no potential for resulting in physical change in the environment, directly or indirectly.

Section 7. Effective Date and Duration.

This Ordinance shall become effective immediately upon passage and adoption if passed and adopted by at least four-fifths (4/5) vote of the City Council and shall be in effect for 45 days there from unless extended by the City in accordance with Government Code section 65858.

Section 8. Publication.

The City Clerk is hereby directed to publish this Ordinance as required by applicable law.

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Pittsburgh held on May 6, 2019, and was adopted and ordered published at a meeting of the City Council held on May 6, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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 **CITY COUNCIL** of the City of Pittsburg will conduct a public hearing on:

DATE: May 6, 2019
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Consideration of a City Council Urgency Ordinance Making Findings and Establishing a Temporary Moratorium on the Commercial Use, Cultivation, Manufacturing, and Sale of Raw Hemp

This is a public hearing on a staff-initiated proposal to consider City Council adoption of an urgency ordinance making findings and establishing a 45-day moratorium on the establishment and operation of new commercial businesses involving raw hemp.

The moratorium would be in full force and effective immediately upon passage if adopted by at least a four-fifths vote of the City Council.

PROJECT PLANNER: Jordan Davis, (925) 252-4015 or jdavis@ci.pittsburg.ca.us

Why am I receiving this notice? You are receiving this notice because 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.

ALICE E. EVENSON, CITY CLERK
CITY OF PITTSBURG



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

TO: Mayor and Council Members
FROM: Garrett Evans, City Manager
SUBJECT: Adoption of City Goals and Priorities for Fiscal Year 2019-20
MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

On February 19, and continuing on March 4, 2019, the City Council held a public workshop to discuss goals for the upcoming fiscal year (FY) 2019-20. During the workshop, staff responded to questions and received comments from City Council members and developed a final draft list of goals and priorities for FY 2019-20. Staff is recommending the City Council adopt the proposed City Goals and Priorities for FY 2019-20.

FISCAL IMPACT

There is no fiscal impact from adoption of the attached City Goals and Policies for FY 2019-20 by minute order. However, it should be noted that the goals and policies adopted as part of the recommended action are intended to inform and guide financial decisions during the upcoming budget process and throughout the upcoming fiscal year.

RECOMMENDATION

City Council move to adopt the attached list of City Goals and Policies for FY 2019-20 by minute order.

BACKGROUND

The City Council has identified six principal goals for the upcoming year, which include:

- Achieving and maintaining a structurally balanced budget per the Fiscal Sustainability Ordinance and identifying new sources of revenue;
- Prioritizing public safety, health, and welfare in the City Budget and when reviewing projects;
- Improving public facilities and infrastructure, and increasing beautification of City maintained areas;
- Continuing economic development through strategic partnerships, promotion of diversified housing, and the retention and growth of new and existing businesses;

- Increasing efficiency of City operations and services through technology and streamlined processes; and
- Improving the quality of life for all Pittsburgh residents.

Each spring, the City Council works with staff to develop a list of Department or Division goals and priorities for the coming fiscal year which support the principal goals noted above. Beginning on February 19, 2019, and continuing on March 4, 2019, the City Council held a public workshop, where staff provided the City Council with a review of progress made on goals adopted for FY 2018-19. During the workshop, staff also provided the City Council with drafts of proposed goals developed for the upcoming fiscal year and received comments and questions from the City Council.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The attached City Goals and Priorities for FY 2019-20 incorporate comments received from City Council members during the public workshop and are proposed for adoption by the City Council. As mentioned above, these goals and policies are intended to inform and guide financial decisions during the upcoming budget process and throughout the upcoming fiscal year.

Building off of the City's successes implementing last year's goals and priorities, staff is proposing a total of 185 department or division goals for the upcoming fiscal year, an increase of 25 from last year's total amount. In response to the City Council's direction, staff believes these goals reflect the City's desire to make proactive, yet informed decisions to provide a better community for all citizens.

ATTACHMENTS:

City Goals and Priorities for FY 2019-20

Report Prepared By: Jordan Davis, Assistant to the City Manager



City of Pittsburgh

FY 2019-2020 City-wide Goals

G1	Balanced Budget. <i>Achieve and maintain a structurally balanced budget per the Fiscal Sustainability Ordinance and identify new sources of revenue.</i>
G2	Public Safety. <i>Prioritize public safety, health, and welfare in the City Budget and when reviewing projects.</i>
G3	Public Infrastructure. <i>Improve public facilities and infrastructure and increase beautification of City maintained areas.</i>
G4	Economic Development. <i>Continue economic development through strategic partnerships, promotion of diversified housing, and the retention and growth of new and existing businesses.</i>
G5	Efficiency. <i>Increase efficiency of City operations and services through technology and streamlined processes.</i>
G6	Quality of Life. <i>Improve the quality of life for all Pittsburgh residents.</i>

Goal 1: Balanced Budget	
ID	2019-2020 Goal with Measure
<i>Community Development – Engineering</i>	
BB-1	Apply and compete for at least \$1 million in grants to support capital projects and receive notification of award of \$750,000 in grants by Summer 2020.
<i>Community Development – Planning</i>	
BB-2	Secure SB 2 funding for City-initiated planning projects related to statewide affordable housing requirements. Specifically, these projects may include development of objective design standards and an easy-to-use fee calculator for Accessory Dwelling Units on City website by June 30, 2020
BB-3	Continue to track reimbursable project funds by application type to better forecast future revenues.
BB-4	Ensure all applicants with reimbursable accounts are provided with quarterly invoices to ensure funds are appropriately tracked and collected.
<i>Public Works – Parks</i>	
BB-5	Continue to seek additional sources of supplemental labor and continue current sources to complement City's landscape maintenance efforts.
<i>Island Energy</i>	
BB-6	Complete four (4) new Commercial interconnects/expansions per Nimitz Group lease targets.
BB-7	Standardize purchasing and contracting processes for better budgetary planning and control.
<i>Pittsburgh Power Company</i>	
BB-8	Effectively manage existing revenue sources from energy-related projects by meeting twice each year with Calpine and Transbay Cable to receive project updates.
<i>Recreation</i>	
BB-9	Identify park improvement projects and work with of volunteer organizations and non-profits such as Future Build, Boy Scouts of America, and local businesses for those improvements.

BB-10 Increase revenues by 10% through facility rentals and programming.

BB-11 Continue to seek federal, state, county, and private foundation grants to support recreation programs.

Waterfront

BB-12 Execute recreational Trust Lands leases to bring all tidelands users under compliance.

BB-13 Contribute at least \$50,000 to the Marina Dredge Capital Improvement Project.

Marina

BB-14 Review assessment of Marina Master Fee Schedule update.

BB-15 Conduct an assessment of Marina occupancy.

Environmental Affairs

BB-16 Complete and maintain City Energy Efficiency Projects, including:

- a. City Hall HVAC Optimization
- b. LED Lighting Conversion Projects

Successor Agency

BB-17 Explore retaining a broker to market and sell the remaining six (6) Successor Agency properties.

Housing Authority

BB-18 Continue to maximize utilization of all available funding while maintaining the maximum units supported by the budget authority.

BB-19 Conduct two landlord summits (Fall & Spring).

BB-20 Recruit another 10 new owners to participate in the program.

Finance

BB-21 Recommend budgets consistent with the City's Fiscal Sustainability Ordinance using sustainable revenues to cover operational expenses.

BB-22 Formalize the process to maintain and update the General Fund 20-Year Forecast based upon current trends to ensure this practice is maintained moving forward.

BB-23	Provide annual water rate presentation to the City Council and review existing rates and need for multifamily water service deposit.
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BB-24	Continue to maintain or improve the City's credit rating.
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BB-25	Continue to pre-fund Other Post-Employment Benefits (OPEB).
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BB-26	Establish 115 Trust with set aside funds.
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BB-27	Monitor mandatory water requirements as outlined in AB 401 and report back to City Council the fiscal effect of any changes.
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City Attorney

BB-28	Monitor outside Counsel usage and expenditures.
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BB-29	Advise staff regarding litigation risk reduction.
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Goal 2: Public Safety

ID 2019-2020 Goal with Measure

Community Development - Engineering

PS-1	For the 2019-2020 school year, reduce total bicycle and pedestrian accidents and injuries within ¼ mile of schools from the previous school year.
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Island Energy

PS-2	Enhance fencing/bollards/signage for six (6) key electrical substations to eliminate public safety threats.
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PS-3	Weld shut approximately 20 remaining manhole covers subject to potential access/cable theft.
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PS-4	Remove and cap six (6) exposed, disconnected gas risers.
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Pittsburg Power Company

PS-5 Strive for zero loss-time accidents.

Waterfront

PS-6 Work with the Police Department to develop a Waterfront Security Plan to curb loitering and provide a safer environment for in and around the waterfront

Environmental Affairs

PS-7 Develop an afterschool program on street safety for Junior High Schools.

PS-8 Develop a recognition program for parents and/or students for street safety.

Community Development Block Grant (CDBG)

PS-9 Install 50 ADA-compliant curb ramps.

Police Department

PS-10 Continue crime-reduction efforts and monitor social media to identify potential trends in illegal activity.

PS-11 Continue specialized enforcement to prevent violence, gang activity, and human trafficking, and explore strategies to reduce rapes and educate public on sexual assault prevention and reporting.

PS-12 Establish a City-sponsored return to work program for the homeless.

PS-13 Leverage existing community and neighborhood group (including, but not limited to, HOA, faith-based, and Chamber of Commerce) meetings to solicit additional in person feedback on public safety needs.

PS-14 Establish an Intro to Law Enforcement Class at Pittsburgh High School.

PS-15 Remodel Evidence Room and develop long-term evidence storage solutions.

PS-16 Conduct an Evidence Room inventory on all guns, drugs, and currency.

PS-17 Add additional automatic license plate recognition (ALPR) cameras to City camera network.

PS-18 Complete a cold case review of unsolved murder cases.

PS-19 Increase participation in Police Explorer and Jr. Explorer programs.

PS-20	Seek funding to expand high school summer Police Intern program.
PS-21	Conduct a beat assessment to determine if current beat structure is sufficient.
PS-22	Conduct a security assessment of City Hall.
PS-23	Add focus on law enforcement and code enforcement in commercial locations, including, but not limited to, reducing overnight RV parking in retail shopping centers

Goal 3: Public Infrastructure

ID 2019-2020 Goal with Measure

Community Development – Engineering

PI-1	Complete five capital projects by Summer 2020 (project schedule), on time and within budget.
PI-2	Forward update to City's Five-Year Capital Improvement Program (CIP) with information on project prioritization in report to City Council by August 20, 2019.
PI-3	Receive 95% complete plans for James Donlon Boulevard Extension by December 30, 2019.
PI-4	Work with CCTA and Caltrans to identify best options to reduce traffic delays at entry to State Route 4 during commute hours.

Community Development – Planning

PI-5	Require public spaces as appropriate in all new private developments within the Railroad Avenue Specific Plan (RASP) area.
PI-6	Complete the 2040 General Plan 'Existing Conditions Report' to assist with future general long-range planning guidance in conjunction with the General Plan comprehensive update.

Public Works - Parks

PI-7	Replace playground equipment and other amenities at City parks, as recommended by staff and approved by the City Council.
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Island Energy

PI-8	Complete waterfront Substation Enhancement Project (refurbishment of six [6] wharf substations) to improve system reliability.
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PI-9 Repair/replace two (2) failed “looped” electric backbone circuits to improve system reliability.

PI-10 Use thermal camera for electric system reliability trouble-shooting for multiple facilities Island-wide.

Recreation

PI-11 Provide for increased safety and security improvements for facilities such as Small World Park and the Senior Center.

PI-12 Seek grants and other means of funding to improve facilities and recreation infrastructure throughout the City.

Waterfront

PI-13 Repair Riverview Park fishing pier.

PI-14 Dredge the Lowy Basin entrance and gas docks area (CIP Project M-1).

Marina

PI-15 Obtain 10-year dredge permits by April 2020.

PI-16 Begin dredging of Episode 1 (Lowy & Launch Ramps) in Army Corps of Engineers 2019 work window.

Community Development Block Grant (CDBG)

PI-17 Allocate funds towards public facilities and infrastructure projects.

Goal 4: Economic Development

ID 2019-2020 Goal with Measure

Community Development – Building

ED-1 Complete plan review and inspections for Edgewater Apartments, Dow Phases 2/3, Making Waves, Big 5, 430 Railroad Ave., Public Storage, and Alves Ranch Subdivision.

ED-2 Inspect residential development for compliance with applicable codes (with an of average 90-120 new housing starts per year).

-
- ED-3** Issue 300 solar permits by June 30, 2020, within 24 hours of application submittal for residential, and within 10 days of application submittal for commercial.
-
- ED-4** Review plans and return comments or issue permits within 30 days for 90% of complete applications received by the Building Division.
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- ED-5** Complete 900 inspections for Pittsburgh Housing Authority by June 30, 2020.
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- ED-6** Survey 60 in-person customers to rate their experience with staff and the permit process.
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Community Development – Planning

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- ED-7** Implement all aspects of the 2040 General Plan Update ‘Community Engagement Plan’ in order to maximize community input. Monitor public participation throughout the process and report engagement metrics back to the Council by June 2020.
-
- ED-8** Update the Inclusionary Housing Ordinance, as directed by the Certified Housing Element, by December 2019.
-
- ED-9** Discuss potential further amendments to the Pedestrian Commercial (CP) Zoning District to increase economic activity in the Downtown Area with the Land Use Subcommittee.
-
- ED-10** As part of the comprehensive General Plan update:
1. Identify potential land use and urban design policies for increasing vibrancy along arterial roadways;
 2. Identify higher level obstacles for ‘start-up’ businesses such as reduction of fees; and
 3. Create land use policies to ensure that there is a better ratio to commercial services.
-

Island Energy

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- ED-11** Strive to maintain low overhead costs to keep electric rates competitive to that of PG&E.
-
- ED-12** Develop multi-year capital improvement projects to address all areas of load loss to minimize lost revenue.
-
- ED-13** Identify and remediate system/financial (i.e. billing) losses, in part by striving for zero “bad” meters and a year-to-year reduction in system loss.
-

Pittsburgh Power Company

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- ED-14** Supported Energy Delivery Solutions (EDS) advancement into CEQA, other permitting, and City entitlement process.
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Economic Development

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|--------------|--|
| ED-15 | Conduct two (2) one-on-one meetings per year with each of the 10 largest employers and sales tax providers to emphasize retention. |
| ED-16 | Conduct one-on-one business meetings with small to mid-sized businesses to emphasize business retention with a goal of meeting with a minimum of 30 businesses per year. |
| ED-17 | Develop a Resource Fund to provide MicroLoans and Façade Improvement Funds to small businesses. |
| ED-18 | Seek out and connect small businesses to companies that provide non-traditional business financing. |
| ED-19 | Become a resource for small businesses by providing three (3) free seminars in collaboration ICA Fund Good Jobs, Los Medanos Community College, the Chamber of Commerce, the Small Business Development Center, and the Workforce Development Board. |
| ED-20 | Collaborate with the Chamber of Commerce and other agencies within the region on marketing efforts to increase visibility. |
| ED-21 | As part of the General Plan comprehensive update, identify strategies for bringing additional commercial resources west of Bailey Road and for streamlining approvals. |
| ED-22 | Coordinate with the Community Development Department to create a one-page handout for potential businesses that outlines fees and processes. |
| ED-23 | Continue to help real estate brokers market industrial and business commercial properties, particularly around the Pittsburgh Center BART station, to attract new businesses with jobs paying above the City's average median income to "scale up" the workforce. Continue to provide these businesses with the "red carpet approach," to help them navigate the approval process. |

Waterfront

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|--------------|--|
| ED-24 | Environmentally assess two (2) underutilized waterfront sites to help promote reuse. |
| ED-25 | Complete a Reuse/Cleanup Plan for brownfields in the waterfront area. |

Environmental Affairs

- | | |
|--------------|---|
| ED-26 | Work with Comcast to complete installation of one (1) new line in an area without current service by June 30, 2020. |
|--------------|---|

Successor Agency

ED-27 Continue to assist with homeless efforts.

ED-28 Reprogram the First Time Homebuyer (FTHB) funds for Housing Rehab.

ED-29 Acquire a home for a Housing Authority rental unit.

Community Development Block Grant (CDBG)

ED-30 Allocate funds to programs that contribute to economic development and the growth of existing businesses.

ED-31 Complete five (5) housing rehabilitation loans.

City Attorney

ED-32 Provide legal services toward progress of hotel development and Clear Channel lease and rezoning.

Goal 5: Efficiency of Services**ID 2019-2020 Goal with Measure***City Clerk/Records and Council Services*

EFF-1 Perform all statutory duties within timelines, including Filing Officer duties as required by the Political Reform Act for campaign disclosure statements for candidates and officeholders.

EFF-2 Administer provisions of the City's Conflict of Interest Code (due April 1 of each year).

EFF-3 Coordinate recruitment of openings on City Commissions 2020 vacancies.

EFF-4 Upgrade the Council Chamber audio system.

EFF-5 Incorporate closed captioning into CCTV's broadcast of meetings.

EFF-6 Work with subcommittee staff liaisons to ensure all agendas are posted a minimum 72 hours before meetings on the City calendar and news page.

EFF-7 Schedule staff training on the Public Records Act.

-
- EFF-8** Update, revise, and adopt City-wide Retention and Records Management Policy.
-
- EFF-9** Participate in new website roll out and coordinate domain name change concurrently.
-
- EFF-10** Analyze programs, policies, and procedures utilized in the City Clerk's Office on a regular basis to ensure that the Department is operating in the most efficient manner possible.
-
- EFF-11** Attend the League's New Law Conference in December to review newly adopted legislation.
-

Community Development – Engineering

- EFF-12** By June 30, 2020, complete synchronization of traffic signals at five (5) intersections along Bailey Road, six (6) intersections along Buchanan Road, and 11 intersections along Loveridge Road, Success shall be defined by reduction in travel time along the entire corridor and overall emissions reductions.
-
- EFF-13** Provide a report to City Council regarding cost, effectiveness and feasibility of adaptive traffic signals for the City's major corridors.
-
- EFF-14** By Summer 2020, improve integration of the Geographic Information System (GIS) with other technology (including the new City website) to improve accuracy and expand public access.
-

Community Development – Building

- EFF-15** Increase the efficiency and reach of the Rental Inspection Program by analyzing data management, completing 80 inspections, and enrollment of additional 60 residential rental units by June 30, 2020.
-
- EFF-16** Complete audit/update of Oak Hills Residential Preferential Parking Permit Program (approximately 225 registrants to date) to increase efficiency and update resident vehicle enrollment records by June 30, 2020.
-

Community Development – Planning

- EFF-17** Continue to encourage all major development applications to utilize the Preliminary Plan Review (PPR) process to create more transparency, predictability, and efficiency for new development proposals. Strive to increase number of PPR applications by five (5).
-
- EFF-18** Review and update the City's Design Review and Development Guidelines (DRDGs) and adopt objective design standards for applications streamlined under Senate Bill (SB) 35.
-
- EFF-19** Continue using Smartsheets to track planning projects and associated matrices. Provide an upcoming tentative project list to the City Council and Planning Commission on a quarterly basis.
-

Public Works

- EFF-20** Continue with annual water loss full audit of the City's water treatment and delivery system to help reduce potential loss sources. Prioritize projects that would proactively reduce water loss.
- EFF-21** Continue with Year 8 of program to install Automatic Meter Reading system to improve accuracy and efficiency of water meter reading on the system's 18,000 meters. Replace 1,600 meters in fiscal year 2020 (for a total of 77% of the meter system replaced).
- EFF-22** Use TV Truck to view/evaluate approximately 100,000 linear feet of sewer and storm drain pipe to locate areas for spot repair and increased efficiency of maintenance, particularly in known problem areas.

Marina

- EFF-23** Conduct a modernization assessment of the administrative branch of the Marina including:
- a. Marina management software
 - b. Rules & Regulations
 - c. Boater outreach

Public Works - Parks

- EFF-24** Complete landscape median projects on Marina Blvd. to reduce maintenance and water use.
- EFF-25** Explore feasibility of contract maintenance of medians and City right-of-way areas.

Island Energy

- EFF-26** Complete as-built sets of electrical single line, master diagram, switching diagram, and "Master Plan" schematic.
- EFF-27** Develop advanced "work order" process to effectively track work progress and recover customer support costs.

Environmental Affairs

- EFF-28** Continue to promote Emergency Operations Center (EOC) Preparedness through:
- a. Adding one shelter to list of City locations;
 - b. Hiring a consultant to prepare a Debris Management Plan; and
 - c. Sending four (4) staff members to California Specialized Training Institute's (CSTI) four-day earthquake training and introduction; and
 - d. Providing training for Policy Group/City Council.

EFF-29 Complete PEG ADA installation and operation with Delta TV & CCTV

EFF-30 Finalize new confined space assessments and train Public Works Maintenance staff on safety policies.

Successor Agency

EFF-31 Continue to work with tenants and borrowers to keep their accounts current.

EFF-32 Keep insurance documents current.

EFF-33 Collect annual maintenance reports.

EFF-34 Continue to manage 28 leases and loans for City, Successor Agency, PACF, Housing Authority.

Housing Authority

EFF-35 Continue to perform and score as a “High Performing Agency.”

EFF-36 Continue process of purging paper files and conversion to electronic files, thereby improving efficiency, reducing cost, and enhancing customer service.

EFF-37 Develop and implement new/revised lease agreements.

EFF-38 Revise current administrative plan.

Human Resources

EFF-39 Implement a learning program to provide quarterly relevant training and development opportunities for City employees with a 75% participant satisfaction rating.

EFF-40 Maintain an effective benefits education program by offering accessible resources and quarterly informational workshops with a 75% participant satisfaction rating.

EFF-41 Update the City’s Personnel Rules and commence meet and confer sessions with all bargaining units by June 30, 2020.

EFF-42 Develop a military leave policy and update three additional policies by June 30, 2020.

EFF-43 Successfully conduct negotiations and complete successor memorandums of understanding for all five bargaining units by December 31, 2020.

EFF-44 Increase engagement on social media to include job preview videos for hard-to-recruit positions, spotlighting employees, and insights into various City Departments.

-
- EFF-45** It is projected that the City will recruit and/or fill 40 full-time vacant positions next fiscal year. It is the goal of the Human Resources Department to complete recruitments, on average, within 60 days.
-
- EFF-46** Explore an enhanced utilization of the employee and manager self-services web portals in the Human Resources Information System by June 30, 2020.
-
- EFF-47** Conduct an audit of all classification specification descriptions to ensure compliance with ADA by June 30, 2020.
-
- EFF-48** Convene an employee engagement committee by June 30, 2020.
-
- EFF-49** Take a proactive approach to succession planning by identifying training opportunities to better prepare staff for potential promotions.
-

City Attorney

-
- EFF-50** Provide contracts training to all staff members who regularly prepare and/or review contracts.
-
- EFF-51** Conduct staff training on Public Records Act with City Clerk.
-
- EFF-52** Review draft agenda items.
-
- EFF-53** Provide information to City Council members on conflicts of interest and land use.
-
- EFF-54** Provide information to the Community on the Brown Act through social media.
-

Goal 6: Quality of Life

ID 2019-2020 Goal with Measure

Community Development – Planning

-
- QL-1** Focus on proactive code enforcement by publishing quarterly informative bulletins (via social media and city website) about existing and often overlooked planning regulations such as rules for temporary signs, home occupation permits, fencing and property maintenance.
-
- QL-2** Complete necessary zoning and General Plan changes in the southwest hills by December 2019, to help encourage retail growth.
-

-
- QL-3** Ensure proposed Technology Park incorporates abundant landscaping and perimeter pathways available for public recreational use.
-

Pittsburg Power Company

- QL-4** Continue to provide funding support to the Pittsburgh Police Department and General Fund in the amount of \$1,000,000.
-

- QL-5** Sponsor and fund job apprenticeship and after school programs. Seek funding to expand program.
-

- QL-6** Monitor Marin Clean Energy (MCE) Renewables Program and provide the City Council member serving on MCE Board with staff's reviews and recommendations.
-

Economic Development

- QL-7** Continue to work with Planning Division staff, brokers, and property owners to increase retail in southwest hills area of the City by targeting select grocers and developers using market research.
-

- QL-8** Provide ongoing property management, administer leases, protect City assets, and mitigate the risk of future property damage, while maintaining a minimum 75% occupancy rate.
-

- QL-9** Continue to administer and grow the Sister City Program.
-

- QL-10** Discuss potential amendments to the Zoning Ordinance to regarding food trucks with the Land Use Subcommittee. When feasible, utilize food trucks to vendor major City events.
-

Recreation

- QL-11** Continue to invest in youth programming and support services through the expansion of the Youth Empowerment Project by providing personal development activities and trainings.
-

- QL-12** Expand partnerships with local non-profits and businesses that focus on recreational and personal development and job training.
-

- QL-13** Provide a variety of community events throughout the City and provide periodic event reports back to the City Council for future consideration.
-

- QL-14** Increase attendance at Small World Park and Buchanan Pool by 15%.
-

- QL-15** Provide new recreational youth sports programs.
-

- QL-16** Identify programming for Teens in grades 9-12.
-

QL-17 Define purpose and goals for a potential youth leadership program and encourage youth to take an active leadership role by participating in visioning workshops and working with existing Commissions and Subcommittees on any youth-oriented projects.

QL-18 Create a webpage with a list of youth programs and resources, along with contact information.

Waterfront

QL-19 Increase participation in the 2nd Annual Fishing Derby by 20%.

QL-20 Host three waterfront events:

- a. 5th annual Delta Board Meeting
- b. Fourth of July fireworks
- c. 2nd Annual Pittsburgh Fishing Derby

QL-21 Provide support for events on the Waterfront:

- a. First Fridays series
- b. Jazz, Blues & Funk Festival

Marina

QL-22 Host quarterly “Boater Sundays” during Fiscal Year 2019-2020.

Environmental Affairs

QL-23 Increase participation in the Civic Pride – Litter Project (for Community and schools) to 250 people and create a business outreach program with 10 businesses.

QL-24 Create a toolkit that can be used to make beautification efforts a component of community organizations’ events.

QL-25 Continue City beautification efforts and curb illegal dumping by:

- a. Promoting the Adopt-a-Spot Program and have two (2) more locations adopted;
- b. Researching adding trash receptacle units within the City;
- c. Providing security infrastructure around common dumping areas to mitigate illegal dumping and identify violators.

QL-26 Continue to address potential issues with Keller Canyon Landfill through requiring:

- a. Air monitoring in the surrounding neighborhood;
- b. That the LUS permit be reviewed annually;
- c. Testing of soil at landfill; and
- d. Permanent closure of front cell of landfill.

Community Development Block Grant (CDBG)

QL-27 Allocate funds to a variety of supportive services which included assistance for the homeless, victims of abuse, legal counseling for the seniors and programs for at risk youth.

QL-28 Allocate funds towards code enforcement efforts to address the decline in targeted neighborhoods.

Housing Authority

QL-29 Continue to offer homeownership opportunities to families under the housing choice voucher program.

QL-30 Continue to foster close relationships with local non-profits and other agencies to assist families in need.

QL-31 Look for other funding opportunities to add to the Housing Authority's services.



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution to Allocate Funds and Accept an OBAG-2 Grant, PBTF Grant, and TDA Grant for Design and Construction of Contract 2018-03, BART Pedestrian and Bicycle Connectivity Project

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

The City applied for, and has been awarded, several grants totaling \$4,528,000 for design and construction of Contract 2018-03, BART Pedestrian and Bicycle Connectivity Project (the "Project"). The Project will construct pedestrian/bicycle trails and bicycle lanes to provide better access to the Pittsburg Center Bart Station. Adopting the attached Resolution will accept the grants and allocate funds for the Project.

FISCAL IMPACT

The total Project budget estimate is \$4,578,000. The estimated budget includes \$3,870,000 from a One Bay Area Grant – 2 (OBAG-2), \$600,000 from a Pedestrian, Bicycle, and Trail Facilities grant (PBTF), \$58,000 from a Transportation Development Act grant (TDA), and a \$50,000 requested allocation from the Measure J Fund (Fund 204) to be applied as matching funds.

A detailed Budget Summary for the project is attached to this report.

RECOMMENDATION

City Council adopt a resolution accepting the \$3,870,000 OBAG-2 grant, \$600,000 PBTF grant, and the \$58,000 TDA grant, and allocate \$50,000 to the Project from the Measure J Fund (Fund 204) for design and construction of the Project, for a total Project budget of \$4,578,000.

BACKGROUND

To augment the limited budget available for improvements within the City, staff seeks out grant opportunities applicable to various projects that improve the quality of life and safety

for residents. Staff submitted applications for three grants in order to provide better access to the recently constructed Pittsburg Center BART Station.

The Project includes construction of a 10' wide Class I trail in the green space on the west side of Railroad Avenue from the Delta de Anza Trail to State Route 4, an 8' wide Class I trail from the existing BART parking lot located on Bliss Avenue to Railroad Avenue, an 8' wide Class I trail with parking on the south side of California Avenue from Railroad Avenue to Harbor Street, and construction of Class IV bicycle lanes on Railroad Avenue from 17th Street to California Avenue. The Class IV bicycle lanes will be 5' wide with a 3' wide buffer from the adjacent vehicle lanes.

The City has been awarded a total of \$4,528,000 in grant funding for construction of these access improvements to the Pittsburg Center BART Station.

SUBCOMMITTEE FINDINGS

Not Applicable

STAFF ANALYSIS

The Class I trails included in the Project will provide paths that are separate from the roadway and vehicle traffic except where they cross driveways or roads. These trails will be shared use paths for both bicyclists and pedestrians.

The Class IV bicycle lanes to be constructed will be 5' wide with a 3' wide buffer from the vehicle lanes. This will provide an extra margin of safety over typical bicycle lanes seen on the City's streets (Class II bicycle lanes).

Staff is currently soliciting for statements of qualifications from design firms for preparing the plans and specifications for the Project. The final layout for the trails and bicycle lanes will be determined during design. Staff will return to the City Council for authorization to award a design contract.

Due to the many factors influencing the design and the need for approvals from Caltrans, other potential right-of-way requirements and the grant funding obligation schedule, staff anticipates the design process will take one year. The project schedule estimates construction will begin during summer 2020.

ATTACHMENTS: Resolution
 2018-03 Project Budget
 TDA Grant Approval
 Final Programming Plans OBAG-2 and PBTF

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 Allocate Funds and)
Accept an OBAG-2 Grant, PBTF Grant,)
and TDA Grant for Design and) RESOLUTION NO. 19-
Construction of Contract 2018-03,)
BART Pedestrian and Bicycle)
Connectivity Project)

The City Council of the City of Pittsburgh DOES RESOLVE as follows:

WHEREAS, the City applied for, and has been awarded, several grants totaling \$4,528,000 for design and construction of Contract 2018-03, BART Pedestrian and Bicycle Connectivity Project (the "Project"); and

WHEREAS, the Project will construct pedestrian/bicycle trails and bicycle lanes to provide better access to the Pittsburgh Center Bart Station; and

WHEREAS, staff requests that the grants received in the amounts of \$3,870,000 from a One Bay Area Grant – 2 (OBAG-2), \$600,000 from a Pedestrian, Bicycle, and Trail Facilities grant (PBTF), \$58,000 from a Transportation Development Act grant (TDA), be accepted and applied to the Project budget; and

WHEREAS, the City's matching contribution to the Project is \$50,000; and

WHEREAS, staff requests the allocation of \$50,000 from the Measure J Fund (Fund 204) to be applied to the Project budget as grant matching funds; and

WHEREAS, staff requests that the total Project budget be established at \$4,578,000.

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 allocates \$50,000 from the Measure J Fund (Fund 204) to the Project.

Section 3.

The City Council hereby accepts the \$3,870,000 from an OBAG-2 grant, \$600,000 from a PBTF grant, and \$58,000 from a TDA grant.

Section 4.

The City Council directs staff to establish a budget for design and construction of the Project in the amount of \$4,578,000.

Section 5.

The City Clerk shall certify to the adoption of this Resolution.

Section 6.

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 6th day of May 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Contract 2018-03, BART Pedestrian and Bicycle Connectivity Project

Project Funding	OBAG-2 Grant PBTF Grant TDA Grant Measure J
	Funding Total

Project Expenditures:

Design: (Code 2122)	Consultant Design Right-of Way
	Subtotal

Miscellaneous: (Code 1399)	Advertising Reproduction Postage
	Subtotal

Construction: (Code 2281)	Construction Construction Contingency (~10%) Construction Support Material Testing
	Subtotal

Staff Time: (Code 1101)	Staff Time During Design Staff Time During Construction
	Subtotal

Administrative Overhead: (Code 2372)	Administrative Overhead During Design Administrative Overhead During Construction
	Subtotal

Estimated Total Expenditures

\$3,870,000
\$600,000
\$58,000
\$50,000
\$4,578,000

\$578,700
\$25,000
\$603,700

\$1,000
\$1,000
\$500
\$2,500

\$3,048,935
\$304,893
\$40,000
\$141,160
\$3,534,988

\$44,650
\$173,756
\$218,406

\$44,650
\$173,756
\$218,406

\$4,578,000



METROPOLITAN
TRANSPORTATION
COMMISSION

Bay Area Metro Center
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San Francisco, CA 94105
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www.mtc.ca.gov

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City and County of San Francisco

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Transportation Agency

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Solano County and Cities

Amy R. Worth
Cities of Contra Costa County

Steve Heminger
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Frenier
Deputy Executive Director, Operations

September 14, 2017

Paul Reinders, Senior Civil Engineer
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Re: Allocation of TDA Funds in FY 2017-18

Dear Mr. Reinders:

On August 23, 2017, the Metropolitan Transportation Commission (MTC) approved an allocation of Transportation Development Act (TDA) funds to the City of Pittsburg for FY 2017-18 in the amount of \$58,000. The purpose for which these funds are allocated is described in Attachment A to MTC's Executive Director's Delegated Authority of August 23, 2017.

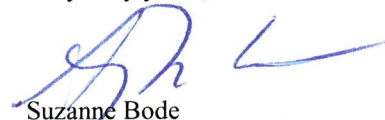
MTC's approval of your TDA claim and payment by the Contra Costa County Auditor/Controller are subject to such monies being on hand and available for disbursement. Further, payment is subject to the stipulation that such monies shall be expended only for the purpose(s) specified in the Delegated Authority of August 23, 2017, and to the allocation instruction(s) prepared in accordance with these documents.

Enclosed are allocation instructions pertaining to your TDA allocation, which describe the projects, terms, conditions and payment schedules for allocations. If funds are reserved in the Local Transportation Fund (LTF), please submit to MTC invoice(s) or document(s) showing evidence of expenses incurred in order to obtain disbursement authorization.

Please be reminded that for each year you encumber expenses, you are required to submit a fiscal audit in accordance with Section 99245 of the Public Utilities Code (PUC). The audit for FY 2017-18 is due at MTC on or before December 31, 2018. Please refer to 21 Cal. Code of Regs. Sections 6664, 6666, and 6667 for a discussion of the compliance requirement and the tasks required for fulfillment of the compliance aspect of this audit.

All invoices are to be submitted to MTC Accounts Payable by August 31, 2020 in order for the funds to be drawn by September 30th, 2020. Requests for capital disbursement and supporting documentation are to be sent to: MTC, Attn: Accounts Payable, 375 Beale Street, Suite 800, San Francisco, CA 94105. If you have any questions, please contact Ms. Cheryl Chi at (415) 778-5339, or by email at cchi@bayareametro.gov.

Very truly yours,


Suzanne Bode
Accounting Manager

SB/sl
Encls.

cc: Cheryl Chi, MTC
Contra Costa County Auditor-Controller
✓ City of Pittsburg, Finance Director

To: Auditor
County: CONTRA COSTA
Date: 08/23/17

ALLOCATION INSTRUCTION # 18001035

Metropolitan Transportation Commission
ALLOCATION INSTRUCTION

Fund TDA

Fiscal Year Ending 2017-18

Claimant:

CITY OF PITTSBURG
ATTN: PAUL REINDERS, SENIOR CIVIL ENGINE
65 CIVIC AVE
PITTSBURG, CA 94565

Total Allocation: \$ 58,000.00

PUC: 99233.3, ARTICLE 3 -
PEDESTRIAN/BICYCLE; CAPITAL
PROJECT DESCRIPTION: CALIFORNIA AVE
CLASS 1 TRAIL

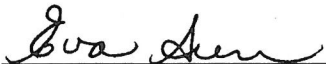
APPOR-TDA-ART3-CONTRA COSTA CO-CAP

58,000.00

DISBURSEMENT AUTHORIZATION:
REIMBURSEMENT BASIS
*ALL INVOICES NEED TO BE SUBMITTED
TO MTC ACCOUNTS PAYABLE BY AUGUST
31ST, 2020 IN ORDER FOR THE FUNDS
TO BE DRAWN BY SEPTEMBER 30TH, 2020.

Terms and Conditions: Funds are reserved in the LTF for a period of THREE year(s). Eligible costs must be incurred on or before June 30, 2020. Funds not drawn by September 30, 2020, revert to the fund.

MTC will issue disbursement authorization upon receipt of documentation substantiating actual expenditure or financial obligation for capital allocations. Fund expended pursuant to this allocation instruction must be included in CITY OF PITTSBURG annual certified fiscal audit required by PUC Section 99245.


Authorizing Signature

August 2017

**MTC Executive Director Delegated Authority Action under MTC Resolution 3620
FY 2017-18**

Staff have reviewed the attached requests and find them to be in compliance with applicable Transportation Development Act, State Transit Assistance, Bridge Toll, Feeder Bus and/or Regional Measure 2 requirements.

Name Cheryl Chi  Title: Program Manager

Name: Anne Richman  Title: Director

Name: Alix Bockelman  Title: Deputy Executive Director, Policy

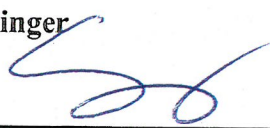
I approve and authorize the allocation/rescission of funds as summarized below and detailed on Attachment A.

Allocations

Transportation Development Act	2,245,548
Regional Measure 2	585,000
Total Allocations	2,830,548

Rescissions

Regional Measure 2	(585,000)
Total Rescissions	(585,000)

Name: Steve Heminger  Title: Executive Director

Signature: _____

Date: 8/29/17

FY 2017-18 Delegated Authority

Allocation and Rescission of Transportation Development Act, State Transit Assistance, Regional Measure 2,
Bridge Toll and Feeder Bus Funds pursuant to MTC Resolution 3620

August 2017

Transportation Development Act - Allocation (001)					Approval
Claimant	Description	Amount	Code	Date	Apportionment
5800 - 99233.3 Pedestrian & Bicycle Facilities - Capital					
Pittsburg	California Ave Class 1 Trail	58,000	035	08/23/17	Contra Costa County
Moraga	Complete Sidewalk Gap Closure	80,000	036	08/23/17	Contra Costa County
Pleasant Hill	Citywide RRFB/Bike Detection Enhancement Project	40,000	037	08/23/17	Contra Costa County
City of Alameda	Cross Alameda Trail: Main to Constitution	222,279	038	08/23/17	Alameda County
Albany	San Pablo Ave/Buchanan St. Pedestrian Improvements	17,816	039	08/23/17	Alameda County
Berkeley	Berkeley Pedestrian Master Plan Update	250,000	040	08/23/17	Alameda County
Oakland	E. 20th St. Stairpath Rehabilitation	150,000	041	08/23/17	Alameda County
Oakland	Bicycle Safety Education	25,000	042	08/23/17	Alameda County
Oakland	Bicycle Signage Program	100,000	043	08/23/17	Alameda County
Oakland	Bike Safe Storm Drain Inlet Program	100,000	044	08/23/17	Alameda County
Hayward	Wheelchair Ramps at Various Locations	149,920	045	08/23/17	Alameda County
San Leandro	Sidewalk Repair Program	82,700	046	08/23/17	Alameda County
Fremont	Walnut Ave Bikeway Project	216,249	047	08/23/17	Alameda County
Newark	Citywide Accessible Pedestrian Ramps	157,624	048	08/23/17	Alameda County
Union City	Dyer St/Deborah Dr. Pedestrian Safety Improvements	160,000	049	08/23/17	Alameda County
Union City	Bike Lanes at Various Locations	90,000	050	08/23/17	Alameda County
Alameda County	Bicycle and Pedestrian Master Plan	200,000	051	08/23/17	Alameda County
Alameda County	Pedestrian Ramps at Various Locations	100,000	052	08/23/17	Alameda County
Alameda County	Bicycle/Pedestrian Safety Education	45,960	053	08/23/17	Alameda County
Total		2,245,548			

Regional Measure 2 Funds - Allocation (006)					Approval
Claimant	Description	Amount	Code	Date	Notes
Capital Allocations					
STA	Proj. No. 7.3: I-80/680/12 Interchange (PS&E)	185,000		08/23/17	18-3739-30
STA	Proj. No. 7.3: I-80/680/12 Interchange (ROW)	400,000		08/23/17	18-3739-31
Subtotal		585,000			
Total		585,000			
Allocations Grand Total		2,830,548			

Rescission - Regional Measure 2 Funds					Approval
Claimant	Description	Amount		Date	Allocation Instruction
STA	Proj. No. 7.4: I-80 EB Cordelia Truck Scales (CON)	(585,000)		08/23/17	12-3739-24
Total		(585,000)			



MEMORANDUM

Date July 28, 2017

To OBAG 2 / Measure J Project Sponsors

From Brad Beck

RE **Final OBAG 2 / Measure J TLC and PBTF Programming Plan**

Thank you for working to make the Coordinated Call for Projects a success and for helping put together the final OBAG 2 / Measure J TLC and PBTF Programming Plan. While we're nearing the end of this step in the process, there remain several additional steps before your funding can be obligated and your project begun. This memo both transmits the Final OBAG 2 / Measure J TLC and PBTF Programming Plan and outlines those next steps.

The Programming Plan reflects, where possible, comments received in response to the draft sent out on July 7, 2017. Several projects had funding shifted to coordinate with other related projects or match deadlines of other funding sources. Some requested changes, however, could not be accommodated. A few sponsors asked for construction funding from the OBAG 2 program in FY 2018; MTC, however, has disallowed such programming.

More generally, while we have "front-loaded" both funding programs, there is a limit to how much front-loading we can do. As a rule, we have oversubscribed expected cumulative funding by no more than a 20 percent. In addition, MTC may ask us to move some projects with "over-subscribed" OBAG 2 funding to later years, resulting in further changes to the Programming Plan.

Staff will contact individually those sponsors whose funding plans have changed since the draft Programming Plan.

The remainder of the memo describes the next steps sponsors need to take to program and appropriate funding.

Next Steps

ONE BAY AREA GRANT (OBAG 2) FUNDING

The OBAG 2 program is funded through the federal Surface Transportation Program (STP) and Congestion Mitigation-Air Quality (CMAQ) Program. Consequently, all sponsors will need to comply with both MTC and Caltrans Local Assistance Program procedures and requirements.

Sponsors of projects with recommended OBAG 2 funding must now enter their projects into MTC's Fund Management System. The first step in this process is described in the attached "Entering Projects into MTC's Fund Management System" (Attachment 1). Sponsors will need to provide information on:

- The project's description
- Funding sources, amounts, phases and program years
- Project milestones
- Contacts
- Location including state and congressional districts
- Air quality and screening criteria

The attachment provides information on how to enter projects successfully. Authority staff will be available to help you in this process.

All projects must be submitted by the end of August 2017. Because Authority staff must approve those submittals, we would like you enter your required project information by **August 18, 2017**. Staff will need to review 29 entries and will need time to review them and work with you to make any necessary corrections.

Please let Authority staff know as soon as your FMS entry is complete and ready for review.

All projects with recommended OBAG 2 funding must be entered into the FMS so it can, first, be approved by MTC — scheduled for September 2017 — and then be included in the next Transportation Improvement Program (TIP). Once the TIP amendment is approved by Caltrans and FHWA, sponsors may begin the process of obligating the OBAG 2 funding.

MEASURE J FUNDING

Funding from both the Measure J TLC and PBTF programs will be available for appropriation on the first day of the fiscal year in which the funds are programmed. Funds programmed in FY 2020, for example, could be available as early as July 1, 2019, the beginning of FY 2020.

To receive a funding appropriation, sponsors must first enter into a cooperative funding agreement with the Authority for the funding program from which the sponsor will receive funding. The cooperative agreement spells out the responsibilities of the Authority and the jurisdiction related to project development, delivery and invoicing. Separate agreements are required for the Measure J TLC and PBTF programs. Once approved, the cooperative agreement makes the sponsor eligible for funding for any project funded through that program. To streamline the process, the Authority's *Local Agency Coordination Guide* allows funding resolutions to be adopted at the same meeting as the cooperative agreement.

Once the cooperative agreement is fully executed, the sponsor may request a funding appropriation for the programmed project. Attachment 2 includes the template funding appropriation request. At the earliest, the Authority will approve funding appropriation requests at its June meeting before the beginning of the fiscal year in which the funding is programmed. The *Local Agency Coordination Guide* requires sponsors to submit their request for funding appropriation six weeks before the Authority meeting at which it is to be adopted, for example, the beginning middle of May preceding the June Authority meeting. Generally, the funding appropriation expires three years after the date funds become available.

ID	Project Name	Sponsor	Page
CCP-38	Sycamore Valley Park & Ride Expansion	Danville	32
CCP-39	Strategic Bicycle, Pedestrian and Safe Routes to School Improvements	Moraga	33
CCP-40	2018 Neighborhood Street Rehab	Clayton	34
CCP-43	BART Pedestrian Bicycle Connectivity Project	Pittsburg	35
CCP-45	Camino Pablo Bicycle Route Corridor Improvements	Orinda	36
CCP-46	Citywide Safe Routes 2 School Master Plan	San Pablo	37
CCP-47	Clayton Town Center Ped Safety Improvements	Clayton	38
CCP-48	Contra Costa Blvd Improvement Project (Viking Dr to Harriett Dr)	Pleasant Hill	39
CCP-49	Downtown Streets Rehab Project	Martinez	40
CCP-50	Danville Townwide Bike Master Plan	Danville	41
CCP-51	Downtown Orinda Streetscape Master Plan	Orinda	42
CCP-52	El Cerrito del Norte TOD Complete Streets Improvement	El Cerrito	43
CCP-53	Fred Jackson Way First Mile/Last Mile Connection Project	Contra Costa County	44
CCP-54	Gregory Lane/Elinora Drive Signal Installation	Pleasant Hill	45
CCP-56	Iron Horse Active Transportation Corridor Study	Contra Costa County	46
CCP-57	Iron Horse Trail/Bollinger Canyon Rd Bike Ped Overcrossing	San Ramon	47
CCP-58	Kirker Pass Road Open Grade Overlay Project	Contra Costa County	48
CCP-59	L Street Pathway to Transit-Bike Ped Improvement	Antioch	49
CCP-60	Lafayette Town Center Pathway & BART Bike Station	Lafayette & BART	50
CCP-61	Lincoln Elementary SRTS Ped Enhancements	Richmond	51
CCP-64	Plaza San Pablo Greenway Trail	San Pablo	52
CCP-65	Pleasant Hill Road Improvement (Gregory Lane to Taylor)	Pleasant Hill	53
CCP-66	Rodeo Downtown Infrastructure Project	Contra Costa County	54
CCP-67	Rumrill Boulevard Complete Streets (Phase 11)	San Pablo	55
CCP-68	San Pablo Ave Bike Improvements over BNSF	Pinole	56
CCP-69	Market Street Pavement Rehabilitation Project	San Pablo	57
CCP-70	Alcosta Blvd Pavement Rehab	San Ramon	58
CCP-71	Street Smarts San Ramon Valley	San Ramon	59
CCP-72	Contra Costa County Local Streets and Roads Preservation Project	Contra Costa County	60
CCP-74	West Contra Costa Walk and Bike Leaders	Contra Costa County	61
CCP-75	Camino Ramon Improvements	Danville	62
CCP-76	FY 2016-17 Street Repair and Resurfacing Project	Oakley	63

CCP-43 BART PEDESTRIAN BICYCLE CONNECTIVITY PROJECT

Sponsor Pittsburgh

Program	Phase	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23	TOTAL
LSRP	PE								-
	ROW								-
	CON								-
OBAG Competitive	PE			483					483
	ROW								-
	CON				3,387				3,387
SRTS	PE								-
	ROW								-
	CON								-
FAS	PE								-
	ROW								-
	CON								-
Measure J TLC	STU								-
	PE								-
	ROW								-
	CON								-
Measure J PBTF	PE			160					160
	ROW								-
	CON				440				440
WCCTAC PBTF	CON								-
Local	STU								-
	PE			25					25
	ROW			25					25
	CON								-
Committed Federal	PE								-
	ROW								-
	CON								-
TOTAL		-	-	693	3,827	-	-	-	4,520

Toll Credits No



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Allocating Funding for Design and Bidding of Contract 2019-06, Montezuma Slough Pump Station Reconstruction Project

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

Contract 2019-06, Montezuma Pump Station Reconstruction Project (“the Project”) is for the removal and replacement of the pump station adjacent to the Montezuma Slough, west of Beacon Street. This project is necessary to help alleviate flooding on West Eighth Street during storm events. This Resolution will allocate funding for design, surveying, geotechnical and bidding of the Project.

FISCAL IMPACT

The total estimated cost for preparation of plans and specifications, surveying, geotechnical and staff time for Contract 2019-06, Montezuma Pump Station Reconstruction Project is \$125,000. This total does not include construction. Staff requests that these funds be provided from the Sewer Operations Fund (Fund 521). The City Engineer has determined this is an appropriate use of these funds.

Funding and expenditures for design and bidding are shown on the attached Project Budget Summary (Exhibit “A”).

RECOMMENDATION

City Council adopt the attached Resolution allocating \$125,000 from the Sewer Operations Fund (Fund 521) for design and bidding of the Montezuma Slough Pump Station Reconstruction Project.

BACKGROUND

On February 13, 2019, severe weather and high winds caused significant damage to the Montezuma Pump Station, which is more than 50 years old. The floor and support system collapsed, causing significant damage to the pump and pump house.

Public Works staff is currently using an emergency back-up pump to help alleviate flooding on West Eighth Street during storm events. The Montezuma Slough pump station is a critical flood control facility and immediate replacement is necessary to ensure that the system is returned to full operation in time for the 2019/20 rainy season.

On April 16, 2018, the City Council approved Resolution 18-13462 approving a list of on-call civil engineering firms for professional engineering services and authorizing the City Manager to execute agreements with these firms as projects are developed and approved by the City Council. Brown and Caldwell, a civil design firm that specializes in the design of water and stormwater facilities, is one of the firms on the City's on-call list.

Staff received a proposal from consultant Brown and Caldwell in the amount of \$88,300 for permitting and design services to reconstruct the Montezuma Pump Station. The design proposal also includes assistance with permitting, design and bid/construction support.

The City's Purchasing Policy exempts competitive solicitation contracting when there is a breakdown in machinery or an essential service that requires the immediate purchase of supplies or services to protect the public health, welfare or safety, or to prevent financial loss, or for the continued conduct of City services.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

This pump station is an integral part of the stormwater discharge system for the downtown area to help alleviate flooding in the upstream neighborhood adjacent to the drainage channel, near Beacon Street and West 8th Street.

Completion of this project prior to 2019/20 rainy season is a high priority so that Public Works staff can use their emergency back-up pump at other locations as needed during storm events.

The total cost to construct the Project will not be known until bids are opened. Staff will return to the City Council upon opening bids for consideration of allocation of additional funds for construction once this information is known.

ATTACHMENTS: Exhibit "A" Project Budget Summary
 Resolution

Report Prepared By: Gina Haynes, Senior Civil Engineer

Exhibit A - Project Budget Summary
Contract 2019-06, Montezuma Pump Station Replacement Project

Project Funding

Fund 521 Sewer Operation Fund	\$125,000
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Funding Total	\$125,000
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Project Expenditures:

Design: (Code 2122)	Design Engineering	\$88,300
	Design Engineering Survey	\$6,300
	Design Engineering Pre Demo Survey	\$2,000
	Design Engineering Geotechnical	\$11,200
	Design Contingency	\$6,700
	Subtotal	\$114,500

Miscellaneous: (Code 1399)	Advertising	\$1,000
	Reproduction	\$1,000
	Postage	\$500
	Subtotal	\$2,500

Staff Time:	Staff Design Management	\$4,000
	Subtotal	\$4,000

Admin Overhead	Admin Overhead during Design Phase	\$4,000
	Subtotal	\$4,000

Estimated Total Expenditures	\$125,000
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BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution Allocating Funding)
for Design and Bidding of Contract) RESOLUTION NO. 19-
2019-06, Montezuma Slough Pump)
Station Reconstruction Project)

The City Council of the City of Pittsburgh DOES RESOLVE as follows:

WHEREAS, on February 13, 2019, the City of Pittsburg experienced severe storm weather and high winds that caused significant damage to the over 50-year-old Montezuma Pump Station; and

WHEREAS, Contract 2019-06, Montezuma Slough Pump Station Reconstruction Project (the "Project") is for the complete removal and replacement of the pump station adjacent to the Montezuma Slough; and

WHEREAS, staff has received a proposal from Brown and Caldwell in the amount of \$88,300 for permitting and design services to reconstruct the Montezuma Pump Station; and

WHEREAS, this pump station is an integral part of the stormwater discharge system for the downtown area to help alleviate flooding in the upstream neighborhood that is adjacent to the drainage channel, near Beacon Street and West 8th Street; and

WHEREAS, completion of this project prior to 2019/20 rainy season is a high priority so that Public Works staff can use their emergency back-up pump at other locations as needed during storm events; and

WHEREAS, staff requests Sewer Operations Funds (Fund 521) be used to fund the cost of design, surveying, geotechnical and staff time for the Project; and

WHEREAS, after opening bids, staff will return to the City Council for consideration of a request for additional funding and award of a construction contract; and

WHEREAS, a breakdown of anticipated projected expenditures for design and bidding of the Project are included in the attached Staff Report.

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 amount of \$125,000 from the Sewer Operation Fund is hereby authorized for use on the Project for design, surveying, geotechnical and staff time.

Resolution 19-2019

1 of 2

May 6,

Section 3. The City Manager is hereby authorized to execute such further documents and take such further actions as may be necessary or appropriate to carry out the City's obligations pursuant to the Project.

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 Pittsburgh at a regular meeting on the 6th day of May 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

**CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES**

DATE: April 2, 2019

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL/AGENCY MEMBERS

Juan Antonio Banales, Mayor/Chair
Jelani Killings, Vice-Mayor/Chair Council/Agency Member
Marilyn Craft, Council/Agency Member
Holland Barrett White, Council/Agency Member
Shanelle Scales-Preston, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

Garrett Evans, City Manager/Executive Director
Donna Mooney, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

A General Plan Kickoff/Joint Workshop with the Planning Commission was held at 6:08 P.M.

Mayor Banales called the meeting of the City Council to order at 7:26 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA after convening at 5:30 P.M. for the following Closed Session:

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

Property: 1000 Center Drive (086-100-037): Negotiators for Successor Agency: Garrett Evans, Maria Aliotti; Negotiating Parties: Meadow Creek Group LLC; Under Negotiation: both price and terms of payment

Property: Civic Avenue (086-100-035): Negotiators for City: Garrett Evans, Maria Aliotti; Negotiating Parties: Meadow Creek Group LLC; Under Negotiation: both price and terms of payment

Mayor Banales 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.

PROCLAMATIONS

2. American Red Cross Month

A representative from the Red Cross received the proclamation.

3. Honoring Souljas Cesar Chavez/Dolores Huerta Multicultural Celebration

Reverend Gregory Osorio received the proclamation.

4. Honoring Pitt Unify World Down Syndrome Day

Members of Pitt Unify Club of Pittsburg High School received the proclamation.

CITY MANAGER'S REMARKS

Assistant City Manager McKinley announced upcoming events.

City Manager Evans noted that former City Manager Tony Donato passed and asked that tonight's meeting be closed in his honor.

CITIZENS REMARKS

Diana Schepers, Pittsburg, invited the Council to the PCT performance of Joseph and the Technicolor Dreamcoat at the California Theatre.

Michael Mays, Pittsburg, spoke regarding the need for a skate park in the City of Pittsburg.

PUBLIC HEARING

5. Introduction and Waive First Reading of an Ordinance Amending Title 2 of the Pittsburg Municipal Code and Adoption of a City Council Resolution to Approve Revised Bylaws for City Commissions

Mayor Banales opened the Public Hearing. There being no one to speak to the item, Mayor Banales closed the Public Hearing.

On Motion by Member Craft, seconded by Mayor Banales to introduce and waive first reading of the ordinance and carried unanimously.

CONSIDERATION

6. By Minute Order Select a Commission Appointment for an Unexpected Vacancy on the Community Advisory Commission

On Motion by Member Craft, seconded by Member Scales-Preston to appoint Dennisha Marsh to the Community Advisory Commission.

7. Adoption of a City Council Resolution Approving a Consultant Agreement for Employee Benefits Broker of Record Services

On motion by Vice Mayor Killings, seconded by Member White to adopt and carried unanimously.

CONFLICT OF INTEREST STATEMENT

There were no conflict of interest statements.

COMBINED CITY COUNCIL AND SUCCESSOR AGENCY CONSENT CALENDAR

On motion by Member Craft, seconded by Member Scales-Preston to adopt the Consent Calendar and carried unanimously.

8. Minutes of March 18, 2019

9. Adoption Of A City Council Resolution To Authorize the Renewal Of A Reciprocal Tax Information Sharing Agreement Between The City Of Pittsburg And The California State Franchise Tax Board

10. Adoption of a City Council Resolution Accepting the General Plan Annual Progress Report for Calendar Year 2018

11. Adoption of a City Council Resolution Recognizing the Importance of the 2020 U.S. Census and Supporting a Complete, Fair, and Accurate Count of all Californians

12. Adoption of a City Council Resolution Authorizing the Acceptance of California Department of Parks and Recreation Division of Boating and Waterways Grant Funds and the Execution of a Grant Agreement for New Boat Launch Ramp Restrooms

13. Adoption of a City Council Resolution to Amend the Master Pay Schedule as Required by California Public Employees' Retirement System

14. Adoption of a City Council Ordinance Amending Chapter 8 of the Pittsburg Municipal Code to Add Construction Demolition Debris Recycling and Polychlorinated Biphenyls Assessment

COUNCIL MEMBER REPORTS/REMARKS

Member Craft attended the Tri-Delta Transit meeting. The Camp Stoneman Anniversary will be held August 29 through 31.

Vice Mayor Killings attended the League of California Cities Government, Transparency and Labor Relations policy committee. He noted Legislative Action Days is coming up on August 24, 2019.

Member White noted the County kicked off the Census 2020 count. He, along with all Council Members attended the Cesar Chavez/Dolores Huerta event.

Member Scales-Preston thanked Members Craft and White for attending the Bay Area Leaders for African-Americans event in Richmond. The next meeting may be held in

Richmond and possibly another in Pittsburg. She also attended the LMC Cesar Chavez event where Treasurer Nancy Parent was recognized.

Mayor Banales thanked the Police Department for their support and escort during the Cesar Chavez day event.

ADJOURNMENT

The City Council meeting was adjourned at 8:28 P.M. to April 15, 2019 ***in memory of S. Anthony Donato.***

Respectfully submitted,

Alice E. Evenson, City Clerk

**CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES**

DATE: April 15, 2019

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL/AGENCY MEMBERS

Juan Antonio Banales, Mayor/Chair
Jelani Killings, Vice-Mayor/Chair Council/Agency Member
Marilyn Craft, Council/Agency Member
Holland Barrett White, Council/Agency Member
Shanelle Scales-Preston, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

Garrett Evans, City Manager/Executive Director
Donna Mooney, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

Mayor Banales called the meeting of the City Council to order at 7:03 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA after convening at 5:03 P.M. for the following Closed Session:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9):

Martinez et al. v. City of Pittsburg et al., United States District Court Northern District of California case no. 17-cv-04246-RS

- 2* CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9

One (1) case

Mayor Banales stated there was no reportable action taken in Closed Session.

A Study Session for *Pittsburg Moves* was held at 6:37 P.M.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

Chief Addington led the Pledge of Allegiance.

PROCLAMATIONS

3. National Sexual Assault Awareness Month

The proclamation was read.

4. National Library Week

Pittsburg Librarian Ginny Golden received the proclamation.

5. Arbor Day

Assistant City Manager McKinley accepted the proclamation on behalf of the Public Works Department.

6. Earth Day and Civic Pride Day

Environmental Affairs Manager Laura Wright accepted the proclamation.

7. Fair Housing Month

Housing Manager Bruce Smargiasso accepted the proclamation.

PRESENTATION

8. Jr. Kings

Assistant Director of Recreation Kolette Simonton discussed the recent Jr. Kings event and presented a video taken during the games.

CITY MANAGER'S REMARKS

Assistant City Manager McKinley announced upcoming events.

CITIZENS REMARKS

There were no citizens remarks.

The City Council convened concurrently with the Housing Authority for a combined Consent Calendar Item as follows:

12. Adoption of a City Council and Authority Resolution to Approve the Transfer of Unclaimed funds to the City's General Fund and Housing Authority Fund Pursuant to California Government Code Section 50053

On Motion by Member Craft, seconded by Member Scales-Preston to adopt and carried unanimously.

CONSIDERATION

13. Adoption of a City Council Resolution Approving a List of Projects to be Funded by SB 1, the Road Repair and Accountability Act of 2017 for Fiscal Year 2019-20

On Motion by Vice Mayor Killings, seconded by Mayor Banales to adopt and carried unanimously.

CONFLICT OF INTEREST STATEMENT

There were no conflict of interest statements.

COMBINED CITY COUNCIL, PITTSBURG ARTS AND COMMUNITY FOUNDATION, AND SOUTHWEST PITTSBURG GHAD II CONSENT CALENDAR

On motion by Member Craft, seconded by Vice Chair/Mayor Killings to adopt the Consent Calendar and carried unanimously.

14. Adoption of a City Council Resolution to Authorize the City of Pittsburg to Access State and Federal Summary Information for Employment and Related Purposes

15. Adoption of City Council Resolution to Approve a Lease Purchase Agreement for Fleet Equipment Financing

16. Adoption of a City Council Resolution to Accept the Plans and Specifications, and Authorize Award of Contract 2019-09, Water Treatment Plant Raw Water Intake Line Replacement Project

17. Adoption of a City Council Resolution to Authorize an Application for Grant Funds from the California Department of Water Resources for an Aquatic Adventure Camp

18. Adoption of an Ordinance Amending Title 2 of the Pittsburg Municipal Code Related to City Commissions

COUNCIL MEMBER REPORTS/REMARKS

Vice Mayor Killings attended the Kiwanis Pancake Breakfast, Envision Pittsburg 2040 workshop, and the STS Academy Taste of the Bayou fundraiser. He attended two Finance Subcommittee meetings in preparation for the upcoming budget workshop

Member Craft noted the Camp Stoneman Celebration Committee will meet on the second Tuesday of each month at the Historical Society Museum.

Member Scales-Preston attended a meeting with a Pittsburg news group at the Historical Society to discuss starting a local newspaper in Pittsburg. Eddie Hart is the contact if anyone is interested.

Member White attended a staff meeting for the new City website kickoff. He also attended the Envision Pittsburg 2040 workshop.

Mayor Banales noted it was 16 years ago this day that Inspector Ray Giacomelli was killed on duty. He attended the wreath laying ceremony and prayer service earlier today. He invited Chief Addington to say a few words.

Chief Addington spoke about Inspector Ray Giacomelli's service to the City and the tragic event that ended his life. He thanked those that attended the wreath laying ceremony today and asked that tonight's meeting be closed in his memory.

ADJOURNMENT

The City Council meeting was adjourned at 8:01 P.M. to May 6, 2019 ***in memory of Inspector Ray Giacomelli.***

Respectfully submitted,

Alice E. Evenson, City Clerk



**OFFICE OF THE EXECUTIVE DIRECTOR
65 Civic Avenue
Pittsburg, CA 94565**

TO: Chair and Agency Members

FROM: Garrett Evans, Executive Director

SUBJECT: Adoption of a Pittsburg Power Company Resolution to Amend the “On-Call” General Engineering Support Services Contract with ConneXsys, Inc. to Increase the Contract Amount

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

The Pittsburg Power Company (“PPC”) has contracted general electrical engineering support services from ConneXsys, Inc. (“ConneXsys”) for its electrical distribution system operations on Mare Island. PPC seeks to amend the ConneXsys contract, thereby increasing the contract amount to \$400,000 for “On-Call” general engineering support services.

FISCAL IMPACT

For general engineering support services, the budget for these engineering services has been included in PPC’s Fiscal Year 2018-2019 Operating Budget. Most of the work to be performed is for Capital Improvement Projects (CIP) and customer support projects which are fully budgeted in the five-year CIP Budget of Island Energy. The total contract amount was limited to \$200,000, which PPC is seeking to increase the contract amount to \$400,000 to support a significantly increased customer demand and related workload.

RECOMMENDATION

Adopt the Resolution approving the amendment to the “On-Call” general engineering support services contract with ConneXsys, thereby increasing the contract amount to a total contract value of \$400,000, subject to the terms and conditions listed in the agreement, respectively.

BACKGROUND

PPC has been working with various customers and developers on Mare Island to support the City of Vallejo’s redevelopment efforts that include residential, commercial and industrial customer projects involving new utility construction, system redesign and relocation. There is also an ongoing need to document, improve and refurbish existing utility facilities to

improve system reliability and efficiency. PPC has employed professional electrical engineers to carry out system design review, system mapping and improvement plans, and provide engineering review and approval for proposed and future customer projects.

In August 2009, PPC issued a request for proposal for “On-Call” General Engineering Support Services and determined that EETS, Inc. had the most appropriate qualifications, experience and resource capabilities to provide professional engineering services to Island Energy.

In the summer of 2018, PPC assessed multiple regional engineering firms, including Power Engineers, AECOM, Black & Veatch, Burns & McDonnell, Par Electric and Eichleay Engineers. The assessments were performed by phone-in company interviews on Mare Island. ConneXsys had the experience and appropriate skill sets, with competitive pricing, and with staff available to immediately begin and to continue to support PPC.

The Pittsburg Power Company Board of Directors approved the ConneXsys Consulting Engineering Services Contract on October 15, 2018 with Resolution No. 18-166.

SUBCOMMITTEE FINDINGS

This item was not presented to the PPC Subcommittee.

STAFF ANALYSIS

ConneXsys has utilized their excellent qualifications, experience and resource capabilities in providing professional engineering services to PPC. Such engineering services include customer, project and PPC electrical distribution system engineering services.

ConneXsys has completed a system-wide electrical single-line basis, has developed a preliminary electrical “Master Plan” for Mare Island and is now assigned several new, large and important customer support projects which are ongoing.

Further, PPC has taken a proactive and accelerated approach to customer service, project development and electrical distribution system planning activities which require experienced and competent engineering support.

There is a significant benefit to PPC to maintain long term relationships with the regional engineers that provide supporting services; such long-term involvement allows the supporting engineers to have an in depth understanding of PPC’s facilities and infrastructure to provide efficient and effective engineering supportive service.

ATTACHMENTS: Resolution

Report Prepared By: Douglas W. Buchanan – Power Company Manager

BEFORE THE PITTSBURG POWER COMPANY OF THE CITY OF PITTSBURG

In the Matter of:

A Pittsburg Power Company Resolution to Amend the)
"On-Call" General Engineering Services Contract with) RESOLUTION NO. 19-
ConneXsys, Inc. to Increase the Contract Amount)

The Pittsburg Power Company DOES RESOLVE as follows:

WHEREAS, the Pittsburg Power Company ("PPC") requires "On-Call" general engineering support services to provide professional engineering services to its electrical distribution system, customer support projects and to support redevelopment efforts on Mare Island; and

WHEREAS, with its qualifications, experience and resource capabilities, ConneXsys, Inc. ("ConneXsys") has successfully performed general engineering services for engineering design work, system upgrade, safety issues, customer projects, system reliability improvement and facilities mapping respectively of the electrical system on Mare Island; and

WHEREAS, for general engineering support services, the budget has been included in Island Energy's Fiscal Year 2018-2019 budget; and

WHEREAS, most of the work performed by the engineering consulting firm is for electrical infrastructure improvement projects, which has been budgeted in PPC's five-year CIP budget; and

WHEREAS, such engineering services include customer, project and PPC electrical distribution system engineering services; and

Whereas, PPC has taken a proactive and accelerated approach to customer service, project development and electrical distribution system planning activities; and

Whereas, the original Consulting Engineering Services Agreement amount of \$200,000 is largely committed or expended, and is no longer sufficient to support active PPC utility projects and activities. The Pittsburg Power Company Board of Directors approved the ConneXsys Consulting Engineering Services Contract on October 15, 2018 with Resolution No. 18-166.

WHEREAS, PPC seeks to increase the total contract amount to \$400,000 for ConneXsys, Inc. for the two-year contract term, allowing the engineering firm to continue to perform engineering services on various current, proposed and future projects on Mare Island.

NOW, THEREFORE, the Pittsburg Power Company finds and determines as follows:

Section 1.

The above recitals are true and correct and incorporated herein.

Section 2.

The PPC Board adopts this Resolution, amending the "On-Call" general engineering support services contract with ConneXsys, increasing contract amount from \$200,000 to \$400,000.

Section 3.

The Executive Director is hereby authorized to execute any documents and take such further actions as may be necessary or appropriate to carry out the PPC Board's obligations pursuant to this Resolution.

Section 4.

The Executive Secretary shall certify to the adoption of this Resolution.

Section 5.

The Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Pittsburg Power Company of the City of Pittsburg at a regular meeting on the 6th day of May 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales , Chair

ATTEST:

Garrett Evans, Executive Secretary

**FIRST AMENDMENT TO
CONSULTING ENGINEERING SERVICES AGREEMENT**

Between

PITTSBURG POWER COMPANY

And

CONNEXSYS ENGINEERING, INC.

This amendment to the Consulting Engineering Services Agreement (Principal Agreement), hereafter referred to as the First Amendment, between ConneXsys Engineering, Inc., a California corporation, therein referred to as “Engineer”, and the Pittsburg Power Company, a joint powers authority, therein referred to as “PPC”, is made and entered into on this 6th day of May 2019.

A. The parties entered into the Principal Agreement on October 16, 2018, for the purpose of providing specified engineering design and other services to PPC.

B. PPC desires to amend the scope of services to add specified work, and increase the compensation accordingly.

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree to amend the Principal Agreement as follows:

1. Compensation. The first sentence of Section 2 is hereby amended to read as follows:

“PPC hereby agrees to pay Engineer a sum not to exceed Four Hundred Thousand Dollars (\$400,000.00)”.

2. Scope of Services. Exhibit A of the Principal Agreement is hereby replaced with Exhibit A attached to this First Amendment.

3. Integration. This First Amendment contains the entire agreement between the parties with respect to its subject matter and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. This First Amendment shall not be amended or modified except by a written agreement executed by each of the parties. Except as specifically revised herein, all terms and conditions of the Principal Agreement shall remain in full force and effect, and Engineer shall perform all duties, obligations and conditions required under the Principal Agreement.

4. Inconsistencies. In the event of any conflict or inconsistency between the provisions of this First Amendment and the Principal Agreement, the provisions of this First Amendment shall control in all respects.

5. Ambiguities. The parties have each carefully reviewed this First Amendment and have agreed to each term of this First Amendment. No ambiguity shall be presumed to be construed against either party.

6. Counterparts. This First Amendment may be executed by the parties in one or more counterparts all of which collectively shall constitute one document and agreement.

7. Authority. The person signing this First Amendment for Engineer hereby represents and warrants that he or she is fully authorized to sign this First Amendment on behalf of ConneXsys Engineering, Inc.

IN WITNESS WHEREOF, the parties have entered into this First Amendment on the day and year first hereinabove appearing.

SIGNATURES ON THE FOLLOWING PAGE.

Pittsburg Power Company:

By:

Name: Garrett Evans

Its: Executive Director

Attest:

Agency Secretary

Reviewed as to Form:

Agency Counsel

ConneXsys Engineering, Inc:

By:

Name: _____

Its: _____

EXHIBIT A
SCOPE OF SERVICES

Exhibit A – Scope of Services

Engineer shall provide, or cause to be provided, scope of services as set forth below, to be further specified for each project:

- Provide engineering services, including but not limited to all preliminary and final project designs and drawings as requested by Pittsburg Power Company. The design elements shall include (as required), but are not limited to:
 - Electrical diagrams, connection diagrams, cable and conduit schedules
 - Calculations, studies, and analysis
 - Equipment requirements, specifications, materials listings
 - Other: automation requirements, telecommunication requirements, modifications to existing control equipment and systems, system control and monitoring requirements
- Include the preparation of plans and calculations which set forth in detail the requirements and elements of the project. Drawings provided for construction will be reviewed, approved and stamped by California registered Professional Engineer(s) for each engineering discipline as the engineer of record.
- Provide construction bid and installation engineering support activities including but not limited to:
 - Construction bid package preparation, bid reviews and contractor selection
 - Construction specifications development and preparation
 - On-site field and remote (e.g. phone, email) construction support as required
 - Provide responses to construction contractor Requests for Information (RFI) and issuing Design Change Notices (DCN) as required
- Provide engineering services, including but not limited to all preliminary and final project designs and drawings as requested by Pittsburg Power Company for the following existing and planned Capital Improvement Projects (CIP)
 - Dockside Power Expansion Project (DoPEP)

Scope: Design, procure and fabricate of two (2) new, 4000A dockside, skid-mounted, 12kV /480v electrical service substations. Each skid will include a new 3750kVA transformer, 4000A breaker set, a 10x 400A switchboard / distribution panel and other minor interconnection appurtenances. Related support equipment at Berth 12 substation will include a new vacuum fault interrupter (VFI) set and CT/PT revenue meter set.
 - Waterfront Area Reliability Project (WARP)

Scope: 1) Perform an electrical reliability engineering assessment of equipment serving customers in the Mare Island waterfront area. Such assessments to include, but may not be limited to, transformers, breaker sets, relay protection schemes, equipment set point review and testing and assess 12kV primary cable integrity. Substations to assess include Berth 12, DD3 North, DD3 South, DD4 North, DD4 South, Station K and Station J. 2) Develop an engineering assessment recommendation document to include equipment replacement, repair, modification and related recommendations.

- Ductbank Relocation Project (DRP)

Scope: Perform an engineering assessment and develop a pre-feasibility study for the relocation of the Station H to Station E electrical “backbone” ductbank from its current location in Nimitz Ave. to the new location of Azuar / Railroad Avenues.

The engineering design elements shall include (as required), but are not limited to:

- Electrical diagrams, connection diagrams, cable and conduit schedules
 - Calculations, studies, and analysis
 - Equipment requirements, specifications, materials listings
 - Automation requirements, telecommunication requirements, modifications to existing control equipment and systems, system control and monitoring requirements, as directed by PPC.
- Provide engineering services in support of the revision and updating of the Mare Island Electric Distribution System Single-Line Diagrams.
 - Provide engineering services in support of the completion of the Mare Island Electrical Master Plan
 - Provide engineering support and provide technical assessment and recommendations to affect repairs related to unplanned electrical distribution system failures and outages.



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

TO: Chair and Agency Members

FROM: Garrett Evans, Executive Director

SUBJECT: Adoption of a Pittsburg Power Company Resolution Approving Utilization of Unspent Project Funds for the “Dockside Power Expansion Project”

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

The Pittsburg Power Company (“PPC”) has received a request from Mare Island Dry Docks (“MIDD”) to develop two (2) new high-capacity electrical substations at Mare Island Berth 12 in support of MIDD US Navy ship repair operations commencing in July. PPC is requesting via resolution to utilize previously approved, budgeted and unspent Capital Improvement Project (“CIP”) funds from the PPC Facility Relocation Project and Duct Bank Valve Replacement Project in order to immediately begin procurement activities for developing the two new substations, also known as the “Dockside Power Expansion Project”.

FISCAL IMPACT

The project is estimated to cost approximately \$450,000, including equipment, material and Island Energy (“IE”) labor, and will be recovered via an electric rate surcharge to MIDD. Unspent funds of \$350,000 from the Facility Relocation Project (Project 5807) and \$100,000 from the Duct Bank Valve Replacement Project (Project 5816) will be transferred to the Dockside Power Expansion Project.

RECOMMENDATION

Adopt the Resolution approving the utilization of unspent CIP funds for the MIDD Dockside Power Expansion Project.

BACKGROUND

MIDD is PPC’s single largest electrical customer, with usage of over five (5) million kWhrs in the last 12 months. PPC is focused on the dry dock and wharf areas for providing reliable energy supply and a high level of customer service. Several ongoing and proposed CIP projects are directed at customer reliability and facility modernization projects.

In early April 2019, MIDD approached PPC and requested the installation of two (2) 4000A electrical substations at their Berth 12. The substations are required to be in service by July 2019 in order to support a US Navy contract for the repair of a large naval support vessel.

Such an aggressive schedule requires early procurement of equipment (transformers, switchgear) fabrication of a skid, and the pulling of 12kV electrical cable, among other activities. PPC is seeking to utilize existing, unspent CIP funds to accomplish this project.

As PPC's largest customer, it is in the interest of PPC and IE to endeavor to support the customer's business interests.

SUBCOMMITTEE FINDINGS

This item was not presented before the PPC Subcommittee.

STAFF ANALYSIS

PPC has previously budgeted for various and multi-year capital improvement and electrical reliability projects supporting Mare Island customers. Previously approved and budgeted projects include the Facility Relocation Project and the Duct Bank Valve Replacement Project. Both CIPs have unspent funds available for project use of the Dockside Power Expansion Project.

MIDD has agreed in principal to a rate surcharge of approximately \$0.02/kWhr, over five (5) years, to compensate PPC for the project capital expenditures. The surcharge is based on using an assumption of 80% of MIDD's historical electric load and is believed to be a conservative estimate.

PPC will negotiate a contract with MIDD to memorialize the surcharge agreement. However, funding is required in advance of the surcharge agreement being in place in order to meet the schedule.

In the event MIDD fails to execute an agreement or some other event precluding capital recovery, the equipment would be returned to PPC inventory for utilization elsewhere. Therefore, the financial risk to PPC is low.

ATTACHMENTS: Resolution

Report Prepared By: Douglas W. Buchanan, Power Company Manager

BEFORE THE PITTSBURG POWER COMPANY OF THE CITY OF PITTSBURG

In the Matter of:

A Pittsburg Power Company Resolution)
Approving Utilization of Unspent Project)
Funds for the Dockside Power) RESOLUTION NO. 19-
Expansion Project)

The Pittsburg Power Company DOES RESOLVE as follows:

WHEREAS, the Pittsburg Power Company ("PPC") has received a request from Mare Island Dry Docks ("MIDD") to provide two (2) new high-capacity electrical substations at Berth 12 on Mare Island, also known as the "Dockside Power Expansion Project"; and

WHEREAS, providing the electrical substations directly supports PPC's largest electrical customer's business operations; and

WHEREAS, the project is required to be completed by July 2019 to support MIDD US Navy ship repair operations; and

WHEREAS, PPC will procure the necessary equipment and material and assemble the electrical substations on behalf of the customer, such work totaling approximately \$450,000; and

WHEREAS, unspent funds of \$350,000 from the Facility Relocation Project (Project 5807) and \$100,000 from the Duct Bank Valve Replacement Project (Project 5816) will be transferred to the Dockside Power Expansion Project; and

WHEREAS, PPC will recover its project capital expenditures over a five (5) year period via a special Tariff Electric Rate Surcharge to MIDD.

NOW, THEREFORE, the Pittsburg Power Company finds and determines as follows:

Section 1.

PPC Board 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 PPC set forth below.

Section 2.

PPC Board hereby approves the use of unspent funds and directs staff to transfer \$350,000 from the Facility Relocation Project (Project 5807) and \$100,000 from the Duct Bank Valve Replacement Project (Project 5816) to the Dockside Power Expansion Project.

Section 3.

The Executive Director is hereby authorized to execute such further documents, including a rate surcharge capital recovery agreement with MIDD, and take such further actions as may be necessary or appropriate to facilitate the MIDD Dockside Power Expansion Project.

Section 4.

The Executive Secretary shall certify to the adoption of this Resolution.

Section 5.

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Pittsburg Power Company of the City of Pittsburg
at a regular meeting on the 6th day of May 2019 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Chair

ATTEST:

Garrett Evans, Executive Secretary



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Approving a Request to the Metropolitan Transportation Commission (MTC) for the Allocation of FY 2019/20 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

The Metropolitan Transportation Commission (MTC) provides Transportation Development Act (TDA), Article 3 grant funds to projects exclusively for the benefit of pedestrians and bicyclists. The City Council must first approve a request to MTC before grant funds may be allocated. The attached resolution approves the application to MTC for FY 2019/20 TDA, Article 3 Pedestrian/Bicycle Funds to improve four roadway crossings along the Delta de Anza Trail.

FISCAL IMPACT

The application to MTC requests \$120,000 in TDA funds for construction of the project improvements. Staff will provide in-house design and construction management services for the project. The total project cost is estimated to be \$150,000. There are sufficient funds available in gas tax and Measure J Local Street MTC Funds to meet the required local matching funds (\$30,000).

RECOMMENDATION

City Council approve the request to MTC for an allocation of TDA, Article 3 Pedestrian/Bicycle Funds for FY 2019/20 for the Delta de Anza Trail Roadway Crossing Improvements Project and authorize the City Engineer to execute all documents pertaining to this program.

BACKGROUND

This project was recommended by the Countywide Bicycle Advisory Committee to improve pedestrian safety when crossing the Delta de Anza Trail at four roadway crossings.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

This project would help improve the safety of pedestrians and bicyclists traveling along the Delta de Anza Trail and its connection to the Pittsburg Senior Center. Currently, pedestrians and bicyclists use the Delta de Anza Trail to cross four roadways at unprotected crosswalks, currently marked with two 12" painted lines and standard warning signage.

The proposed improvements include rectangular rapidly flashing beacons, high visibility crosswalks, red curbs, roadway markings, and roadside signage at roadway crossings along the Delta de Anza Trail at Atherton Avenue, Crestview Drive, Presidio Lane, and Gladstone Drive. Curb extensions (bulbouts), a median pedestrian refuge, and wayfinding signage is also proposed for the Crestview Drive trail crossing. Construction of the project will encourage walking and bicycling, which will help to reduce vehicle travel and greenhouse gases.

Approval of the attached resolution authorizes the grant application. Staff anticipates returning to the City Council at a later meeting to request approval of the project, allocation of funds (including matching funds), and award of a construction contract.

ATTACHMENTS: Resolution
 Attachment A
 Attachment B

Report Prepared By: Paul Reinders, Senior Civil Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Approving a Request to the Metropolitan	)	
Transportation Commission (MTC) for the	)	RESOLUTION NO. 19-
Allocation of FY 2019/20 Transportation	)	
Development Act (TDA) Article 3	)	
<u>Pedestrian/Bicycle Project Funding</u>	)	

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, Article 3 of the Transportation Development Act (TDA) Public Utilities Code (PUC), Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim for each county in the San Francisco Bay region; and

WHEREAS, the City of Pittsburg desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the project described in Attachment B to this resolution, which is for the exclusive benefit and/or use for pedestrians and/or bicyclists.

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

- Section 1. The above recitals are true and correct and are incorporated herein.
- Section 2. The City of Pittsburg declares it is eligible to request an allocation of TDA Article 3 Funds pursuant to Section 99234 of the Public Utilities Code.
- Section 3. There is no pending or threatened litigation that might adversely affect the project described in Attachment B to this resolution, or that might impair the ability of the City of Pittsburg to carry out the project.
- Section 4. The project has been reviewed by the countywide Bicycle Advisory Committee (BAC) and has been approved by MTC to use the countywide BAC and the countywide BAC provides for expanded representation of the City of Pittsburg and the designated representative is familiar with the bicycle and pedestrian needs of the City of Pittsburg.
- Section 5. The City of Pittsburg attests to the accuracy of and approves the statements

in Attachment A to this resolution.

Section 6. A certified copy of this resolution and its attachments and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Contra Costa County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

Section 7. The Director of Finance is hereby authorized to receive the grant funds in the name of the City of Pittsburg to be established in a separate account for the purpose of administering the program.

Section 8. The City Engineer is hereby authorized to spend the grant funds in accordance with the City's Purchasing Policies and Procedures.

Section 9. 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 6th day of May 2019 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year FY 2019/20 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 1

1. That the City of Pittsburg is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Pittsburg legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That the City of Pittsburg has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Pittsburg within the prior five fiscal years.
8. That the project(s) described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B will be completed before the funds expire.
11. That the City of Pittsburg agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B

TDA Article 3 Project Application Form

Fiscal Year of this Claim: **2019/ 2020**

Applicant: **City of Pittsburg**

Contact person: **Paul Reinders**

Mailing Address: **65 Civic Avenue, Pittsburg, CA 94565**

E-Mail Address: **preinders@ci.pittsburg.ca.us**

Telephone: **(925) 252-4822**

Secondary Contact (in event primary not available): **Ron Nevels**

E-Mail Address: **rnevels@ci.pittsburg.ca.us**

Telephone: **(925) 252-4930**

Short Title Description of Project: Delta DeAnza Trail Roadway Crossings Improvements

Amount of claim: **\$ 120,000**

Functional Description of Project:

Install Rectangular Rapidly Flashing Beacons (RRFB's), curb extensions, median pedestrian refuge, high visibility crosswalks, red curb, wayfinding signage, roadway markings and roadway signage at four (4) roadway crossings along the Delta De Anza Regional Class 1 Trail.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

Project Elements: Construction phase and contingency

Funding Source	All Prior FYs	Application FY	Next FY (2020/21)	Following FYs	Totals
TDA Article 3			\$ 120,000		\$ 120,000
list all other sources:					
1. Measure J		\$ 10,000	\$ 20,000		\$ 30,000
2.					
3.					
Totals		\$10,000	\$140,000		\$150,000

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	No, April 2019
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	Yes
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: <u>12/10/2018</u>	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>August 2021</u>	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: _____)	Yes



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Approving Speed Humps on Hanlon Way

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

The City's Traffic Calming Policy includes specific criteria to be used when considering the use of speed humps to calm traffic on City streets. If the City Council approves the proposed speed humps on Hanlon Way, installation can be scheduled for later this year.

FISCAL IMPACT

The engineer's estimate for this work is \$20,000. If approved, this project will be funded by 2018/19 Citywide Traffic Calming budget (Project 2016), which has a sufficient balance to cover the construction cost.

RECOMMENDATION

City Council approve the attached resolution to approve installation of speed humps on Hanlon Way.

BACKGROUND

On May 17, 2016, the City Council adopted Resolution 04-10078, approving the current Traffic Calming Policy, which includes the use of speed humps meeting certain criteria.

On December 3, 2018, a resident submitted an application for speed humps on Hanlon Way, between Loftus Road and West Trident Drive.

On January 16, 2019, staff informed the applicant that preliminary warrants for speed humps on Hanlon Way were met and that a petition in favor of speed humps on this street segment was needed to be signed by at least 2/3 of the households on, or within 100 feet of, Hanlon Way between Loftus Road and West Trident Drive.

On March 8, 2019, staff completed its verification of signatures on the required petition for speed humps on Hanlon Way, between Loftus Road and West Trident Way.

On April 3, 2019, the Community Advisory Commission received a presentation from the City's Engineering Division and recommended the City Council approve the installation of speed humps on Hanlon Way, as proposed.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

Staff has verified all criteria and warrants have been met for the installation of speed humps on Hanlon Way, between Loftus Road and West Trident Drive, with the exception of City Council approval. The criteria used is summarized on the attached Investigation Form for Hanlon Way.

ATTACHMENTS: Resolution
 Investigation Report
 Site Map

Report Prepared By: Paul Reinders, Senior Civil Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

A Resolution Approving)
Speed Humps on Hanlon)
Way _____)

RESOLUTION NO. 19-

The Pittsburgh City Council DOES RESOLVE as follows:

WHEREAS, on May 17, 2004, the City Council adopted Resolution 04-10078, approving the City's current Traffic Calming Policy; and

WHEREAS, the City has received an application for the installation of speed humps on Hanlon Way; and

WHEREAS, on April 3, 2019, the City's Community Advisory Commission recommended that the City Council approve the installation of speed humps on Hanlon Way, between Loftus Road and West Trident Drive; and

WHEREAS, staff has evaluated the Traffic Calming Policy criteria for installing speed humps on Hanlon Way between Loftus Road and West Trident Drive, and has determined that all criteria and warrants have been met with the exception of City Council approval.

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

- Section 1. The recitals set forth above are true and correct and are hereby incorporated.
- Section 2. The City Council hereby approves the installation of speed humps on Hanlon Way, between Loftus Road and West Trident Drive.
- Section 3. 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 6th day of May, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk

City of Pittsburg

Engineering Department

Civic Center, P.O. Box 1518, Pittsburg CA 94565

Phone: (925) 439-4930

Speed Hump Request Investigation

Street Name: Hanlon Way Posted Speed: 25 mph

Limits: Loftus Road and W. Trident Drive

- Initial Petition Submitted and Verified ☒ Yes No No. Of Signatures: 11
- Residential local or collector street ☒ Yes No ☒ Local ☐ Collector
- No Bus Route ☒ Yes No
- Improved streets with curb and gutter ☒ Yes No
- Posted speed limit of 25 or 35 MPH ☒ Yes No Posted: 25
- 15% of traffic must be at least 6 MPH greater than the existing speed limit ☒ Yes No Critical Speed: 36
- The average daily traffic is more than 500 and no more than 3000 vehicles per day ☒ Yes No A.D.T: 1047
- Street with a grade equal or less than 5 percent ☒ Yes No Grade: 1.1%
- Street segment 750' or longer ☒ Yes No Length: 1045 lf
- Two Other Traffic Calming Strategies Deemed Ineffective ☒ Yes No 1.) targeted police enforcement
2.) radar speed feedback trailer
- All Preliminary Warrants Met ☒ YES NO
- The installation of speed humps shall not unduly affect response times of emergency services as determined by the City Traffic Engineer.
- "Request for Speed Humps" petition on file and addresses verified with 67% approval. ☒ Yes No %: 74

NOTES: _____

Investigation Completed By: Giovanni Pereira Date: 3/8/2019

Priority Score (PS)= V+AR

V: 11

AR: 2

PS: 13



— = Proposed Speed Hump Location



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Directing the Engineer of Work to Prepare and File an Annual Report for the Citywide Landscaping and Lighting Assessment District 88-01 for Fiscal Year 2019-2020

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Citywide Landscaping & Lighting Maintenance District 88-01. Upon receipt and approval of the Engineer's Report, the City Council may then order that the liens be placed on the County tax roll. Revenue collected through this district is necessary to fund the landscaping and lighting operations on a citywide basis.

FISCAL IMPACT

The fiscal impact of the approval of Landscaping & Lighting Maintenance District 88-01 has not yet been determined for FY 2019-20. This will be part of the next step with review of the Engineer's Report. For FY 2018-19 the assessments to be collected are estimated at \$2,896,398. This amount reflects the increase approved by voters in June 2007 of \$25 per benefit factor for each residential land use, resulting in a total assessment of \$102.18 per benefit factor. The approved spending plan to maintain the district was estimated at \$4,156,472. A transfer of \$998,507 that includes the City's subsidy of assessments on school properties and assessments on City-owned properties, has been budgeted from the General Fund. A total of \$156,567 in fund balance and other revenue are expected to cover expenditures that exceed the assessments collected for this Citywide Maintenance District. In addition, last year the City budgeted Measure J Funds in the amount of \$105,000 to cover the cost of concrete repairs (damaged by street trees) within the District.

RECOMMENDATION

City Council approve the attached resolution directing the Engineer of Work to prepare and file an annual report for Fiscal Year 2019-20 for District 88-01.

BACKGROUND

In June 1988, the City Council confirmed the Engineer's Report, ordered improvements and levied the first annual assessment for District 88-01. Since then, the funds collected annually by this district support the City's landscaping and lighting operations citywide. Services include the following:

Park maintenance, including park related structures (restrooms, pool, etc.);
Street median and right-of-way landscaping maintenance;
Street tree maintenance;
Sidewalk repair related to street tree damage only; and
Street light energy costs and maintenance.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

State statutes mandate the annual renewal procedures for District 88-01. The first step is for the City Council to direct the Engineer of Work to prepare and file an annual report. The report will be submitted for Council consideration in June. Following preparation of the annual Engineer's Report, the City Council will be asked to adopt a resolution of intention to levy and collect assessments within the district. In July, the Council will hold a public hearing before considering confirming the district and levying the annual assessments.

ATTACHMENTS: Resolution

Report Prepared By: Gina Haynes, Senior Civil Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Directing the Engineer of Work to Prepare	)	RESOLUTION 19-
and File an Annual Report for Landscaping &	)	
Lighting Assessment District 88-01, Citywide	)	
(Fiscal Year 2019-20)	)	

The Pittsburgh City Council DOES RESOLVE as follows:

WHEREAS, Streets and Highways Code Section 22500, et seq. contains the Landscaping & Lighting Act of 1972 (the "Act"), which governs assessments to be levied for landscaping and lighting improvements; and

WHEREAS, the Act outlines certain steps that must be taken each year to renew existing landscaping and lighting maintenance assessment districts; and

WHEREAS, the City Council desires to renew Landscaping & Lighting Maintenance Assessment District 88-01.

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

Section 1:

The recitals set forth above are true and correct statements.

Section 2:

The City Council finds that there are no proposed new improvements or any substantial changes in the existing improvements to Landscaping & Lighting Assessment District 88-01, Citywide (District 88-01).

Section 3:

The City Council hereby directs Richard Abono, Engineer of Work for District 88-01, to prepare and file with the City Clerk an annual report in accordance with Section 22622 of the Act.

Section 4:

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 6th day of May, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:
ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Directing the Engineer of Work to Prepare and File an Annual Report for the Oakhills Landscaping and Lighting Assessment District 88-02 for Fiscal Year 2019-2020

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

Directing the Engineer of Work (City Engineer) to prepare and file the Engineer's Report is the first of three steps in the annual renewal process for the Oakhills Landscaping & Lighting Maintenance District 88-02. Upon receipt and approval of the Engineer's Report, the City Council may order that the assessments be placed on the County tax roll. Revenue collected through this district is necessary to fund the City's landscaping and lighting operations in the Oakhills area.

FISCAL IMPACT

The fiscal impact of the approval of Landscaping & Lighting Maintenance District 88-02 has not yet been determined for FY 2019-20. This will be part of the next step with review of the Engineer's Report. For FY 2018-19 the assessments to be collected are estimated at \$33,959. The approved spending plan was \$35,175. The difference will be covered by a small remaining fund balance from the prior year.

RECOMMENDATION

City Council approve the attached resolution directing the Engineer of Work to prepare and file an annual report for Fiscal Year 2019-20 for District 88-02.

BACKGROUND

In June 1988, the City Council confirmed the Engineer's Report, ordered improvements and levied the first annual assessment for District 88-02. Since then, the funds collected annually by this district support the City's landscaping and lighting operations in the Oakhills area.

Services include the following:

Park maintenance, including park related structures (restrooms, playground structures, etc.);
Street median and right-of-way landscaping maintenance;
Street tree maintenance;
Sidewalk repair related to street tree damage; and
Street light energy costs and maintenance.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

State statutes mandate annual renewal of District 88-02. The first step is for the City Council to direct the Engineer of Work to prepare and file an annual report. The report will be submitted for Council consideration in June. Following preparation of the annual Engineer's Report, the City Council will be asked to adopt a resolution of intention to levy and collect assessments within the district. In July, the Council will hold a public hearing prior to considering confirming the district and levying the annual assessments.

ATTACHMENTS: Resolution

Report Prepared By: Gina Haynes, Senior Civil Engineer

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In The Matter of:

Adoption of a City Council Resolution to Direct)	
the Engineer of Work to Prepare and File an)	RESOLUTION 19-
Annual Report for Landscaping & Lighting)	
Assessment District 88-02, Oakhills)	
(Fiscal Year 2019-20)	

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, Streets and Highways Code Section 22500, et seq. contains the Landscaping & Lighting Act of 1972 (the "Act"), which governs assessments to be levied for landscaping and lighting improvements; and

WHEREAS, the Act outlines certain steps that must be taken each year to renew existing landscaping and lighting maintenance assessment districts; and

WHEREAS, the City Council desires to renew Landscaping & Lighting Maintenance Assessment District 88-02.

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

Section 1:

The recitals set forth above are true and correct statements.

Section 2:

The City Council finds that there are no proposed new improvements or any substantial changes in the existing improvements to Landscaping & Lighting Assessment District 88-02, Oakhills (District 88-02).

Section 3:

The City Council hereby directs Richard Abono, Engineer of Work for District 88-02, to prepare and file with the City Clerk an annual report in accordance with Section 22622 of the Act.

Section 4:

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 6th day of May, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Approving the Final Map, Subdivision Improvement Agreement, and Improvement Plans for Subdivision 9453 Liberty Subdivision

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

The Final Map, Improvement Plans, and Subdivision Improvement Agreement for Subdivision 9453, Liberty Subdivision are ready for approval. This Resolution will authorize the City Manager to execute the Subdivision Improvement Agreement and approve the Final Map and Improvement Plans for the Subdivision.

FISCAL IMPACT

Costs for plan review and processing of the project plans are revenue neutral. Staff costs are recovered through typical revenues collected for major subdivision projects in Fund 110 (General Fund).

RECOMMENDATION

City Council adopt the attached resolution authorizing the City Manager to execute the Subdivision Improvement Agreement for Subdivision 9453, Liberty Subdivision and approving the Final Map and Improvement Plans.

BACKGROUND

The Liberty subdivision consists of 4.89 acres at 350 Central Avenue that will be subdivided for 57 single family homes, and provide a 12,000 square foot tot lot onsite.

On May 8, 2018, the Planning Commission adopted Resolution No. 10099 recommending approval of a General Plan Map Amendment, Rezoning, Vesting Tentative Subdivision Map, Development Agreement, Design Review and Tree Removal Permit for Subdivision 9453, Liberty Subdivision.

On June 4, 2018 the City Council adopted Resolution 18-13501 to approve a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, General Plan Map Amendment, Vesting Tentative Map, Design Review and Tree Removal Permit for a 57-unit, Single-Family Residential Subdivision, by adoption of Resolution No. 18-13501.

On June 18, 2018 the City Council approved a Zoning Map Amendment and Development Agreement for the Liberty Residential Subdivision with the adoption of Ordinance 18-1450.

SUBCOMMITTEE FINDINGS

This item was not presented at a subcommittee.

STAFF ANALYSIS

The Final Map and Improvement and Grading Plans for Subdivision 9453, Liberty Subdivision, are in substantial conformance with the approved Vesting Tentative Map, subdivision regulations, and construction standards.

The Developer shall fully comply with the Development Agreement dated June 29, 2018 including payment of fees referenced therein. The City and the Developer will enter into a Subdivision Improvement Agreement guaranteeing satisfactory completion by the Developer of all improvements related to Subdivision 9453, Liberty Subdivision.

Approval of the Final Map, Improvement Plans, and Subdivision Improvement Agreement is statutorily exempt from environmental review under Article 18, Section 15268 "Ministerial Projects", of the Guidelines for the Implementation of the California Environmental Quality Act.

ATTACHMENTS: Resolution
 Revised Subdivision Improvement Agreement
 Site Plan

Report Prepared By: Jolan Longway, Clean Water Program Coordinator

Recorded At The Request Of:
CITY OF PITTSBURG

Return Recorded Copy To:

CITY OF PITTSBURG
ENGINEERING RECORDS
65 CIVIC AVENUE
PITTSBURG, CA 94565-1518

SUBDIVISION IMPROVEMENT AGREEMENT
Subdivision 9453
Liberty Subdivision

THIS AGREEMENT is made and entered into on _____, 2019 by and between Liberty Developers, LLC., a California corporation (hereinafter referred to as "Developer") and the City of Pittsburg, a municipal corporation, (hereinafter referred to as "City").

WHEREAS, Developer will construct certain public and private improvements in connection with Subdivision 9453, Liberty for which Improvement Plans have been approved and are on file in the office of the City Engineer. Said improvements include, but are not limited to, those shown and described on the approved Improvement Plans for said subdivision.

NOW, THEREFORE, DEVELOPER AGREES TO:

1. Comply with and/or satisfy all conditions of approval as imposed by the City Council and/or its Commissions.
2. Construct all infrastructure improvements as indicated in the approved Improvement Plans and Grading Plans in compliance with the City's Standard Specifications and the City's Standard Details.
3. All subdivision improvements shall be completed within thirty six (36) months from the date of approval of the Final Map by the City Council.
4. Incorporate all reasonable modifications to the approved plans during construction as directed by the City Engineer, when required by field conditions and/or public safety.
5. Obtain written approval from the City Engineer prior to performance of any construction not in compliance with the approved plans and specifications.

6. Conform to all applicable provisions of state and federal law and the Pittsburgh Municipal Code.
7. Comply with all of the Contra Costa Fire Protection District's requirements including, but not limited to fire flow, residual pressure, hydrant locations, and accessibility.

Pay the following fees and deposits to the City, prior to the execution of this Agreement:

8. The remaining balance of the Improvement Plan Review Fee in the amount of Fifteen Thousand, Eight Hundred Fifty-Nine Dollars (\$15,859). An initial payment of Twelve Thousand Six Hundred Seventy-Two Dollars (\$12,672.38) was paid to the Engineering Department for initial review of the improvement plans.
9. An Improvement Inspection Fee of Forty-Five Thousand, One Hundred Eight Dollars (\$45,108)
10. The remaining balance of Grading Plan Review Fee in the amount of Four Hundred Sixty-Four Dollars (\$464). An Initial Payment of Four Hundred Sixty-Three Dollars and Ninety-Three Cents (\$463.93) was paid to the Engineering Department for initial review of the grading plans.
11. A Grading Inspection Fee of One Thousand, One Hundred Thirteen Dollars (\$1,113).
12. A Sanitary Sewer Closed Circuit Television Inspection Deposit in the amount of Two Thousand Five Hundred Eighteen Dollars (\$2,518)
13. A Geographical Information System Fee (G.I.S.) in the amount of Five Thousand Seven Hundred Dollars (\$5,700)
14. The developer shall pay an NPDES Plan Review fee of Three Thousand Dollars (\$3,000)
15. The developer shall pay an NPDES inspection deposit of Twenty Four Thousand Dollars (\$24,000)

The Developer shall pay the following fees prior to the issuance of Building Permits:

16. The developer will fulfill their Parkland Dedication requirements in accordance with the Development Agreement for Parkland Dedication In-Lieu Fee effective June 29, 2018, as approved by City Council with the adoption of Ordinance 18-1450. These fees shall be paid to the Engineering Department at the rate in place at the time of building permit issuance.
17. The developer shall pay the City of Pittsburg Facilities Reserve Charge (PMC Chapters 13.08, 13.12 and 13.24) (the "FRC") to the Engineering Department, for water and sewer service in the amounts in effect when the applicant obtains a Building Permit. The applicant understands that the current FRC on file, effective August 20, 2005, shall be paid in accordance with the fee schedule approved by Resolution No. 05-10290, and amended by Resolution No. 12-11778, on February 21, 2012, a copy of which is available at the City. The FRC shall be paid to the Engineering Department prior to the issuance of a Building Permit.
18. The Developer will fulfill their Local Transportation Mitigation Fee (the "LTMF") requirements in accordance with the Development Agreement for City Local Traffic Mitigation Fee effective June 29, 2018, as approved by City Council with the adoption of Ordinance 18-1450. These fees shall be paid to the Engineering Department at the rate in place at the time of building permit issuance.
19. The Developer will fulfill their Regional Traffic Mitigation Fee ("RTDIM") requirements in accordance with the Development Agreement for Regional Traffic Fee effective June 29, 2018, as adopted by City Council with the adoption of Ordinance 18-1450. These fees shall be paid to the Engineering Department at the rate in place at the time of building permit issuance.
20. Provide certificates on a form approved by the City for the following insurance coverage:
 - a. Workers' Compensation Insurance, and
 - b. Liability insurance in the amount of One Million Dollars and No Cents (\$1,000,000.00) Personal Injury, and Five Hundred Thousand Dollars and No Cents (\$500,000.00) Property Damage.

Said insurance coverage shall be maintained in full force and effect throughout the life of this Agreement and all policies shall provide for at least thirty (30) days prior notice to City before cancellation. Should said coverage(s) lapse at any time, City shall have the right to:

- a. Procure said insurance(s) on behalf of the Developer and Developer shall reimburse City for any and all costs incurred thereof; or
 - b. Order all subdivision construction stopped until new certificate(s) of coverage are provided and deemed satisfactory to the City.
18. Developer shall defend, indemnify and hold harmless the City, its officers and employees from any and all actions or causes of action filed by any person or persons claiming damage as a result of this approval or the public improvement work required hereunder and to pay any and all reasonable attorney's fees incurred by the City as a result of any legal action which may arise in connection therewith.
19. Developer shall provide a surety in the amount of Two Hundred Eighty-Five Thousand, Four Hundred Seventy Dollars (\$285,470) prior to City Council's approval of the Final Map and Improvement Plans. The surety shall be in accordance with the State Subdivision Map Act, and as approved by the City Engineer.
20. Prior to acceptance of the subdivision as complete by the City Council, the Developer shall submit a copy of the recorded Final Map and record drawings for grading and subdivision improvements.
21. The Developer shall provide a Warranty Bond in the amount of Twenty-Eight Thousand, Five Hundred Forty Seven Dollars (\$28,547). This warranty bond shall be released only upon correction of any defects or failures, including cause of failure or defect, of the subdivision improvements to the satisfaction of the City Engineer.
22. Warranty all improvements installed pursuant to this Agreement for twelve (12) months after the City Council's acceptance date for the public improvements as complete.

IT IS MUTUALLY STIPULATED AND AGREED THAT:

1. The public improvements installed in connection with this Agreement shall not be considered accepted as complete until the City Council adopts a resolution accepting said improvements as being in compliance with the approved plans and specifications and any approved modifications thereto.

Public improvements are those specifically defined as being located within public or proposed public roadways or easements and accepted by City Council resolution. Other improvements shall be constructed in accordance with the City's Standard Specifications and Standard Details and shall be appropriately inspected by the City, but will not be maintained by the City.

Adoption of said resolution, periodic and/or progress inspections, acceptance of any portion of said work, or approvals of any other nature shall not bind the

City to accept any modification made to the approved plans without the City Engineer's approval.

2. Time is of the essence in this Agreement and the obligations undertaken herein shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on this date first written above.

CITY OF PITTSBURG

Liberty Developers, LLC.

Garrett Evans, City Manager

Albert D. Seen0, III

ATTEST:

President

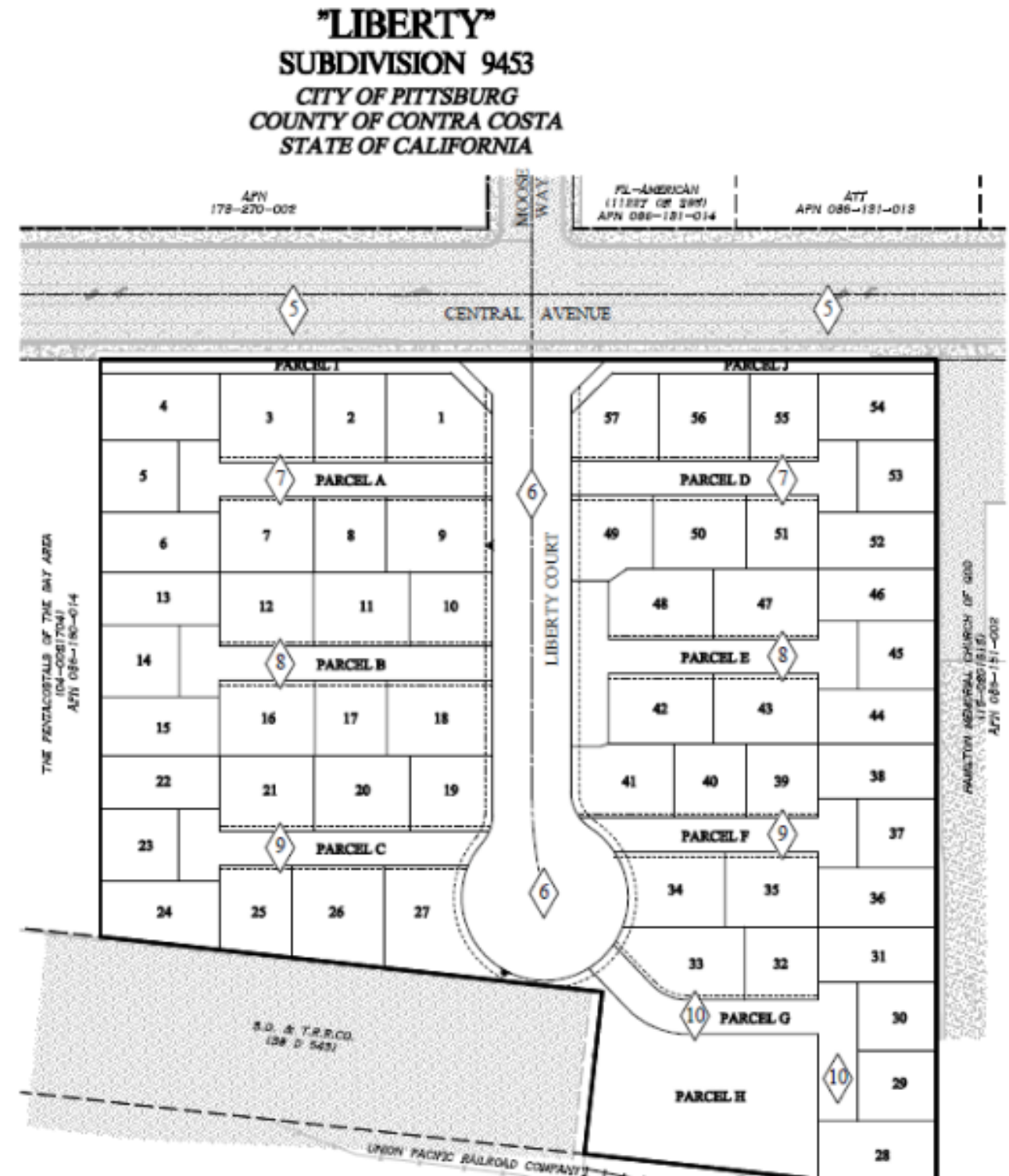
Alice E. Evenson, City Clerk

APPROVED AS TO FORM:

City Attorney

Developer must attach Notary Statement

Site Plan



BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Approval of the Final Map, Improvement)	
And Grading Plans, and Subdivision)	
Improvement Agreement for Subdivision)	RESOLUTION NO. 19-
<u>9453 Liberty Subdivision)</u>	

The Pittsburgh City Council DOES RESOLVE as follows:

WHEREAS, on May 8, 2018, the Planning Commission recommended approval of the General Plan Amendment, Rezoning, Vesting Tentative Subdivision Map, Development Agreement, Design Review and Tree Removal Permit, by adoption of Resolution No. 10099; and

WHEREAS, on June 4, 2018 the City Council approved Resolution 18-13501 approving a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, General Plan Map Amendment, Vesting Tentative Map, Design Review and Tree Removal Permit for a 57-unit, Single-Family Residential Subdivision; and

WHEREAS, on June 18, 2018 the City Council adopted Ordinance 18-1450 approving a Zoning Map Amendment and Development Agreement for the Liberty Residential Subdivision; and

WHEREAS, the Liberty Subdivision consists of 4.89 acres, which will be subdivided into 57 single-family homes. This tract is located at 350 Central Avenue; and

WHEREAS, the City Engineer certifies that the Final Map, Improvement and Grading Plans for Subdivision 9453, are in substantial conformance with the approved Vesting Tentative Map; and

WHEREAS, the City and Liberty Developers, LLC. (Developer) will enter into a Subdivision Improvement Agreement (the "Improvement Agreement") guaranteeing satisfactory completion by the Developer of all improvements related to Subdivision 9453, Liberty Subdivision; and

WHEREAS, the Developer shall fully comply with the Development Agreement dated June 29, 2018 including payment of fees referenced therein; and

WHEREAS, the City and Developer will enter into a Subdivision Improvement Agreement guaranteeing satisfactory completion by the Developer of all improvements related to Subdivision 9453, Liberty Subdivision; and

WHEREAS, the Developer will pay all other required fees and provide all necessary bond requirements as outlined in the Improvement Agreement.

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

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

Section 2. Approval of the Final Map, Improvement and Grading Plans, and Subdivision Improvement Agreement is statutorily exempt from environmental review under Section 15268, Article 18 of the Guidelines for the implementation of the California Environmental Quality Act.

Section 3. The Final Map is hereby approved. The City Clerk, City Engineer (or his designee) and Secretary of the Planning Commission are authorized and directed to execute their respective statements on the Final Map.

Section 4. The Improvement and Grading Plans are hereby approved and the City Engineer (or his designee) is authorized and directed to sign the plans.

Section 5. The Improvement Agreement is hereby approved, and the City Manager is authorized and directed to execute said Agreement on behalf of the City upon the Developer's submittals of the executed Subdivision Improvement Agreement, complete with the required bonds, insurance certificates, and payments specified in said Agreement.

Section 6. The City Engineer is authorized and directed to file the Improvement Agreement with the Office of the Recorder of the County of Contra Costa, State of California.

Section 7. 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 6th day of May 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution to Authorize and Execute an Agreement with The 100 Companies LLC for the East Bay 100

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

The resolution would authorize staff to enter into an Agreement with The 100 Companies LLC to develop and publish a digital media platform called “The East Bay 100”.

FISCAL IMPACT

The Agreement is for five (5) years at a cost of \$116,514 which includes a contingency of \$5,000 for story writing. The Agreement allows for early termination after each 12-month period with no penalty or further obligation. The Agreement is for a monthly frequency of six (6) stories per issue at a cost of \$21,000 for the initial year. There is a \$2,500 start-up fee due upon execution of the Agreement in addition to the annual fee. The total amount of \$119,014 to be funded by the Pittsburg Power Company account (Fund 590).

RECOMMENDATION

Approve the Membership Agreement with The 100 Companies LLC and authorize the City Manager to complete any additional tasks required to carry out the obligations of the Resolution and execute additional documents as may be necessary.

BACKGROUND

Staff has been reviewing innovative and engaging ways to market the City of Pittsburg to potential businesses, industries, and site selectors. The Economic Development Department created the ThinkPittsburg.com website in 2017 to assist in providing site specific and demographic information to site selectors. Additionally, the Department has increased its social media presence and is currently examining other means of marketing, outreach, and engagement tools.

The 100 Companies is an international digital media channel with a focus on a variety of market-specific business-related, business or civic community information, including best practices, profiles, events, culture, entertainment, dining and history. The 100 Companies reaches more than 500,000 global readers through its content marketing platform.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The City of Pittsburg would like to begin expansion of its digital presence by marketing to the business and industrial community in the East Bay, through the use of the East Bay 100 eNewsletter that is published and distributed by The 100 Companies LLC. The East Bay 100 features exactly 100-word articles and exactly 100-second videos on topics of intrigue. The City controls the content, delivery date, frequency and distribution database. The East Bay 100 provides the opportunity to position the City as thought leaders and subject-matter experts, while giving you the ability to publish their stories across our network, thus expanding our visibility on a national and international scale.

The East Bay 100 will be distributed to a targeted database of 20,000 contacts in Contra Costa and Alameda Counties that meet the following minimum criteria:

- Profile is ages 35 to 65; college degree
- Profile is manager, director, VP and C-Level
- Company size is 5 or more employees

The City Manager's Office and the Economic Development Department will be primarily responsible for the content creation.

ATTACHMENTS: Resolution
 Agreement

Report Prepared By: Kolette Simonton, Assistant Director of Recreation & Economic Development

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Resolution to Authorize and)
Execute and Agreement with the 100)
Companies LLC for the East Bay 100)

RESOLUTION NO. 19-

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the City of Pittsburg, has been reviewing innovative and engaging ways to market to potential businesses, industries, and site selectors; and

WHEREAS, the City of Pittsburg would like to begin the expansion of its digital presence by marketing to the business and industrial community in the East Bay through the use of an eNewsletter; and

WHEREAS, the 100 Companies LLC is an international digital media channel with a focus on market specific business-related topics and community information through an eNewsletter; and

WHEREAS, the City and the 100 Companies LLC have agreed upon the brand East Bay 100 for the eNewsletter which will be distributed to a targeted database of 20,000 contacts in Contra Costa and Alameda Counties; and

WHEREAS, the total cost of the Agreement for the East Bay 100 eNewsletter will cost \$116,514 which includes a contingency of \$5,000 for story writing to funded from Pittsburg Power Company (Account 590-47101-2199); and

WHEREAS, the Terms are more particularly set forth in the staff report accompanying this resolution which is hereby incorporated into this resolution by this reference; and

WHEREAS, the City desires to enter into a five (5) year Agreement with the 100 Companies LLC to utilize their digital media channel to produce and distribute the East Bay 100 eNewsletter.

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

Section 1.

The recitals set forth above are true and correct and are hereby incorporated

Section 2.

The attached Agreement is approved and the City Manager is authorized to make such necessary changes and to execute such documents and to take all actions necessary or appropriate to carry out the obligations pursuant to this Resolution.

Section 3.

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 6th day of May, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk



Membership Agreement

This Membership Agreement (together with all exhibits, the "Agreement") is by and between The 100 Companies LLC ("THE 100") and the following:

Member: City of Pittsburg

Effective Date: July 1, 2019

Protected Territory: (check one)

- ☒ Protected Geography
☐ Protected Field

Issues per Year - 12

Describe: Contra Costa County and Alameda Counties, CA (the "Protected Territory")

The term Member shall include any entity which, directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with Member, including without limitation, any newly formed entity to conduct the Local Business. THE 100 and Member are sometimes hereinafter individually referred to as a "Party" and collectively referred to as the "Parties." All of the terms and conditions set forth herein, including those contained in the attached Terms and Conditions, attached hereto as Exhibit A (the "Terms") and the Operations Document, attached hereto as Exhibit B (the "Document"), are hereby incorporated by reference and made a part of the Agreement, binding and enforceable between the Parties as of the Effective Date. In case of conflict or inconsistency, the terms of the Agreement shall govern. Capitalized terms used but not otherwise defined in the Agreement shall have the same meanings ascribed to them in the Terms.

WHEREAS, THE 100 developed and manages a network of member entities and individuals, as indicated on Exhibit C (and others as may be added or removed by THE 100 from time to time in its sole discretion without notice) (collectively, the "Members" or the "Membership"), that publishes and circulates electronic newsletters, websites and social media channels (the "Content") comprised of 100-word stories and 100-second videos about news and lifestyle events (the "Format"), using THE 100's Marks and Methods (the "Business");

WHEREAS, Member desires to become a member of THE 100 and operate a local franchise of the Business within the Protected Territory (the "Local Business"), and THE 100 desires to grant Member a license to operate the Local Business;

NOW, THEREFORE, in consideration of the mutual covenants and promises of the Parties and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the Parties agree as follows:

A. Name. The Business will be named **The East Bay 100**.

B. License. Subject to the terms and conditions of the Agreement, including without limitation Section 5 of the Terms, THE 100 hereby grants to Member a non-exclusive license to use the Marks and Methods for the sole purpose of operating the Local Business in accordance with the Agreement and the Document.

C. Exclusive in Protected Territory. Subject to Section 4, provided that Member is in full compliance with the Agreement, during the Term THE 100 shall not grant another party rights, within the Protected Territory to: (i) operate a competing Local Business using the Marks, Methods or Formats (the "Licensed Property"), or (ii) publish content substantially similar to the Business.

D. Fees. Member shall pay to THE 100 an initial Start Up Fee of \$2,500 upon execution of the Agreement and the following fees (the "Membership Fees") during the applicable term based on publishing one e-Newsletter per month annually.

Period	Amount
Initial Term Membership Fee:	\$21,000
Year 2 Membership Fee	\$21,000
Year 3 Membership Fee	\$22,050
Year 4 Membership Fee	\$23,153
Year 5 Membership Fee	\$24,311

E. Term. The Agreement is for an initial, non-cancelable term of twelve (12) months from the Effective Date (the "Initial Term") and shall automatically renew for successive one (1) year periods (each an "Extension"), (together, the "Term"), unless either party provides the other party written notice of its desire to terminate at least ninety (90) days prior to the end of the then-current Term.

F. Email Lists. THE100 and Member shall jointly develop a database of email addresses (the "Email List") to receive the electronic newsletter (the "Local Newsletter") comprised of people within the Protected Territory, which may be supplemented by additional subscribers through the Local Newsletter or the Local Business' website (the "Local Website"). The Email List shall be owned and administered by THE 100 and THE 100 grants Member a non-exclusive, royalty free license to use the Email List during the Term. Email addresses provided by Member of its own clients or contacts shall remain owned by Member.

G. Copyrights. Subject to Section 6 of the Terms, Member shall create, develop, publish, and circulate six (6) articles using THE 100's Format that are related to the Protected Territory ("Local Content"). Any present or future rights, including all copyrights, relating to the Local Website, Local Newsletter, Local Content and any other content created by THE 100 or Member for the Local Business belong solely and exclusively to THE 100 and Member hereby transfers and assigns any such rights to THE 100. Notwithstanding the foregoing, Member may repurpose its own Local Content elsewhere during the Term so long as Member does not represent that such material is original.

H. Miscellaneous. The Agreement and any Exhibits herein set forth the entire agreement and understanding between the Parties as to the subject matter hereof and supersedes all prior discussions, agreements and understandings of any kind, and every nature between them. The Agreement may not be modified or amended except in a writing signed by a duly authorized representative of each Party; no other act, document, usage or custom shall be deemed to amend or modify the Agreement. The Agreement shall be interpreted and enforced in accordance with the laws of the State of Georgia, without regard to principles of conflicts of law. Any claim or controversy that arises out of or relates to the Agreement, other than for Member's non-payment, will be settled by arbitration in Atlanta, Georgia, in accordance with the American Arbitration Association rules and each Party hereby consents to jurisdiction in Atlanta Georgia. Judgment upon the award rendered may be entered in Cobb County Superior Court. Each Party waives any objection which it may have to venue of any such arbitration proceeding and agrees that Georgia is the most convenient forum for any such arbitration, suit, action, or legal proceeding. Claims regarding unpaid accounts may be referred to a collection agency or attorney for collection and may be brought in state or Federal courts located within Cobb County, Georgia. All costs of collection, including reasonable attorney fees, shall be paid by Member to THE 100 in addition to all other amounts due.

MEMBER INFORMATION:

Company Name:	City of Pittsburg
Address:	65 Civic Avenue
Contact:	Kolette Simonton
E-mail Address:	KSimonton@ci.pittsburg.ca.us

BILLING INFORMATION (if different from Member Information)

Address:	
Contact:	
E-mail Address:	

IN WITNESS HEREOF, the Parties hereto have caused this Membership Agreement to be executed and delivered as of the Effective Date indicated above.

THE 100 COMPANIES, LLC

By: _____
Name: _____
Title: _____
Date: _____

MEMBER

By: _____
Name: _____
Title: _____
Date: _____

Exhibit A

Terms and Conditions

This Exhibit A is an integral part of the Membership Agreement (the "Agreement") by and between THE 100 and Member and is incorporated by reference into the Agreement. In case of conflict or inconsistency, the terms of the Agreement shall govern over this Exhibit A. Capitalized terms used but not otherwise defined in this Exhibit A shall have the same meanings ascribed to them in the Agreement.

1. Purpose. The purpose of the Local Business is to create, develop, publish, and deliver to recipients in accordance with the Document, the electronic Local Newsletter, Local Website and social media channels comprised of a combination of six 100-word stories and photos/videos about news, lifestyle events, legislative issues in the Protected Territory and statewide legislative issues created, developed, and submitted by the Members and THE 100 in accordance with the Document.

2. Membership Fees. THE 100 will invoice Member, via email, on or about the fifth business day of the following month end. Member will pay all fees payable under the Agreement within fifteen (15) days of the invoice date via electronic funds transfer to an account designated by THE 100. THE 100 shall initiate an ACH for any amount outstanding on or about the first day of the following month, or after the net terms have expired. Member will execute an ACH Transfer Authorization Exhibit to authorize the ACH. If Member fails to pay any amounts when due under the Agreement, Member shall pay to THE 100 interest on such past due amounts from the date due until paid at the rate of one and one half percent (1½%) of the unpaid balance per month or, where a lower rate is prescribed by law, the highest rate thereby permitted. In the event of such nonpayment, subject to Member's five (5) business day right to cure, THE 100 may at its option and in addition to any other right that it has under the Agreement at law or in equity, terminate the Agreement.

3. Early Termination.

- a. *Mutual Termination for Breach.* Notwithstanding Section E of the Agreement, either Party may terminate the Agreement immediately upon providing written notice thereof to the other party, if the other party materially breaches the Agreement or the Document and fails to cure such breach within thirty (30) days after receiving written notice from the non-breaching Party (except that the cure period shall be five (5) calendar days with respect to any breach involving failure by Member to pay amounts due and payable under the terms of the Agreement).
- b. *Bankruptcy or Insolvency.* Notwithstanding Section 3(a), THE 100 may terminate the Agreement immediately if Member: (A) voluntarily commences any proceeding or files any petition seeking relief under Title 11 of the United States Code or any other federal, state or foreign bankruptcy, insolvency, liquidation or similar law; (B) becomes subject to any involuntary proceeding or petition seeking relief under Title 11 of the United States Code or any other federal, state or foreign bankruptcy, insolvency, liquidation or similar law, which proceeding or petition is not stayed or dismissed within ninety (90) days after commencement or filing; (C) applies for, or consents to, the appointment of a receiver, trustee, custodian, sequestrator, or similar official for such Party or for a substantial part of its property or assets; (D) makes a general assignment for the benefit of creditors; (E) takes corporate action for the purpose of effecting any of the foregoing; or (F) liquidates, winds up, or ceases its business operations, for any reason.
- c. *No Refunds; Acceleration of Fees.* If Member breaches the Agreement, there shall be no refund, in whole or in part, of any payments already made, and Member shall make all payments due prior to the date of termination. Member acknowledges that THE 100 will make significant investments of time and money in Member throughout the duration of the Agreement to meet the needs of Member and which are not charged directly to Member but are recouped in fees paid during the Agreement. Accordingly, in the event that the Agreement is terminated prior to the end of the Term due to Member's breach, Member shall pay a fee for termination ("Termination Fee") equal to the average monthly Membership Fee prior to termination multiplied by the number of remaining months in the Term or six (6) months, whichever is longer. The Termination Fee shall be liquidated damages, a non-exclusive remedy, and not a penalty. THE 100 shall be entitled to recover any costs of collection, including reasonable attorney's

fees and costs, incurred in collection of the Termination Fee. Member acknowledges that Member shall have no right to withhold any payment due as a set off against claims against THE 100 and hereby waives any such claim as a defense to termination by THE 100.

- d. *Rights Terminated.* Upon termination of the Agreement pursuant to this Section 3, (i) the rights granted to Member hereunder shall immediately terminate, (ii) Member shall immediately take all action required to cancel all assumed names, corporate names or equivalents relating to the use of the Marks by Member, and (iii) Member shall not, directly or indirectly, in any manner, identify itself or any individual connected with it as "THE 100" or as otherwise having been associated with THE 100. Member acknowledges that Member's failure to abide by the provisions of this Section 3(d) will result in irreparable harm to THE 100, and that THE 100's remedy at law for damages will be inadequate. Accordingly, THE 100 shall be entitled to injunctive relief (including the remedy of specific performance) in addition to any other remedies available at law or in equity, without posting any bond.
 - e. *Other Remedies.* Termination of the Agreement shall be in addition to any other right or remedy which the terminating party may have either at law or in equity or under the Agreement. The right of termination granted hereby is in addition to, and not in lieu of, any and all other rights and remedies available to each party at law, in equity or otherwise, all of which are cumulative.
 - f. *Rights to Protected Territory.* Upon expiration or termination of the Agreement, THE 100 shall, in its sole discretion, be entitled to: (i) operate the Local Business within the Protected Territory using the Licensed Property and the Email List, or (ii) grant to any third-party rights to operate the Local Business within the Protected Territory using the Licensed Property and Email List.
- #### **4. Protected Territory.**
- a. *Location Selection and Protection.* Member is solely responsible to independently assess the geographic location and size of the Protected Territory. Nothing contained in the Agreement shall constitute a representation or warranty of any kind as to the appropriateness of and the potential success or profitability of the Local Business in the Protected Territory.
 - b. *Types.* Members have either protected geographic territories, which may vary in size from a city, state or other geographic area (each, a "Protected Geography") or protected subject matter issues (each, a "Protected Field") which may overlap with a Protected Geography (Protected Geographies and Protected Fields are referred to collectively as "Protected Territories"), and Members are prohibited from actively soliciting subscribers or advertisers outside of their respective Protected Territories. THE 100 has granted licenses and intends to grant additional licenses in the future to new Members outside of Member's Protected Geography or Protected Field, as applicable.
 - c. *Protected Fields.* To the extent that Member is granted a Protected Field, the exclusivity granted in Section C of the Agreement shall not be construed as an absolute ban prohibiting THE 100 or other Members from publishing any content related to the subject matter of the Protected Field whatsoever. THE 100 and other Members may occasionally publish content relating to the Protected Field, provided that it is de minimis (less than 10% of all content published over a one-year period). Members with Protected Fields acknowledge that they have no exclusive rights to any geographic territory.
 - d. *Protected Geographies.* To the extent that Member is granted a Protected Geography, the exclusivity granted in Section C of the Agreement shall not be construed as an absolute ban prohibiting Members with Protected Fields from publishing content related to Member's Protected Geography, from circulating its newsletter to recipients within Member's Protected Geography, or from promoting its website or soliciting subscribers from within Member's Protected Geography. Members with Protected Geographies acknowledge that they have no exclusive rights to any specific subject matter.
 - e. *Reservation of Rights.*

- i. Except as expressly limited by Section C, THE 100 retains all rights with respect to the Marks, Methods, Formats, all content, social media, Internet, industries, subject matter, and geographic territories and any other products, services, communications or content, anywhere in the world, including, without limitation, the right, and the right to grant others licenses, to create, develop, publish, circulate, commercialize, exploit, market or otherwise disseminate any content or provide any product or service outside of a Protected Territory through any channel, whether or not using the Marks.
- ii. THE 100 reserves all rights to operate or grant others the right to operate other Protected Geographies and other Protected Fields as THE 100 in its sole discretion, deems appropriate.
- iii. Member shall not attempt to exclude, control, or impose conditions on: (1) the location in which THE 100 or its Members (current and future) operate, (2) the development of other licenses using the Marks, Methods or Formats, or (3) any other products, services, activities, communications or content of THE 100, except for those that may result in a direct breach of the Agreement.

5. License.

- a. *No Ownership.* The non-exclusive license provided in Section B does not grant to Member any ownership interest in the Licensed Property. Member acknowledges and agrees that THE 100 owns all right, title, and interest in the Licensed Property and Member shall not contest, directly or indirectly, THE 100's ownership, title, right or interest in or to, or the validity of, the Marks, or any trade secrets, methods or procedures that are part of the Methods or any copyrights, or contest THE 100's sole right to register, use or license others to use the Marks, copyrights, trade secrets, methods or procedures or any other mark or name which incorporates the words "THE 100" or any similar words. Any copy, modification, revision, enhancement, adaptation, translation, or derivative work of or created from the Licensed Property made by or at the direction of Member shall be owned solely and exclusively by THE 100. In addition, all patent rights, copyrights, trade secret rights, trademark rights, and all other proprietary rights, worldwide, in the same shall be owned solely and exclusively by THE 100.
- b. *Use; Cooperation.* Member shall use the Marks only for the operation of the Local Business. Member shall comply, at THE 100's reasonable expense, with THE 100's instructions in filing and maintaining trade name or fictitious name registrations and shall execute all documents required by THE 100 to obtain protection for the Marks or to maintain their continued validity and enforceability. All provisions of the Agreement applicable to the Marks shall apply to any other trade names, trademarks, service marks or other commercial symbols licensed to Member by THE 100.
- c. *Termination.* Upon the expiration or termination of the Agreement for any reason, all rights of Member to use the Marks shall automatically revert to THE 100 without cost and without the execution or delivery of any document. Upon THE 100's request, Member shall execute all documents required by THE 100 to confirm such reversion.

6. Member Responsibilities.

- a. *Operations Document.* Member agrees to abide by the rules, procedures, standards, specifications, and requirements described in the Document. Member acknowledges that before Member executed the Agreement, THE 100 provided Member with sufficient time to (i) review the Document and Member has reviewed the Document, and (ii) consult with Member's own counsel about the Document.
- b. *Amendment of Document.* If at least 14 days before the effective date of an amendment, modification, or change to the Document, THE 100 (i) notifies Member in writing of its intent to amend, modify, or change the Document and the effective date thereof and (ii) provides to Member copies of the same, then that amendment, modification, or change to the Document, will become effective on the effective date specified therein.

- c. *Copyrights.* Subject to Section G, THE 100 shall have, and Member hereby irrevocably assigns and quitclaims to THE 100 the exclusive right, in THE 100's sole discretion, to bring an action for infringement of copyrights in any copyrightable property of THE 100. All rights to the Local Business, Local Website, Local Newsletter, Local Content and any other Content are hereby transferred and assigned to THE 100 and THE 100 grants to Member and Member accepts a non-exclusive, royalty-free license for the life of such copyrights transferred and assigned to THE 100 relating to the Local Business, Local Website, Local Newsletter, Local Content and other Content for purpose of all activities allowed or authorized by 17 USCS Sec. 106, et seq. THE 100 shall have the sole and exclusive right to prosecute, settle or compromise any and all actions for infringement of any and all copyrights, and THE 100 shall be entitled to retain any and all proceeds, damages and other sums, including attorneys' fees, recovered by or owed to THE 100 or its respective affiliates by reason of or in connection with any such infringement or action for infringement. Registration and other protection of copyrights, if any, shall be in the sole and absolute discretion of THE 100, and at THE 100's expense. Member shall execute and deliver to THE 100, its respective successors and assigns, any assignments, documents and instruments as THE 100 may reasonably request from time to time for the purposes of establishing, registering, evidencing, enforcing or defending THE 100's complete, exclusive, perpetual and worldwide ownership of all rights, titles and interests in THE 100's copyrights. If THE 100 decides, in its reasonable discretion, that Member should modify or discontinue using any of THE 100's copyrights, Member shall do so, provided that the parties shall use their reasonable efforts to discuss and agree upon any such proposed modification or discontinuance.

- d. *Proprietary Information.* Member acknowledges that at any time before or during the term of the Agreement, THE 100 may disclose to Member, either orally or in writing, certain trade secrets, know-how and confidential information (collectively, "Proprietary Information") relating to the management, operation, financial condition, business plans, strategies; marketing or promotion of the Local Business. Without limiting the generality of the foregoing, Proprietary Information shall also include (1) Methods, techniques, equipment, specifications, standards, policies, procedures, information, concepts and systems relating to and knowledge of and experience in the development, operation and licensing of the Local Business, and (2) the Document. Proprietary Information does not include information general known to the public, or in the public domain at no fault of the Member or developed or created by the Member. Member shall not, nor shall Member permit any unauthorized individual or entity to, use or disclose any Proprietary Information to any other unauthorized individual or entity; provided, however, that Member may use and disclose Proprietary Information to the extent necessary for Member's employees and independent contractors to perform their functions in the operation of the Local Business. Member shall take reasonable precautions to protect Proprietary Information from unauthorized use or disclosure, including without limitation conducting orientation and training programs for Member's employees and independent contractors to inform such employees of Member's obligation to protect all Proprietary Information from unauthorized use or disclosure, and such employees' responsibilities and obligations therefor. Member shall be liable to THE 100 for all unlawful disclosures of Proprietary Information by any individual or entity to whom Member has directly or indirectly disclosed such information.

7. Representations and Warranties.

- a. *By Member.* Member represents, warrants and agrees as follows:
 - i. The Agreement has been duly authorized and executed by or on behalf of Member and constitutes the valid and binding obligation of Member, enforceable in accordance with its terms.
 - ii. Member has reviewed the Agreement and has had sufficient time to consult with and ask questions of THE 100's representatives and consult with Member's own legal and other advisors about the potential risks and benefits of the Agreement.
 - iii. None of THE 100, its affiliates, officers, directors, managers, members, employees or agents has made any representation to Member about the historical revenues, earnings, or profitability of the operations of THE 100, its affiliates, or any other Member of THE 100, the Local Business or the anticipated revenues, earnings or profitability of the Local Business. In entering into the Agreement, the only information furnished by or on behalf of THE 100 on which Member is relying is contained herein.

- iv. Member shall devote adequate time and continuously exert its best efforts to operate, promote, and enhance the Local Business.
- b. *By THE 100.* THE 100 represents, warrants and agrees that the Agreement has been duly authorized and executed by or on behalf of THE 100 and constitutes the valid and binding obligation of THE 100, enforceable in accordance with its terms.

8. Restrictive Covenants.

- a. *Non-Competition.* For a continuous, uninterrupted period beginning immediately upon termination of this Agreement for any reason and continuing for two years thereafter, except as otherwise approved in writing by THE 100, Member shall not, directly or indirectly, for themselves or through, on behalf of, or in conjunction with any individual or entity:
 - i. own, have any record or beneficial interest in, manage, engage in, participate in or act as an agent for, whether as a director, officer, manager, employee, consultant, representative, instructor, advisory, coordinator, agent, or otherwise to any Competitive Local Business;
 - ii. perform services as a director, officer, manager, employee, consultant, representative, instructor, advisory, coordinator, agent, or otherwise for any Competitive Local Business;
 - iii. divert or attempt to divert any business or any customers to any Competitive Local Business;
 - iv. communicate, divulge or use for its benefit or the benefit of any other person or entity, any trade secrets or other Proprietary Information.
 - v. perform any other act injurious or prejudicial to the goodwill associated with the Marks and THE 100's system;
 - vi. solicit for employment or as an independent contractor any person who is at that time or was at any time within the immediate past 36 months employed by THE 100, Member, another licensed or any of their respective affiliates. Likewise, THE 100 shall not directly or indirectly hire any of the Member's employees within 36 months of the expiration or termination of this Agreement.

Nothing contained in this Section 8(a) shall be construed to prohibit Member from operating its current business (which includes emailed and online news) or from normal and customary business operations of a marketing and social media firm, including its posting of email and online news and entertainment content.

- b. *Non-Disparagement.* For the duration of this Agreement and for two years after its termination for any reason, Member shall not damage or destroy the goodwill and esteem of THE 100, or impair or interfere with the relationships of THE 100 with any of its members, instructors, employees, customers, and any individuals or entities that may have or have had business relations with THE 100.
- c. *Scope.* Member acknowledges that (1) the time, location, and scope of the provisions of this Section 8 are reasonable and necessary to protect THE 100's legitimate business interests, (2) Member has received sufficient and valid consideration in exchange for the same, (3) enforcement of the same would not impose undue hardship on Member, and (4) the period of protection provided to THE 100 by this Section 8 will not be reduced by any period of time during which Member is in violation of the provisions of this Section 8 or any period of time required for enforcement of this Section 8.
- d. *Blue Pencil.* If any part or parts of this Section 8 is held to be unenforceable or invalid, the parties desire that a court of competent jurisdiction modify those provisions to the extent necessary to cause those provisions to be reasonable, enforceable, and valid and, in the alternative, that the court should sever the remaining parts thereof so that they will continue to be valid and enforceable as though the invalid portion or portions were not a part hereof. If any of the provisions of this Section 8 relating to the periods or geographic area of restriction shall be deemed to exceed the maximum periods of time or

area which a court of competent jurisdiction would deem enforceable, the times and area shall, for the purposes of this Section 8, be deemed to be the maximum time periods and area which a court of competent jurisdiction would deem valid and enforceable in any state in which such court of competent jurisdiction shall be convened.

- e. *Violation.* Member acknowledges that the existence of any claim it may have against THE 100, whether or not arising from this Agreement, is not a defense to the enforcement this Section 8. The Parties acknowledge that compliance with the provisions of the foregoing paragraphs are necessary to protect their businesses and goodwill and that any actual or prospective breach will irreparably cause damage to them, for which money damages may not be adequate. Therefore, the Parties agree that if Member breaches, or attempts to breach, the obligations set forth herein, THE 100 shall be entitled to obtain temporary, preliminary and/or permanent equitable relief, without bond, to restrain such breach, together with any and all other legal and equitable remedies available under applicable law or as set forth herein.

9. Limitation of Liability. IN NO EVENT SHALL ANY PARTY BE LIABLE TO THE OTHER FOR ANY INCIDENTAL, CONSEQUENTIAL, SPECIAL, OR PUNITIVE DAMAGES (INCLUDING, WITHOUT LIMITATION, LOST PROFITS, LOST BUSINESS, LOSS OF DATA OR COST OF SUBSTITUTE SERVICES) ARISING OUT OF OR IN CONNECTION WITH ANY AGREEMENT BETWEEN THE PARTIES OR SERVICES PROVIDED TO MEMBER UNDER ANY THEORY OF LIABILITY (WHETHER IN CONTRACT, TORT, STRICT LIABILITY OR OTHERWISE). IN ADDITION, THE 100 SHALL ONLY BE LIABLE TO MEMBER FOR ANY DIRECT DAMAGES IN AMOUNT EQUAL TO (A) ACTUAL DAMAGES OR (B) \$500, WHICHEVER IS LESS, EXCEPT THAT THE 100 SHALL BE LIABLE TO ALL DAMAGES FOR INTELLECTUAL PROPERTY CLAIMS, NOTWITHSTANDING ANY PROVISION TO THE CONTRARY.

10. Disclaimer of Warranties. ALL RIGHTS AND SERVICES ARE PROVIDED ON AN "AS IS" BASIS. THE 100 EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, STATUTORY OR OTHERWISE, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND WARRANTIES AS TO ACCURACY, OR COMPLETENESS.

11. Mutual Indemnification.

- a. *Indemnification.* Each Party (each, an "Indemnifying Party") agrees to indemnify, defend and hold harmless the other Party and its affiliates, and their respective investors, officers, directors, managers, members, employees, contractors, successors, and assigns ("Indemnified Parties") from and against any and all losses, liabilities, costs, damages, claims, demands, judgments, proceedings, lawsuits, settlements, fines, fees, and penalties assessed by any governmental or regulatory authority, or expenses (including reasonable attorneys' fees and expenses) (collectively, "Losses") incurred by the Indemnified Party arising out of or related to any actual or alleged:
 - i. breach by the Indemnifying Party of any of its representations, warranties, covenants, or obligations under the Agreement or the Document;
 - ii. negligence, fraud, or willful misconduct on the part of the Indemnifying Party or its officers, directors, employees, agents, or representatives; or
 - iii. failure of the Indemnifying Party to comply with applicable law in the performance of its obligations related to the Agreement.
- b. *Member Indemnification.* Without limiting the generality of Section 11(a), Member shall also indemnify, defend and hold harmless THE 100's Indemnified Parties from and against any and all Losses arising out of or related to any actual or alleged:
 - i. any dispute between Member and its affiliated entities and their respective customers, vendors, employees, independent contractors or other third-parties;



- ii. any act, omission or breach by Member or other person engaged on Member's behalf related to the Local Business or arising as a result of Member's operation of the Local Business, regardless of the reason or legal theory used to impose any such liability on any Indemnifying Party (including, without limitation, as a result of operation of law, application of any law, statute, regulations, court or administrative decision, or other legal doctrine such as de facto partnership, de facto franchise, or successor liability); or
 - iii. any infringement or misappropriation of THE 100's Marks, Methods, Format, Content owned by THE 100, copyrights or other intellectual property rights.
- c. *Process.* The foregoing indemnity obligation is contingent upon the Indemnified Party providing the Indemnifying Party prompt written notice of any matters in respect of which the foregoing indemnity may apply and of which the Indemnified Party has knowledge, and giving the Indemnifying Party the opportunity to control the response thereto and the defense thereof; provided, however, that the Indemnified Party shall have the right to participate in any legal proceeding to contest and defend a claim for indemnification involving a third party and to be represented by its own attorneys, all at the Indemnified Party's cost and expense; and provided further, however, that no settlement or compromise of an asserted third party claim may be made without the prior written consent of the Indemnified Party.
- d. *THE 100's Intellectual Property.* In the event that THE 100 believes that any intellectual property claims may be made or intellectual property claims are made which may materially impact Member or its rights to use content, THE 100 may, at THE 100's option and at no additional cost to Member, either: (i) procure for Member the right to continue using the affected content subject to such intellectual property claims; or (ii) replace or modify the affected content so that it is no longer subject to any such intellectual property claims. If THE 100 cannot, after exercising commercially reasonable efforts, perform under subsection (i) or (ii) of the previous sentence, Member must stop all publication using the affected content and THE 100 will, at its option, provide Member with replacement content. THE REMEDIES SET FORTH IN THIS SECTION 11(d) ESTABLISH THE 100'S ENTIRE OBLIGATION IN REGARD TO INTELLECTUAL PROPERTY CLAIMS.

12. Miscellaneous.

- a. *Survival of Representations.* All representations, warranties, stipulations, covenants, and agreements made by each party shall survive the execution of this Agreement and the consummation of the transactions contemplated hereby.
- b. *Assignability.* The Agreement may not be assigned by either party without the written consent of the other party.
- c. *Severability.* Any provision of the Agreement that is unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such unenforceability without invalidating the remaining provisions hereof, and any unenforceability in any jurisdiction shall not render unenforceable such provision in any other jurisdiction.
- d. *No Third-Party Beneficiary Right.* Nothing in the Agreement, expressed or implied, is intended to confer upon any person, other than the Parties and their successors and permitted assigns, any of the rights hereunder.

IN WITNESS WHEREOF, each party is signing these Terms and Conditions as of the Effective Date.

THE 100 COMPANIES, LLC

Name: _____
Title: _____

MEMBER

Name: _____
Title: _____
Telephone No. _____



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Supporting a Joint Contra Costa County Housing Policy Framework for Emerging Housing Legislation

MEETING DATE: May 6, 2019

EXECUTIVE SUMMARY

Numerous bills related to housing matters have been introduced by State legislators since the beginning of the 2019, with more expected to be introduced in the coming months and years. The cities of Contra Costa County have established a joint effort to craft a policy framework for emerging housing legislation that would ensure that the member cities' collective voice is heard as the details of legislation are being crafted, and would encourage regional- and State-level collaborate with all cities to formulate feasible solutions to address the Bay Area's housing needs.

FISCAL IMPACT

There is no fiscal impact related to the adoption of the proposed Resolution. However, staff believes emerging housing legislation could have negative fiscal impacts, including but not limited to, limitations on impact fees that would normally be charged for new development.

RECOMMENDATION

City Council adopt the attached resolution supporting the Contra Costa County Jurisdictions' "Recommended Policy Framework on Emerging Housing Legislation."

BACKGROUND

In 2017, Governor Jerry Brown signed into law 15 housing-related bills known as the "2017 Housing Package," which focused on affordable housing; streamlining the review and approval process; increasing accountability and reporting requirements for local governments; and preserving existing affordable housing.

In 2018, the Metropolitan Transportation Commission (MTC) formed the Committee to House the Bay Area (CASA), an ambitious effort to remedy the Bay Area's housing issues. CASA is a 21-member steering group comprised of major employers, for-profit and nonprofit

housing developers, affordable housing advocates, transportation professionals, charitable foundations, and elected officials from large cities.

Through the first four months of the 2019-20 legislative cycle, over 200 bills related to housing have been introduced. The focus of several of these bills – and those that draw particular concern – is on increasing allowable density, height, and floor-area-ratio standards; removal of local government control and the discretionary review process.

The Contra Costa County Public Managers' Association (PMA), at its April 11, 2019, meeting, discussed the emerging legislation, and have drafted a "Recommended Policy Framework on Emerging Housing Legislation" ("Framework"; Attachment 2) as a basis for upcoming advocacy work. This Framework is to be presented at the Mayors' Conference on May 2, 2019.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The jurisdictions taking part in this effort, including the City of Pittsburg, recognize the challenges inherent in providing adequate and affordable housing opportunities in the region. However, staff believes there is an opportunity for the Contra Costa County cities to work together to develop a collaborative response to positively influence legislative efforts at the State towards outcomes that address housing needs, while respecting community character and desire for local decision making. While this approach identifies common areas of concern, each city may continue to pursue their own individual areas of concern that are context sensitive to their community.

The proposed Framework provides a statement of the Contra Costa jurisdictions' position, including identifying the concepts supported by the participating members, as well as those to which the collective group is opposed.

Due to the speed at which new legislation is being introduced, the proposed resolution would authorize the Mayor and City Manager to take positions on behalf of the City in regard to pending legislation consistent with the Framework, and to communicate those positions to interested parties on behalf of the City Council.

ATTACHMENTS:

1. Proposed Resolution
2. PMA Recommended Policy Framework on Emerging Housing Legislation (Exhibit A to proposed Resolution)

Report Prepared By: Jordan Davis, Assistant to the City Manager

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Supporting a Joint Contra) RESOLUTION NO. 19-_____
Costa County Housing Policy Framework)
for Emerging Housing Legislation)

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the Contra Costa County Jurisdictions' recognize and respect the local needs and character of each community, and have a shared interest in maintaining local control of decision-making related to all aspects of the management of each jurisdiction, including but not limited to financial, land use and development, and growth-related matters; and

WHEREAS, in January of 2017, the State of California published a report titled "California's Housing Future: Opportunities and Challenges," which documented the negative consequences of the historic underproduction of housing in California, including an increasing affordability gap, falling rates of homeownership, disproportionate rates of homelessness, and issues such as urban sprawl and traffic congestion. Collectively, these issues have been identified by legislators as part of a statewide "housing crisis"; and

WHEREAS, in September of 2017, California Governor Jerry Brown signed into law the "Housing Package" consisting of 15 new bills focused on funding, permit streamlining, and increased enforcement and accountability for local governments with respect to implementation of the Housing Element; and

WHEREAS, in 2018, State legislators approved, and the Governor signed into law several additional housing bills; and

WHEREAS, the Metropolitan Transportation Commission formed the Committee to House the Bay Area (CASA) to address the housing challenges in the Bay Area; and

WHEREAS, in December 2018 CASA released an ambitious 10-point plan, known as the CASA "Compact," to serve as state legislative research data for future housing legislation; and

WHEREAS, the State's focus on the affordable housing challenges is likely to continue for the foreseeable future with new legislation that will impact local Jurisdictions'; and

WHEREAS, the Contra Costa County Jurisdictions' recognize the substantial challenge of providing adequate and affordable housing opportunities in the region, and the shared responsibility of all communities across the State to help address these

needs; and

WHEREAS, there is a unique opportunity for the Contra Costa County Jurisdictions' to work together, to develop a collaborative response to influence legislative efforts at the State towards outcomes that address housing needs, while respecting community character and desire for local control of decision making; and

WHEREAS, the Contra Costa County Jurisdictions' affirm their interest in and commitment to shaping housing policy outcomes in a constructive manner, through a proactive and nuanced approach to advocacy and engagement on the topic of housing that will result in better outcomes for the region and the individual communities; and

WHEREAS, the Contra Costa County Jurisdictions' Housing Policy Framework for Emerging Housing Legislation provides a comprehensive approach, reflecting the following key themes: balanced solutions for housing, jobs, and transportation; providing, promoting, and protecting housing affordability; context sensitive housing solutions; supporting infrastructure and services; and protecting funding and resources; and

WHEREAS, the key themes noted above are topic areas where there is consensus among the Contra Costa County and its respective cities, and which can be used to inform, influence, respond, and advocate, on the topic of housing at the local, regional and State level; and

WHEREAS, the overall approach identifies and addresses common areas of concern, while recognizing that each city can and will continue to pursue individual areas of interest that are specific to their community's needs; and

WHEREAS, on May 6, 2019, the City Council held a workshop to consider and discuss the emerging housing legislation, as well as the Contra Costa County Jurisdictions' Housing Policy Framework for Emerging Housing Legislation.

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

Section 1. Findings

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. Decision

The City of Pittsburg hereby supports the Contra Costa County Jurisdictions' Housing Policy Framework for Emerging Housing Legislation ("Framework"), attached hereto as Exhibit A, and authorizes the Mayor and City Manager to take positions on behalf of the City consistent with the Framework in regard to pending housing legislation

during the 2019-2020 Legislative Cycle, as well as to revisit and make amendments to the Framework as part of the collaborative effort between Contra Costa County Jurisdictions' as necessary to ensure that the approaches and topics discussed within the report remain relevant and appropriate.

Section 3. Effective Date

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 6th day of May 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Juan Antonio Banales, Mayor

ATTEST:

Alice E. Evenson, City Clerk



DATE: April 11, 2019

TO: Laura Hoffmeister, Conference Chair
Gary Pokorny, Executive Director
Contra Costa Mayors' Conference

FROM: Michelle Fitzer, Chair
Contra Costa Public Managers' Association

RE: Recommended Policy Framework on Emerging Housing Legislation

The Contra Costa Public Managers' Association (PMA) is an organization comprised of city managers representing the nineteen cities of Contra Costa County. The Contra Costa PMA works collaboratively to share information, discuss and find solutions on issues of regional significance.

As an association of professionals who are committed to serving the public, the Contra Costa PMA has closely reviewed and discussed the implications of recent efforts at both the regional and state level to address the housing crisis, including the CASA Compact and numerous legislation that have emerged out of that effort. Based on the PMA's analysis and given the rapid rate in which housing legislation is moving through the state legislative process, the PMA recommends that the Contra Costa Mayors' Conference consider adopting the following housing policy framework as a basis for upcoming advocacy work.

RECOMMENDATION

Position Statement: Contra Costa cities recognize and fully *endorse* the need for increased housing opportunities - especially for people earning below the area median income. While we appreciate its intent, the CASA Compact is a high-level document with only limited detail. Small and medium sized cities, representing 66% of the Bay Area population, were not well-represented in its creation.

CONTRA COSTA PMA MEMBERS

Antioch – R. Bernal
Brentwood – G. Vina
Clayton – G. Napper
Concord – V. Barone / K. Tropa
Danville – J. Calabrigo / T. Williams
El Cerrito – K. Pinkos / A. Orologas
Hercules – D. Biggs

Lafayette – N. Srivatsa (Acting CM)
Martinez – M. Sappal (ACM & PC)
Moraga – C. Battenberg
Oakley – B. Montgomery
Orinda – S. Salomon
Pinole – M. Fitzer / H. De La Rosa
Pittsburg – G. Evans

Pleasant Hill – J. Catalano / A. Murray
Richmond – C. Martinez / I. Perdomo
San Pablo – M. Rodriguez / R. Schwartz
San Ramon – J. Gorton
Walnut Creek – D. Buckshi / F. Robustelli

As such, the Contra Costa Mayors Conference wants to ensure that their member cities' voices are heard as the details of legislation are being crafted and encourages MTC, ABAG and the State Legislature to collaborate with all cities on all housing legislation so that we may collectively formulate feasible solutions to address the Bay Area's housing needs. Therefore, it is the consensus of the Contra Costa Mayors' Conference that:

Balanced Solutions – Housing, Jobs, and Transportation

1. **We support** regional solutions that take a balanced approach and consider the needs of housing, transportation/transit, and jobs *together* (never one at the expense of the other). Building housing without adequate transportation or other infrastructure would exacerbate - not alleviate - the affordable housing crisis.
2. **We support** policies that encourage a regional jobs-housing balance as a strategy to lower vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions, and oppose policies that exacerbate it.
3. **We support** additional transportation investments to expand the Bay Area transit network to provide connections from job centers to existing as well as planned future housing.

Provide, Promote, and Protect Affordability

4. **We support** every city's ability to establish tenant protections as they deem appropriate for their residents.
5. **We support** incentives for the production of new accessory dwelling units (ADUs) including (a) streamlining the entitlement process; (b) eliminating all fees - including pass-through fees charged by utilities and special districts; (c) developing standardized state-approved floorplans similar to Factory Built Home plans; and (d) counting ADUs - by right - as *very low*, *low*, or *moderate* units in the RHNA attainment reporting process.

Context Sensitive Housing

6. **We support** maintaining local control of land use and the entitlement process. We urge the State to recognize that cities control only the entitlement process and have no ability to produce housing, which is a developer- and market-driven process. Therefore, cities should be measured by the number of entitlements approved when calculating RHNA attainment and not be penalized for being unable to produce housing.

7. **We oppose** top-down or one-size-fits-all approaches to land-use decision-making, including those mandating residential densities, building heights and development intensity.

Infrastructure and Services

8. **We support** removing barriers to planning communities for all and ensuring that adequate resources are available for existing and new infrastructure (e.g., roads, schools, parks) and municipal services (e.g., public safety) to serve our growing population.
9. **We support** utilizing existing local housing authorities – which are more familiar with needs of their subregion – to serve as the governance structure that administers new affordable housing funds and monitors housing production, rather than establishing yet another state or regional agency to take on that role.

Funding and Resources

10. **We support** legislation that will return e-commerce/internet sales tax revenue to the point of sale – not the point of distribution as currently mandated – to provide cities that have a significant residential base with a commensurate fiscal stimulus for new housing.
11. **We support** Governor Newsom’s investments proposed in the state budget that will benefit California cities by including a substantial increase in state funding for affordable and workforce housing and addresses the growing homelessness crisis in our state.
12. **We oppose** any diversion of existing revenue sources from cities.

As a county, we are grateful for the State Legislature’s leadership on these difficult issues and look forward helping to ensure that new housing legislation is crafted in a manner that is compatible with - and supports the diversity of – all local communities. We invite you to partner with cities, small and large, to find solutions to address the housing shortage in a way that is compatible and supports the diversity of local realities.